## General John Scott of Balcomie

John Scott of Balcomie was born in 1725 and died in December 1775. He was a colourful character, someone around whom anecdotes accumulated; he was wealthy, and a man of some consequence – and yet it has been difficult to find many hard facts. He surfaces every now and then, and bumps up against some better known figures. He was, for example, the posthumous father-in-law of a Duke and a Prime Minister, the Duke of Portland and George Canning. It was in connection with Canning that I first came across him. I'm always interested in people who are just out of focus – in watching a name from the past as it takes on some touches of character. A picture emerges.

As for literal pictures, a portrait at Welbeck Abbey by Allan Ramsay is said to be of Scott, about the age of 40. The figure in the painting looks younger than that, but it's hard to say. There's a description of him in his mid forties: 'hale and strong, and no disagreeable figure; being of a middle size, robust and fresh-coloured'.[1]

John Scott was the younger son of David Scott of Scotstarvet, MP. As we'll see, the General thought much of his family, so it's worth looking back at his ancestors and connections. The Scotstarvet family was related to the Scotts of Buccleuch, but we'll go back only a couple of centuries to his great-great-great-great-grandfather, Robert Scot of Knightspottie in Perthshire, who became Director of Chancery under James VI in 1579, and died in 1592. (The second T in Scott seems to have been adopted in the family in the eighteenth century.)

This Robert Scot was remembered as a good man, as the following epitaph testifies:

> Good Robert Scot, sen thou art gone to God,
> Chief of our soverane Colledge Justice Clerks, –
> Who, whill thou livd, for honestie wes od
> As wryt beris witness of they worthy werks:
> So faithful, formall, and so frank and frie
> Sall nevir use that office eftir thee.
>
> Alexander Montgomerie (c1550-1598)

In 1577, being the senior Clerk of Session, he was entitled to be made Lord Clerk of Register, but refused the post, telling the King 'that upon no terms he would be a lord'. The post went to Alexander Hay of Easter Kennet, Clerk of the Council and Director of Chancery, who duly resigned the Chancery to Robert Scot. In 1582 Robert Scot resigned the post to his son, another Robert, but the younger man was in ill health and so handed it back to his father. In 1592, not long before he died, the old man resigned again in favour of his grandson, John, who was still a child. The arrangement was that Good Sir Robert's stepson, William Scot, should hold the post until John reached his majority, and then hand it back. [William signed a bond to this effect, which was deposited with Alexander Hay, Lord Easter Kennet, the Lord Clerk Register.[2]

When John came of age in 1606 his step-uncle William did not resign as agreed. The bond had disappeared. Easter Kennet had been a man of ability and integrity, it seems, but his son (another Alexander) was less so. Alexander the younger, one of the clerks of Session, had found the bond among his father's papers and given it to William Scot, who told his servant, Robert Williamson, to burn it. The loss of the bond meant that John Scot was unable to move into his grandfather's place as Director of Chancery without incurring considerable financial loss. 'God the protector of orphans revenged the injury in a strange way,' John Scot wrote. [3] Williamson was suitably punished: he suffered an apoplectic fit and fell into the fire in his sister's house in Edinburgh and 'burnt his own head' before anyone could save him.

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1 *London Magazine*, October 1771.
2 These events are described in *The Staggering State*.
3 *The Staggering State*, pp 123f and 160f.

These two Alexander Hays are said to be descended from Hay of Park, one of the senior branches of the noble house of Erroll[4]. It's worth noting these dealings between General Scott's forebears and the Hays.]

Once young John Scot was installed in his grandfather's place, he made himself useful and rose to prominence in the government. He was Director of Chancery for forty years. He became, unlike good Sir Robert, a Lord of Session, and also a Lord of Exchequer and Counsellor to James VI and Charles I. Latterly his son James was associated with him in the directorship, but died in 1650. The next year John Scot himself lost all his positions; they were tumultuous times following the Civil War in England and the Cromwellian invasion of Scotland. Sir John described the event bitterly, saying he had been danced out of office by Sir William Ker, 'a dextrous dancer.'[5] Scot's long service of the Crown made him suspect to the Cromwellians; and after the Restoration of Charles II his adherence to the Covenant prevented him from being restored to his old place. The Directorship returned to the Scott family eventually, being held by his great-great-grandson (brother of our General Scott) more than a century later, although by then it had become a sinecure, with the duties carried out by a deputy.[6]

It was Sir John Scot who acquired the estate of Scotstarvet, renovated it and turned it into something of a centre of learning and literature. His first wife Anna was the sister of the poet William Drummond of Hawthornden, and a woman of culture and intelligence. She died in 1636, but the friendship between Scot and Drummond continued, and after the poet's death Scot assisted in the publication of collections of his work.

After being danced out of office Sir John concentrated on improving Scotstarvet and on writing a remarkable work called *The Staggering State of the Scots Statesmen* in which he traces the history of the great offices of state and crown in Scotland (including his own) together with a frank and often satirical description of some of the office-holders over the previous hundred years. Sir John may have been prompted in this work by bitterness over his loss of office, but the principal motive seems to have been the pleasure of story-telling. The work existed in various manuscript versions, and was first published in 1754. Most of what I've been saying about his career comes from *The Staggering State*.[7]

Sir John was described by a contemporary as a 'bussie man in foule weather'.[8] He says himself that in the course of his service of the Crown he went twenty-four times to London, which he calculates at 14,400 miles of travelling, and twice to the Low Countries. The trips to the Low Countries were in connection with what was for posterity the most important object of his bussieness, his promotion of the work of Timothy Pont, the map-maker, in the great project of mapping and describing Scotland.

[Pont died soon after 1611, and was succeeded in the work by Robert Gordon of Straloch and his son James Gordon. Scot hoped to complement the maps with written accounts of the different areas of Scotland, and called for contributions from the clergy, but they were not forthcoming. The work made Scotland one of the most comprehensively charted countries in Europe. The maps were published by William Blaeu of Amsterdam. The revised map of Fife, produced by James Gordon, was lost when the ship carrying it across to Blaeu was captured by privateers. 'You did wysely,' Sir John wrote to James's father, 'that caused him to keep a doubill of it, or otherways all had been gone.'[9] ]

Sir John's elder grandson, James, inherited Scotstarvet in 1670, but died without issue and was succeeded by his brother David (1645-1718), who is said to have improved the estate further.

4 *An Historical Account of the Senators of the College of Justice from its Institution in 1532*, 1832, p 175.
5 *The Staggering State* p160f.
6 *The Law Library* volume 12, Report on *Balfour v Scott* 1786.
7 See also T G Snoddy, *Sir John Scot Lord Scotstarvet*, 1968.
8 Sir James Balfour the annalist
9 Quoted in C G Cash, in *Scottish Geographical Magazine* XVII pp403-10, September 1907. See also *DNB* sn Timothy Pont.

David's daughter Marjory married David Murray, fifth Viscount Stormont, and their fourth son, William, went to England at an early age, studied law and became successively, Solicitor General (in 1742), Attorney General and, as Lord Mansfield, Chief Justice. This was the period when many Scotsmen took the road to London, as Dr Johnson famously observed.

Marjory's brother, another David (1689-1766), succeeded to the estate of Scotstarvet in 1718. A few years after his father's death he stood for Parliament for the Anstruther Burghs, but was defeated. Nineteen years later, in 1741, at the age of 52, he was returned as MP for Fifeshire. With the rise to prominence of his nephew William Murray, Scott was reckoned a reliable supporter of the government. In the election of 1747 he was defeated in Fife, but Murray's influence had him returned for Aberdeen Burghs in 1751, a seat he held until his death in 1766. It's not clear what David Scott did in Parliament, nor what he hoped to get out of it; presumably his main function was to support his ambitious and capable nephew. [Murray wrote of Scott to Lord Bute:

> Though a seat in Parliament never has in any shape been the smallest advantage to him, I have it greatly at heart for many reasons that he should continue, and shall think myself much obliged to your Lordship for your interposition in his favour.[10] ]

It was important for Murray, whose family had known Jacobite sympathies, to demonstrate that he had other connections in Scotland who were solidly in favour of King George.

David Scott's wife was Lucy, daughter of Sir Robert Gordon of Gordonstoun, third baronet, and sister of the fourth baronet. The Gordons of Gordonstoun were a branch of the family of the Earls of Sutherland. David and Lucy had two sons and two daughters; the elder son was a third David, and the younger was John, the subject of this talk.

The rapid survey of a century and a half of the Scott family, from good Sir Robert down to the children of David and Lucy, gives an idea of an established and respectable Fife family, minding its estate and serving the state, and having various relations (including connection by marriage) with some of the great men and noble families of Scotland.

To provide a residence in Fife for his younger son, David Scott purchased Balcomie from the Hope family. As the second son, John went into the army at an early age, presumably expecting that his elder brother would inherit and manage the estate, provide an heir, and perhaps serve in Parliament like their father. Before he was twenty he had been promoted to Captain in the 1st Regiment of Foot.

He was leading a detachment of red-coats from Fort Augustus to Fort William when he met a party of highlanders at Highbridge over the River Spean.

Though greatly superior in numbers to the Highlanders, Scott's men seem to have panicked and were forced to surrender. Scott was wounded in the skirmish, honourably treated by his captors, and released on parole. This was the first engagement of the forty-five, and presumably the terms of his parole meant that he took no further part in the conflict.[11] After the rebellion, his regiment was stationed in Ireland.

By 1756 he was a Lt Colonel in the 3rd Foot Guards[12] , and had also joined his father in Parliament.

The power of patronage, though rampant in those days, was limited, and William Murray could not be expected to expend his valuable influence in support to both father and son, and so John made use of the Sutherland connection, both through his uncle Sir Robert Gordon, and his neighbour James Wemyss. The Wemyss family were closely allied through marriage with the Sutherlands: James Wemyss's aunt Elizabeth was the wife of the seventeenth Earl, and he married his cousin, their daughter, another Elizabeth. Through this connection Scott was returned as member for Caithness in 1754.

Both battalions of the Third Foot Guards saw action on the Continent in the course of the Seven Years War (1756-1763, a war with some claims to be described as a world war, with action in

10 15 March 1761, Bute mss. Quoted in *History of Parliament, 1754-1790*, sn David Scott of Scotstarvet.

11 I owe this information to Brenda Webster, who cites vol. 1 of *The Life and Adventures of Prince Charles Edward Stuart*, by W. Drummond Norie, 4 vols.

12 Army List 1759 gives the date of his commission as Lt Colonel as 31 December 1755.

Europe, North America, West Africa and India), but Scott managed to spend at least part of his time in Britain – in London attending to Parliamentary duties, and in Scotland, trying to ensure that he remained in Parliament after the next election. Under the arrangements brought in at the Act of Union, the county of Caithness was paired with Bute, and they took it in turns to be represented, which meant that for the election in 1761 Scott would have to find another seat. As early as 1757 he began the long work of building support in the Northern Burghs, Tain, Kirkwall, Dingwall, Dornoch and Wick.[13]

The councillors in each burgh sent a delegate to an election meeting where the MP for the seat was to be chosen. Two of the five burghs that made up the seat were controlled by Scott's backers, the Sutherland family, and so he needed to secure the support of one more. He had the advantage of being supported, at least provisionally, by the Duke of Newcastle, with government favour guaranteed by his cousin Murray, now Lord Mansfield, but such long-distance backing was less significant than the cross-currents of local Burgh politics.

The Dingwall council was said to be open to the highest bidder. The contest between Scott and his main rival, Sir John Gordon was intense. This John Gordon was not the same branch of the Gordons that Scott's mother came from, and not part of the Sutherland connection. Like Scott, he sat for a paired county and was on the look-out for another seat. Inevitably, corrupt practices tend to go on in secret, so the details seldom come down to us, but in the case of the struggle for control of Dingwall council more is known, both from the court cases that followed, and from Sir John Gordon's surviving diary.

Scott adopted various ploys to gain and keep support among the council. The influential Baillie MacKenzie, for example, had hopes of retaining his position as factor on the neighbouring estate of Tulloch whose owners were forced to sell up; Scott undertook to buy the estate and employ him. Other councillors were given straightforward bribes. He offered money not only to individuals, but to the town as a whole, for improvements, or for support of the poor. And when other things failed, there was always intimidation; at one crucial vote a cousin of Scott's happened to be in the vicinity with a party of army recruits, reminding the locals that at elections a generation earlier organized violence and imprisonment had been commonplace. One way or another Scott gained control of the council, giving him the third vote he needed for the parliamentary poll.

But there was still a year or so before the parliamentary election, giving Gordon time to go to law. The Court of Session voided the election of Scott and his supporters to the Burgh Council on the grounds of their corrupt practices. It was only a partial victory for Gordon, because the court neither disenfranchised Scott's supporters nor declared Gordon's supporters elected. Therefore, when the Council was restored by a poll of the burgesses, Scott managed (by means of further bribery) to bounce back. When the parliamentary election came on he had control of Dingwall and therefore enough delegates at the poll to secure the seat.[14] Gordon, whose own attempts at bribery had been less effective, gained the support of the local clergy by denouncing corrupt practices. He was still pursuing Scott in the courts five years later.

Mansfield engaged the Duke of Newcastle's favour for Scott during the period between the disputed council elections and the parliamentary poll, and later wrote apologetically to the Duke:

> Give me leave to thank your Grace for your assistance to Colonel Scott. Let me say a word for him independent of me. I exceedingly condemn any improper expression, I dare say he is sorry for it, but he is rough and never sacrificed to the Graces.[15]

Scott's trademark was that of the bluff soldier and plain-spoken Scotsman. He understood that being a candidate at an election was, as his lawyer said at the trial, a matter of endeavouring 'by all Means to conciliate the Regard and Affection of his Electors', and that the way to do this was to give them money. His lawyer had put it delicately, but in practice it was a pretty crude business. [Baillie Mackenzie wavered in his support of Scott when Gordon offered him £500, but before going over he offered his services again to Scott at the same price. Scott's agent tried to persuade a couple of

13 The following account of the election is taken from W Ferguson, 'Dingwall Burgh Politics and the Parliamentary Franchise in the Eighteenth Century', *The Scottish Historical Review*, October 1959, pp89-108. I am not entirely clear about the sequence of events.

14 See Ferguson, p 105. I'm not entirely clear about the process of poll-warrant referred to there.

15 Mansfield to Newcastle, 30 August 1760, quoted in *The History of Parliament, 1754-1790*, sn John Scott.

reluctant councillors to accept a bribe of £100, telling them 'That many honest and good Men had done the like, and why should they be singular?' Even when a man had been well bribed, things were not certain. At the last minute two of the councillors baulked at swearing the oaths against bribery, and then the only thing Scott could do was to have them ejected forcibly from the council-house and kept prisoner till the proceedings were over.]

One of the complaints made against Scott at the trial was that he sometimes used women, the wives and daughters of the councillors, to carry his offers of money. He didn't deny it, indeed seemed rather pleased to think of his influence over women. He admitted to being partial to them, and asked what was wrong with that. This was typical of his insultingly casual attitude to his accusers. His formal answer to Gordon's charges began:

> It is the Privilege of losing Gamesters, to complain and be peevish. Political Disappointments are hard to be digested; Such is the Nature of this Complaint now to be answered, the last Speech and Dying Words of a departing political Ghost.[16]

What with the bribes and the costs of the court cases, it has been calculated that Scott paid between £3,000 and £4,000 for his seat. He did not keep his promise to buy the Tulloch estate.

He showed his gratitude to the Earl of Sutherland by supporting James Wemyss in Fifeshire.[17] In the *Memorials of the Family of Wemyss*[18] there are two letters on the subject from Scott, one to Wemyss himself and the other to the Earl of Sutherland. They are both written in an informal, bantering, irreverent style. 'I was in hopes of seeing your maigre phiz in town this winter, and was sorry to hear you had determin'd to bury yourself and Pussy in the Highlands all winter,' he wrote to the Earl.

He undertook to support Wemyss even if the 'great men' in Parliament oppose him: 'if they do,' he wrote, 'it will certainly have no influence on me, for I am a bougre determiné.' [To Wemyss he wrote:

> ... I shall be ready to give personal attendance if you find it necessary to call upon me, and wherever I can be of service to you, either by word or writ, you may freely command me. I owe this to your brother the Earl if I had never seen your black face. As I have rather a liking for yourself, and no dislike to Pussy, I pay this debt with the greater pleasure. I don't deal in long epistles, but think I have said the needful. ... ]

He told the Earl that Wemyss's success was assured, although, 'they say he misbehaves by steeking out the lairds.' It's not clear to me what kind of misbehaviour is implied here.

These friendly letters were written in 1762, but before long the friendship cooled. In 1765 the Earl was warning Wemyss that Scott was good at looking after his own interests, and in 1766 an open breach occurred. [Realising that his hold on the Northern Burghs was precarious, and Sutherland's support not certain, Scott turned his attention to Fife, first to the Anstruther Burghs (Anstruther Easter and Wester, Kilrenny, Crail and Pittenweem) and then to the county seat. In 1765 he proposed a deal of some sort to Lord Sutherland and James Wemyss, but they were reluctant to come in on it. 'Jack is a very good man,' the Earl wrote to Wemyss, 'but has much the heels of us both, so take care. ... I shou'd like to be well with Colonel Scott, as I think him a sensible man, but am resolved to do nothing to hurt myself, as I am fully convinced, if he was in my situation, he wou'd be as faultless in that matter as anybody.'[19]

There was an election in Anstruther Burghs in January 1766, one of the candidates being an ally of Scott, Sir John Anstruther. Scott supported Anstruther by bribery in Anstruther Easter. In the event Sir John was elected, but both sides launched lawsuits. Anstruther held onto the seat and the family interest in the Burghs was not contested for twenty years or more.[20]

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16 Session Papers, vol 57:5 , 'Answers for Col Scott, 7 December 1758', p1, quoted by Ferguson, p 104.

17 This was following the death of the sitting member, General St Clair, who had been Scott's Colonel in his first regiment, the First Regiment of Foot

18 volume 3 pp 211-213.

19 *Memorials of the Family of Wemyss* volume 3 page 215.

20 See *History of Parliament, 1754-1790* sv 'Anstruther Easter Burghs'. The Anstruther family dominance was contested after 1784 when Henry Dundas acquired John Scott's interest in the Burghs – he was guardian of Scott's daughters, his great-nieces.

Subsequent events confirmed the breach between Scott and the Sutherlands.]

The eighteenth Earl died in 1766[21] leaving only one child, an infant daughter, Elizabeth. Scott's uncle, Sir Robert Gordon, was descended from the twelfth earl and was one of the male claimants to the earldom and estate.[22] His claim was disputed by the guardians of the baby Elizabeth, who included James Wemyss and his wife, the child's aunt and uncle. A long legal battle followed, in which it was eventually decided that the Earldom could descend in the female line, and therefore, since Elizabeth was the direct descendant, her claim was allowed. She became Countess of Sutherland.

Scott supported his uncle's claim, which the Sutherlands regarded as ingratitude. He then indicated his intention of standing against his former friend James Wemyss in Fife. Captain James Sutherland wrote to Wemyss from Dunrobin Castle (where he was searching for documents to support the claim of Wemyss's niece), encouraging him to 'dispute every inch of ground with that gratefull gentleman [a sarcastic reference to Scott]'. He went on to predict that Wemyss would 'drive Colonel Scott out of the field ...'.[23]

Wemyss backed down, however, becoming the member for Sutherland instead. A friend wrote commiserating on being driven out by Scott, adding that 'few honest men can guard against a chevalier d'industrie'.[24] *Chevalier d'industrie* means a trickster or double-dealer.

Scott held the County seat until his death, but by way of insurance, he kept alive his interest in the Northern Burghs, donating £100 in 1772 towards the erection of a clock in Dingwall.

Details of Scott's military life are scarcer than his colourful political career. In 1769, after his election victory in Fife, he went to visit his regiment in America. His interest there was as much political as military. American affairs occupied Parliament a great deal, and Scott was doubtless glad to discuss the issues with the colonists.[25] On his return he was promoted in 1770 to the rank of major General.

The words with which Scott answered the charges over the Northern Burghs, accusing his opponent of behaving like all losing gamesters, bring us to the one thing about John Scott which occurs in all accounts, even if they say nothing more about him: he was an exceptionally successful gambler. It is sometimes said that his entire fortune, which was put at half a million pounds,[26] was due to cards, but this is implausible. I've come across no suggestion that he cheated, but he won, if not always, certainly more than chance would dictate. Young men were warned against him. His games, whist and billiards, were those where skill as well as chance plays a part,[27] and he approached the business more seriously than his opponents. He didn't go drunk to the gaming table. 'He had an evenness of temper that nothing could warp,' wrote *The Gentleman's Magazine* after his death, 'and a judgement in play superior to most.'[28] This was said in the context of a famous anecdote. Once Scott was, unusually for him, £8,000 down on the night, when news was brought of the birth of a daughter, upon hearing which he said he needed to make a fortune for the girl, doubled his stakes, played on until 7 o'clock in the morning, and went away with £15,000 winnings.

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21 The Countess died on 1 June 1766, after nursing her husband through a severe fever; he died fifteen days later. It was six months after the death of their elder daughter.

22 *History of Parliament 1715-1754* sn Sir Robert Gordon Bart.

23 *Memorials of the Family of Wemyss* volume 3 p 229.

24 David Reid to James Wemyss, 28 April 1766, *Memorials of the Family of Wemyss*, volume 3 p 224.

25 He may also have had family interests, since a younger son of Sir John Scot, George Scot, had led a group of Covenanters to New Jersey; George died on the voyage, but his daughter Euphaim married another of the party, John Johnstone, who became prominent in the politics of New Jersey and New York City, being Mayor of New York from 1714-19. (*DNB* sn George Scot; Wikipedia sn John Johnstone)

26 He was sometimes described as the richest commoner in Scotland, and apparently 'as rich as Scott' was a common saying. Both these points were part of the Scott legend, but where they originated I'm not sure.

27 He also played billiards. According to Conolly (*Fifiana* p113) he added 'a large house at the north end [of Balcomie House], for a billiard room'.

28 vol 46 p75 (1776).

He may well have won a great deal at cards, but he also consolidated and increased his fortune by prudent investment in the East India Company and in land. And he didn't go into Parliament just for the fun of it. He may have been partly motivated by a sense of family honour, but as a gambler he was probably looking for a return on the money he paid to get his seat. He used his position to get favours from great men – he was made Colonel of the 26th Foot a few years after his victory in the Northern Burghs. And as an investor in the East India Company, he was interested in influencing the control exercised by the government over the company's activities.

Another often repeated story is that he was playing against Sir Lawrence Dundas of Edinburgh, and Sir Lawrence insanely wagered his house in St Andrews Square, and lost. It was not just any house, but one of the jewels of the New Town – now the Royal Bank building.

Unwilling to lose it, Dundas paid for a substantial new house for Scott, Bellevue House, in the area of what is now Drummond Place Gardens. This story may be true, but there may be something more behind it. Lawrence Dundas was a very rich man, and had made his money in some questionable ways. The foundations of his fortune were laid in his years as a contractor supplying the army after the Forty-five and in the Seven Years War, but his interests spread into land (he became one of the greatest land-owners in the country), Parliament, canals, and the development of the New Town. In many of these activities the help of a senior army officer and member of Parliament must have been useful. All one can say is that if Bellevue House was a payment from Dundas for favours done by Scott, then the gambling story provided an excellent cover. (The author of *The Staggering State* would have been sceptical, I'm sure.)

Everything we know about Scott suggests a clever, tricksy sort of man, but bluff and down-to-earth as well. These two attributes are combined in the nickname by which he was known, and with which he signed letters to his friends: Pawkey. According to a tradition in Crail, at the period when Pawkey Scott lived at Balcomie Castle, all the people of Crail went by a bye-name or nick-name. There was a carter and labourer (and Burgh Councillor) at the time called James Mitchel, and his nickname, Slidam, had roughly the same connotations as Pawkey.[29]

Slidam Mitchel was a quick-witted, upright, disrespectful man, a man of shrewd and independent mind, about whom anecdotes accumulated.[30] One describes how he was leading a troublesome calf along the road when a local dignitary (who knows, perhaps Scott) rode past, and asked jokingly why he had not greeted him properly. 'Come down and hold the calf,' came the reply, 'and I'll try what can be done.' Another story is that a local magistrate complained that Slidam did not have his name on his cart, as was required by law. 'Does everyone else have their name on their cart?' asked Slidam. 'In that case you will know which is mine.' He was also something of a versifier. Once a sailor returned from a long voyage to find his mother had died; he wanted to set up a gravestone and was distressed that nobody could tell him where she was buried.

Slidam had a solution: put the stone somewhere in the churchyard and inscribe the following epitaph:

> Somewhere hereabouts lies Betsy Anderson
> Who dead and rotten was before she got this stone;
> But of the place she lies no living man can tell,
> Until that day when she shall rise again hersell.

General Scott once boasted to a friend, Lord Boyd, of his neighbour's knack of ex tempore versification: Whatever you say to him, he'll turn it into rhyme, he said. Lord Boyd tried to make things hard for Slidam. 'Boe!' he said when they met on the Crail road. 'Can you make metre of that, old boy?' Slidam replied:

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29 He signed himself *Pawkey* in his letter to James Wemyss quoted earlier, where he also refers to Pawkey in the third person: 'you may depend upon me and old Pawkey giving you all the assistance in our power.' This way of putting it might suggest that Scott regarded *Pawkey* as a character he could assume to make himself popular among his neighbours.

30 See his entry in M F Conolly, *Biographical Dictionary of the Eminent Men of Fife*, 1866.

General Scott and Lord Boyd,
Of grace and manners they are void;
Just like a bull among the kye –
Cry 'Boe!' to folk as they gang by.

This ill-mannered and graceless Lord Boyd was the son of the Earl of Kilmarnock (who was beheaded after the Forty-five, and whose earldom was attainted). In 1758 he inherited the earldom of Erroll from his great-aunt, becoming the fifteenth earl and changing his surname to Hay.[31] He had one daughter, Lady Mary, by his first wife Rebecca Lockhart, and a large family by his second, Isabella Carr. In 1770, when Lady Mary Hay was sixteen, she married John Scott.

It's not clear why, at the age of 45, after a life of easy-going womanising, Scott decided to marry. Did it suddenly occur to him that if he wanted an heir he needed to get on with it? He may have realised that his older brother had no intention of marrying, so that it was up to him to provide an heir not just for himself, but to carry on the family name, which, as we shall see, was important to him. As to why he chose such a young wife, it's hard to say. An unscrupulous man with a taste, as he admitted, for the ladies, he may have acquired a low opinion of women's virtue, and hoped a young woman would be more manageable. He may simply have been captivated by the Lady Mary.

More to the point, why did she consent to marry a man a year older than her own father? We heard in the trial that Scott had a way with women, but the tricks that worked with the townswomen of Dingwall in 1760 may not have been so alluring to a sixteen-year-old noblewoman in 1770. Her most pressing motive may simply have been to get away from home. Life can't have been jolly at Slains Castle, where her step-mother was providing her with a growing nursery of step-brothers and step-sisters (there were already eight by the time she got away in 1770, with four more to come). The Countess Isabella was not an easy step-mother. One story of life at Slains a few years later (after the death of the fifteenth Earl) describes how, when the new countess was staying there the unmarried daughters would gather for a few minutes of tea and relaxation in her room after the Dowager had retired to bed. One night the Dowager came into the room and found them at their innocent recreation, stared angrily round without a word, and left them all shaking in their slippers.[32]

For whatever reason, whether captivated by old Pawkey, or simply determined to get away from the Countess Isabella, Mary Hay was married in November 1770.[33] A son was born, but died almost at once. Then, over the summer of 1771, Captain James Sutherland (in General Scott's regiment, 26th Foot) was staying at Balcomie. This was James Sutherland of Duffus[34], aged 24, not the same Captain Sutherland who had written scathingly of Scott during the Peerage case.

When the General was warned that the young people were becoming too friendly he arranged to send Sutherland to America to report on the regiment. This threat of separation precipitated a crisis and one autumn night Mary and James eloped.[35] Their carriage overturned as they raced to the ferry at Kinghorn, but they hurried on, muddy but unhurt. On learning of their disappearance, Scott set out at once in pursuit, accompanied by his lawyer, and caught up with them at the Red Lion Inn at Barnet, just north of London, where the fugitives had unwisely decided to stay the night. They would have done better to make their way to London, where they could have melted away more easily.

The General knocked at the bedroom door; Sutherland leapt out of the window in his nightshirt.

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31 His encounter with Slidam, if the story is true, suggests that even after becoming Earl of Erroll he was still known as Lord Boyd.

32 Gabrielle Festing, *John Hookham Frere and His Friends*, 1899, p 109. The source of this account is not given. It is described as family tradition. Jemima, the sister-in-law in the story, became, after the suicide of her husband the sixteenth earl, the intimate friend and later the wife of John Frere, and the book is based on family letters and reminiscences.

33 There is a suggestion that Scott won her off her father at the gaming-table – not impossible, of course, but equally it is precisely the sort of story that grew up around Scott.

34 The Lordship of Duffus had been forfeited by James's grandfather following 1715, and was not restored until a year before James himself died in 1827.

35 Details of the elopement are described in lurid detail in *The London Magazine, or Gentleman's Monthly Intelligencer*, October 1771; the account given in the divorce proceedings is more clinical, but hardly less sensational. See Leah Leneman, *Alienated Affections*, 1998, pp 128-131.

The door was broken down and Lady Mary was found in bed, crying out for her husband not to shoot her or her lover. 'Will you forgive me?' she asked. Scott answered that 'That was all over, but she needed be under no apprehension for her life.' He sent her back to her family and immediately began divorce proceedings. Nothing is known of her subsequent life. Sutherland crept back to the Red Lion when the excitement had died down, claiming to have spent the night in a haystack. He left the army and lived to be almost eighty, acquiring a reputation as a philanderer on a large scale.[36]

The *London Magazine* published a sensational account of the divorce,[37] inventing flirtatious conversations between the young couple, and adding several features of the story that are not contained in the divorce reports, in particular the birth and death of the baby son. The magazine suggests that Sutherland was on the scene right from the start of the marriage, entertaining Lady Mary while the General was playing cards, and hints that he was the baby's father. The gentlemanly reader is encouraged to feel that it is just the sort of thing a man of the world would expect to happen when an old sinner takes a young wife,[38] but the conclusion of a modern writer is safer: 'We get no insight into the relationship between husband and wife, or between wife and lover, in this case, but for dramatic action it can hardly be surpassed.'

There is something not quite right about the elopement story. It seems surprising that Scott trusted young Sutherland so implicitly. Was he blind to the possibility that the young man might be tempted by Lady Mary's youth and beauty, and the Lady Mary might be tempted by his youth and good looks? Perhaps he was; he was not a man who cared what others thought about him – perhaps he had no clear sense of other people's desires and feelings. But this is not how I read his character. I see him as shrewd and realistic, on the whole pessimistic in his appraisal of other people. Such a man *could* be besotted to the extent of being taken in by a young wife, as the *London Magazine* represents him.

But it is at least possible that he knew from an early stage what was going on and did nothing to prevent it, encouraged it even. Suppose he had quickly realised the marriage was a mistake. Perhaps the doctor warned him after the death of the baby that Lady Mary was unlikely to produce another child. Or perhaps he had concluded he couldn't trust her. He could simply ignore her, and go back to his bachelor ways, but that wouldn't do if he was looking for a legitimate heir. As a gambler he would conclude that he needed to cut his losses. Get rid of Lady Mary and find another wife. It was not possible for him to divorce her by simple declaration, but he could so manage things that she would commit an indiscretion and put herself in his power – as she did.

There is also a mystery about the dead son. He doesn't seem to be mentioned in the divorce proceedings, and I'd found no reference of him until I caught a passing mention in a recently published history of Crail, saying he was interred in the choir of Crail Church. This information comes from a mid-nineteenth century source, M F Conolly's *Fifiana*.[39] The floor of Crail church has been entirely boarded over, so we can't see whether there is a memorial slab of any sort. There would of course be a note of the interment in the sexton's Register of the Dead, but the two pages in the register referring to the second half of 1771 are missing. This is probably just bad luck, accidental damage to the book preventing us from learning anything about the dead child, but it's hard not to suspect something underhand. If the sexton recorded the boy as the son of Scott of Balcomie, and the General subsequently came to believe that he was in fact Captain Sutherland's bastard, he might have wanted to obliterate all reference to him. Given this motive, Scott would, I think, have been quite capable of tearing out the page – but it's no more than speculation.

The General's second choice, whom he married in June 1773, was more satisfactory. Margaret

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36 He does not appear in the Army List for 1772. His will provides for a clutch of illegitimate children, not to mention others he is rumoured to have left without provision.

37 It inaugurates what the magazine says will be a regular series of 'Histories of Gallantry'. These histories will contribute to making the *London Magazine* 'the completest repository of the learning and genius of the age. … The utmost care … shall be taken to prevent the admission of any thing, that is not authentick, or that will shock the ears of the delicate.'

38 The magazine gives a colourful account of Scott's bachelor life, representing him as a lecher and predator on the lines of Frederick Calvert, last Baron Baltimore and Proprietor of Maryland, who was tried in 1768 for the rape and abduction of a milliner, Sarah Woodcock. Although he was acquitted he was widely regarded as guilty, and left the country after the trial.

39 Trevor Smith, *History of Crail*, 2012. M F Conolly, *Fifiana*, 1869, p113.

Dundas was thirty years old, and came from a distinguished family of Edinburgh lawyers and politicians.[40] She quickly produced two daughters, Henrietta and Lucy, and was pregnant with a third (Joan) when the General died of a burst blood vessel while out hunting in December 1775. He was buried in Kilrenny churchyard.

We now come to another of the facts about General Scott that lived on in Fife and Edinburgh tradition, his curious will. In most respects it is conventional enough, leaving his entire estate, after provision for his wife and other children, to his eldest son, or, if there is no son, to his eldest daughter. He added the not unusual requirement that if the estate went to a daughter she and her husband were to retain the surname Scott, but then added that she would forfeit the entire inheritance if she married a peer or the eldest son of a peer; in which case the estate would go to the next daughter, with the same condition. Both Henrietta and Lucy broke this condition, Henrietta marrying the Marquess of Titchfield, heir of the Duke of Portland, and Lucy marrying Francis Stuart, heir of the Earl of Moray. Lord Titchfield, whose father had run down the Portland fortune by a lifetime in politics, was a careful man. He obtained legal opinions from two Edinburgh lawyers (including Hay Campbell, who had accompanied General Scott on his pursuit of Lady Mary) on whether this condition of the will could be enforced. Both concluded that a court was unlikely to uphold the condition, but warned that it would remain uncertain unless tested. Titchfield took the risk and married Henrietta. Lucy died in 1798. When plain George Canning married Joan, the third sister, Titchfield's lawyers made him sign a waiver of any claim she might have to Henrietta's inheritance.

Why did Scott impose these 'burthens, conditions, provisions and irritancies', which one of Titchfield's lawyers described as 'singular and rather whimsical'?[41] The will says it was for 'certain good causes and motives'. The settlement was made in August 1775, after the birth in rapid succession of two daughters, and when he may have suspected that his wife was pregnant for a third time (Joan was born in March 1776). He probably hoped for a male heir, but must have brooded on the possibility that he would have only daughters. This explains why the situation was on his mind, but not why he was so firmly against his daughters marrying into the peerage.

As a bluff pawkey Scotsman he may have had a low opinion of the aristocracy, and it can't have been enhanced either by his experience of winning money off them at Almack's or by his unfortunate first marriage to the daughter of an earl. He may also have recalled the saying of his ancestor, good Sir Robert, who 'on no account would be a lord'.[42] More specifically, he was concerned about the perpetuation of the name of Scott. He stipulated that it should be adopted as a surname, but in the case of a peer the family surname is invariably overshadowed by the title: the Marquess and Marchioness could change their surname to Cavendish-Scott-Bentinck, but they were known by their honorific title of Titchfield. Acknowledging that this was the General's legitimate concern, when Titchfield succeeded to the dukedom he adopted the very unusual practice of signing himself *Scott Portland*, and was followed in this by his son. This suggests that Henrietta and her family felt they could honour the spirit of her father's will, without sacrificing any of the estate.

As an odd commentary on this family obsession with the name, Henrietta caused a fine mausoleum to be erected for her father in Kilrenny churchyard, but puzzled nineteenth century Fifers by failing to put his name on it.

It was left to her great-grandson, Lord Howard de Walden, one of the editors of the Complete Peerage, to put up a handsome plaque commemorating Scott and his wife Margaret.[43]

Down-to-earth, shrewd, humorous – the picture that we find is not without its endearing touches, but General Scott also emerges as a selfish and unscrupulous man. Any assessment is bound to be

40 She may have been a bit younger; the Peerage gives her date of birth between 1747 and 1750. The Margaret whose birth was recorded in 1743, may have died. Her father was Robert Dundas of Arniston (the younger), Lord President of the Court of Session. Her uncle (who was only a year older) was Henry Dundas, who would become William Pitt's main lieutenant in Westminster, and 'manager' of Scotland.

41 Opinion of Matthew Ross, 30 January 1786, Portland London Collection, F6/1, University of Nottingham.

42 Strictly speaking this was not relevant, since Sir Robert was objecting to being a Lord of Session, a judge, not a peer of the realm.

43 Lord Howard de Walden added *Scott* to his surname, becoming Thomas Scott-Ellis.

provisional, of course, because we have too little information about his motives. We don't know of any acts of kindness, but there may have been many, done in private.[44] If we find him, on the whole, unsympathetic, we might pause to compare him with some of the other characters who played a part in his story.

Take his uncle Sir Robert Gordon of Gordonstoun, premier baronet of Scotland, for example. A misanthrope, highly litigious, and constantly in conflict with his neighbours, Robert Gordon was a tyrant among his tenants, using his power shamelessly to protect his interests and settle scores. There were stories of those who fell foul of him being shut up in the damp, sometimes lethal, dungeons of Gordonstoun.[45] Perhaps the most touching is that of 'a poor old woman, Margaret Collie, spouse of Alexander Grant in Muir of Drainie, ... cast into Sir Robert's noxious dungeon solely for taking the head of a ling out of the midden or dunghill, believing that it was "good for curing the gout".' The local minister once recorded that Sir Robert, having been struck down by a sickness raging in the neighbourhood, was 'so far recovered as to be able to thrash John Gow's wife, for travelling on his forbidden ground.'

If Sir Robert represented villainy of the old school, for the shape of things to come we might look at his opponent in the great law-suit, the Countess of Sutherland. She grew up beautiful, witty, strong-minded – and very rich. She married George Granville Leveson-Gower, Viscount Trentham and heir to the Marquess of Stafford. Combining their two vast fortunes they were one of the wealthiest families in the country, and they used much of their wealth to improve the Sutherland estates – improvement meaning the introduction of scientific farming methods and the clearing of surplus population. There are arguments to be made in favour of the Clearances – that the old ways were unsustainable, that many of the cleared population found better lives overseas, that Lady Sutherland assisted the emigrants, that some of the stories of violence and callousness on the part of her agents were exaggerated – but still there is, to say the least, something repugnant in a rich woman making herself richer at the cost of much suffering to many poor people.

They were unequal times. One of the inequalities is that General Scott was in a position to leave some mark, however incomplete, on the historical record, while most of those around him have faded until they are no more than a name on a gravestone or in a sexton's book. Death is not altogether a leveller; there is inequality even in the register of the departed. The General is written up with his rank and position; on the same day there's the funeral of 'Katharine Cook, an old woman'; and a few days later Janet Millar, with nothing at all beside her name.

44 He is known to have employed Captain Sutherland's manservant after the disaster of the elopement, which may have been an act of kindness, or may have been a reward for his collaboration in securing the divorce.

45 This portrait of Gordon is taken from C F Gordon-Cumming, *Memories,* 1904, pp95-98. I have quoted two of the more plausible of her tales, leaving aside her claim that a skeleton with long, fair, silken tresses was found in the deepest of the dungeons. On Gordon's quarrels with his neighbours, she tells how he and the owner of an adjacent estate would each order some waste ground to be ploughed up whenever the wind was in the right direction to blow the sand onto the other man's fields.