

CHAPTER IX--THE HEATHER ON FIRE

When I left Prestongrange that afternoon I was for the first time angry. The Advocate had made a mock of me. He had pretended my testimony was to be received and myself respected; and in that very hour, not only was Simon practising against my life by the hands of the Highland soldier, but (as appeared from his own language) Prestongrange himself had some design in operation. I counted my enemies; Prestongrange with all the King's authority behind him; and the Duke with the power of the West Highlands; and the Lovat interest by their side to help them with so great a force in the north, and the whole clan of old Jacobite spies and traffickers. And when I remembered James More, and the red head of Neil the son of Duncan, I thought there was perhaps a fourth in the confederacy,

and what remained of Rob Roy's old desperate sept of caterans would
be banded against me with the others. One thing was requisite--
some strong friend or wise adviser. The country must be full of
such, both able and eager to support me, or Lovat and the Duke and
Prestongrange had not been nosing for expedients; and it made me
rage to think that I might brush against my champions in the street
and be no wiser.

And just then (like an answer) a gentleman brushed against me going
by, gave me a meaning look, and turned into a close. I knew him
with the tail of my eye--it was Stewart the Writer; and, blessing
my good fortune, turned in to follow him. As soon as I had entered
the close I saw him standing in the mouth of a stair, where he made
me a signal and immediately vanished. Seven storeys up, there he

was again in a house door, the which he looked behind us after we had entered. The house was quite dismantled, with not a stick of furniture; indeed, it was one of which Stewart had the letting in his hands.

"We'll have to sit upon the floor," said he; "but we're safe here for the time being, and I've been wearying to see ye, Mr. Balfour."

"How's it with Alan?" I asked.

"Brawly," said he. "Andie picks him up at Gillane sands to-morrow, Wednesday. He was keen to say good-bye to ye, but the way that things were going, I was feared the pair of ye was maybe best apart. And that brings me to the essential: how does your

business speed?"

"Why," said I, "I was told only this morning that my testimony was accepted, and I was to travel to Inverary with the Advocate, no less."

"Hout awa!" cried Stewart. "I'll never believe that."

"I have maybe a suspicion of my own," says I, "but I would like fine to hear your reasons."

"Well, I tell ye fairly, I'm horn-mad," cries Stewart. "If my one hand could pull their Government down I would pluck it like a rotten apple. I'm doer for Appin and for James of the Glens; and,

of course, it's my duty to defend my kinsman for his life. Hear how it goes with me, and I'll leave the judgment of it to yourself. The first thing they have to do is to get rid of Alan. They cannae bring in James as art and part until they've brought in Alan first as principal; that's sound law: they could never put the cart before the horse."

"And how are they to bring in Alan till they can catch him?" says

I.

"Ah, but there is a way to evite that arrestment," said he. "Sound law, too. It would be a bonny thing if, by the escape of one ill-doer another was to go scatheless, and the remeid is to summon the principal and put him to outlawry for the non-compearance. Now

there's four places where a person can be summoned: at his dwelling-house; at a place where he has resided forty days; at the head burgh of the shire where he ordinarily resorts; or lastly (if there be ground to think him forth of Scotland) AT THE CROSS OF EDINBURGH, AND THE PIER AND SHORE OF LEITH, FOR SIXTY DAYS. The purpose of which last provision is evident upon its face: being that outgoing ships may have time to carry news of the transaction, and the summoning be something other than a form. Now take the case of Alan. He has no dwelling-house that ever I could hear of; I would be obliged if anyone would show me where he has lived forty days together since the '45; there is no shire where he resorts whether ordinarily or extraordinarily; if he has a domicile at all, which I misdoubt, it must be with his regiment in France; and if he is not yet forth of Scotland (as we happen to know and they happen

to guess) it must be evident to the most dull it's what he's aiming
for. Where, then, and what way should he be summoned? I ask it at
yourself, a layman."

"You have given the very words," said I. "Here at the cross, and
at the pier and shore of Leith, for sixty days."

"Ye're a sounder Scots lawyer than Prestongrange, then!" cries the
Writer. "He has had Alan summoned once; that was on the twenty-
fifth, the day that we first met. Once, and done with it. And
where? Where, but at the cross of Inverary, the head burgh of the
Campbells? A word in your ear, Mr. Balfour--they're not seeking
Alan."

"What do you mean?" I cried. "Not seeking him?"

"By the best that I can make of it," said he. "Not wanting to find him, in my poor thought. They think perhaps he might set up a fair defence, upon the back of which James, the man they're really after, might climb out. This is not a case, ye see, it's a conspiracy."

"Yet I can tell you Prestongrange asked after Alan keenly," said I;

"though, when I come to think of it, he was something of the easiest put by."

"See that!" says he. "But there! I may be right or wrong, that's guesswork at the best, and let me get to my facts again. It comes

to my ears that James and the witnesses--the witnesses, Mr.

Balfour!--lay in close dungeons, and shackled forbye, in the

military prison at Fort William; none allowed in to them, nor they

to write. The witnesses, Mr. Balfour; heard ye ever the match of

that? I assure ye, no old, crooked Stewart of the gang ever out-

faced the law more impudently. It's clean in the two eyes of the

Act of Parliament of 1700, anent wrongous imprisonment. No sooner

did I get the news than I petitioned the Lord Justice Clerk. I

have his word to-day. There's law for ye! here's justice!"

He put a paper in my hand, that same mealy-mouthed, false-faced

paper that was printed since in the pamphlet "by a bystander," for

behoof (as the title says) of James's "poor widow and five

children."

"See," said Stewart, "he couldn't dare to refuse me access to my client, so he RECOMMENDS THE COMMANDING OFFICER TO LET ME IN.

Recommends!--the Lord Justice Clerk of Scotland recommends. Is not the purpose of such language plain? They hope the officer may be so dull, or so very much the reverse, as to refuse the recommendation. I would have to make the journey back again betwixt here and Fort William. Then would follow a fresh delay till I got fresh authority, and they had disavowed the officer--military man, notoriously ignorant of the law, and that--I ken the cant of it. Then the journey a third time; and there we should be on the immediate heels of the trial before I had received my first instruction. Am I not right to call this a conspiracy?"

"It will bear that colour," said I.

"And I'll go on to prove it you outright," said he. "They have the

right to hold James in prison, yet they cannot deny me to visit

him. They have no right to hold the witnesses; but am I to get a

sight of them, that should be as free as the Lord Justice Clerk

himself! See--read: FOR THE REST, REFUSES TO GIVE ANY ORDERS TO

KEEPERS OF PRISONS WHO ARE NOT ACCUSED AS HAVING DONE ANYTHING

CONTRARY TO THE DUTIES OF THEIR OFFICE. Anything contrary! Sirs!

And the Act of seventeen hunner? Mr. Balfour, this makes my heart

to burst; the heather is on fire inside my wame."

"And the plain English of that phrase," said I, "is that the

witnesses are still to lie in prison and you are not to see them?"

"And I am not to see them until Inverary, when the court is set!"

cries he, "and then to hear Prestongrange upon THE ANXIOUS

RESPONSIBILITIES OF HIS OFFICE AND THE GREAT FACILITIES AFFORDED

THE DEFENCE! But I'll begowk them there, Mr. David. I have a plan

to waylay the witnesses upon the road, and see if I cannae get I a

little harle of justice out of the MILITARY MAN NOTORIOUSLY

IGNORANT OF THE LAW that shall command the party."

It was actually so--it was actually on the wayside near Tynedrum,

and by the connivance of a soldier officer, that Mr. Stewart first

saw the witnesses upon the case.

"There is nothing that would surprise me in this business," I

remarked.

"I'll surprise you ere I'm done!" cries he. "Do ye see this?"--

producing a print still wet from the press. "This is the libel:

see, there's Prestongrange's name to the list of witnesses, and I

find no word of any Balfour. But here is not the question. Who do

ye think paid for the printing of this paper?"

"I suppose it would likely be King George," said I.

"But it happens it was me!" he cried. "Not but it was printed by

and for themselves, for the Grants and the Erskines, and yon thief

of the black midnight, Simon Fraser. But could I win to get a

copy! No! I was to go blindfold to my defence; I was to hear the

charges for the first time in court amongst the jury."

"Is not this against the law?" I asked

"I cannot say so much," he replied. "It was a favour so natural and so constantly rendered (till this nonesuch business) that the law has never looked to it. And now admire the hand of Providence!

A stranger is in Fleming's printing house, spies a proof on the floor, picks it up, and carries it to me. Of all things, it was just this libel. Whereupon I had it set again--printed at the expense of the defence: *sumptibus moesti rei*; heard ever man the like of it?--and here it is for anybody, the muckle secret out--all may see it now. But how do you think I would enjoy this, that has the life of my kinsman on my conscience?"

"Troth, I think you would enjoy it ill," said I.

"And now you see how it is," he concluded, "and why, when you tell me your evidence is to be let in, I laugh aloud in your face."

It was now my turn. I laid before him in brief Mr. Simon's threats and offers, and the whole incident of the bravo, with the subsequent scene at Prestongrange's. Of my first talk, according to promise, I said nothing, nor indeed was it necessary. All the time I was talking Stewart nodded his head like a mechanical figure; and no sooner had my voice ceased, than he opened his mouth and gave me his opinion in two words, dwelling strong on both of them.

"Disappear yourself," said he.

"I do not take you," said I.

"Then I'll carry you there," said he. "By my view of it you're to disappear whatever. O, that's outside debate. The Advocate, who is not without some spunks of a remainder decency, has wrung your life-safe out of Simon and the Duke. He has refused to put you on your trial, and refused to have you killed; and there is the clue to their ill words together, for Simon and the Duke can keep faith with neither friend nor enemy. Ye're not to be tried then, and ye're not to be murdered; but I'm in bitter error if ye're not to be kidnapped and carried away like the Lady Grange. Bet me what ye

please--there was their EXPEDIENT!"

"You make me think," said I, and told him of the whistle and the red-headed retainer, Neil.

"Wherever James More is there's one big rogue, never be deceived on that," said he. "His father was none so ill a man, though a kenning on the wrong side of the law, and no friend to my family, that I should waste my breath to be defending him! But as for James he's a brock and a blagyard. I like the appearance of this red-headed Neil as little as yourself. It looks uncanny: fiegh! it smells bad. It was old Lovat that managed the Lady Grange affair; if young Lovat is to handle yours, it'll be all in the family. What's James More in prison for? The same offence:

abduction. His men have had practice in the business. He'll be to
lend them to be Simon's instruments; and the next thing we'll be
hearing, James will have made his peace, or else he'll have
escaped; and you'll be in Benbecula or Applecross."

"Ye make a strong case," I admitted.

"And what I want," he resumed, "is that you should disappear
yourself ere they can get their hands upon ye. Lie quiet until
just before the trial, and spring upon them at the last of it when
they'll be looking for you least. This is always supposing Mr.
Balfour, that your evidence is worth so very great a measure of
both risk and fash."

"I will tell you one thing," said I. "I saw the murderer and it was not Alan."

"Then, by God, my cousin's saved!" cried Stewart. "You have his life upon your tongue; and there's neither time, risk, nor money to be spared to bring you to the trial." He emptied his pockets on the floor. "Here is all that I have by me," he went on, "Take it, ye'll want it ere ye're through. Go straight down this close, there's a way out by there to the Lang Dykes, and by my will of it! see no more of Edinburgh till the clash is over."

"Where am I to go, then?" I inquired.

"And I wish that I could tell ye!" says he, "but all the places

that I could send ye to, would be just the places they would seek.

No, ye must fend for yourself, and God be your guiding! Five days

before the trial, September the sixteen, get word to me at the King

Arms in Stirling; and if ye've managed for yourself as long as

that, I'll see that ye reach Inverary."

"One thing more," said I. "Can I no see Alan?"

He seemed boggled. "Hech, I would rather you wouldnae," said he.

"But I can never deny that Alan is extremely keen of it, and is to

lie this night by Silvermills on purpose. If you're sure that

you're not followed, Mr. Balfour--but make sure of that--lie in a

good place and watch your road for a clear hour before ye risk it.

It would be a dreadful business if both you and him was to