

JAMES BOSWELL: LAWYER OR PRESS-AGENT?

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IN the eighteenth century the vast increase of hasty reading, and the accompanying increase of hasty writing to satisfy the horde of idle readers, was deplored by some conservative minds; but the typically progressive Briton of the day gloried in the general spread of light literature and news. Partly this feeling sprang from relief and pride that the political censorship of the seventeenth century was no more; partly—as in the case of Dr. Johnson—it was a belief that “this superfoetation, this teeming of the press” was a blessing, however disguised, since it wooed the vacant or the frivolous to a modicum of mental exertion. There appears to have been no distinct consciousness of what we now acknowledge and fear: that the public prints are powerful engines for the creation of public opinion and action, and that the mass of readers is helpless to think clearly under the influence of adroit journalists who advocate some special cause. James Boswell, although he plumed himself upon conservative tendencies in some respects, and although he had enrolled himself in the most conservative of professions, was a firm believer in progress, especially as he found it evidenced in his own age, and above all, he was a complacent sponsor of facile publication. It is not clear how far he understood that the blessings of print were equivocal; perhaps indeed it would have satisfied his sense of drama to realize the delicate balance between good and evil existing in such a concrete but elusive force as the newspaper always has been and will be. Whatever his *opinion* may have been, Boswell was in this matter, as he was in all others, extremely sensitive to the slightest breath of the current eddying around him, capable of acting by instinct upon situations which he grasped without necessarily any exercise of reason or decision; and in one of the most stirring activities of his career we find him, a lawyer, volunteering his services in a famous case at law—not in the character of legal adviser, but in a part fatuously believed by the twentieth century to be a development of modern journalism; the part of press-agent, the news writer who creates opinion for some special cause by fair means or foul. From his performances in this affair, his singular notions of what constitutes evidence, his outrageous assumption

that the people should rule the Bench, one would not dream that Boswell was a lawyer; and one acquires some conviction as to why he never made a notable success in his profession.

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The occasion was the notorious Douglas Cause, which occupied the gossips of Scotland and England from 1767 to 1769—one of those trial mysteries which have been legally but not actually settled, and which bear added spice because they arise from the indiscretions of a great family. The matter sprang from the peculiarities of the head of the House of Douglas, who about 1745 was ageing in retirement, without an heir. He was not pleased when his sister Lady Jane, by a secret marriage to the genially futile John Stewart, presented the family in 1748 with twin boys. (It was the fifty-second year of her age). After her death, however, and his own marriage to a virago who championed the twins, the Duke declared the elder (and only survivor) to be his heir; and in spite of low growls from the remote connections of the Douglas line, Archibald Stewart was served heir upon the Douglas's death in 1761. Lawyers for the Hamilton family, the nearest claimants otherwise, bestirred themselves to detect weak spots in the biography of Archibald, and scoured Paris, where supposedly the twins had been born. They found no such hotel, no such doctor, as the witnesses for Archibald's identity had mentioned; and by means of a suit before the French court of the Tournelle, and a *monitoire* issued by the Archbishop of Paris, they uncovered a glass-blower and a rope-dancer who declared that foreigners had taken their boy babies in 1748. The suit to reduce Archibald's service began in Scotland shortly after, and dragged on (crippled by the death of all the principal witnesses, and the amiable proclivity of old Sir John Stewart to forge documentary evidence for his son) to 1767, the year when Boswell interested himself in the cause. In July of that year, the fifteen Scottish Lords of Session, emphasising in their decisions the shaky evidence on both sides of the case, decided for the Hamiltons by a vote of eight to seven, the deciding voice being that of the Lord President, Robert Dundas. Dundas's windows were smashed by a mob of which Boswell made one, and the case was taken on appeal to the House of Lords, where the decision was reversed in 1769.

Boswell's father, Lord Auchinleck, was one of the Lords of Session, and one might have expected that the canny Douglasses would seek out his son as one of their counsel—there were other quaint interlockings of Bench and Bar on this occasion—but nothing

of the sort happened. Whether or not Boswell expected such a move, and fled to print because he felt baulked of high professional hopes, one can not say definitely; his performances seem rather to have the unrestrained fervor of an independent quixotic self-dedication. However that may be, it is certain that from the first Boswell was the shrewd press-agent, disregarding the proprieties of the law, and determined to create a public opinion which should confuse or transcend the social strata and assist him to influence, cajole, or even threaten the lordly authorities who were to judge the case.

His campaign for the Douglas opened early in 1767 with nothing more than a series of hoaxes—the sort of thing Boswell always called “benevolent humor”—with the primary intent to make everybody happy and sensible, but with skilful preparation for more serious attack if it should prove necessary. With apparent innocence, and the greatest deftness, he made his anonymous compositions totally different from each other, in order to make them seem the work of several interested authors—and in order to appeal to a variety of audiences. One item was gentlemanly doggerel in several stanzas, headed *The H.n Cause*, gaily quizzing the Hamilton methods and flattering the men of law on both sides and the Bench. Another was a slap-dash set of letters ostensibly from stenographers “brought from London to report the case” (there were no such persons), full of Defoe-like actuality of personal detail, and tavern impertinences about court events. A third device, of June 9, 1767, was a grave essay on *Partus Suppositio*, useful to the cause as well by its manner as its matter; it went to prove through cold reason that any suit contesting family relationships was dangerous to individual and society alike—and did it so much in the manner of Adam Smith that a number of readers believed it to be by that eminent authority, as Boswell gleefully recorded in his own file of the *London Chronicle*.

While these things were appearing in newspapers English and Scottish, Boswell brought out also the chief of his early bombshells, his novel *Dorando, A Spanish Tale*, in which not only the history of the case but a prophesied outcome was set forth, all too thinly veiled in romantic habiliments. The advertisements, full of convinced importance and zestful mysteriousness, were all written by the fond author, and their history shows him progressing in methods of innuendo and “human appeal”, the weapons of the special pleader in print. Most of the notices include what is now considered so necessary to advertisement, a *slogan*; Boswell uses the quotation from the French authority Cochin, which the Douglas

lawyers had affixed to the title-page of their memorial presented to the judges. He had already borrowed it—partly, no doubt, to suggest the heart of his mystery—for a heading to his essay on *Partus Suppositio* and for the title-page of his novel; by this time it had developed the best qualities of slogan or trade-mark—sufficiently suggestive, sufficiently familiar. A gloriously complete example of the first advertisements appeared in the *Edinburgh Advertiser* for June 16:

This day was published (and sold by W. Drummond at Ossian's Head, Edinburgh) elegantly printed in octavo, price one shilling, "DORANDO," A SPANISH TALE.

Contester à un citoyen l'état dont il a toujours été en possession, qu'il a trouvé établi par les titres de sa filiation, qu'une longue suite d'actes, que des reconnoissances réitérées à chaque instant de sa vie, et qu'une possession publique et non interrompue de ce même état ont confirmé, c'est une action toujours odieuse, qui porte le trouble dans les familles, et qui par la contagion de l'exemple peut devenir funeste à la société.

London, printed for J. Wilkie at the Bible in St. Paul's Churchyard; sold also by J. Dodsley in Pall Mall, T. Davies in Russell Street, Covent-garden; and by the Booksellers in Scotland. A few copies in splendid quarto, and bound, to be had at half a crown each.

N. B. This tale is entered in Stationers' Hall, so that whoever shall presume to reprint it, without license of the proprietor, shall be prosecuted with the utmost rigor of the laws.

Later notices advertised a "second edition" (really a second printing only, of course), because "from an imagined similarity between *Dorando* and the great Douglas Cause, the sale of it has been very rapid." By the 20th of June the notices promised "A French translation . . . published at Paris with all possible expedition." The announcement of the so-called third edition brought in a not too alarming and pleasantly exciting hint of possible martyrdom for the devoted author; the advertisement (of June 29th) mentions gravely the presence of corrections and alterations in the new printing, and at the very end of the paragraph (it is notable that Boswell's sharp effects occur always at that effective point) it is demurely stated—"The public may be assured, that there is no foundation for the report that warrants are issued to apprehend the author of *Dorando*." This is the peak of his advertising scheme; he knew well enough that there is always an audience for the cry against censorship. Persons who might never have read the book without this impulse would possibly do so from cleverly forced

sympathy, and a large class of newspaper readers, who would not read the novel at all, would range themselves beside him in the Cause on the strength of this deft appeal alone.

It may be remarked that the assurance to the public carries something of impertinence, and possibly a touch of defiance; certainly it is not mere sales-psychology, nor strategy of appeal, though such elements are obviously present. Boswell *was* in danger of being held for contempt of court, because his novel so boldly forecast the decision as favorable to the Douglas, in long speeches by his "judges of Seville" and "grandees of Madrid", all of a most florid and prejudiced order. Worse, he had dared to publish in the *Edinburgh Advertiser*, for June 19th, a set of verses in his most outrageous vein, boasting the purpose and success of his novel—one stanza announcing the effect which it must inevitably have upon the Lords of Session! . . .

—For all your sense,
And all your pence
Spent in a foreign land-o,
Will make but sport
To the grave Court,
When they have read *Dorando*.....

Fatuity could scarcely farther go—nor temerity. True, Boswell was aware that no overt action was likely to be taken against him, since his father's brethren in the law would hesitate to hale the son of a colleague into court; but the danger was interestingly contingent, and Boswell's next performances were of a sort to invite it further. I do not presume to decide whether, in proceeding as he did, he was trading impudently on the odds for safety, or whether he was deliberately throwing himself to the lions in the hope of provoking untoward circumstances; the advertisement of the 29th would seem to support the suggestion of martyrdom. Probably, as usual, his motives were mixed.

Whatever his hopes or fears, Boswell's next wild step was to send out, to as many newspapers as possible, anonymous reviews and letters on the subject of *Dorando*, not only praising its purpose but reprinting those parts which summed up the chief matter of the case, in order to reach those who could not or would not secure the book. The influence he wielded with editors is evident in the fact that usually his material occupies most of the front page in the *Advertiser*, the *Caledonian Mercury*, the *London Chronicle*, the *Edinburgh Weekly Journal*, the *Evening Courant*, and so on; the monthly *Scots Magazine* gave it generous space as well. The first review came out in the *Caledonian Mercury* for June 17th, rein-

forced by a copy of the essay on *Partus Suppositio*. The tone of it is what Boswell would have considered the high aesthetic, and it was designed to attract the attention of the well-informed and loyal Scottish gentry. We learn that "Scotland has of late years been making very rapid advances towards the opulence, the industry, and the elegance of her sister kingdom," in such forms as farming, planting, building, history, poetry, and tragedies; but that as yet the Scots lack *novels*, which, as everyone knows, "convey instruction under the form of amusement, and charm the imagination, at the same time bettering the heart." There follows the announcement of that masterpiece *Dorando*, which, "at a time when all ranks are agitated with expectation, and parties have run so high, . . . comes, like old Nestor, to calm the violence, and to diffuse good temper and complacency of disposition."

This bland courtship of the prickly thistle was followed by another review in the succeeding number of the same paper; it absorbed the whole front page, the material being largely quotation of the purple passages in the novel. This time the author addresses himself to a much larger audience, and the whole thing is enlarged and heightened to that degree in which facts, and even words, mean little, their definiteness being replaced by the hazy swellings of familiar rhetoric, capable of arousing vague yet powerful emotional response from a multitude without distinctions of class or intelligence. The article begins with the assertion that "The subject has become a national concern," and rejoices that "though Authors of a gloomy and morose turn of mind may lament the depravity of the age, . . . the very favorable reception of a Tale which inculcates the noblest sentiments of virtue and religion does honour to the country, and makes us pleased with our contemporaries." There follow ten paragraphs from the earlier part of the story, depicting the miseries of the noble "Princess Dorando" (Lady Jane) and the low characters who influenced her brother against her; a few paragraphs of résumé; and then, *in extenso*, the purely fictitious decisions of the "judges of Seville" (the Scottish Lords of Session) and of the "grandees of Madrid" (the House of Lords), before whom—a clever prophecy before the fact—the case was taken on appeal. It is clear that the *benevolent authour* intended to flatter and please the great personages with whom he thus naively made free, but it is also clear that his first intention was to capture the public mind by such allusions to greatness, sympathetic with the Cause. Moreover, in these imaginary speeches he not only continues his courtship of the thistle, but toys with the lion's mane, exalting home, country, empire, and The Citizen in a style always popular, but

popular especially in Britain of 1760 because it was the style of Chatham—to whom the naughty Boswell assigns the final quashing of the Hamiltons! His parody on the manner of the Great Commoner, much more mischievous and highly flavored than the former trick at the expense of Adam Smith, brings the *pannus purpureus* to a swinging climax:

I confess, most mighty signors, that I have at no time been more affected than I now am by this private question. Private, did I say?—I recall the expression. It is a question of the most public nature, in the event of which everything that is dear and valuable to humanity is concerned. What is Spain? What is our country? It is not the valleys though ever so gay—it is not the fields, though ever so rich, that attach us to our native land. No. It is our family—it is our wives—it is our children. And what have we before us? A daring attempt to render our children uncertain. If adulterers have been thought worthy of death, what punishment do those deserve, who would introduce what is still more dangerous to society? A few wives may be unfaithful; but every wife may be attacked like the princess Dorando. . . . And must we then prove the birth of our children? I tremble—I shudder at the consequences. They are big with danger and destruction to society. Shall these brave officers whom I have chosen—whom I have sent out—whom I have inspirited—shall those souls of fire who have carried the Spanish arms to the most distant corners, who have been victorious, who have shook the thrones of Europe—shall those brave officers, nay shall any of the gallant soldiers who have children born abroad—shall they when returned home to enjoy the blessings of peace, every man under his own vine, and every man under his own fig tree—shall they be obliged to bring legal evidence of the legitimacy of the children whom they acknowledge, before they can be received as citizens? And if a succession should open to these children, shall we at the distance of twelve, fourteen, or perhaps twenty years, allow foreign proofs to be imported to deprive them of their estate, and of their very name? No, signors!

And so on. This generous space-filler was reproduced in various papers, with several alternatives of introduction and conclusion; in the *Edinburgh Advertiser* a hint of authorship once more invites danger and provides excitement; in the *London Chronicle* an extra flourish propitiates the ministers and judges. Moreover, the audience is attacked by a new appeal: “. . . the glow of virtuous sentiment which I here find . . . is a seasonable antidote to the late letter of a celebrated exile, which has made so much noise.” That is, the patriotic sentiments of *Dorando* (and hence, by inference, of the whole Douglas party) are a healing balm for England’s political struggles with that rascal, John Wilkes! This is a telling device for creating sympathetic opinion, which still has power over thoughtless readers.

The wide spread of these selections finally brought about the martyrdom for which Boswell had apparently been hoping. The Lord Chief Justice Dundas had overlooked the early squibs and the novel itself; but these impudent tit-bits published broadcast gave his exacerbated temper reason for explosion, and on June 30th his heavy hand descended. The news notes of the *Mercury* and the *Advertiser* tell us that "the publishers of the newspapers and the *Scots Magazine* of this city were called to the bar of the Right Honorable the Court of Session, for having inserted in their papers and magazine certain letters, paragraphs, essays, and particularly extracts from *Dorando, A Spanish Tale*, which it seems is now become an object of very serious attention. . . . It is expected that this enquiry will fix the boundaries of the liberty of the press in North Britain, which have been hitherto exceedingly vague and uncertain. It is believed that, since the Union, no question has occurred so generally interesting to this part of the Kingdom." In this note the print is the print of the newspapers, but the voice is the voice of Boswell. The point is at once obvious; martyrdom achieved, the rascal is turning it to good account in creating another of those vague but powerful connections between the good of the Douglas Cause and the good of Free Citizens. In the course of the case against the printers, the most comic circumstance (next to the appearance of Boswell as a lawyer defending the *Scots Magazine!*) is that neither judges nor counsel referred in any definite manner to the original text or the selected passages from *Dorando*, the "object of very serious attention;" even Boswell demurely limited his defence to an apology for the ridiculous stenographers' letters—without, of course, revealing who had written them. On July 24th the case was dismissed "with a genteel reprimand, pronounced with great dignity by the Lord President himself." It might not have been so quietly, and certainly not so genteelly, ended, had Dundas suspected that his thunders of offended justice were a very useful instrument to the hands of a man who knew how to use the newspapers and public opinion.

Throughout the period of the case, and for some time after, every paper in Scotland and *England* broke into strenuous argument for the freedom of the press. The uproar was increased, if not led, by James Boswell, who indulged himself (in the *London Chronicle*) in an epistolary drama with a dash of satire in it. Writing under the name "Tribunus" on September 17th, he deliberately goes over all the offensive material in résumé, and poses a number of heavy questions for consideration by the public; in a letter signed "Jacob Giles", dated October 7th, and ostensibly written from

chambers in the Temple, he answers himself with the gay, condescending completeness of a gentleman specialist in the law. One passage in the Giles letter provides the key to his publicity work thus far; and since it is apparently an honest expression of Boswell's truly astonishing beliefs concerning the relationship to be observed between the public and the Bench, it does much to justify his course and explain his attitude toward his profession:

I do, then, Sir, hold it to be a constitutional principle in Great Britain that everything regarding the community shall be open and unreserved, that it may be freely canvassed by the members of the community. As the proceedings of those who *make* our laws in parliament are subject to a revision of the people, in like manner is it with the proceedings of those who *administrate* our laws in courts of justice. This is universally our practice in England, and is no doubt a most invaluable privilege. . . . The advantages of it are greater than I can well describe. When a statute or a case in law is made an universal object, and passes through a multitude of minds, it is amazing what clearness is the result of the whole. Do we not see this exemplified in every important act of parliament? And I will venture to say, that for all the expense and labour that have been bestowed upon the famous *Douglas Cause*, more real light will be thrown upon it before the meeting of parliament from newspapers, magazines, and reviews than from all the memorials and speeches which have been framed in a corner. I say in a corner, because Scotland is certainly so in comparison of this extensive kingdom.

What has become of the glow of Scottish pride, by the way? The answer is simple: the Lords of Session, having decided against the Douglas at about the same time that Dundas reprimanded the newspapers, it is no longer necessary to create Scottish opinion; the case is to go by appeal to the House of Lords, and the busy Boswell must set out to reach the sensibilities of the English public, as the passage clearly hints. The chastisement of the Scottish court, and perhaps a less genteel reprimand delivered by Lord Auchinleck at home, were therefore quite useless as discipline. In the midst of his farcical "disgrace", Boswell was industriously manufacturing missiles of a somewhat more dignified, certainly more authentic, but equally journalistic order, for the English readers. On the very day, in fact, when the Scots publishers were summoned, and the latest of Boswell's absurd reviews came out in the *London Chronicle*, there appeared also in that paper a letter signed "Probus," really an advance notice of Boswell's next large effort—the editing of certain letters written in 1750 by Lady Jane. Characteristically, it begins with a heart-rending summary of Lady Jane's history, presents a specimen letter by the lady, with the remark that nothing

more elegant and moving ever flowed from a pen, and concludes with the assumption that these things prove the justice of her cause. So much for evidence!

For a month or two thereafter Boswell sat quiet, since the case itself was in abeyance; but in the fall of the year, when the appeal to the Lords was grinding on its slow way, he broke into print again. These later letters and news-items lean heavily upon the axioms which the busy author probably felt he had by them established—that the Douglas Cause was a People's Cause, involving the most profound rights of domestic peace; and that the people have a right to bring about a favorable decision in some way or other, if judges prove obtuse. His arguments are based on nothing but character, and for the most part on emotional romantic-journalistic interpretations of character, familiar in any age; he harps upon the unimpeachable sanctity of motherhood, the trustworthiness of the pure heart, the infallibility of Our Leaders—"Could our King have countenanced a woman even suspected of bringing French beggar-brats into the place of the noblest of his subjects?" Good fortune brought an objector to these warm effusions, and Boswell was thereby enabled to enforce his own remarks by doughty attack upon him. A criticism signed "Amicus Probi" came out in the *London Chronicle* for October 3-6, very properly pointing out the errors in Probus-Boswell's interpretations of evidence, and suggesting that the case be left, without "raising prejudices or giving a bias," to the proper authorities. The rebuke was mild, and its expression extremely civil; but Boswell's reply on the 29th is so impassioned as to suggest exorcism rather than a response in controversy. With every other word underlined, he utters dark suspicions as to the identity of "Amicus" (probably a conscienceless wretch in that nest of vipers, the Hamilton party); demands to know which of the Scottish judges "have done most honour to their country and profession" (*sic*); maintains that the case "is more dangerous to our invaluable rights than we were at first aware of;" and begs leave to "conclude with that excellent maxim, SALUS POPULI SUPREMA LEX." The barrage of letters came to an end with a squib composed of two depositions by Douglas character-witnesses, with editorial reflections, which Boswell printed in the *Chronicle* on November 13th. By a consciously disinterested tone and the signature "Scotus" he intended to give the impression that the letter came from an impartial onlooker with public spirit, irritated into a presentation of his thoughts by the rascality of the Hamiltons and that foe to sensibility, Amicus Probi. But he trots out the now familiar assertions in much the

same tone as before, praising his own Probus compositions as "reflections (which) could not fail to make a strong impression upon every feeling mind untainted by prejudice," and ranking the *Chronicle* as "one of the foremost of those newspapers who, like faithful watchmen, take every opportunity of letting the people know their danger, when there is any appearance that the foundations of civil society may be sapped."

As the autumn deepened into winter, excitement concerning the case increased. The Hamiltons had not sat in languishing silence all this time, and there were pamphlets from their partisans to answer; the chief was *Considerations on the Douglas Cause*, with off-shoots of various sorts, which required demolition in answers and reviews which should out-do them. The Boswellian energy surpassed itself on this occasion, in the production of two serious compositions, and reviews to support them and crush the work of the opposite camp. The two works—one of a nature to satisfy such critics as Amicus Probi, and one to continue the legend of the martyred Lady Jane—were still anonymous, but written in a new tone of careful dignity, suitable to the gravest legal and intellectual tastes. One might not recognize the genial press-agent at work, were it not for the advertisements and reviews recommending them, all of which are couched in the familiar sentimental, jocular, or impressive tone, and marked by characteristic slogans concerning freedom and sensibility. The one issued first was Boswell's correct and lawyer-like pamphlet summing up the case under the title, *The Essence of the Douglas Cause*. The second was the long-planned publication of the unhappy Lady Jane's correspondence, accompanied by "an account of Lady Jane Douglas, Sir John Stewart, and their attendant Mrs. Hewit, . . . with a cool and candid enquiry how far such declarations should weigh with the rational part of mankind." How far the enquiry was unbiassed may be judged from the advertisement which appeared in the *Caledonian Mercury* for December 23rd. The partisan agent cleverly picks quotations from the speeches of the Scottish court as slogans for the book, and uses them with the deft oblique method of the unscrupulous publicity man: Lord Hales's passing comment that "the characters of the parties concerned must in such evidence have some weight" is a legal platitude, but it assumes exaggerated importance in such a setting, as a plea for Lady Jane; far worse, the figurative quality of Lord Alemore's remark—"This is a jury cause, where everybody will judge for themselves, and also judge those who judge it"—has a specious air of supporting Boswell-Giles's destructive notions about the right of the public to test the decisions of the courts.

Reviews of both pamphlets, with a review of the Hamiltons' *Considerations* sandwiched between them, appeared in the *Critical Review* of November, 1767, anonymously. They are Boswell the press-agent at his enjoyable worst, full of sentimental relish, unconsciously comic contradictions, and a very partial clamor for impartiality. The first article, on the *Letters*, is not a review at all, but a blurb, quoting a number of the letters (characterized as the "undisguised effusions of a good heart") with framework and phrasing exactly corresponding to the *Probus* items of the early autumn. The Hamiltonian *Considerations*, of course, fare badly; the contrast of the impartial reviewer's manner is inescapably funny, since the "review" is this time nothing more than bald argument against the work in hand, with the severe beginning:

The impartiality of this considerer is extremely questionable. Though nothing can be more distant from our thoughts than to convey the most oblique hint in favour of false allegations, yet candour and humanity ought to tie up the pen, as well as the tongue, of every man from aggravating the case of the defendant in this cause, but now appellent.

The review of the reviewer's own *Essence* is the most flowing and elevated of the three, beginning in the best historical manner (marred somewhat by Boswell's inimitable tendency to make a shady allusion with unctuous glee, and then catch himself into conscious propriety again); but even so, it can scarcely be called a review, for after the first paragraph the critic produces nothing more than a continuation of his publicity campaign. Gravely he argues the whole case over again in terms of human rights, and concludes weightily that

. . . . The author has fully answered the *Considerations* which are the subject of the preceding article; and we recommend his performance to the public as being the best and most satisfactory of any which has appeared on this great and interesting question.

This complacent dictum seems to draw Boswell's efforts to a close, unless we take into account a small obstinate notice tucked away among the announcements of the *London Chronicle* for December 3rd, 1767:

This day was published, Price 1s.
A new Edition, being the Fourth, of
DORANDO, A SPANISH TALE

With Corrections, Alterations, and Additions.
Printed for J. Wilkie . . . Dodsley . . . and Davies and sold
by all the Booksellers in Town and Country!

The whole matter is a somewhat ridiculous rehearsal, but we should err in regarding it as trifling, if only for the reason that Boswell did not do so; some twenty-two years later, he prepared a sketch of his life and activities for the *European Magazine* (1791), and his emphasis upon his assistance to the Douglas shows how seriously he took his performances:

In 1767 the great DOUGLAS CAUSE being an object of universal attention and interest, Mr. Boswell generously volunteered in favour of Mr. Douglas. With a labour of which few are capable, he compressed the substance of the immense volumes of proofs and arguments into an octavo pamphlet....with the title, "The Essence of the Douglas Cause;" and, as it was thus made intelligible without a tedious study, we may ascribe to this pamphlet a great share of the popularity on Mr. Douglas's side, which was of infinite consequence when a division of the House of Lords upon appeal was apprehended; not to mention that its effect was said to be considerable in a certain important quarter. He also took care to keep the newspapers and other publications incessantly warm with various writings, both in prose and verse, all tending to touch the heart and rouse the parental and sympathetic feelings.

Complacent to the point of conceit this passage may be, but there is a basis of truth for it; anyone who consults the history of the case¹ will see that Boswell had appreciated with shrewdness the quality of British thought upon domestic subjects, and whether he influenced or merely represented it by his exertions, had forecast it truly in the speeches of *Dorando*. Both Mansfield (the "important quarter," whom Boswell knew slightly) and Camden, whose opinions settled the question in the House of Lords, uttered close parallels to Boswell's rhetorical flights in their allusions to the sufferings of Lady Jane and the piteous case of the orphan deprived of birth-right; Mansfield in particular spoke with such vehemence of emotion as to become faint in the stifling air of the House. Among the general public, bets had been favouring the Douglas for weeks, and immediately the decision was made known, messengers rode post to carry the news northward. In every town large or small (but all faithfully reported in the newspapers of the time), the Douglas's vindication was celebrated by bell-ringing, assemblies at the town cross, balls, bonfires, and unlimited absorption of what Mr. Swiveller called "the rosy". On the island of Rasay, where "no coals were to be had," the gentlemen set fire to a mountain, which obligingly burned for three days and nights; in Edinburgh, Home's tragedy of *Douglas* was specially presented, and a child

1- See *The Douglas Cause* (ed. A. F. Stewart) in "Notable Scottish Trials."

born as the news passed up the Canongate was christened Douglas—probably one of several.

As to Boswell personally, there is not the slightest doubt that he—son of a learned judge, himself destined to the law from his teens, and finally a practising lawyer in sound standing—sincerely shared these unlegal and very emotional sentiments, partly from romantic fervor, partly from sheer artistic love of what he had helped to create. The episode goes far to explain why he was never eminent in his profession. How could he be, when obviously the law remained to him what it is to most laymen—a frowning authority, somewhat dull at best, inhumanly cold, apt in too-logical error, and always to be evaded, endured, or defied? “*Sic*,” we can hear him managing to enunciate at various parties in celebration which certainly he shared, “*sic*”—and he was probably not thinking of the Hamiltons so much as of the law, in the persons of Dundas and the seven coldly legal Lords of Session—“*sic semper tyrannis!*”