

#### CHAPTER IV--LORD ADVOCATE PRESTONGRANGE

My kinsman kept me to a meal, "for the honour of the roof," he said; and I believe I made the better speed on my return. I had no thought but to be done with the next stage, and have myself fully committed; to a person circumstanced as I was, the appearance of closing a door on hesitation and temptation was itself extremely tempting; and I was the more disappointed, when I came to Prestongrange's house, to be informed he was abroad. I believe it was true at the moment, and for some hours after; and then I have no doubt the Advocate came home again, and enjoyed himself in a neighbouring chamber among friends, while perhaps the very fact of my arrival was forgotten. I would have gone away a dozen times,

only for this strong drawing to have done with my declaration out of hand and be able to lay me down to sleep with a free conscience.

At first I read, for the little cabinet where I was left contained a variety of books. But I fear I read with little profit; and the weather falling cloudy, the dusk coming up earlier than usual, and my cabinet being lighted with but a loophole of a window, I was at last obliged to desist from this diversion (such as it was), and pass the rest of my time of waiting in a very burthensome vacuity.

The sound of people talking in a near chamber, the pleasant note of a harpsichord, and once the voice of a lady singing, bore me a kind of company.

I do not know the hour, but the darkness was long come, when the door of the cabinet opened, and I was aware, by the light behind

him, of a tall figure of a man upon the threshold. I rose at once.

"Is anybody there?" he asked. "Who in that?"

"I am bearer of a letter from the laird of Pilrig to the Lord

Advocate," said I.

"Have you been here long?" he asked.

"I would not like to hazard an estimate of how many hours," said I.

"It is the first I hear of it," he replied, with a chuckle. "The

lads must have forgotten you. But you are in the bit at last, for

I am Prestongrange."

So saying, he passed before me into the next room, whither (upon his sign) I followed him, and where he lit a candle and took his place before a business-table. It was a long room, of a good proportion, wholly lined with books. That small spark of light in a corner struck out the man's handsome person and strong face. He was flushed, his eye watered and sparkled, and before he sat down I observed him to sway back and forth. No doubt, he had been supping liberally; but his mind and tongue were under full control.

"Well, sir, sit ye down," said he, "and let us see Pilrig's letter."

He glanced it through in the beginning carelessly, looking up and

bowing when he came to my name; but at the last words I thought I observed his attention to redouble, and I made sure he read them twice. All this while you are to suppose my heart was beating, for I had now crossed my Rubicon and was come fairly on the field of battle.

"I am pleased to make your acquaintance, Mr. Balfour," he said, when he had done. "Let me offer you a glass of claret."

"Under your favour, my lord, I think it would scarce be fair on me," said I. "I have come here, as the letter will have mentioned, on a business of some gravity to myself; and, as I am little used with wine, I might be the sooner affected."

"You shall be the judge," said he. "But if you will permit, I

believe I will even have the bottle in myself."

He touched a bell, and a footman came, as at a signal, bringing

wine and glasses.

"You are sure you will not join me?" asked the Advocate. "Well,

here is to our better acquaintance! In what way can I serve you?"

"I should, perhaps, begin by telling you, my lord, that I am here

at your own pressing invitation," said I.

"You have the advantage of me somewhere," said he, "for I profess I

think I never heard of you before this evening."

"Right, my lord; the name is, indeed, new to you," said I. "And yet you have been for some time extremely wishful to make my acquaintance, and have declared the same in public."

"I wish you would afford me a clue," says he. "I am no Daniel."

"It will perhaps serve for such," said I, "that if I was in a jesting humour--which is far from the case--I believe I might lay a claim on your lordship for two hundred pounds."

"In what sense?" he inquired.

"In the sense of rewards offered for my person," said I.

He thrust away his glass once and for all, and sat straight up in the chair where he had been previously lolling. "What am I to understand?" said he.

"A TALL STRONG LAD OF ABOUT EIGHTEEN," I quoted, "SPEAKS LIKE a LOWLANDER AND HAS NO BEARD."

"I recognise those words," said he, "which, if you have come here with any ill-judged intention of amusing yourself, are like to prove extremely prejudicial to your safety."

"My purpose in this," I replied, "is just entirely as serious as life and death, and you have understood me perfectly. I am the boy



who was speaking with Glenure when he was shot."

"I can only suppose (seeing you here) that you claim to be innocent," said he.

"The inference is clear," I said. "I am a very loyal subject to King George, but if I had anything to reproach myself with, I would have had more discretion than to walk into your den."

"I am glad of that," said he. "This horrid crime, Mr. Balfour, is of a dye which cannot permit any clemency. Blood has been barbarously shed. It has been shed in direct opposition to his Majesty and our whole frame of laws, by those who are their known and public oppugnants. I take a very high sense of this. I will

not deny that I consider the crime as directly personal to his

Majesty."

"And unfortunately, my lord," I added, a little drily, "directly

personal to another great personage who may be nameless."

"If you mean anything by those words, I must tell you I consider

them unfit for a good subject; and were they spoke publicly I

should make it my business to take note of them," said he. "You do

not appear to me to recognise the gravity of your situation, or you

would be more careful not to pejorate the same by words which

glance upon the purity of justice. Justice, in this country, and

in my poor hands, is no respecter of persons."

"You give me too great a share in my own speech, my lord," said I.

"I did but repeat the common talk of the country, which I have heard everywhere, and from men of all opinions as I came along."

"When you are come to more discretion you will understand such talk in not to be listened to, how much less repeated," says the

Advocate. "But I acquit you of an ill intention. That nobleman,

whom we all honour, and who has indeed been wounded in a near place

by the late barbarity, sits too high to be reached by these

aspersions. The Duke of Argyle--you see that I deal plainly with

you--takes it to heart as I do, and as we are both bound to do by

our judicial functions and the service of his Majesty; and I could

wish that all hands, in this ill age, were equally clean of family

rancour. But from the accident that this is a Campbell who has

fallen martyr to his duty--as who else but the Campbells have ever put themselves foremost on that path?--I may say it, who am no Campbell--and that the chief of that great house happens (for all our advantages) to be the present head of the College of Justice, small minds and disaffected tongues are set agog in every changehouse in the country; and I find a young gentleman like Mr. Balfour so ill-advised as to make himself their echo." So much he spoke with a very oratorical delivery, as if in court, and then declined again upon the manner of a gentleman. "All this apart," said he. "It now remains that I should learn what I am to do with you."

"I had thought it was rather I that should learn the same from your lordship," said I.

"Ay, true," says the Advocate. "But, you see, you come to me well recommended. There is a good honest Whig name to this letter," says he, picking it up a moment from the table. "And--extra-judicially, Mr, Balfour--there is always the possibility of some arrangement, I tell you, and I tell you beforehand that you may be the more upon your guard, your fate lies with me singly. In such a matter (be it said with reverence) I am more powerful than the King's Majesty; and should you please me--and of course satisfy my conscience--in what remains to be held of our interview, I tell you it may remain between ourselves."

"Meaning how?" I asked.

"Why, I mean it thus, Mr. Balfour," said he, "that if you give satisfaction, no soul need know so much as that you visited my house; and you may observe that I do not even call my clerk."

I saw what way he was driving. "I suppose it is needless anyone should be informed upon my visit," said I, "though the precise nature of my gains by that I cannot see. I am not at all ashamed of coming here."

"And have no cause to be," says he, encouragingly. "Nor yet (if you are careful) to fear the consequences."

"My lord," said I, "speaking under your correction, I am not very easy to be frightened."

"And I am sure I do not seek to frighten you," says he. "But to the interrogation; and let me warn you to volunteer nothing beyond the questions I shall ask you. It may consist very immediately with your safety. I have a great discretion, it is true, but there are bounds to it."

"I shall try to follow your lordship's advice," said I.

He spread a sheet of paper on the table and wrote a heading. "It appears you were present, by the way, in the wood of Lettermore at the moment of the fatal shot," he began. "Was this by accident?"

"By accident," said I.

"How came you in speech with Colin Campbell?" he asked.

"I was inquiring my way of him to Aucharn," I replied.

I observed he did not write this answer down.

"H'm, true," said he, "I had forgotten that. And do you know, Mr.

Balfour, I would dwell, if I were you, as little as might be on

your relations with these Stewarts. It might be found to

complicate our business. I am not yet inclined to regard these

matters as essential."

"I had thought, my lord, that all points of fact were equally



material in such a case," said I.

"You forget we are now trying these Stewarts," he replied, with

great significance. "If we should ever come to be trying you, it

will be very different; and I shall press these very questions that

I am now willing to glide upon. But to resume: I have it here in

Mr. Mungo Campbell's precognition that you ran immediately up the

brae. How came that?"

"Not immediately, my lord, and the cause was my seeing of the

murderer."

"You saw him, then?"

"As plain as I see your lordship, though not so near hand."

"You know him?"

"I should know him again."

"In your pursuit you were not so fortunate, then, as to overtake

him?"

"I was not."

"Was he alone?"

"He was alone."

"There was no one else in that neighbourhood?"

"Alan Breck Stewart was not far off, in a piece of a wood."

The Advocate laid his pen down. "I think we are playing at cross

purposes," said he, "which you will find to prove a very ill

amusement for yourself."

"I content myself with following your lordship's advice, and

answering what I am asked," said I.

"Be so wise as to bethink yourself in time," said he, "I use you

with the most anxious tenderness, which you scarce seem to

appreciate, and which (unless you be more careful) may prove to be

in vain."

"I do appreciate your tenderness, but conceive it to be mistaken,"

I replied, with something of a falter, for I saw we were come to

grips at last. "I am here to lay before you certain information,

by which I shall convince you Alan had no hand whatever in the

killing of Glenure."

The Advocate appeared for a moment at a stick, sitting with pursed

lips, and blinking his eyes upon me like an angry cat. "Mr.

Balfour," he said at last, "I tell you pointedly you go an ill way

for your own interests."

"My lord," I said, "I am as free of the charge of considering my own interests in this matter as your lordship. As God judges me, I have but the one design, and that is to see justice executed and the innocent go clear. If in pursuit of that I come to fall under your lordship's displeasure, I must bear it as I may."

At this he rose from his chair, lit a second candle, and for a while gazed upon me steadily. I was surprised to see a great change of gravity fallen upon his face, and I could have almost thought he was a little pale.

"You are either very simple, or extremely the reverse, and I see that I must deal with you more confidentially," says he. "This is a political case--ah, yes, Mr. Balfour! whether we like it or no,

the case is political--and I tremble when I think what issues may depend from it. To a political case, I need scarce tell a young man of your education, we approach with very different thoughts from one which is criminal only. *Salus populi suprema lex* is a maxim susceptible of great abuse, but it has that force which we find elsewhere only in the laws of nature: I mean it has the force of necessity. I will open this out to you, if you will allow me, at more length. You would have me believe--"

"Under your pardon, my lord, I would have you to believe nothing but that which I can prove," said I.

"Tut! tut; young gentleman," says he, "be not so pragmatical, and suffer a man who might be your father (if it was nothing more) to

employ his own imperfect language, and express his own poor thoughts, even when they have the misfortune not to coincide with Mr. Balfour's. You would have me to believe Breck innocent. I would think this of little account, the more so as we cannot catch our man. But the matter of Breck's innocence shoots beyond itself. Once admitted, it would destroy the whole presumptions of our case against another and a very different criminal; a man grown old in treason, already twice in arms against his king and already twice forgiven; a fomentor of discontent, and (whoever may have fired the shot) the unmistakable original of the deed in question. I need not tell you that I mean James Stewart."

"And I can just say plainly that the innocence of Alan and of James is what I am here to declare in private to your lordship, and what

I am prepared to establish at the trial by my testimony," said I.

"To which I can only answer by an equal plainness, Mr. Balfour,"

said he, "that (in that case) your testimony will not be called by

me, and I desire you to withhold it altogether."

"You are at the head of Justice in this country," I cried, "and you

propose to me a crime!"

"I am a man nursing with both hands the interests of this country,"

he replied, "and I press on you a political necessity. Patriotism

is not always moral in the formal sense. You might be glad of it,

I think: it is your own protection; the facts are heavy against

you; and if I am still trying to except you from a very dangerous



place, it is in part of course because I am not insensible to your honesty in coming here; in part because of Pilrig's letter; but in part, and in chief part, because I regard in this matter my political duty first and my judicial duty only second. For the same reason--I repeat it to you in the same frank words--I do not want your testimony."

"I desire not to be thought to make a repartee, when I express only the plain sense of our position," said I. "But if your lordship has no need of my testimony, I believe the other side would be extremely blythe to get it."

Prestongrange arose and began to pace to and fro in the room. "You are not so young," he said, "but what you must remember very

clearly the year '45 and the shock that went about the country. I  
read in Pilrig's letter that you are sound in Kirk and State. Who  
saved them in that fatal year? I do not refer to His Royal  
Highness and his ramrods, which were extremely useful in their day;  
but the country had been saved and the field won before ever  
Cumberland came upon Drummossie. Who saved it? I repeat; who  
saved the Protestant religion and the whole frame of our civil  
institutions? The late Lord President Culloden, for one; he played  
a man's part, and small thanks he got for it--even as I, whom you  
see before you, straining every nerve in the same service, look for  
no reward beyond the conscience of my duties done. After the  
President, who else? You know the answer as well as I do; 'tis  
partly a scandal, and you glanced at it yourself, and I reproved  
you for it, when you first came in. It was the Duke and the great

clan of Campbell. Now here is a Campbell foully murdered, and that  
in the King's service. The Duke and I are Highlanders. But we are  
Highlanders civilised, and it is not so with the great mass of our  
clans and families. They have still savage virtues and defects.  
They are still barbarians, like these Stewarts; only the Campbells  
were barbarians on the right side, and the Stewarts were barbarians  
on the wrong. Now be you the judge. The Campbells expect  
vengeance. If they do not get it--if this man James escape--there  
will be trouble with the Campbells. That means disturbance in the  
Highlands, which are uneasy and very far from being disarmed: the  
disarming is a farce. . ."

"I can bear you out in that," said I.

"Disturbance in the Highlands makes the hour of our old watchful enemy," pursued his lordship, holding out a finger as he paced;

"and I give you my word we may have a '45 again with the Campbells on the other side. To protect the life of this man Stewart--which is forfeit already on half-a-dozen different counts if not on this--do you propose to plunge your country in war, to jeopardise the faith of your fathers, and to expose the lives and fortunes of how many thousand innocent persons? . . . These are considerations that weigh with me, and that I hope will weigh no less with yourself, Mr. Balfour, as a lover of your country, good government, and religious truth."

"You deal with me very frankly, and I thank you for it," said I.

"I will try on my side to be no less honest. I believe your policy

to be sound. I believe these deep duties may lie upon your  
lordship; I believe you may have laid them on your conscience when  
you took the oath of the high office which you hold. But for me,  
who am just a plain man--or scarce a man yet--the plain duties must  
suffice. I can think but of two things, of a poor soul in the  
immediate and unjust danger of a shameful death, and of the cries  
and tears of his wife that still tingle in my head. I cannot see  
beyond, my lord. It's the way that I am made. If the country has  
to fall, it has to fall. And I pray God, if this be wilful  
blindness, that He may enlighten me before too late."

He had heard me motionless, and stood so a while longer.

"This is an unexpected obstacle," says he, aloud, but to himself.

"And how is your lordship to dispose of me?" I asked.

"If I wished," said he, "you know that you might sleep in gaol?"

"My lord," said I, "I have slept in worse places."

"Well, my boy," said he, "there is one thing appears very plainly

from our interview, that I may rely on your pledged word. Give me

your honour that you will be wholly secret, not only on what has

passed to-night, but in the matter of the Appin case, and I let you

go free."

"I will give it till to-morrow or any other near day that you may

please to set," said I. "I would not be thought too wily; but if I gave the promise without qualification your lordship would have attained his end."

"I had no thought to entrap you," said he.

"I am sure of that," said I.

"Let me see," he continued. "To-morrow is the Sabbath. Come to me on Monday by eight in the morning, and give me our promise until then."

"Freely given, my lord," said I. "And with regard to what has fallen from yourself, I will give it for as long as it shall please

God to spare your days."

"You will observe," he said next, "that I have made no employment  
of menaces."

"It was like your lordship's nobility," said I. "Yet I am not  
altogether so dull but what I can perceive the nature of those you  
have not uttered."

"Well," said he, "good-night to you. May you sleep well, for I  
think it is more than I am like to do."

With that he sighed, took up a candle, and gave me his conveyance  
as far as the street door.