


Reg. VII b. 5. (1).

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By VIII. G. 5(1)

A

L E T T E R

T O A

NOBLE LORD:

O R, A

Faithful Representation

O F T H E

Douglas Cause.

C O N T A I N I N G

Many Curious and Essential Anecdotes :

A M O N G W H I C H,

The Rise of the Family of DOUGLAS ;

A N D A

True Character of the late Duke of that Name.

Fiat justitia, aut pereat mundus. SEN.

L O N D O N :

Printed for A. HENDERSON in Westminster-Hall ;
and sold at his House in College-street, West-
minster. 1769.

J. B. T. R.



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A

LETTER

TO A

NOBLE LORD.

MY LORD,

AS there has not been a cause before any of the courts of Great Britain, more important in itself, or more serious in its consequences, than that known by the name of the Douglas Cause, it may not be disagreeable to give a faithful narrative of the proceedings upon so grand and interesting a matter; that by thus opening up the principal scenes, the Exit, so hurtful to those who began the same, may more clearly and fully appear.

Your lordship will be pleased to know, that on the 10th of August 1746, lady Jane Douglas, only sister to Archibald late duke of Douglas, was married to John

B

Stewart.

Stewart, commonly called Colonel Stewart, brother to Sir George Stuart of Grandtully, in Perthshire, a gentleman of rank and character, descended from the kings of Scotland, but at that time a man of profusion, dissipated and thoughtless. In his younger years he was one of the handsomest men of his age, of an agreeable temper, and a striking outward appearance, being six feet high without shoes.

When 25 years old, *anno* 1715, he was, by the persuasion of the marquis of Tullibarden, kept from opposing that hasty insurrection, which at once discovered the friends and enemies of the government, and in which the loyalty and attachment of the principal families in North Britain to the illustrious house of Hanover shone in the most conspicuous manner. After that period, he, with many others, went over to Gottenburgh, where he entered into the service of Charles XII. then taken up with his expedition into Norway, and continued there till the death of that monarch, December 11, 1718. Returning, he married a daughter of Sir James Mackenzie of Roystoun, one of the lords of session, by whom he has the present Sir John Stewart, who is still alive.

The

The colonel's elder brother, Sir George, was remarkable for loyalty, and for a faithful service of forty years in the king's navy; from whence, on account of a cold which brought on a paralytic disorder, retiring upon half pay, he appropriated that small income for the support of his brother, colonel John; a scanty subsistence indeed for a man of gaiety, but yet which, with œconomy, might have supported him like a gentleman, especially as he had a horse and servant to attend him, and a general welcome to stay with his brother so long as he pleased. After spending three years in the Swedish service, and roaming through Holland and Brabant for six more, after a married life of ten-years, and a widowhood of twelve, he, in the 59th year of his age, married lady Jane Douglas, sister to the duke of Douglas, a lady of a pious and religious character; and then, in the 48th year of her age, she was one of the finest women of her time, breathed all the spirit of a Douglas, habituated to devotion, and a constant attendant upon the ordinances of the church.

Six days after the marriage, lady Jane set out for Huntingdon, whither Sir John

had gone before, and where he met her, attended by Mrs. Helen Hewitt, a companion and confidant, and by two maid servants, Isabel Walker and Euphemia Caw. That night they lay together at the George inn, thus owning the marriage which only Mrs. Hewitt knew before. Next day they set out for Harwich, and from thence to the Hague. Here they resided 4 months; and on the 4th of January, proceeded to Utrecht, where staying till April, they transported themselves to Aix-la-Chapelle, a place famous for the treaty of peace, concluded by Van Beuning, burgomaster of Amsterdam, between the States General and Lewis XIV. May 2, 1668, and later than this, for the more solemn treaty between the chief powers of Europe, October 1748.

In the month of October preceding, lady Jane proved to be with child, and was visited by several British persons of distinction, particularly the earl of Crawford, lady Wigton, lord Blantyre, and Miss Primrose. The progress of her pregnancy was every day more visible, only a natural bashfulness hindered her own discovery of it so soon as might be expected.

The congress at Aix-la-Chapelle hindered the continuance of lady Jane there, as every kind of living became dear, and that the British plenipotentiary, the earl of Sandwich, took the lodging wherein lady Jane resided; and money failing, they were reduced to the necessity of retiring to a cheaper country, and where the number of visitors would be diminished, for beyond their ability they entertained strangers with the utmost politeness and hospitality. On the 22d of May they left Aix-la-Chapelle; by the way of Liege and Sedan, they proceeded to Rheims, a city in the Lower Dauphiny; but upon a suggestion that proper midwives could not be procured there, lady Jane, Sir John, and Mrs. Hewitt, went in the stage coach to Paris, where she was delivered of twins by a man-midwife, named Pierre la Marre, upon the 10th of July, in the house of one Madam la Brun, and in the Fauxbourg de St. Germain. The eldest was strong and robust, but the second so weak and delicate, that La Marre was desired to perform the ceremony of baptism before going out of the room. I am apt to think, that, like others, they had been recommended to an inn-keeper, in order to be introduced to a cheap lying-in house, the

landlady of which could immediately procure an acoucheur.

After recovery, she returned to Rheims with the eldest child and a nurse; and in September, had him publickly baptized in the grand cathedral, before a crowded audience; but the second was left behind with a nurse at the village of Damartin, in the neighbourhood of Paris, and to the care of Pierre la Marre.

After a residence of sixteen months at Rheims, they set off for Paris; and carrying the younger child with them, came over to England in a very dismal situation, all the money they could raise, either by borrowing or pledging, being exhausted. On the night of their arrival at St. James's Place, they could not so much as pay their coachman: but here Mr. Murray, the landlord, acted the part of a friend; tho' his two pair of stairs was taken by their constituent, yet, the moment he heard her family and name, he said to her, "Madam, be pleased to walk into my first floor;" and on her modestly declining, he told her, "Lady Jane Douglas shall never be put into a second floor under my roof: I know you will pay me
" when

“ when you can : pray be so kind as to
 “ walk in.” Prompted by the true spirit
 of a Christian, both he and his spouse, a
 gentlewoman of great integrity and virtue,
 succoured them in their distress, so as to
 pass their word to their brewer, butcher,
 baker, coal-merchant, tallow-chandler,
 and other tradesmen with whom they had
 to do.

The straits of Sir John and lady Jane
 sprung from the duke of Douglas being
 put out of humour with his sister, on ac-
 count of a rigorous creditor, who arrested,
 in his Grace's hands, a small sum of money
 due by his sister; and what completed
 the misfortune, Sir George Stuart, the co-
 lonel's brother, was likewise disobliged at
 him. However, these hardships only
 tended to make her virtues appear more
 brilliant. Even in her afflictions, the
 noble-woman was every way apparent,
 no complaint or murmuring of any kind
 ever was heard from her.

By the advice of Mr. Murray, she vi-
 sited lord M——, their then solicitor-
 general, with whom she consulted, both
 as to her circumstances, and if it was re-
 quisite the children should be naturalized.

As

As to the latter, his lordship told her there was no occasion; for so long as the children were acknowledged by British parents, they were the king's free subjects, be they born in Turkey, or any other part of the globe. And as to the former, * he advised her to solicit his Majesty's compassion, in and through the interest of Mr. Pelham, then one of the principal secretaries of state. It was on this occasion that she wrote the following celebrated letter, which her landlord, Mr. Murray, delivered out of his own hand.

S I R,

‘ IF I meant to importune you, I should
 ‘ ill deserve the generous compassion,
 ‘ which I was informed, some months
 ‘ ago, you expressed upon being ac-
 ‘ quainted with my distress. I take this,
 ‘ as the least troublesome way of thanking
 ‘ you, and desiring you to lay my applica-
 ‘ tion before the King, in such a light as
 ‘ your own humanity will suggest. I

* Her straits were rather communicated by her visage than by words. The solicitor understood her situation, and, of his own accord, wrote to the duke of Newcastle, then at Hanover, in her favour.

' cannot tell my story, without seeming to
 ' complain of one, of whom I never will
 ' complain. I am persuaded my brother
 ' wishes me well; but, from a mistaken
 ' resentment, upon a creditor of mine de-
 ' manding from him a trifling sum, he has
 ' stopt the annuity which he had always
 ' paid me; my father having left me, his
 ' only younger child, in a manner unpro-
 ' vided for.

' Till the duke of Douglas is set right,
 ' which I am confident he will be, I am
 ' destitute! Presumptive heiress of a great
 ' estate and family, I want bread. Your
 ' own nobleness of mind will make you
 ' feel how much it costs me to beg, tho'
 ' from the King. My birth, and the at-
 ' tachment of my family, I flatter myself
 ' his majesty is not unacquainted with.
 ' Should he think me an object of his
 ' royal bounty, my heart will not suffer
 ' any bounds to be set to my gratitude;
 ' and give me leave to say, my spirit will
 ' not suffer me to be burdensome to his
 ' majesty longer than my cruel necessity
 ' compels me. I little thought of ever
 ' being reduced to petition in this way:
 ' your goodness will therefore excuse me,

C

if

‘ if I have mistaken the manner, or said
 ‘ any thing improper.

‘ Though personally unknown to you,
 ‘ I rely upon your intercession; the con-
 ‘ sciousness of your own mind, in having
 ‘ done so good and charitable a deed, will
 ‘ be a better return than the perpetual
 ‘ thanks of, Sir, your most obliged, most
 ‘ faithful and obedient servant,

JANE DOUGLAS STEWART.

St. James's Place,
 May 15, 1750.

In compliance with this solicitation, Mr. Pelham laid her letter before the King, who, without hesitating a moment, ordered her 300l. per annum out of his private purse; one half of the sum to be instantly paid down. All which was done, and Mr. Pelham wrote her an immediate answer, intimating his Majesty's condescension.

This seasonable relief empowered her to buy cloaths suitable to her rank and dignity, and in these she appeared at court on the 4th of January 1751. The King took particular notice of her, and spoke three times to her, while she stood in the ring.

ring. In the most gracious manner he asked her, "Is your brother kind to you; lady Jane?" She faintly said, "No, he is not good for much;" but with great earnestness, added, "However, he is a faithful subject to your majesty." To this the King replied, with a smile, "Well, that is very good so far; I am very sensible of his faithful attachment to me." By means of the royal bounty, she not only appeared well, but kept company with the greatest and most virtuous persons; who unanimously agreed in the acknowledgment of her virtues, but particularly the singular tenderness toward her children, never going out of the house without recommending them to her landlady. "Mrs. Murray, (said lady Jane) pray let the children stay in your parlour till I return; my maid-servants (naming them) are glaike; (*i. e.* heedless;) but if they be with you, my mind will be perfectly at ease." If lady Jane had any foible, it was an over-fondness for her sons.

The sunshine of prosperity was but short-lived; the poor colonel was apprehended for a debt of 200*l.* and confined to the prison of the King's Bench, where

Theodore king of Corfica and he sometimes lived well, and sometimes very indifferently, according to the ebb and flow of their supplies. There was one thing happened about this period, which, if duly adverted to, might have been of advantage in the great cause, at least it would have shewn the absurdity of maintaining any plot being carried on by the colonel.

As Mr. Murray observed two sheriff-officers watching, and pointing at his windows, he became a little apprehensive of the colonel's circumstances, and so conducted him, by means of a ladder, into a house in the neighbourhood; from thence he was carried in a chair to Spring-Garden, where Mr. Murray found him, about 7 at night, sitting over a bottle, every way chearful, but not intoxicated; and so very happy, that he had not the faintest remembrance of what had happened in the former part of the day, when he was perfectly sober.

The colonel's confinement involved lady Jane in fresh difficulties; for removing which, she went down to Scotland in the summer of 1752, taking the two boys along with her. She carried them

to the castle of Douglas, from whence she wrote to her brother in the most moving terms, but to no purpose; the duke refused her access: indeed, his heart seemed at first to melt; and he discovered an inclination to see his sister, which White of Stockbridge entirely prevented, by assuring his Grace of the truth of those reports then spreading, with all the art of dexterity, to lady Jane's disadvantage.

1. That Margaret Kerr, who had lived long a servant with lady Jane, had declared, that a marble table could as soon bring forth a child as lady Jane.

2. That lady Jane had applied to Archibald duke of Argyle to have her brother confined as a madman, or to be sent to the island St. Kilda.

3. That she had fomented mobs, and sent the rebels against him in the year 1745.

4. That the countess of Stair had, at a visit paid by lady Jane, discovered the imposture, by opening the mouths of the children; and remonstrated with her in these terms, "Lady Jane, you cannot pass these boys upon the world as twins, for
" one

“ one of them must be considerably older
 “ than the other.”

A bad tale is sooner believed than a good one. The duke was imposed on; and the friends of A. Stuart, who were numerous indeed, helped to propagate the plots and contrivances of colonel Stuart and lady Jane. According to my information, his mother, his aunts, his sisters, and all connected with him, loudly proclaimed the cheat; only Sir Robert Henderson declined speaking upon the subject; he either kept silent, or, whenever it was mentioned, he instantly withdrew.

Of all lady Jane's enemies, Thomas Cochran, now E— of D——, was the most mischievous; for he not only communicated the supposed discovery by the countess of Stair, but when that lady interceded with him to mollify the duke of Douglas, and incline him to relieve the necessities of lady Jane, he excused himself, by telling her, that such a thing was impracticable, for that his Grace had received a letter from Count Douglas, a French nobleman, informing, that lady Jane had bought these children out of an hospital for eight shillings, and would not
 hear

hear of her name. She had the further mortification to be refused access to the D---s of H——n; when she came to pay her compliments in an honorary visit. Of this she bitterly complains in a letter, 8th December 1752, wrote to the minister of Douglas, and in which she begs his prayers for herself, and her dear little ones, Archy and Sholto; a strange request indeed, if these were impostors! In that letter she likewise complains of the baseness of Mr. Archibald Stuart, to whom she gave her papers, * to deliver to her brother. Stuart received them with remarkable transports of joy; and promised, without desiring of him, to use his warmest endeavours to persuade the duke to restore to his sister the 30,000 merks: he also assured her, that he would do all in his power to incline the duke to restore back

* I. A resignation of the estate of Dudhope in favour of lady Jane.

II. Nomination of lady Jane, as sole executrix.

III. Bond of provision for 30,000 merks, or 1666 l. 13s. 6d. all these dated March 15, 1718.

IV. Warrant by his Grace to his commissioners, dated 25th April, 1718. And,

V. Commission, the duke of Douglas to lord Charles Kerr, and others, to sell and dispose of timber in Jedburgh forest.

the 300l. per annum with-held these few years past."

All this seemed to be very well: however, Mr. Stuart thought fit to forget his engagements; and to excite the duke still more, he proposed to him to bring an action against her for recovering these papers, even while the same were in his own hands. A pretended law-suit was accordingly set up, and the charges put up to the account of the duke of Douglas, by whom he was paid with the money already in his own hand.

These papers had been procured from the duke, by Archibald Douglas of Cavers, the heritable sheriff of Teviotdale, a gentleman of the greatest honour and goodness of heart. Sensible of the dependance of lady Jane upon her brother, he thought it proper that she should have something to show to the world. In this Cavers Douglas acted according to his usual dignity and compassion, but indeed Archibald Stuart acted only like himself.

After the fruitless attempt to convince and pacify her brother, she returned to London, leaving the children to the care
of

of Isabel Walker; but soon hearing of the death of Sholto, she became disconsolate; and in August 1753, going back to Edinburgh, she sickened ~~and died~~; partook of the sacrament in the New Grey-Friars church on the 11th of November; and on the 21st of that month, she expired; testifying to the very last the most affectionate tenderness to her son, who being brought to her about eight in the morning, she laid her hand upon his head, and said, “ God bless
 “ you, my child; God make you a good
 “ and an honest man, for riches I despise;
 “ take a sword in your hand; and you
 “ may one day be as great a hero as some
 “ of your predecessors:” and lingering till about twelve, she expired, without so much as a groan, being entirely emaciated and decayed. She bore her affliction with great patience and resignation, and retained her noble spirit till near the very last: for in the language of Mr. Guthart, one of the ministers of Edinburgh, a man who would not write a lye, or subscribe a falsehood for all the riches in the world,
 “ She excelled the most of her sex; she
 “ is gone; (said that devout man) and
 “ shines no more in this world; but good
 “ reason have we to hope she has made
 D “ an

“ an happy change, where all sorrow and
 “ fighting fly away *.” Leaving her only
 child almost naked and disconsolate ; Pro-
 vidence, however, was kind to him ; for
 lady Shaw, an intimate with the mother,
 took him to her own house, supported
 him like a gentleman, and put him to
 the school of Laswade, in Mid-Lothian,
 where, according to my information, Mr.
 Dundas, the now lord president of the
 court of session, had occasion to see him ;
 and laying his hand on his head, said these
 very words ; “ You have the face of a
 “ Douglas, and one day you will become
 “ as great as any of the heroes of your
 “ house.” And, as a farther proof of
 her parental affection, she left him her
 gold repeating watch, with a steel chain,
 two gold seals, and some other pictures ;
 a locket, a tweezer with blue stones
 set in silver, a silver tooth-pick case, a
 ring with four small diamonds, a ring
 with two small pictures, a sapphire ring
 with two small diamonds, a plain small
 gold ring, a small amethyst ring, three
 little snuff-boxes, a gold horn, two small
 gold medals, an amethyst buckle, two
 pair of gold buttons, a dozen of silver
 forks, knives and spoons, and a dividing
 spoon.

* Defender's Proof, page 957.

All this time the colonel was in prison, but soon his affairs took a more favourable turn; he agreed with his creditors, came down to Scotland, where his elder brother dying, he became heir to the estate and honours of Garntully; and so became Sir John Stewart, possessed of 1000l. a year; married a third lady, and so made a greater figure at the end of his days than in the beginning.

Fortunately for the duke of Douglas, he came out of his captivity, for so I may call his unhappy situation, he being denied to mankind, and mankind denied to him; for on the 16th of March 1758, he was married to Mrs. Margaret Douglas, daughter to Mr. Douglas of Mains, a lady of real fortitude and virtue, of great goodness, condescension, and humanity, and breathing all the spirit of a Douglas in every step of her conduct.

From the time of his marriage the duke became more universally known; he paid and received visits, went frequently to Glasgow, and other places of public resort, and even spent some weeks at the Abbey of Holy-Rood-House, where he was complimented by the prin-

cipal persons of distinction in the kingdom, and where he was every day more and more satisfied of the innocence of his sister, and became convinced that the falsehoods with which she was charged were groundless and cruel.

The duke of Douglas always entertained the highest personal honour and regard for John duke of Argyle, and for his brother the earl of Ilay the same, who succeeded him. The respect was mutual. Archibald duke of Argyle, in a visit paid him at the Abbey, and in a conversation about lady Jane, assured him, that she had never applied to him to do the least hurt to his Grace; on the contrary, that she had solicited his interest to procure him a pardon, that he might have an opportunity of going to London, of seeing, and of being seen; and then it would be apparent that his Grace's ailment was only a lowness of spirits; that he wanted nothing to be agreeable but to be known.

The countess of Stair likewise contradicted the barbarous report raised against her, for that she never made any discovery, by inspecting the mouths of lady Jane's children: she even told him, that she

“ she had importuned major Cochran to
 “ carry a letter from her to his Grace, to
 “ prevail with him to do something for
 “ lady Jane and the children; when lord
 “ Dundonald told her, that it was need-
 “ less, for that last time he was at Dou-
 “ glas castle, he had made use of her
 “ ladyship’s name, to influence the duke
 “ to do something for his sister lady Jane :
 “ that the duke thereupon said, he was
 “ very sensible both of the friendship of
 “ lady Stair and of him, lord Dundonald,
 “ to him and to his sister; and that, as
 “ his friend, he would show him his rea-
 “ sons for not doing for his sister, and
 “ carried him into another room, where
 “ he shewed him a letter from Count
 “ Douglas, bearing, that his Grace’s
 “ noble family was well known over all
 “ Europe, and that he could not bear to
 “ think of a spurious brood being imposed
 “ upon his family; and thought it his
 “ duty to inform his Grace, that his sister
 “ lady Jane, and colonel Stewart, had
 “ bought these children out of an hospi-
 “ tal; that the duke had further said, he
 “ would not expose his sister in his life-
 “ time, but that at his death, the said
 “ letter from Count Douglas would be
 “ found at the bosom of his settlement,
 “ and

“ and would justify him to the world; for
 “ his having done nothing for his sister.”

So moving a representation drew tears both from the eyes of the duke of Douglas and of the countess of Stair; the former having never had a letter from Count Douglas, relative to any business whatever, except one dated at the castle de la Suza, near Laon, August 4. 1753, vindicating himself in the politest manner from ever having wrote a word to his Grace about lady Jane.

S I R,

I Cannot refuse the request which my lady Jane Stewart has made me. In order to undeceive you with respect to the facts contained in the letters which have been falsely imputed to me, I protest to you, Sir, that I never wrote to you any thing concerning her. I was ignorant of the facts necessary to the execution of such a design; I did not know either of her marriage, or the fruits, which were the consequences thereof, &c. &c.

And here it is observable, that his Grace never saw this letter till after the above conversation with lady Stair; for
 at

at that time he ~~pretended~~ never to have received any signed letter bearing that the children were impostors, except from lord Dundonald himself, though he had several anonymous epistles to that purpose; and that he never had such a conversation with him as the countess had mentioned.

Such affecting scenes made so lasting an impression upon the generous and tender heart of the Dutchess of Douglas, that she frequently afterwards proposed to the duke to enquire into the birth of lady Jane's children, and that if the survivor was really her son, he ought to relieve lord Cathart of the burden of his education; the earl of Morton, Sir William Douglas of Glenbervie, and Mr. Hamilton of Overton, with several others, proposed to his Grace to do something for the young gentleman, of whose real birth the dutchess was now most fully and certainly assured.

She had employed one Mr. Alexander Hunter, merchant in Edinburgh, to desire the favour of the Rev. Mr. William Harper, one of the ministers of Edinburgh,* to converse with Mrs. Hewitt,

* A church of England clergyman, but in that country a dissenter.

and

Protes.

and to endeavour to learn what she knew with respect to the birth of lady Jane's children; the gentleman agreed to it, informed Mr. Harper of what the dutchess had said; and further, that if they were truly the children of lady Jane, she, the dutchess, intended to do something for the survivor of the twins: on this occasion Mr. Harper went to Mrs. Hewitt, and told her at whose request he was come, "to enquire of her in the most solemn and serious manner what she knew concerning the birth of those children, and that though he had no authority to put her upon oath, yet he hoped she would deal with him in the most open and candid manner, as she then was in a declining state of health, and that affair might be of great consequence; and that her telling the whole truth in that matter might not only affect her in this world, but might forever affect her in the next." Upon which Mrs. Hewitt replied, "Mr. Harper, you have been so long acquainted with me, that I hope you do not suspect my sincerity or integrity; I solemnly declare to you, that I was in the room by lady Jane Douglas, when she was delivered of those boys: I was
 " the

“ the first woman that ever touched
 “ them after they came from her.” This
 declaration was confirmed by a letter
 which she signed, sealed, and delivered
 to him out of her own hand, giving, for
 a reason, that Mr. Wood, the surgeon
 who attended her, had told her that “ she
 “ was in a dangerous way.”

This positive declaration, from a per-
 son of candour and uprightnes, was a
 sufficient testimony, especially as Mr.
 Harper deponed, “ That he does verily
 “ believe Mrs. Hewitt to be a woman of
 “ truth and veracity, and a sincere con-
 “ scientious woman.”

The dutchess of Douglas being advised
 of this conversation, did not fail to inform
 the duke thereof, each of them being
 fully convinced of Mr. Harper's rectitude
 of heart, which I really believe, in my
 own conscience, could not be bended by
 any views whatever; the duke began to
 speak more favourably, leaving off the
 expression, *the Pretender*, for so he, in
 derision, called his nephew; he not only
 sent Sir William Douglas to converse
 with her, and with Mrs. Walker, but
 even went in person with his gentleman

to visit Mrs. Hewitt, at her chamber in one Clarke a peruke-maker's house, conversed with her for an hour upon lady Jane's situation at and after marriage, but particularly concerning the birth of the children; to all which she gave the most satisfying answers. The duke became more and more mollified, and ever after entertained the best opinion of Mrs. Hewitt, notwithstanding the endeavours of his enemies to prejudice him against her. He employed her landlord to make him a peruke, which, when Mr. Clarke came to fit on, he asked very kindly for her, and desired him once and again to be a good landlord to her; he spoke of her with the utmost honour and politeness, calling her, on every occasion, "An
 " excessive sensible honest woman, had
 " always been a great friend to him, to
 " his sister, and to his family in general." He became very attentive to her circumstances, ordering frequently hare, salmon, and such other things as came from the country, to be sent to her; and at leaving the marquis of Tweedale's house with his family, he ordered some wine, with all the remainder of his coals, for her support.

Your

Your lordship will be pleased to know, that the enemies (*a*) of Mr. Douglas made now a bold push to undo him; they even created a separation between the duke and dutchess, who being at Newbattle, near Dalkeith, she was, on a cold night, hindered access to his chamber, conveyed in a dishabile to Edinburgh, sickened upon her hardships, and, if my information be good, she even aborted. However, his Grace soon became sensible of the injustice done her, a reconciliation soon was brought about, and their conjugal affection became stronger than before. From this time he became more and more convinced of his sister's innocence, in imposing children upon his family, of the candour and rectitude of the dutchess: so that, toward the latter end of his days, to be extremely sorry for the treatment he had given to both.

The duke's temper and disposition of mind appear, in all these scenes of distress, not to have been bad, or viciously obstinate: he seems to have been capable of

(*a*) Major Cochran, Archibald Stewart, and White of Stockbriggs.

sympathy, and to have possessed an heart
 entirely susceptible of impression; for you
 see that the conversation with lady Stair
 drew tears from his eyes. When Mr.
 Loch, writer in Edinburgh, sent him a
 writing by lady Jane's own hand, con-
 taining an account of her life for several
 years antecedent to her marriage; he de-
 sired a sight of such letters as were re-
 ferred to, and asked many questions about
 lady Jane and the children, which Mr.
 Loch resolved with all the candour and
 humanity the subject would admit: he
 told him of lady Jane's distress for the
 death of Sholto, "the distress and po-
 " verty she was in at her own death,
 " and the neglect she had met with from
 " her friends;" all which affected him
 so much, that on Mr. Loch's departure,
 he told Mrs. Hepburn, the dutchess's
 sister, "That he would sleep none all
 " night, as the account of his sister's
 " distress had affected him so much;"
 and added, "That he saw from the read-
 " ing of that paper, that she had cer-
 " tainly been the most injured woman
 " in the world; that all that lady Jane
 " had suffered in her life, did not affect
 " him so much as what she suffered at her
 " death." He smote upon his breast,
 repeated

repeated some of the expressions Mr. Loch had mentioned, and, with tears and cries, expressed his regret for the neglect which he himself had shewn.

By this time, my lord, he was satisfied of what he thought was impossible to be known from another quarter; * for, convinced of the good characters of Isabel Walker, Mrs. Hewitt, and Effy Caw; but above all, of the cruel falsehoods laid to his sister's charge, he began seriously to think of making up for the losses of the mother, by ample donations to her son; nay, to such a degree was he chagrined against some people, that when the dutchess was pleading with him to make a settlement of 10,000*l.* in favours of lord Douglas Hamilton, he used these very words, “ You do not know the Hamiltons so well as I do; they have been always very great enemies to my sister, and to you; and if you was in their power as much as they are in yours, they would not give you five

* When the dutchess pressed him to send proper persons abroad, to make enquiries, he replied, it was impossible, and too late after so many years.—I wish Andrew Stuart had been of his Grace's opinion.

“ hundred pence, if you was begging *.” He told her, “ That she had struggled well for him, and for the honour of his family; desired her to continue still to struggle; for (said he) the matter is not yet at an end:” Nay, when in the acutest agonies, and scarcely drawing his breath, he very much regretted his sister; said, “ She had been ill used by himself, prayed that God Almighty might forgive him, and might also forgive those † who had been the instruments of his doing so.” In a word, the duke being fully convinced of his sister’s honour, he, on the 11th of July 1761, left his whole dukedom of Douglas, and whole other land estates, to his nephew Archibald, the son of lady Jane; and at the same time nominated and appointed his consort, Margaret dutchess of Douglas, the duke of Queensberry, and earl of Moriston, as tutors and curators during his minority. Having thus settled matters, he died on the 21st of that month, in the 67th year of his age, universally beloved by all who had the honour to know him.

* Defender’s Proof, page 436. † Major Cochran, Mr. Archibald Stewart, and White of Stockbriggs.

His Grace was possessed of all the grandeur and sweetness that could adorn dignity; his eyes were remarkably fine, his gesture was graceful, his visage venerable, and his whole person faultless; the kindest master, a friend to the indigent; and, if not kept up from the world, to the utmost of his opportunity, a father to the poor. Perhaps, in a work more voluminous, his name may be mentioned, and then it will appear how grossly he has been misrepresented, and how unjustly the misfortune of a young officer was laid to his charge.

Things being in this situation, Mr. Douglas was served heir to his uncle on the 9th of September 1761, upon an irresistible evidence that he was habite and repute the son of lady Jane Douglas, and Sir John Stuart of Garntully, nay, Mrs. Hewitt, actually deponed as represented before. Soon after this, actions were brought, at the instance of the duke of Hamilton and earl of Selkirk, for declaring their right to certain parts of the estate, upon some ancient deeds of settlement; but these were rejected, and their claims declared groundless.

After

After the service, Andrew Stewart, the son of Archibald, went over to France, in order to trace out an imposture! He traced Sir John and lady Jane through the different places of their abode during their stay upon the continent; and, by the direction of some French lawyers, had a proclamation read in all the churches of Paris, pasted up in the most public places of the city, and under the sanction of the archbishop there; the consequence of which was to engage a cluster of the most grovelling wretches to appear as evidences of the allegations complained of. Many witnesses were examined before the Tournelle Criminelle; and Andrew Stewart judging he had done great things, returned to Scotland, after almost a full years absence; and making report to his constituents, they were all taken with the importance of the discoveries, but he did not produce authentic copies thereof: however, a summons was directed to Mr. Douglas on the 7th of December 1762, (*i. e.*) an action was brought against him before the court of session, for reducing the service already named: and that things might go on still more successfully, Sir John Stewart of Grantully was examined

mined upon the pregnancy of his spouse, and the birth and situation of his son.

Never did a person appear in a court of justice under more disadvantages; he had an inflammation in his bowels, his urethra was immoderately swelled, he had the gout in his stomach, and now had the cruel mortification to be questioned about the legitimacy of his son. He was carried to the Parliament House in a chair, in which he was incapable of sitting down; the head of the chair was held up, lest it might fall upon his; and when brought into court, he leaned his breast against some folio books then upon the table, and his arms were supported by others.

Under these unhappy circumstances, he answered the questions put to him, more concisely than might have been expected: he was positive as to the pregnancy, the birth, and what after happened; he only erred in some dates and difficult names, and even his mistakes, entirely owing to his pain, were soon cleared up, though at that time they fed the sanguine hopes of his enemies. The poor gentleman was senseless through a
F
pressure

pressure of years, tortured with agony, and entirely put out of temper with the disputed legitimacy of his son. And now the action went on more vigorously, the fame of Andrew Stewart was sounded to the skies; a representation of what had been done in France was made to the House of Peers, but the French proof was rejected, and the Court of Session was appointed to proceed *de novo* upon the merits of the cause; so while Mr. Douglas was at Westminster school, and the young duke of Hamilton was a child of about nine years old, both the money of the one and of the other, particularly of the latter, circulated every where.

The dutchess of Douglas, on this occasion, discovered a greatness of soul sufficient to ennoble her to posterity. She set out for France in December 1762, attended by her sister, & Miss Fleming Primrose, a lady who could speak the French language; visited Paris, Rheims, Aix-la-Chapelle, and every other place where accounts could be had of lady Jane: her Grace's enquiries confirmed her more in the belief of her nephew's legitimacy, and of the low means that were used for proving him an impostor. Among others,
Andrew

Andrew Stewart had, in the *Monitoire*, given a personal description of Sir John Stewart, lady Jane, and Mrs. Hewitt.

In consequence of the remit from the House of Peers, the Court of Session named Anselme Joseph Doutremont, Esq; advocate of the parliament of Paris, to examine witnesses for Mr. Douglas, in order to set aside the proof brought before the *Tournelle Criminelle* at Paris, which was given out to be irresistible against him. He began at Paris in November 1764, and continued examining witnesses there, at Aix-la-Chapelle, Leige, and Rheims, till July 1765, having in that interval examined no less than 133 witnesses, every one of whom tended to prove him to be the son of lady Jane; for at Aix-la-Chapelle and Leige the pregnancy and progress thereof were established beyond any possibility of doubt; and Sir John's being convinced of the same, was demonstrated; for being one day in the coach with lady Jane, a beggar, nauseous and disfigured, came to the door to ask charity; on which the colonel hastily went out, turned the man aside, and giving him a trifle, desired he would instantly fall behind, "as there was a lady in the
 F 2 " coach,

“ coach, whose condition might be fatally affected with the view of him.” The character of lady Jane was likewise fixed upon the most solid foundation, all who had the honour of being known to her vying in her encomium; nay, one of the witnesses declared, “ She was mild like an angel.” The evidence before M. d’Anjou at Rheims was no less satisfactory; and though Pierre la Marre, the man-midwife, was dead, and Madam. la Brun was either dead, or out of the way, yet it was very clear that both the one and the other had existed, and that the delivery had been effected by the former, in the house of the latter.

The proofs on both sides being reported, the Court of Session ordered the parties to print the same: they were partly parole, or partly consisting of large productions of letters, and other papers, and were printed at Edinburgh; January 28, 1766. And now the lawyers had as fat a cause, and as large a field to work in, as at any period since the first institution of the court of session, *anno* 1532,

They had to roam through the materials that had been collecting for 4 years together

together at a vast and immoderate expence, under the sanction of the parliament of Paris, the police and clergy of France. The defender was obliged to follow, and so the informations on both sides swelled to a size hitherto unknown.

To represent the pleadings upon that occasion, would be dry and tedious; sufficient it is to say, that after a litigation for an year and a half, it was, on the 20th of July 1767, finally determined by the lords of session in Scotland, in favours of the plaintiff, by the president's casting vote, there being seven for sustaining the service, and seven for reducing the same.

The speeches of the judges upon that occasion composed a quarto volume of themselves; and indeed some of them seemed to be natural and well digested; that of Mr. Ferguson, lord Pitfour, is strong, nervous, and conclusive; that of Mr. Brown, lord Colston, is really generous, and founded upon the laws of justice and equity: the first gives it as his opinion, that the words of the dying are to be regarded; that a man's birth-right, flowing from the acknowledgment of parents, was unalienable: and the latter

latter very candidly urged, that a positive evidence was to take place of a circumstantial, especially in a case like that before them. “ Let not us (said he) deprive him of his illustrious birth, of which there is such strong and irresistible evidence.”

Mr. Home, lord Kaims, so famous for the subtlety of his reasoning in the different books he has published, was likewise upon the side of Mr. Douglas; as was lord Affleck, lord Gardenstown, and Mr. Burnett, lord Montboddo; which last actually declared, that if the pursuers had proved twice more than they had done, it was no way affecting.

Those on the other side founded upon the French evidence, and drew conclusions that were rather forced than otherwise. The p——t being a man of an high and assuming turn of mind, contrary to the general order of the court, was the first to give his opinion: he dwelt much upon the circumstance of leaving Rheims at so unseasonable a time, as within eight days of the delivery; just as if a woman could know when she was to be delivered. The leaving the two
maid-

maid-servants behind, and dating letters from Rheims while at Paris, was insisted on; just as if it was possible to account for the whims of a woman with child, or for the conduct of people in necessitous circumstances. The letter from Mrs. Hewitt to Isabel Walker, giving the account of lady Jane's delivery, being wrote no sooner than twelve days afterwards, was constructed to be a plain indication of the imposture; just as if a woman's not writing was to be accounted for. A woman, an uncouth writer, hurried with business, attending upon a delicate lady just delivered of twins, cannot be expected to be equally desirous of writing, as one more accustomed to the pen.

Lord Aylmer spoke upon the same side with the president: indeed his reasoning was closer, and yet his arguments were strained. The other judges had nothing remarkably striking in them, further than to dwell upon the forged letters of la Marre, and the accounts given by Sir John Stewart, which they construed to be contradictory.

From this interlocutor of the Court of Session, an appeal was made to the House
of

of Lords; which, by reason of a multiplicity of business, could not be overtaken in the winter of 1767. It was deferred till after the meeting of the new parliament, November 13, 1768, when it was appointed to be heard at the bar of the House of Lords on the 16th of January 1769; however, it did not come on till Thursday the 19th, when Sir Fletcher Norton, and Mr. Murray, Lord Advocate for Scotland, appeared on the side of the appellant, counsellors York and Wedderburn, with Mr. Dunning the Serjeant, stood up for the respondent. The Lord Advocate opened it up on the side of his client, in a manner that discovered an uncommon acquaintance with the subject: he spoke four hours the first day, as long the second; and on the third he concluded, after being heard for two hours. Sir Fletcher Norton followed; and after a speech of three hours, he said, that he reserved himself further to the Reply, which it was agreed he should make to the several things that might be thrown out by the respondents' council, who next day began to be heard.

Mr. York was the first to open; and indeed he exerted himself for his clients; spoke

spoke for three hours the first day, as long the next; and on January 26th, Mr. W——n pleaded about four hours; after which the Lords adjourned till Wednesday the 1st of February, on which day he likewise appeared. Then Mr. D——g desired to be heard upon the same side, which, notwithstanding it was unusual to hear three on one side, and but two on another, yet was granted; and he spoke two several days, for three hours at each of the times; and then the reply was appointed to be given on the 20th, when Sir F——r N——n spoke first for three hours, and next day he finished, after a reasoning of three hours and an half.

Indeed he had a large field for argumentation, the reasons insisted on by the opposite side being in themselves groundless and inconclusive. Thus, said Mr. W——, can it be supposed that a gentleman and lady should come from Rheims to Paris with but a guinea, in order that she might lye in? Equally absurd, as if a man was to go and buy black cattle without money in his pocket. Every thing with him was an absurdity. “ Lady Jane and Mrs. Hewitt were the basest

“ and most designing of their sex. Sir
 “ John Stewart was the transactor of the
 “ business, and carried on the whole im-
 “ posture; he fabricated the letters said
 “ to be wrote by Pierre la Marre, pur-
 “ chased the children from their parents,
 “ that is, Mignon, the glass manufactu-
 “ rer’s son, which they endeavoured to
 “ make Mr. Douglas, and Sanry the rope-
 “ dancer’s son, whom they would fix to
 “ be Sholto, from the circumstances of
 “ the time when these were taken away,
 “ and the outward marks corresponding
 “ to an identity.” Mr. W——n even
 insisted, that the child Sholto had a rup-
 ture, in order to demonstrate that he was
 the child of Sanry; and though Godfroi’s
 books were acknowledged to have mis-
 takes, yet they were insisted on to be
 proof against lady Jane Douglas, and her
 husband Sir John. The oath of Mrs.
 Hewitt was insisted on to be false, Sir
 John Stewart to be below contempt or
 refutation; and the solemn declaration of
 lady Jane at her death was constructed to
 proceed from hypocrisy, and to be of a
 piece with the other anecdotes attending
 the imposture; and even alledged that
 lady Jane had, in the fourth month of
 her pregnancy, not only positively denied
 the

she was with child, but begged of Miss Wemyss to contradict the report.

The council having ended on both sides, Monday the 27th of February was appointed for the decision. They met about eleven in the morning, and soon entered upon the question, Is the appellant the son of lady Jane Douglas, or not? The first to open was the duke of Newcastle, who for half an hour spoke to very good purpose, and declared for Mr. Douglas. He was answered by lord S——h, who spoke about three hours and twenty minutes, in which his lordship talked so much about midwifery, that one would have been apt to conjecture he had been pretty well acquainted with the fair sex.

After his lordship had finished, the lord C——r went through the different parts of the evidence, and of A. Stewart's conduct, which he highly condemned; and then concluded with declaring, that he believed, in his soul and conscience, that the appellant was really the son of lady Jane Douglas.

Next to him the duke of B——d spoke for the respondent; and then lord M——d began:

began: he was of the same opinion with the C———r, and touched at such matters as had elcaped the other: he fainted away for a few minutes; when reviving, he again resumed the thread of his discourse, which in about an hour he closed, to the satisfaction of a crowded audience, and then the decree of the Court of Session was unanimously reversed. A general satisfaction was visible, almost in every countenance, every person hastening, as soon as possible, to tell the news to those most nearly concerned in them. And indeed it was no wonder, since the illustrious birth of a gentleman was confirmed, and an immense estate vested in one who was doomed to beggary, and to be excluded as a foundling from off the face of the earth.

I. It certainly appears from an irresistible evidence, that lady Jane Douglas was married to colonel Stewart; that she became pregnant, was delivered of twins, and afterwards had a miscarriage.

II. That lady Jane was a woman of exemplary devotion, who had too deep an impression of the honour of her own family, to contrive the imposing of false children

children upon her brother, or the illustrious house from whence she was sprung.

III. Suppose she had been so basely disposed, yet she would have been next to a mad woman, to commit the carrying on the transaction to colonel Stewart, the most absent, artless, improper person, to be found. Besides, if she was inclined, from a principle of revenge, to bring in false children, there were poor people of the name of Douglas, both in Britain and Ireland; and it would have been more safe to try one of those, than to take one, nay two, from among the meanest of the French king's subjects; and, to crown all, to stay 16 months afterwards in France in the most public manner. This is an absurdity which every person of common sense must see through.

IV. That to buy children without money, was no less absurd than to go to a market of black cattle in that condition, and to pick up two bratts, when they had scarce money to support themselves, was strange and ridiculous. The books of Godfroi, the inn-keeper, in whose house lady Jane was asserted to have been at the time of the birth, were so imperfect and
erroneous,

erroneous, that no accomptant upon earth could settle a common bill upon them. In some places were blanks to be filled up, and there was a deficiency of articles, (*i. e.*) nothing had been inserted in them from July to September. Besides, when Godfroi and his wife were first spoke to, they remembered nothing of colonel Stewart or lady Jane Douglas, till A. Stewart's wine brought these to their remembrance. Besides, it was impossible to convict lady Jane, unless she had been present at the examination.

V. The letters of Pierre la Marre were never used by Sir John ; they were found in some indirect manner, perhaps by the management of A. Stewart ; and if a superannuated gentleman, whose sight could not be assisted by a microscope, was to mistake them for the real letters which had passed between them, it was no proof of lady Jane's bringing in an impostor, or of Mrs. Hewitt's perjury.

VI. The perjury of Mignon's wife, the pretended mother of Mr. Douglas, was notorious, no less than the act itself of selling her child to a foreigner. Sometimes I would be apt to think that the creature

creature never had acted a part so unnatural; but if she did, the time when, the people to whom she sold him, and a variety of other circumstances, among which his complexion and age, put it beyond doubt, that the child she sold could not be Mr. Douglas. The same might be said of Sanry's child. Both Mignon and Sanry's children could speak, whereas neither Archibald nor Sholto could utter a word in December 1749.

It has been, said Sir F——r N——n, roundly asserted, that the child Sholto had a rupture, in order to prove him to have been the son of Sanry the rope-dancer; but I can produce evidence at your lordships bar, that the child was as found as any person within these walls. “ I have a letter from a gentleman of character upon the subject.”

Your lordship will be pleased to know, that a note was given to Sir F——r, intimating, that Mr. Murray, a gentleman formerly named, was shocked to hear the assertion, and signified his willingness to make affidavit, that, to his certain knowledge, the child Sholto * (*i. e.* behold) had

* That was the name of the first Douglas, (*i. e.* black and grey) anno 757.

no rupture when he came to his house in December 1749, nor while he lodged with him, viz. 23 months; nor at the time of his going away.

VII. The tenderness of lady Jane, and of Sir John Stewart, for the children, is incompatible with the notion of an impostor; and the straits to which they were reduced, demonstrate that the children were really the sons of lady Jane; nay, her husband Sir John, even after the death of his consort, on succeeding to his brother's estate, executed, September 1763, a bond of provision for 50,000 merks, (27781. 1s. 8d.) in favour of his son; and when Mr. Loch, the drawer of the bond, represented, that it was too much, considering the estate of Grantully did not exceed 1000l. a year; he made answer, that though it was a large sum for that estate, it was yet too little for the son of lady Jane Douglas. And, as a farther testimony, he, of his own proper motion, made the following declaration about a fortnight before he died.

Murthly, June 7, 1764.

HAVING lately had some severe fits of the gout in my stomach, with my health in other respects much impaired; these,
with

with my great age, going 76, makes it appear incumbent on me to make the following declaration, as aspersions have been thrown out by interested and most malicious people, as to the birth of lady Jane Douglas, her children, in order to rob the surviving child, Archibald, of his birth-right, by making his parents, lady Jane and me, appear infamous, to make him illegitimate.

I, Sir John Stewart of Grandtully, do solemnly declare before God, that the forementioned lady Jane Douglas, my lawful spouse, did, in the year 1748, bring to the world [two sons, Archibald and Sholto; and I firmly believe, the children were mine, as I am sure they were hers. Of the two sons, Archibald is the only in life now. I make this declaration, as stepping into eternity, before the witnesses after-mentioned; James Bissett, minister of the gospel at Caputh; and James Hill, minister at Gurdie.

JOHN STEWART.

This representation does not flow from any prejudice to the illustrious family of Hamilton, who are really Douglasses, the present duke of that name being descended

H scended

scended lineally from a second son of the marquis of Douglas, and the heiress of Hamilton. I am only sorry, that in his non-age he should have been treated so cruelly, as to be involved in a law-suit, on which immense sums have been expended, and which at last has ended so much to his disadvantage. Sure his mother, a lady of remarkable sweetness of temper, could not be the promoter thereof, being a stranger in the country, and, like other ladies, unacquainted with law. I am afraid that the ambition of some of the surname of Hamilton, with the assuming temper of Andrew Stewart, have been the principal cause; and if it be true that those of that name did, from the time of the death of the marquis of Douglas, fix their eyes upon the estate, and did what in them lay to hinder the duke of Douglas and his sister from marrying, it was a striking instance of the superintendency of Providence, that their schemes should be baffled, and their expectations frustrated. Sure I am, from the known character of the duke of Argyle, and of his son the marquis of Lorn, who is married to the dutchess of Hamilton, that neither the one nor the other of these had any hand in what was transacted; both of
them

them being noblemen of the most peaceable disposition, and never involved in law.

Perhaps, my lord, upon no occasion whatever, did the moderation and justice of the peers shine with more distinguished lustre: there was no caballing among the great; they heard the council on both sides with the utmost patience and indulgence; and such as gave their opinion seemed to act with all the integrity of honest men. The duke of Queensberry daily attended; and on the last day, viz. the 20th, when the reply was made, he brought Mr. Douglas down to the house in his own coach, to hear the cause, which he did with all possible sedateness and composure. In this his Grace acted with his usual good sense and generosity, being a nobleman of the strictest honour, circumspection and conduct; the language of this D— being, “That he was convinced of the strict honour of his cousin lady Jane Douglas, notwithstanding of all that had been said.” The night of the decision, every one crowded to pay their compliments, and among these, the dutchess of Northumberland and lady Delaval; for whenever they received a card from major Douglas, they hastened



hastened to the dutchess of Douglas, to wish her Grace joy upon the happy event.

The joy upon the decision was universal, so great was the regard for the name! About two hours after it was passed, an express set out for Edinburgh; and arriving about 7 in the evening of the 2d of March, the city was illuminated, bonfires were kindled in the public places: the towns and villages followed the example of the metropolis. Europe, Africa, and the two Indies, heard the news with satisfaction at an event by which the character of the first lady in the nation was rescued from infamy and reproach. She had been cruelly treated when alive, distressed at her death; and now her name and reputation shine the brighter, since her persecutors aimed at nothing less than to render a woman, habituated to devotion, odious, by making the world believe, that with a lie in her mouth, and perjury in her right hand, she had rushed into the presence of the Judge of all the earth, before whom neither craft nor artifice can avail, no secrecy can screen, nor yet the ingenuity of lawyers can lessen or exculpate.

F I N I S.

A

SECOND LETTER

ADDRESSED TO A

NOBLE LORD:

Or the Speeches of the

LORD CHANCELLOR,

AND OF

LORD MANSFIELD,

On FEBRUARY the 27th, 1769,

ON THE DOUGLAS CAUSE.

My Judgment was as a Robe and a Diadem.

Job, chap. xxix.

LONDON,

Printed for *A. Henderson, Westminster Hall;*

And sold at his *House* in *College Street, Westminster.*

ARCHIBALDI DOUGLASSII,
ENCOMIASTICON;

C U M

Senatus-Consulto Magnæ Britanniæ Procerum,
Ducatûs Duglassienfis Patrimonium illi decerneretur.

GRatantur patriæ Scoti, gratantur ubique
Finitimi proceres, dum tua facta vident:
Douglassam gentem cinctæ tremuere phalanges,
Douglassi nomen causa timoris erat
Impavidis ipsis, flammâ umbone vomente
Hastis et gladiis dum lata castra petunt!
Douglassæ genti comes it victoria læta;
Grandior at vester digne triumphus erat?
Carpere dum tentat livor, loliginis atræ
Succus, et ærugo spicula mera vibrat.
Conscia mens recti, te nomen suave parentum,
Te patris et matris fulsit et ambit honos!
Gratior effulget tenebris nebulisque fugatis
Sol! radiant cœlo pulchrius astra cavo:
Sic radiat nomen matris, quod fama perennis
Nomine cum vestro perferat astra super.
Cambdeni digni, Mansfeldi mitis, haberis,
Judicio procerum, nobilitate potens.
Ergo vâle juvenis, genus altô è sanguine regum,
Si tibi cura mei, sit tibi cura tui?

AND. HENDERSON.

T H E

T H E

Lord Chancellor's SPEECH,

On Monday, February 27, 1769.

THE cause before us is, perhaps, the most solemn and important ever heard at this bar. For my own share, I am unconnected with the parties; and having, with all possible attention, considered the matter both in public and private, I shall give my opinion with that strictness of impartiality to which your Lordships have so just and equitable a claim. The question before us, — “Is the appellant the son of the late Lady Jane Douglas or not?” — I am of the mind that he is; and own that a more ample and positive proof of a child's being the son of a mother never appeared in a court of justice, or before any assize whatever.

The marriage of Lady Jane to Colonel Stewart, August the 10th, 1746, is admitted on all hands. Her pregnancy in January, 1748, and the progress of it, were observed by many people: at Aix la Chapelle it was notorious; her stays were widened;

the nuns of the convent of St. Anne's discerned it, notwithstanding Lady Jane's modesty: the maid-servants are positive as to the fact: the Earl of Crawford wrote an account of it to the Duke of Douglas, not as an hearsay, but as a fact, of which he himself was fully satisfied by ocular inspection: and if there be a pregnancy, there must be a delivery, which accordingly happened, by the positive evidence of Mrs. Hewitt, who has deposed, that — “she received them into her lap as they came from Lady Jane's body.” — She was delivered of twins on the 10th of July, 1748, at Paris, in the house of Madam la Brun, in the Fauxbourgs de St. Germain. Lady Jane's ability to bear children is established by many witnesses, and a miscarriage after the birth of the twins, still more and more proves the delivery.

But, my Lords, there is another proof no less convincing that the appellant is really the son of Lady Jane, and this arises from the uniform tenderness shewn towards him. 'Tis in proof, that on every occasion she shewed all the fondness of a mother: when he casually hit his head against a table, she screamed out and fainted away: when her husband, the Colonel, was in prison, she never wrote him without making mention of her sons: she recommends them to clergymen for the benefit of their prayers: is disconsolate for the death of the youngest; takes the sacrament, owns her surviving son: does every thing in her power to convince the world of his being hers: blesses and acknowledges him in her dying moments; and leaves him such things as she had. (See p. 17 of Let. I.) Sir John likewise, shews the same tenderness in effect: he leaves him 50000 marks by a bond in September, 1763, ten years after the death

death of Lady Jane; and on his death-bed solemnly declares before God, that the appellant is the son of Lady Jane; — “I make this declaration, said he, as stepping into eternity.”—A man that is a thief may disguise himself in public, but he has no occasion for any mask when in private by himself.

These positive declarations convinced the Duke of Douglas; and he left his dukedom, and other estates, to his nephew the appellant, who was regularly served heir thereto in September, 1761; when he was possessed of all the birthright of a son, so far as the oaths of witnesses, the acknowledgment of parents, and an established habit and repute could go. The cruel aspersions thrown out against Lady Jane and the Colonel had been refuted by the late Duke of Argyle and the Countess of Stair. See pages 20 and 21.) No mortal doubted the appellant's being the son of Lady Jane, except Andrew Stewart; his father Archibald Stewart; Major Cockran, who is married to Stewart's sister; with White of Stockbriggs, a principal actor in these scenes. These doubted the matter; and Andrew Stewart, as by concert, went over to France, not to procure evidence of a real fact, but to suborne witnesses to establish an article that never existed except in their own imagination: the design was bad, and the means to accomplish it were no less criminal! 'Tis needless to follow the searcher through all the scenes of his enquiry, the result of which was to return to Scotland, enter an action against the appellant, and bring his own father to condemn him, at a time when the old gentleman was in a condition every way deplorable. (See page 33.) And taking advantage of his inaccuracies, he makes a second tour to Paris, where he published a *Monitoire*, entirely to

seduce witnesses, and influence them to commit the blackest perjury. In this paper he describes the person of Sir John Stewart, Lady Jane Douglas, and of Mrs. Hewitt; asserts that they had purchased two children, whom they wanted to impose upon the world in order to defraud a real heir of an immense estate and fortune; and inviting all, who could give light into the matter, to come to his lodgings, which he particularly described.

Mr. Stewart certainly appeared like the guardian of the Duke of Hamilton; a pompous title, which drove several to their own destruction, and in hopes of a reward. Among the number of those was Madam Mignon, a glass manufacturer's spouse, who after conversing with Andrew Stewart and his clerk, and receiving presents from them, comes in before the Tournelle Crimmelle, and deposes, that she had sold her own child to foreigners, whom she did not so much as know.—Can a woman forsake her sucking child? is a rhetorical remonstrance handed to us from the highest authority.—The thing is incredible, and yet the woman has sworn it!—A circumstance sufficient to render her testimony of no force, when opposed to the dying declarations of Lady Jane Douglas and Col. Stewart, and to the positive oath of Mrs. Hewitt, whose character is established (see page 25.) upon a very good foundation: but take the declaration of Madam in all its extent, yet she has said nothing to affect the appellant; the time when, the people to whom, with every other circumstance, prove her not to have been the mother of the young gentleman; his complexion, the colour of his eyes and hair, prove that he was not her's. The same thing might be said of the son of Sanry, the rope-dancer, whom the council for the respondent would

would infer to be the child Sholto, the younger of the twins; and as a strong proof of the same, urged, that the two were but the same identical person under different names; and your Lordships were entreated to keep in your view the rupture under which each of them laboured, in order to prove the identity! But how comes all out? Sanry's child could speak in November, 1749, but Sholto's could not utter a word for some months after he came to Mr. Murray's house in December, 1749. And now evidence is offered to be produced at your Lordship's bar, that the child Sholto had no rupture in 1749; nay, that he was as found as any person within these walls: certainly Mr. Murray, the most material witness in this affair, is more to be credited than Madam.

Your Lordships have heard much ingenuity displayed, in order to prove that Lady Jane's pregnancy was imaginary; the symptoms are allowed, but the reality is now denied, though once Andrew Stewart himself was forced to acknowledge that Lady Jane was actually with child. If Lady Jane, or any other woman, had such symptoms, 'tis impossible she could have been eased of them so soon as in any other manner than by a delivery; had she been ill of a dropsy, her bulk would not have been totally diminished in so short a time as from the 2d of July to the first week of August, when all, who saw her at Rhemis, concluded, that she had but lately lain in. Great stress has been laid upon the letters said to have been forged in the name of *Pierre la Marre*, the *man-midwife*, the person who delivered Lady Jane. I admit them to be forged, and yet this forgery is with me a proof of Lady Jane's innocence; Sir John's hardships are admitted, and if he, after so long a confine-

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confinement, should cause the letters that had passed between La Marre and him to be transcribed, in order to amuse himself, or to satisfy Lady Jane that they were not lost, it was no way criminal; Lady Jane received them, but observing they were not originals, she laid them by: so conscious was she of her own innocence, that she did not use them, nor ever would they have made their appearance, had it not been for the conduct of Andrew Stewart, who, upon getting an order to search Lady Jane's repositories, found out these letters, produced them in court to Sir John, when under all the miserable circumstances of a man groaning under a load of years, infirmities, and the acutest pains.

The evidence of Godfroi, the landlord of the hotel de Chalons, in the rue St. Martin, is contradictory and inconsistent, his books being every way defective and erroneous; (see page 45.) nor does Andrew Stewart appear in a favourable light in this particular: when first he came to Godfroi's house, both the man and his wife were ignorant of the matter, neither the one nor the other recollected Lady Jane Douglas, or her husband, till Andrew Stewart, desiring a sight of the *Livre d'Inspecteur*, he found two articles, one of them *Mr. Fluratl Escoiffois et sa famille sont entre, 8th Juliet, 1748*; and this he positively affirms, with oaths and imprecations, to be the hand-writing of Sir John Stewart, with which he pretended to be thoroughly acquainted: but he was obliged to retract, when other postages were found to be of the same hand-writing; this postage was found to be posterior to one written on the 12th, and the landlady of the house declared that she herself had marked it down. He had fifteen rooms and ten closets,

closets, which they pretended always to be full, and yet in their book it does not appear there were above three persons in them during Col. Stewart's pretended abode; and what is pretty strange, they had many women lodgers during that year, and yet they depose, they remember none but this lady, whom Andrew Stewart would have to be Lady Jane Douglas. They even differ with respect to the names of their servants; the council at the bar have acknowledged the inaccuracy of the books, owing to the avocations of the man elsewhere, and to the inadvertency of his spouse, continually hurried by a multiplicity of business. Besides a postage in a book, such as the *Livre d'Inspecteur*, which, like a waste-book, contains things just as they occur; or the *Livre d'Depense*, to which the articles of the former are transferred, bear no manner of convincing proof, that the persons mentioned in these staid at such and such places, it being a customary thing to mark down the name of the person the moment he takes the lodging; and it is notorious that many persons have paid a week, nay, a month's lodging, without sleeping a night in it: and this is no more than equity, since the same was reserved for their use.

But here, my Lords, the pursuers in this affair have destroyed their own cause; they have brought a sort of proof that Lady Jane Douglas was at Michelle's house, called *Le petit hotel d'Anjou*, in the *rue Serpente*, *Fauxbourg*, *St. Germain*; and this, at the very time when they would prove her to have been at the house of Godfroi, of whom so much has been said and heard: Michelle and Godfroi disagree in every thing, except in the irregularity of their books, and indeed it is hard to say which of the two
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excels most in that particular; but not to insist on the irregularities, it is proved to be the practice in Paris, and of Michelle in particular, to write people's names in these police books as entered on the day the room was hired, though the person does not enter for some days after.

To insist on these things, my Lords, is tedious; and yet the importance of the case requires it. One Madam Blainville swears, that on one of the days betwixt the 8th and 13th of July, she accompanied Lady Jane in a coach to take a view of Versailles, and at another time to see the palace de Vendome; but this witness is, in every respect, contradicted by a multiplicity of evidence, and in every view her testimony appears to be absurd and preposterous. First, She is contradicted by Mrs. Hewitt, whose deposition bears great weight with me, as also by other witnesses; for 1st, she, Blainville, says, that Sir John and his family were eight days in Michelle's before the child was brought to the house: whereas Michelle's family all swear, that he was brought next day. Secondly, she says, That the child was given to the nurse, La Favre, the very night of his arrival; that she saw her carry him home with her, and that Lady Jane visited him in the nurse's house: whereas, on the contrary, it is proved, that Favre remained four days at the hotel, during which period Lady Jane went no where abroad. Thirdly, she deposes, That no person visited Sir John and Lady Jane during their stay at Michelle's: whereas, by the oath of Madam Favre, a gentleman visited them there; but be that as it may, Lady Jane was delivered on the 10th of July, and Blainville does not say she went to Versailles till the 27th; and it is no new thing
for

for a Lady, however delicate, so long after delivery, to go so far in a country where the weather and roads are so remarkably fine, and the carriages every way easy and convenient.

All these objections to the reality of the appellant being the son of Lady Jane, are imaginary, and hitherto have been refuted to the honour of the innocent, and the more firmly establishing him in the possession of his birthright. They only tend to render her virtues more brilliant and illustrious; for as the allegations never existed in fact, but in the imagination of Andrew Stewart; so when put to the trial they must necessarily fall to the ground. Thus, he has asserted, that Col. Stewart received 350l. from the Earl of Morton's banker, some days before Lady Jane's lying-in; and from thence would infer that her delivery in Madam Burn's, an obscure house, was only to carry on the imposture: but now it appears that this money was not received till sixteen days after. How unfortunate for the Duke of Hamilton to be under the direction of such a man! One, who has involved him in such an immensity of expences, and this by examining a multitude of witnesses upon articles really foreign to the cause, which indeed is not the Duke of Hamilton's; it is the cause of Andrew Stewart, who has acted so strange a part, as well deserved the observation made at the bar, with great propriety, "That if ever I was to be concerned in any business with him, I should look upon him with a jealous eye." I shall not follow the noble Lord who spoke last, through the various descriptions he has given us of midwifery. His observations may be just, but they cannot affect the character of Lady Jane Douglas, or the cause of
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the appellant, her son. The question before us is short: Is the appellant the son of Lady Jane Douglas or not? If there be any Lords within these walls, who do not believe in a future state, these may go to death with the declaration that they believe he is not. For my part I am for sustaining the positive proof, which I find weakened by nothing brought against it; and in this mind I lay my hand upon my breast, and declare, that in my soul and conscience I believe the appellant to be her son.

After him the Duke of Bedford spoke in favour of Andrew Stewart's procedure, and in commendation of the Journelle, which finishing in about forty minutes, Lord Mansfield spake to this purpose:

My LORDS,

I MUST own that this cause before us is the greatest and most important that occurs to me: it is no less than an attack upon the virtue and honour of a Lady of the first quality, in order to dispossess a young man of an eminent fortune, reduce him to beggary, strip him of his birth-right, declare him an alien and a foundling. I have slept and waked upon the subject, considered it upon my pillow, to the losing of my natural rest, and with all the judgment I was capable, have considered the various articles that make up this long and voluminous cause, upon which I am now to give my opinion before your Lordships.

I apprehend, that in the matter before us, three things are to be considered, The situation of Lady
Jane

Jane before her delivery ; at her delivery ; and after it was over : to all which the Chancellor has spoke with great propriety. It is proved beyond a possibility of doubt that she became pregnant in October, 1747, at the age of forty-nine years, a thing far from being uncommon, as is attested by physicians of the first rank, and confirmed by daily experiencé ; and that in the month of July she was delivered of twins, one of whom died, the other is still alive ; he has been presented to the world by Sir John Stewart and Lady Jane Douglas, as their son ; nor can he be wrested from the hands of his parents, unless some other had in their life-time claimed him as their child in a legal and justifiable way.

This action, my Lords, did not lie against the appellant as an impostor ; for an impostor, in the sense of the law, is a person who wilfully and knowingly pretends to be a different one from what he really is, in order to defraud another, and to impose under a fictitious name upon the public. If any be an impostor, it must have been Lady Jane, whom they ought to have prosecuted in her life-time, and not at the distance of nine years after her death : the method of discovering an impostor is to bring his accomplice to the court before which the impostor was arraigned, and if, after a fair trial, the accused person be found guilty, let him take the consequences thereof : but this the respondents have neglected : the appellant has been, for five years four months and twelve days, the acknowledged son of Lady Jane Douglas ; and for thirteen years and two months the son of Sir John Stewart, before any attempt was made to rob him of his parents, his birth-right, and his all.

As the Lord Chancellor has anticipated much of what I intended to speak upon this subject, so I shall only touch at the situation and character of the deceased, whom I remember in the year 1750, to have been in the most deplorable circumstances. She came to me (I being Solicitor-General) in a very destitute condition, and yet her modesty would not suffer her to complain. The Noblewoman was every way visible, even under all the pressure of want and of poverty. Her visage and appearance were more powerful advocates than her voice; and yet I was afraid to offer her relief, for fear of being constructed to proffer her an indignity. In this manner she came twice to my house before I knew her real necessities; to relieve which now was my aim. I spoke to Mr. Pelham in her favour; told him of her situation with regard to her brother the Duke of Douglas, and of her present straits and difficulties. Mr. Pelham without delay laid the matter before the King; the Duke of Newcastle then being at Hanover, was wrote to; he seconded the solicitation of his brother. His Majesty immediately granted her 300l. per annum out of his privy purse; and Mr. Pelham was so generous as to order 150l. of the money to be instantly paid. I can assure your Lordships, that I never did trouble his Majesty for any other. Lady Jane Douglas was the first and the last who ever had a pension by my means. At that time I looked upon her to be a Lady of the strictest honour and integrity, and to have the deepest sense of the grandeur of the family from whence she was sprung; a family conspicuously great in Scotland for a thousand years past*; a family whose

* The rise of this family was in 767, when Donald Bane (*i. e.* White) came from the Western isles with a considerable army, and laid

whose numerous branches have spread over Europe; they have frequently intermarried with the blood-royal; and she herself was descended from Henry VII. I took care that his late Majesty should be made acquainted with her family and name, to the intent that, though she was married to Col. Stewart, a dissipated and licentious man, and who had been in the rebellion, 1715, yet he would pass it over, as she was of a race who had always been eminently loyal, her brother having charged as a volunteer at the head of the cavalry in the year 1715, when his cousin the Earl of Forfar died like an hero in defence of the government; and that his Grace had in the year 1745 treated the rebels and their leader with contempt and ridicule: and indeed his Majesty, from his wonted magnanimity, spoke nothing of her husband; but treated her with all the respect due to a Noblewoman of the first rank and quality; one who carried all the appearance of a person habituated to devotion, and, for a number of years trained up in the school of adversity and disappointment.

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laid waste the open country with fire and sword. Soluathius, the then King, raised forces, and came up with him at a place called Buna, in Argyleshire. The royalists were routed, till a certain person stood in a defile with his spear, calling out to the fugitives to stop; some of the bravest men crowded towards him, and with these he fell upon the pursuers, with a bravery that was irresistible. His corps was augmenting every moment, and the victory was snatched out of the hands of the conqueror. When the particulars of the action came to be related to the King, he desired to be shewn the man who had made the first stand, he was answered by one of his attendants, in the Erse language, the then vernaculum of the country, ("Sholto fer Douglas!") Behold that black grey man! On this he was called before Soluathius, who gave him the name of Sholto, and that part of Lanerkshire now known by the name of Douglas.

Is it possible, my Lords, to imagine that a woman of such a family, of such high honour, and who had a real sense of her own dignity, could be so base as to impose false children upon the world? Would she have owned them on every occasion? Was ever mother more affected for the death of a child, than she was for that of Sholto, the younger of her sons? — “Will you, said she, indulge me to speak of my son?” — And cried out with great vehemency, — “O Sholto! Sholto! my son Sholto!” — And after speaking of his death, she said, — “she thanked God that her son Archie was alive. What, said she, would the enemies of me and my children say, if they saw me lying in the dust of death upon account of the death of my son Sholto? Would they have any stronger proof of their being my children than my dying for them?” — She still insisted that the shock which she received by the death of Sholto, and other griefs she had met with, were so severe upon her, that she was perfectly persuaded she would never recover, but considered herself as a dying woman, and one who was soon to appear in the presence of Almighty God, and to whom she must answer. She declared that the children Archie and Sholto were born of her body, and that there was one blessing of which her enemies could not deprive her, which was her innocency, and that she could pray to Almighty God for the life of her other son; that she was not afraid for him, for that God Almighty would take care of him! And what is remarkable, the witness Mary Macrabie observed, that the grief for the loss of the child grew upon her. Would she, my Lords, have blessed her surviving child on her death bed? (see page 17). Would she have died with a lie in her mouth, and perjury in her right-hand? —

Charity,

Charity, that thinketh no evil, will not suffer me for a moment to harbour an opinion so cruel and preposterous: or can we suppose, that two people who had not wherewith to support themselves, would be solicitous and show all the tenderness of parents towards the children of creatures, who forgetting the first principles of instinct and humanity, had sold their children to people whom they did not so much as know by their names. The act of Joseph's brethren in selling him is represented as wicked and unnatural, but indeed the crime of Madam Mignon and of Madam Sanry is still more black and atrocious! — To carry this a little further, suppose Lady Jane Douglas had acted this out of a principle of revenge toward the family of Hamilton, yet Sir John Stewart had no occasion to do so, much less continue the vindictive farce after her death, especially when married to another spouse. And here we may see Sir John as much a parent to the appellant as Lady Jane; he was every way fond of him; it is in evidence; I know it to be true: my sister and I have been frequently at Mr. Murray's with them, and were always delighted with the care we observed. No mortal harboured any thoughts of their being false children at that time, I mean in 1750 and 1751. Every person looked upon them as the children of Lady Jane Douglas and of Colonel Stewart. The Countess of Eglinton, Lord Lindores, and many others, have, upon oath, declared the same thing.

No sooner does the Colonel hear of the aspersions raised at Douglas-Castle, and of Mr. Archibald Stewart's swearing that Count Douglas, a French Nobleman, had informed the Duke of Douglas that they had been bought out of an hospital, than
he

he returned an answer to Mr. Loch, who gave the intelligence in a letter to Mrs. Hewitt, and wrote him in all the terms of a man of spirit, cordially interested in the welfare and happiness of his son*; both he and Lady Jane begged the favour of Chevalier Douglas, a French gentleman and officer, then at London, to acquaint his cousin the Count with what was said of him. This the Chevalier undertook, and fulfilled with the fidelity of a man of honour; and the Count, in consequence of the application, wrote a letter not only to Lady Jane, but to her brother the Duke, in all the language of politeness and humanity, disowning what was said of him. (See page 22 of Letter I.)

But, my Lords, the Duke of Douglas himself was fully satisfied of the appellant's being the real son of his sister Lady Jane; for, on beginning to be known after his marriage, and to relish the pleasures of social life, he became very inquisitive "about the size, shape, and complexion of the appellant, and if he appeared to be a smart boy." He employed Sir William Douglas, and others in whom he could confide, to enquire of Mrs. Hewitt, Lady Jane's companion, and of Euphemia Caw and Isabel Walker, the two maid-servants who had lived with them when abroad, and observed their conduct in the most unguarded moments, concerning the birth of the children; he even searched into the characters of these, and

* In that Letter he calls Archibald Stewart an interested villain, charges him with forgery, and observes, that the family of Hamilton had ever been the natural enemies to that of Douglas. In a word, he seems to have adopted the sentiments contained in the famous George Buchanan's *Camelæon*; a satyr, representing the Hamiltons as selfish, cruel, and oppressive; true to no cause, bound by no ties, and sacrificers of truth upon every occasion. A real Hamilton had been the ruin of the family of the old Earl of Douglas, in the middle of the fourteenth century.

and it appears from the depositions of clergymen and gentlemen, of the first rank in that country, that they were women worthy to be believed, (see Letter I. page 25.) He even went in person to visit Mrs. Hewitt, conversed with her in presence of his gentleman, Mr. Greensheils, concerning his sister's delivery; and the accounts given by these, like the radii of a circle, all pointing toward one and the same centre, confirming the reality of Lady Jane being the mother of the young gentleman; he was satisfied, acknowledged him for his nephew, and left him his heir.

If the Duke of Douglas, after so serious an enquiry, was convinced, why should not we? 'Tis true, his Grace has sometimes expressed himself warmly against the sur-name of Hamilton, even in Lady Jane's life time, but never so warmly as to prefer a suppositious child to the Duke of that name*; for he only declares,

* From Mr. Greenheil's memorandum, in page 897 of the defenders proof, it appears, that White of Stockbrigg's, a creature of Archibald Stewart's, assured the Duke of Douglas, that Lady Jane, had hired a mob to gather about his lodging, at Edinburgh; that on the first news of Lady Jane's having borne two sons, several people in the interest of the Hamilton family, assured his Grace, that the thing was impossible at her time of life; that these children were bought out of an hospital; that Stockbriggs frequently insisted in this manner; that Duke Hamilton and Major Cockran confirmed the same to be true, (see page 13, and 20 of first Letter); that his Grace "often declared that it was pity that his estate should go to people who would not thank him for it; and if they had the same in their hands, they did not care if he was hanged, dead, and damned." His Grace bore the highest personal regard for that Duke of Hamilton who died at Bath anno 1743, and who was one of the finest men of the age; but he had not the same regard for that Duke's son; for after the rebellion, his aversion was so visible, that he would not receive a visit from him except when he pleased. The disgust arose from Duke Hamilton's going over to Lisbon, at the time when the Pretender's standard was set up, and never return-

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clares, "that if he thought the children were Lady Jane's, he would never settle his estate on the family of Hamilton;" nor did he, till after detecting the frauds and conspiracies that had been so long and so industriously carried on against his sister and himself, make any alteration in his first settlement.

After the Duke's death, the appellant was served heir to his uncle, according to the form prescribed by the law of Scotland, upon an uncontroverted evidence of his being the son of Lady Jane Douglas, takes possession of the estate, and is virtually acknowledged heir by the Earl of Selkirk, and by the Duke of Hamilton's guardians themselves: for these enter actions before the court of session, declaring their right to certain parts of the estates, upon some ancient claims which the Judges there declared to be groundless, but in the whole action there was not the least insinuation that Mr. Douglas was not the son of Lady Jane.

'Tis needless to trouble your Lordships with the conduct of the respondent's guardians at Paris, and elsewhere upon the continent. Nothing has been discovered that could throw the least blemish upon the honour of Lady Jane Douglas, or Col. Stewart; they have indeed proved her straits there, and his imprisonment here: but both these circumstances carry a further confirmation that the appellant is their son, for in every letter that passed between them, the children are named with a tenderness scarce to be believed;

ing till all was over, when, on his first going to court, he solicited the life of the unfortunate Earl of Kilmarnock, the King himself intimated to him this part of his conduct.

believed; whereas had they been counterfeits, as pretended, they would have been apt to upbraid one another for an act so manifestly tending to involve them in their sufferings.

Suppose, my Lords, that Mignon, the glass manufacturer's wife, the pretended mother of Mr. Douglas had deposed the same things in Lady Jane's presence, as she has so long after her death? From her evidence, it appears that she had never seen Lady Jane; by her words, both in private and public, she seems to deserve no manner of credit: the oath of Mr. Murray, a principal witness, has destroyed every thing she has asserted. The same thing might be said of Sanry, the rope-dancer's spouse, whose child's rupture we were earnestly desired to keep in view, to prove him to have been the identical Sholto, the younger of the twins; and now evidence is offered that the child Sholto had no rupture, but was as sound as any within these walls. Your Lordships have been told, and I believe with great truth, that a gentleman, shocked at the assertion, had wrote to the Council, that the influence arising from so false a suggestion might be prevented. I always rejoice to hear truth, which is the ornament of criticism, and the polished gem that decorates a bar.

The scrutiny in France, followed by an action in Scotland, produced two things never intended by them; it brought forth a striking acknowledgment of the appellant, by his father Sir John Stewart, as is manifest from the bond of provision, read at your Lordship's bar, (see p. 48 of the 1st letter) Sir John openly acknowledged him, before the Court of Session, in the midst of a crowded multitude, and

when labouring under a load of anguish and pain, nay, when by himself, he solemnly declared before God, in the presence of a Justice of Peace, and two Clergymen, that the young gentleman was his son. It likewise established the character of Lady Jane; for on examining the proof, obtained through the vigilance of the Dutchess of Douglas, Lady Jane's reputation is unfulfilled and great; all who had the honour of being known to her, declared, that her behaviour attracted an universal esteem, and Madam Marie Sophi Gillissen, a maiden lady, with whom she lodged several months, deposes that "Lady Jane was very amiable, and gentle as an angel." It further proved, that the elder child the appellant, was the exact picture of his father; and the child Sholto, as like Lady Jane, as ever a child was like a mother.

I have always considered likeness as an argument of a child's being the son of a parent, and the rather as the distinction between individuals in the human species, is more discernible than in other animals; a man may survey ten thousand people before he sees two faces perfectly alike; and in an army of an hundred thousand men, every one may be known from another. If there should be a likeness of features, there may be a discrepancy of voice, a difference in the gesture, the smile, and various other things; whereas a family likeness runs generally through all these, for in every thing there is a resemblance, as of features, size, attitude, and action: and here 'tis a question, whether the appellant most resembled his father Sir John, or the younger Sholto resembled his mother Lady Jane? Many witnesses have sworn to Mr. Douglas being of the same form and make of
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body as his father ; he has been known to be the son of Col. Stewart, by persons who had never seen him before ; and is so like his elder brother, the present Sir John Stewart, that, except by their age, it would be hard to distinguish the one from the other.

If Sir John Stewart, the most artless of mankind, was actor in the enlevement of Mignon and Sanry's children, he did in a few days what the acutest genius could not accomplish for years. . He found two children ; the one, the finished model of himself ; and the other, the exact picture in miniature of Lady Jane. It seems nature had implanted in the children what is not in the parents ; for it appears in proof, that in size, complexion, stature, attitude, colour of the hair and eyes, nay and in every other thing, Mignon and his wife, Sanry and his spouse, were toto celœ different from, and unlike to Sir John Stewart and Lady Jane Douglas. Among eleven black rabbits there will scarce be found one to produce a white one.

The respondent's cause has been well supported by the ingenuity of its managers, and great stress has been laid upon the not finding out the house where Madam la Brun lived, and where the delivery was effected ; but this is no way striking, if we consider that houses are frequently pulled down to make way for streets, and houses are built upon the ground where streets run before : of this there are daily examples in this metropolis. However, we need enter into no arguments of this kind, as there is a positive evidence before us ; nor is it possible to credit the witnesses, some of them of a sacred character, when they speak of Lady Jane's virtues, provided we can believe

believe her to have been a woman of such abandoned principles, as to make a mock of religion, a jest of the sacrament, a scoff of the most solemn oaths, and rush with a lie in her mouth, and perjury in her right hand, into the presence of the Judge of all, who at once sees the whole heart of man, and from whose all discerning eye, no secrecy can screen, before whom, neither craft nor artifice can avail, nor yet the ingenuity and wit of Lawyers can lessen or exculpate; on all which accounts, I am for finding the appelland, to be the son of Lady Jane Douglas.

F I N I S.



