

DUNCAN FORBES OF CULLODEN

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IN August 18, 1745, Charles Edward Stuart, the young Pretender, unfurled the Standard in Glenfinnan, and the disastrous "Forty-Five" began. It was the last attempt on the part of a native claimant to seize the British crown by force. In little more than nine months the campaign, which began with good promise of success, had ended disastrously, and Charles was a hunted fugitive among the caves and the heather and the hovels of the Western Highlands. But if he had failed to gain a crown, he had become the Prince Charming of a nation's dream, a type of romantic hero, Bonnie Prince Charlie, whose name liveth for evermore in the songs and ballads of his countrymen. But few of these countrymen who sing and sentimentalize over him now would have lifted a finger for his cause, had they known him living, any more than the majority of Scots, who knew too much about the Stuarts to be able to hold their race in anything but loathing and contempt. The man who saw through the Jacobites most clearly, and did most to thwart them and smash their cause, was that exceedingly able and far-sighted Scottish lawyer, the greatest Lord President the Court of Session has ever had, Duncan Forbes of Culloden.

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Measured by worldly standards, the career of Duncan Forbes was a successful one. He attained the summit of his profession, he held high place in the esteem of his countrymen; yet he died of a broken heart, a prematurely old man, before the new Scotland he had dreamed of had even begun to take shape. Forbes was a strong but not a "glamorous" personality; eminently sane and cautious, shrewd and kindly. A recent biographer sums him up in these words: "Character was his great achievement . . . He . . . sought 'honour not honours' . . . His life is the epic of the commonplace." Forbes did much for Scotland. He put the country on its feet financially; at a difficult hour he encouraged its infant industries. Without his fostering care they could never have stood up to bitter English competition, but would have withered and died. In the sober and weighty words of Professor Hume Brown,

"Forbes was a patriotic Scot if ever there was one"; one who "in his counsels as in his action . . . showed a comprehension of the national life as a whole which is found in no other Scotsman

of his time . . . He understood, as none of his contemporaries did, the precise nature of the problem presented by the Highlands and their people in the national economy. It was owing to him more than to any other person that the rebellion had been successfully suppressed; and it would have been well for the future of the Highlands had his counsels been taken in the policy that followed. As it was, his counsels of lenity and of healing were set aside; and an opportunity was lost which was only to be redeemed in the slow process of time. . .when he died . . . it was in neglect and even in contumely on the part of a Government of which he had been the most disinterested and enlightened public servant, and for which, unrequited, he had spent his life, credit and means."

Duncan Forbes was born at Bunchrew, near Inverness, on November 10, 1685. His family was of lowland origin, and traditionally Whig and Presbyterian. Bunchrew is described by Captain Burt, one of Wade's road-making engineers, as a "good old building" with a wood nearby which was full of wood-cocks. After attending the Inverness Grammar Schol, Duncan took an Arts course at Marischal College in Aberdeen. Then he went to Edinburgh to study law with a "crammer", and when he had picked up what he could of law, he went abroad for a couple of years' study at Leyden. On his return to Scotland he was called to the Scottish bar.

When he came back to his native country, Forbes found the Union a *fait accompli*. It was not the sort of union that he would have accepted if he had had anything to say about it, but he made the best of the situation. The people as a whole were far from happy; in fact, they were bitterly disappointed, gloomy and unhappy. They felt they had been tricked into giving up their independence, and were brooding over the memory of ancient wrongs. There was little coming and going between the two countries; consequently there were few opportunities for English and Scots to become better acquainted. Journeys between Edinburgh and London were difficult and even dangerous, and for the ordinary person the cost of travelling was prohibitive. The Scots had neither trade nor industry to absorb their energies. Many of them found their way to Europe, where they became pedlars or mercenaries; but more of them stayed at home and pursued the ancient occupation of begging. Fletcher of Saltoun estimated that there were over two hundred thousand beggars in Scotland in 1698—a fantastic figure, but it clearly shows the urgency of the situation. Conditions in the Highlands were worse than in the Lowlands, because that had

always been the more lawless region. Gangs of thieves and robbers terrorized the countryside under ruffians like James Macpherson, robbing the inoffensive wayfarer of the few poor pennies he might perchance be carrying in his wallet, and swooping down in immense numbers from all quarters to make drunken revel at the obsequies of some departed chieftain or personage of rank.

To the English eye, accustomed to rolling landscapes and fertile farms, Scotland was unattractive—even repellent. Burt declares that the rocky prospects of the Highlands produced “the disagreeable appearance of a scabbed head”, and that the glorious panorama of the mountains had “not much variety in it, but gloomy spaces, different rocks, and heath high and low . . . the whole of a dismal brown, drawing upon a dirty purple, and most of all disagreeable when the heath is in bloom”. The people themselves were largely to blame for this unfortunate impression. They were slow to appreciate the value of woods and plantations, or to understand that it was necessary to drain bogs and swamps. They had no idea of the science of cattle-breeding, sheep-raising and crop-rotation. It was Duncan Forbes who was largely responsible for the tremendous change that was presently to take place in the outlook of the Scottish farmer.

And if the Englishman had little liking for the Scot or his country, the Scots were still sorely divided among themselves and far from being a united nation in the first half of the century. The Lowlander harboured uneasy memories of the Highland host, of Graham of Claverhouse: the Highlander nourished resentment of ancient wrongs and broken troth on the part of the Lowlander. The one loyalty which was sacro-sanct to the Highlander was loyalty to his chief and to his clan. This relationship was ultimately one of mutual protection and self-interest, for the land belonged to the clan as a whole and was held by ancient allodial titles. The chief was merely the representative of his clan. During the “Forty-Five” Forbes promised to guarantee the chiefs who remained loyal to the Hanoverian dynasty charters for their lands. This meant that the chiefs would become lairds with security of tenure; their clansmen, tenants. It was a temptation too strong to resist, and by this simple offer Forbes seduced about half of Prince Charles’s potential followers and smashed up the “Forty-Five”. He broke up an age-old system, and altered the whole social relationship in the North.

What the relationship between chief and clansman was like, is well illustrated in the case of Forbes's friend and neighbour, Simon Fraser, Lord Lovat. The Frasers differed from other chiefs in the matter of authority over their clansmen. In 1704 their territories had been made into a "regality", that is to say, the chief was granted certain extraordinary legal powers, which made him not only one of the most influential men in the Highlands but in certain respects even more powerful than the King himself. Simon could hang, brand, behead or drown a Fraser; he could throw him into the dungeon at Castle Dounie and leave him to rot there, for the King's writ did not run in the Fraser lands. The great passion of Lovat's life was to retain his great powers and his feudal manner of living. His first warning that things were about to change was when Wade began to build his roads in 1724. For Lovat it meant that his world was about to crumble and crash about his ears. But for Duncan Forbes it meant the dawning of a new day. For Lovat the work of Wade meant the end of all he had lived and schemed for; the blazing of a trail which could lead only to destruction. For Forbes the roads of Wade pointed to the South, to freedom from the bondage of the past for the Highlander, to a fuller and better life.

Forbes realized that while the chiefs lived like little kings, the lot of the average poor Highlander was pitiful enough. There was absolutely no trade or commerce, and the people were, as a result, lazy, half-starved, and utterly without ambition. They lived in foul hutments; they were for the most part illiterate, and utterly without intellectual interests or relaxations. One reason for this cultural backwardness was the Gaelic language. The majority of the starveling dominies who tried to impart some elementary instruction in their straw-thatched, rat-infested, rush-strewn hovels, which they dignified with the name of schools, knew only Scots-English, while their so-called "pupils" spoke only Gaelic and had no wish to know any other tongue. There was little of "sweetness and light" in either of the Protestant churches—Episcopalian or Presbyterian. Recent bitter experiences, the Covenanting days, had done little to encourage among their ministers the Christian spirit of tolerance and charity. Narrowness and bigotry were the main characteristics of a set of preachers who delivered interminable discourses in dark, unplastered buildings, to fractious congregations who sweated in their home-spuns in summer or shivered on their

“creepies” (stools) in winter, while the rains poured through the battered thatch, or the snows drifted in through the chinks of the ill-fitting doors or the holes in the broken window-panes. Life was hard for the minister, who had at all times to walk warily under the watchful eye of the “Men” in the Highlands, and the autocratic Kirk Session in the Lowlands. Not that the minister’s life was completely lacking in amenities. The diary of the Reverend James Laurie, the father of Burns’s friend, tells us all about the happier side of a Scottish minister’s life. And, on the whole, it was a good life, for the men of God kept the faith.

Forbes knew his country well from North to South; he knew England too, and had studied abroad. It is not surprising, therefore, that as a loyal Scot he should have desired to see a vast change for the better in the land of his birth. His own Scotland was backward, and in the main ignorant and superstitious. England was rich and prosperous, with vast undeveloped colonies which offered unlimited opportunities to her native sons. Forbes was well aware that from the Scottish point of view the Union had been far from an ideal one, but he also realized, as the vast majority of his countrymen did not, how it was only after they had given up their illusory independence that the Scots had begun to share the advantages which the English had long enjoyed. Forbes also realized that unless there was sympathy and understanding, there could be no real union between the English and the Scots. In this belief he devoted his great gifts of heart and head to making the Union a success and his Scotland a better place to live in. It is one of the tragedies of Scottish history that Forbes died when he did, at what Ramsay of Ochtertyre calls “a most critical juncture when a new tide of opinions and manners was setting in strong.” What makes his personal tragedy still more poignant is that he died believing himself a failure.

When Forbes began his law practice, the future for an ambitious young advocate was far from promising. Much of the life-blood of “Auld Reikie” had been drained away with the passing of the Scots Parliament and the Scots Privy Council. For Scotland it was “a time of dereliction and dismay”, her hour having not yet struck. There was little real culture in the country; there were no men of letters in the English sense; no Scottish *Tatler* or *Spectator*. Young men with literary ambitions simply went to London to market their wares. The

same holds in the case of furniture and painting. The "big" houses were poorly furnished, according to English standards. There was only one portrait painter in the capital—Juan Medina. He made a living by painting the heads of the living aristocrats and the imaginary features of their remote ancestors on ready-made canvasses. But strangely enough, just about the time that Scotland was losing her political identity, she was finding her literary soul again. In 1706 James Watson published *A Choice Collection of Comic and Serious Scots Poems Both Ancient and Modern*. The collection was far from being a scholarly one, but it reminded Scots that although they had ceased to exist as a nation, they still had their literary heritage of which they had every reason to be proud. Allan Ramsay carried on Watson's work, and *The Evergreen* and the *Tea Table Miscellany* not only pointed to the past but prepared the way for Fergusson and Burns. Allan had his enemies, but he also had his friends, and among these latter was Duncan Forbes, for whose literary judgment the poet had the greatest respect.

You who in kittle casts of state,
 When property demands debate,
 Can right what is done wrang;
 Yet blithly can, when ye think fit,
 Enjoy your friend, and judge the wit
 And slidness of a sang.

Forbes worked hard to establish himself in his profession, and was soon known as a young man with a future, especially as he was the *protégé* of My Lord Duke of Argyll. On his frequent journeys to London on appeal cases he met distinguished political and legal personages like Walpole and Hardwicke, the Lord Chancellor, and men of letters like Gay and Pope, Arbuthnot and Swift. He was on terms with Hogarth and with "the Man of Ross", whose praises Pope sang so sincerely. He was friendly with John Hossack, the Provost of Inverness, with the Rev. John Baillie of the same town; with his Grace of Argyll, Henry Home, later Lord Kames, with General Oglethorpe, who took the Wesleys to Georgia, with Dr. Clark, the fashionable Edinburgh physician who used to prescribe as a cure for pleurisy "a ball of horse dung, well dried and beat into powder". Another of Forbes's friends was George Drummond, the maker of modern Edinburgh, who was six times Lord Provost of the city.

It is not difficult to understand the friendship between Forbes and Lovat. With his scraps of Horace and Ovid, his fund of anecdote, his humour, his impishness, his fondness for claret and his very deviousness Simon was the sort of witty boon companion that the gregarious Forbes would naturally take to. It is less easy to understand his friendship with Francis Charteris, one of the most unsavoury characters of his age. Charteris, who belonged to an ancient and honourable family, had been dismissed from the British army for cheating at cards and drummed out of the Dutch service for theft. He was a professional gambler who kept a bawdy house in London and employed the notorious "Mother Needham" as a procuress. He was twice convicted of rape and twice sentenced to death for that crime. It was Duncan Forbes who got him off on both occasions. Charteris left Forbes £1,000 and the life-rent of Stoney Hill, his house near Edinburgh.

It was the "Fifteen" that gave Forbes his chance to play an important part in politics. When the rebellion broke out, one of the first things the rebels did was to capture Inverness. Then they laid siege to Culloden House, the home of Forbes's brother, "Bumper" John, one of the most prominent Whigs and Hanoverians in the North. As soon as Duncan got the news in Edinburgh, he hurried north to defend his brother's property. "Bumper" John, who was attending to his parliamentary duties in London, hurried north too. He was joined at Leith by Simon Fraser, who had recently arrived in Britain and had come from France to claim the Lovat title and estates. He had a rousing welcome from his clansmen, put himself at their head, and raised the siege of Culloden House. He did more. He put that Fraser at the disposal of Duncan Forbes who promptly retook Inverness and held the town against the rebels. Had it not been for this energetic action, the whole of the North would undoubtedly have been lost. As a reward for his loyalty in the hour of crisis, Simon got everything he wanted—the Fraser lands, the Lovat title, forgiveness for his past Jacobite activities, and the recognition he craved. For *his* services Forbes was appointed Deputy Lord Advocate, an honour which involved him in trouble almost immediately. Named Deputy Prosecutor, when the Lord Advocate, Sir James Dalrymple evaded his responsibilities, Forbes refused to prosecute the rebels taken after the late rebellion. He went further. He raised funds for the defence of the unfortunate Jacobites who, by a flagrant breach of the Act of

Union, had been dragged to Carlisle for trial. A whispering campaign was started against Forbes; he was even accused of being a secret Jacobite. Forbes was no secret sympathizer with the Jacobites. He would have punished the ringleaders of the rebellion with the utmost rigour of the law; but he would have allowed the small fry to get off scot-free. But this policy of justice tempered with mercy was too far in advance of the times, and Forbes had to stand helplessly by while a short-sighted government wreaked its vengeance on men who could not defend themselves.

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In 1722 Duncan succeeded his brother as member for Inverness; three years later he became Lord Advocate. Under him the office became more important than it had ever been before or has ever been since, except when Henry Dundas held it. One reason for this was Forbes's great ability; another was his amazing influence over the Highland chiefs whose characters and characteristics he knew as he knew himself. A third reason for the unchallenged supremacy of "King Duncan" was that the Secretaryship of Scotland had been recently abolished, and by combining the functions of what had been that office with those of the office of Advocate he became by far and away the most powerful official in the country. Most important of all—Duncan was a friend of Walpole's.

Forbes's first test when he was Lord Advocate came in 1725, during the Glasgow Malt Riots. The Malt Tax, passed in 1714, had never been enforced in Scotland, and when the Government decided to make it effective, trouble broke out. It started in Glasgow, then a small town of 14,000 inhabitants. When the enforcement officers tried to collect the tax the mob attacked them, gutted the house of Daniel Campbell of Shawfield, the local M.P., and stoned the soldiers who had been sent from Edinburgh to restore order. The soldiers fired in self-defence, and a few of the rioters were killed. Forbes went to Glasgow with General Wade, Commander-in-Chief of the forces in Scotland, and a considerable body of troops, arrested the Provost and baillies and haled them to Edinburgh where they were held on charges of murder, felony and riot. They were defended by Forbes's rival, Robert Dundas, who argued that the arrest of the magistrates was illegal and that, instead of the Lord Advocate arresting the Provost, it was really the Provost who ought to have arrested the Lord Advocate. The upshot was that the unfor-

tunate magistrates were released on bail and allowed to return to Glasgow, where they had an enthusiastic welcome from the people. Apart from the legality or non-legality of Forbes's action the fact remains that he acted with commendable promptitude and stamped out an attempt to defy authority which, if it had succeeded, might have had unfortunate repercussions throughout the whole country. And Walpole approved of what his Lord Advocate had done. That was the main thing.

The key-note of Forbes's domestic policy, and the underlying principle that guided his public life, was his belief in the necessity for peace and security as a basis for the country's prosperity. He believed that they were necessary for the fostering of industry. Industry, he saw, could flourish only if it had adequate capital, and capital was obtainable from banks. Banks, therefore, in the words of one of his friends, became Forbes's "own bairns". He took the linen industry, which was for so long the backbone of Scottish prosperity, under his special care, and invited the Convention of Royal Burghs to draw up a scheme to promote manufactures and improvements in Scotland. A Board for Fisheries and Manufactures was established in 1727, and the linen industry went ahead by leaps and bounds. Weavers of cambrie were imported to teach the Scots their trade; inkle looms were imported into Glasgow. Mrs. Henry Fletcher of Saltoun introduced the art of making Holland cloth; Forbes set up a spinning school on his estate. But linen was only one branch of industry in which he was interested; Duncan Forbes took the whole field of Scottish endeavour under his fostering care.

Towards the close of 1734 John Forbes died, and Duncan succeeded to the family estates of Ferintosh and Culloden. He was deeply depressed by the loss of his brother, and spoke of retiring into private life. Then came the stimulus which brought him back to "normalcy" and involved him in a vortex of bitterly conflicting issues—the aftermath of the Porteous Riot.

In a sense Forbes himself was indirectly responsible for the riot. As Lord Advocate he was vitally concerned with the enforcement of the law; but he was also acutely aware that the law was being constantly evaded and broken by the smuggling trade. So long as the smuggling trade continued to flourish, there was bound to be a serious loss to the revenue and a consequent sabotage of industry. The problem was how to put a stop to the smuggling trade and to make the people understand the

reason and the necessity for taxation. Forbes was a great believer in cooperation; he insisted that the best form of government was to be obtained only when there was an understanding between the governors and the governed, and that coercion should be applied only as a last resource. Education in the matter of taxation was what the people needed: this was Forbes's belief, and he suggested that an official should be appointed for that purpose. Such an official was appointed, but smuggling went on as merrily as ever. Finally Forbes took stronger measures. Soldiers seized 1,000 gallons of foreign brandy near St. Andrews. Then came the arrest and trial of the two smugglers, Wilson and Robertson, the escape of the latter in St. Giles's, the execution of Wilson, and the murder of Poiteous. Forbes was in the north when all this was happening, and the first he heard about it was in a letter from his friend, Allan Ramsay. He went south to arrest and prosecute the "ring-leaders and abettors of these wicked and audacious proceedings", but, as all the world knows, the Court of Enquiry which he set up caught none of them, and accomplished exactly nothing. The Government, at the instigation of the Queen, then brought in a Bill of Pains and Penalties, the object of which was to imprison the Lord Provost and magistrates, to abolish the City Guard, and level to the ground the Netherbow Port. Forbes fought the Bill, clause by clause, and when it was finally passed on June 21, 1737, it was comparatively innocuous. On the same day Duncan Forbes, then in his fifty-second year, became Lord President of the Court of Session.

He carried his tact, energy, and reforming zeal into his new post. He accelerated the business of the Court of Session by insisting that each case should be taken in rotation, and not at the whim of the presiding judge. He cleared the court of any suspicion of favouritism or corruption. He was as active off the bench as on it. He saved the Scottish records from complete destruction by rescuing them from the damp cellar in which they had been deposited. Meanwhile the storm clouds were gathering in the north.

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There would have been no "Forty-Five" rebellion if the Government had only listened to the one man who knew what the situation in the Highlands actually was. For years that district had been simmering with unrest, although Forbes had done his best to undo the mischief that had been caused by the short-

sighted policy of punishment and repression after the "Fifteen". He had striven to make the chiefs realize that the old order was changing, and that it would be to their best interests to adapt themselves to the new. Progress, he pointed out, was inevitable; it was foolish to try to impede it. At the same time he sought to interest the Government in the Highlanders and to get them to realize the nature of the problem in the Highlands. The Highlanders, he explained, were a warlike race, speaking the Gaelic language, born under an ancient feudal system, a people whose habits and manner of thinking could not be changed in the twinkling of an eye. They were unaccustomed to the ways of the farmers of the south, the only hard work they were familiar with was the trade of war. Why not enlist these idle clansmen in some form of military service that would not only be an outlook for their physical energies but useful to the Government as well? Why not recruit—say 4,000 to 5,000 of them as a Gaelic *gendarmarie*? They knew the country and spoke the language. They could tell exactly what was happening in the Highlands, and would keep a watchful eye for any signs of disaffection and report of the presence of any suspect persons in their district. Under loyal chiefs they would be loyal too. The idea was not a new one. In 1725, when Wade was Commander-in-Chief, six companies, totalling some 500 men, had been raised, officered by chiefs and gentlemen whose loyalty was above suspicion. Forbes's idea was adopted in 1739, during the Spanish War when the six companies became ten and the battalion was increased from 500 to 700 men. This regiment became the famous Black Watch.

For a time all went well, but towards the end of 1742 unsettling rumours began to circulate. The Highland regiment was to be ordered on foreign service. Forbes immediately wrote to General Clayton, Wade's successor, pointing out the danger of that move. It was not so much possible disorder that he feared, but the opportunity for all manner of fifth-column activities on the part of Jacobite agents who could do much as they pleased with the local *gendarmarie* away. But neither Clayton nor Tweeddale, the new Secretary for Scotland, was impressed by the Lord President's arguments and warnings. The Black Watch marched into England, where it was reviewed on Finchley Common by Marshall Wade. Thence it went to Flanders. Later in the year Forbes reported to the Government that the country

adjacent to the Highlands was suffering extremely by the absence of the Highland troops.

An uneasy year followed. Then on February 1, 1744, Tweeddale wrote to Forbes in a panic. A large squadron was reported to have sailed from Brest for the Highlands with 15,000 muskets. What did the Lord President know about the situation in the north? Forbes replied that so far as he knew there was "no appearance of stirring" in that quarter, but that if anything should happen there, his Lordship had been well warned. But the rumours persisted. MacLeod of Macleod reported to Forbes that "the Pretender's oldest son was to land somewhere in the Highlands" to start a rebellion. On August 8, 1745, Sir John Cope, the new Commander-in-Chief in Scotland, had news from Lord Milton that the Prince had landed; next day Forbes had confirmatory news from MacLeod. He decided to go north to see for himself what was happening. He had vivid memories of the "Fifteen", and of the terrible fate that overtook so many of the rebels then. This time the Government, distracted by a difficult war on the Continent, would be even more merciless. A stab in the back by disaffected Highlanders would never be forgiven. Forbes's main concern was for his friends. That hastened his decision to go north; it was a decision based upon humanitarian grounds. "Though my fighting days are over," he told his friend, Henry Pelham, the Chancellor of the Exchequer, "I may give some countenance to the friends of the Government and prevent the seduction of the unwary."

Forbes reached Culloden on August 14, and immediately established contacts with chiefs like Sir Alexander MacDonald of the Isles, Norman MacLeod of Macleod, Lord Fortrose, and Simon Fraser. With the exception of the last he held these men firm in the Hanoverian interest. That was Forbes's great work. "To his stratagems alone," wrote one political opponent, "were owing the small numbers that repaired to the Prince's standard . . . He did more than all the rest of the Government joined together." "Everyone is sensible here," wrote a Whig, "of what service your Lordship's presence has been in the north. Your influence has prevented many from rising . . . the loss of you was considered as the loss of the northern part of Scotland." Cumberland had a different opinion. The Lord President's services were not worth five shillings, the "Butcher" sneered. And that was about all the notice that ever was taken of Forbes's great work.

Forbes's position was not an easy one. When the Prince landed, he was an unknown quantity, and men who had known or remembered the father had little reason to expect that the son would be in any way different. But Charles proved himself a born leader of men, and a soldier of no small military skill. He gathered the nucleus of an army, and when Cope with incredible stupidity left open the strategic pass of Drumochter, the Prince slipped down to the Lowlands and speedily became a grave menace to constituted authority. Cope caught up with the Highlanders at Prestonpans, and was soundly trounced after a famous "scuffle" which "lasted about four minutes". The result was that hosts of recruits, dazzled by the victory and by the seizure of Edinburgh, joined the Prince. "All Jacobites became mad; all doubtful people became Jacobites", Forbes wrote to a friend in the south. "What was more grievous was that all the fine ladies, if you will except one or two, became passionately fond of the young Adventurer, and used all their arts and industry for him in the most intemperate manner."

Meanwhile, thanks to Cope's stupidity, Forbes's situation grew more and more difficult. He was completely cut off except by sea; he was without men, arms, munitions, or money. He knew nothing of what was happening in the south. For all he knew, Charles was already in Whitehall. The only force that he had near him was 150 men of Lord Loudoun's regiment which happened to be stationed at Inverness at the moment. He also had twenty blank commissions for distribution among loyalist chiefs and gentlemen who would raise companies of a hundred Highlanders each. The problem was how to arm and pay these men, once they were recruited. He kept dunning the Government, and after weeks of anxious waiting a ship did arrive with 1,500 stand of arms and £4,000. That was a mere drop in the bucket, but it was better than nothing. Forbes distributed the commissions and financed the Independent Companies, as they were called, out of his own resources. These companies did good work of a kind. They policed the North after a fashion, and saw to it that no reinforcements got through to the Prince. If there had been no Independent Companies, the likelihood is that the whole of the north would have risen with their chiefs and followed Charlie.

Lovat was Forbes's one outstanding failure. At first the old man seemed to be loyal, but gradually the tone of his letters changed. Forbes noted this, but continued to answer pleasantly,

even after a party of Frasers tried to kidnap him. Then came the news that young Lovat, who afterwards fought on the British side at Quebec, had marched off with his clan to join the Pretender. This was too much. Forbes wrote to Lovat, more in sorrow than in anger, telling him that there remained one hope—if he would recall the Master and make peace with the Government, Forbes would do his best for him. But Simon preferred *his*, in a world that was crashing about his ears—his world. On December 4, three days after young Lovat set off to join them, the rebels were at Derby. Two days later their tragic retreat began. On the 28th the tatterdemalion host, now less than 4,000 strong, had reached Glasgow. On January 17, 1746, they routed Hawley at Stirling, and on February 16, Charles was at Moy Hall, less than ten miles from Inverness. Two hundred of Loudoun's men deserted and Forbes, realizing the poor quality of many of his recruits, advised the evacuation of the town. Two days later Charles entered Inverness without firing a shot.

From Inverness Forbes and Loudoun retreated to Dornoch with their remaining forces. The rebels followed them up and made a determined attempt to capture them. They escaped, and with greatly reduced forces made their way to Skye after a "distressing and fatiguing march". On April 18 the news reached Skye that Culloden had been fought two days before. On the 26th Forbes was back in Inverness, "absolutely naked: soled shoes, darned stockings, ragged shirts, fragments of boots . . . (his) apparel". Imagine his feelings when he learned that the battle had been fought on his own estate and that his house had been the headquarters of the Prince! When he arrived at Culloden House, he found that the rebels had "destroyed his furniture, horses, cattle, sheep, and everything belonging to him to the amount of a very large sum". What grieved him most was that a bloody massacre of the helpless wounded had taken place in the very shadow of the home he loved, in the very heart of the pleasance that was so dear to him.

The last chapter of Forbes's life is a brief one; it is also the saddest. Although the rebellion was over with Cumberland's victory at Culloden, there still remained much for Forbes to do. "The Lord President has joined me, and as yet we are vastly fond of one another," wrote Cumberland, "but I fear it will not last, as he is as arrant Highland mad as Lord Stair or Crawford." If Forbes had any illusions about Cumberland, he was quickly

disillusioned. When Forbes pleaded for mercy for his countrymen, Cumberland sneered at him and answered with an insult. "That old woman who prated to me of mercy!" he roared. When he went to London to plead the cause of his countrymen, Forbes fared no better. The King turned his back on him and the Prime Minister insulted him. He tried to get the law abolishing the Highland dress modified or abolished; he did his best to have sentences passed on the rebels rescinded. But all to no purpose. The English had been badly scared by the Highlanders; now they had neither pity nor kindness in their hearts towards them. They were determined to wipe out the memory of their panic and their humiliation, their craven fears in the presence of a poorly armed mob of callow Highland youths. "If I had not lived long enough in England to know the natural bravery of the people," Sir Andrew Mitchell, the Under-Secretary for Scotland, wrote to Forbes . . . "I should, from their behaviour of late, have had a very false opinion of them." So the Government took a coward's revenge, and sowed seeds that were one day to grow into a bitter harvest. And they broke Forbes's heart.

Forbes worked on the Heritable Jurisdiction Bill which abolished the ancient feudal rights of trial and punishment. He must have had his old friend Lovat much in mind at the time. Simon, even then awaiting death in the Tower, cheerfully and courageously, was gravely concerned about the Bill for abolishing the jurisdictions of the Highland chiefs. He was beheaded on April 9, 1747, and shortly after his death Forbes's health began to fail. Change of scene helped a little; but the improvement was only temporary. Later in the year he went north and stayed there till the snows were on the hills. In November he was back in Edinburgh. He tried to work, but it was plain that the end was not far off. When his cousin, Will Forbes, spoke to him of death, the President said, "Were I to live longer, Willie, I could only mourn with you over my country." His son arrived and heard from his father that the greater part of the fortune that would have been his had been spent in the King's defence; not one penny had been repaid. On the morning of December 10, 1747, Duncan Forbes died at his house in the Cowgate. They buried him in the Greyfriars churchyard, "in the presence of many thousands bewailing the loss of so great and useful a gentleman."