

Imprisoned Petticoats: Data from the Prison Records of the Jacobite Rising of 1745

A. F. Simpson



Abstract: *Women of the Jacobite Rising of 1745 significantly contributed to the military power of the Jacobite army. Their participation with the legal system reveals important information about women's place before the law in eighteenth-century Britain. Women of the period were able and willing to engage in Jacobite intrigue with a lessened degree of danger from capital punishment which made them important to the Jacobite movement by allowing them to assist with escape attempts, military recruitment, and espionage without the danger from judicial repercussions that their male counterparts could face. They proved to be a significant force for the Jacobite political movement, and the hopes of the Stuart claimants would not have lasted as long without the significant support received from the female demographic in eighteenth-century Britain.*

Keywords: *Eighteenth Century Britain, Jacobitism, The '45, Women*

I. INTRODUCTION

Prison records of the Jacobite rising of 1745 shine significant light on the relationship between women and the law as well as the civil population's willingness to use women's often lighter punishment in regard to civil unrest as a means of carrying out activities that would have been considered treasonable by the government. As will be seen in the following portions, women were able to engage in harboring escaping Jacobites following the Battle of Culloden as well as aiding the fleeing Prince Charles. Men of Scotland who attempted similar acts often faced being clapped in irons, exile, or even possible execution. Female Jacobites, however, engaged in the behavior rather widely. While one could argue that a higher level of courage existed in the female portion of society during the period, we see women and society as a whole exploiting the lighter penalties that Jacobite women would face. Such evidence requires serious consideration in evaluating women's roles in the eighteenth century and in British and Scottish Society as well.

II. PRISON RECORDS OF THE '45

Prison records from the '45 illuminate the difference in female participation between the '45 and the previous Jacobite risings.

The prison records of the '45 compiled at the request of the Scottish Historical Society listed seventy-three women arrested for their involvement in the rising. While Seton and Arnet's account of the prisoners was not comprehensive, the compilation of female prisoners corresponds to secondary research conducted since its publication [1]. Several interesting features appear in the record almost immediately. The government captured over half of the female prison population at Carlisle following the Prince's retreat to Scotland in 1746 (Appendix A – Graph 2) [2]. In this regard, it is evident that a population of camp followers had joined the Prince's march south into England, and the women who participated as camp followers were primarily wives of highlanders or military leaders [3]. Several women were listed as having children, most over the age of 1, suggesting these were not recent sexual dalliances resulting in births. Of the 41 women listed as prisoners at the Carlisle prison, none held any titles or occupied high societal positions, which might explain why a significant percentage of women selected for transportation either to Antigua or to other English colonies came from the Carlisle prison population (85.7%) (Appendix A – Graph 4). Most of the women who received a sentence of transportation due to their participation in the '45 received the verdict in 1747, possibly indicating by this point the desire of the Hanoverian government to be done with the Jacobite problem and fear of the growing public sympathy for the Jacobite prisoners [4]. Additionally, the government seems to have been surprised by the number of women that participated in the '45 as evidenced by the 1745 *Instructions to be observed by the Persons appointed to take Care of the Rebel Prisoners in Great Britain*. The Commission, while requiring that all prisoners be housed in the local jail, created no clear instructions for the imprisonment of women, suggesting that while the Commission foresaw the Jacobite Rising, they were unprepared for the number of female prisoners that would have to be handled due to the conflict [5].

Several assumptions exist in the scholarly literature regarding the female Jacobite prisoners and the penalties they faced for participating in the '45. Biographers of such figures as Flora MacDonald and Anne Mackintosh have carefully noted that charges of treason and the corresponding punishment were possible penalties that the government might inflict upon female Jacobites [6]. In reality, female Jacobites were never at serious risk of execution for treasonous actions [7]. Indeed, an increase in the imprisonment of female Jacobites due to their participation in the Rising is evident in the primary literature.

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At least nine high-profile Jacobite women, who were members of the noble or gentry segment of society, were arrested for participation in the Rising, including: Lady Ogilvy, Lady Mackintosh, Lady Margaret M'Donald, and several others [8].

Reasons for arrest varied greatly. As already examined, Lady Mackintosh actively recruited for the Jacobites, and Lady Ogilvy inspired men forward in military fashion. Yet others appear to have been arrested simply due to their connection to leading Jacobite figures. Government forces likely detained Katherine M'Dougal since she was the sister of Murray of Broughton, the secretary of state for the Jacobite administration [9].

Including women who raised armies and actively assisted the Young Pretender in escaping to the continent, it seems unlikely that the Hanoverian government would have failed to bring at least one to trial if that was their intent. In reality, the Privy Council only selected Charlotte Robertson for trial. However, magistrates never pursued the indictment, and Robertson returned quietly to private life [10]. The Hanoverian government's situation resembled a dog chasing an automobile; they had little plan for what to do with Jacobite women once caught.

Although never clearly stated, Parliament's final decision was judicious toleration and forgetfulness. Women that could be quietly sent abroad through transportation were dispatched to their fates in the colonies. The government held women who were too high profile to dispose of in this manner through 1746 and into 1747, when they were released quietly or on bail.

This hesitancy of the government to inflict harsh prison penalties upon women during the '45 seems to have been realised by the general population of Scotland since women often appeared less concerned with the eventual ramifications of treasonous behaviour than their male counterparts. This masculine trepidation is evident in the Chevalier De Johnstone's memoirs, where ferry men from Broughty Ferry refused to row him to Fife for fear of punishment [11]. Eventually, Johnstone relied on the assistance of the ferrymen's romantic interests, Molly and Jenny Burn to complete the task [12].

III. EXAMPLE OF WOMEN EXPLOITING THEIR POSITION BEFORE THE LAW

Another interesting example of this can be seen in the famous Jacobite heroine Flora MacDonald. While popular culture has to some extent, credited MacDonald with the idea to whisk the Prince to Skye before he was captured by Cumberland's forces, in reality, Flora proved to be more of an accidental assistant in the matter. Her stepfather Hugh MacDonald masterminded the plan with assistance from Lady Margaret MacDonald, wife of the chief of the MacDonalds of Sleat [13]. Yet after the plan's success, when arrests began to follow, Hugh MacDonald fled, and Lady Margaret MacDonald chose to blame Flora for her participation. Further evidence can be seen in Lady Margaret's and her husband's efforts to free MacDonald of Kingsburgh, who had taken part in the escape plan and lay in irons in Inverness while refusing assistance to the Jacobite heroine [14].

While biographers such as Hugh Douglas have seen this as a betrayal of several leading citizens of Skye for the safety of Flora, a separate and possibly more likely interpretation is that there was a far greater likelihood of MacDonald of Kingsburgh going to the block for his participation in the escape and Flora only being detained [15].

It is difficult to know whether this attitude was held by Jacobites following the '45. Still, Flora's behaviour following her arrest suggests a shrewd political insight that did much to bolster her reputation among Jacobite circles. During her imprisonment onboard a ship near Edinburgh, she received numerous Jacobite visitors who came to see the maid that had saved the Young Pretender. It is clear from the surviving accounts that Flora carefully cultivated certain aspects of Jacobite imagery to endear the Jacobite population to her plight [16].

Accounts of the Prince shielding her from the elements in a chivalric fashion or the daring flight across the sea became widely retold stories among the Jacobite population of Scotland and eventually London [17]. Flora transformed her position from someone of relative insignificance to a national figure respected by Hanoverian and Jacobite supporters. The Earl of Albemarle demonstrated similar respect when he requested Flora be transferred to a messenger house during her time in London rather than to prison since he had developed a sympathetic attitude to her plight [18]. The result was that the government was almost unable to punish Flora in any significant way due to her position in the public eye.

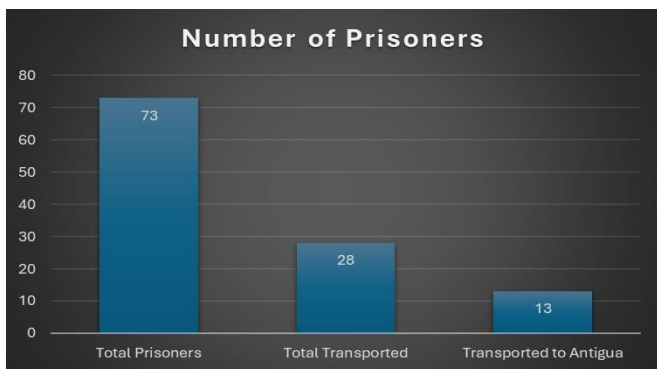
IV. CONCLUSION

As mentioned earlier, previous scholarship on the topic of women's role in the '45 has tended to focus on the risk women faced should they have been arrested. Execution is thrown out as a possibility, yet reality proves to be far less melodramatic. Women during the period certainly faced arrest, imprisonment, and transportation, and many of the Jacobite women faced these penalties. However, the possibility of execution seems to have been unlikely and was actively avoided by the governing authorities in London. Such an interpretation requires further review of women's role in eighteenth-century British society and their place before the law. Should the argument of this paper prove accurate, it would mean women possessed an understanding of their place before the law which differed from male counterparts and that women were both able and willing to exploit these differences in situation to the advantage of immediate family, clan society, and political movements to which they gave their loyalty.

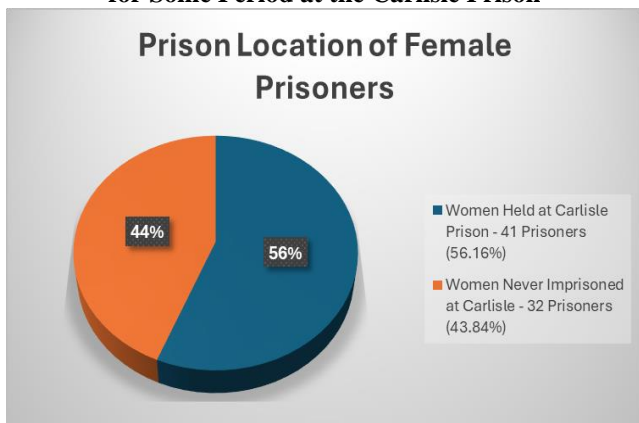
APPENDIX

Graph 1 – Breakdown between the Total Number of Female Jacobite Prisoners and the Number Transported to Colonies in the Caribbean and Abroad

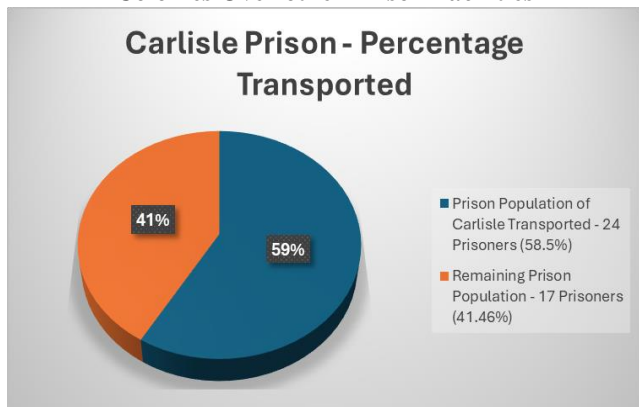




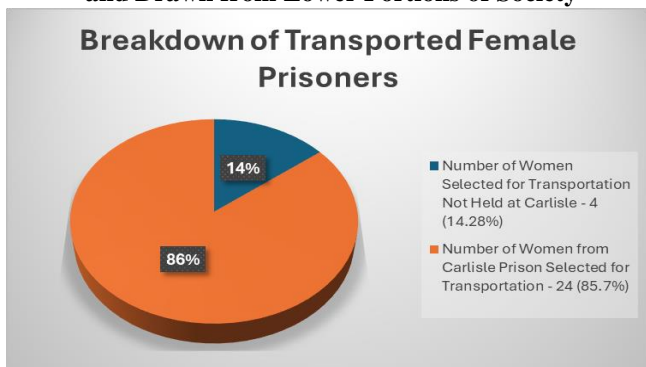
Graph 2 –The Percentage of Prisoners that Were Held for Some Period at the Carlisle Prison



Graph 3 – The Population of Carlisle was Significantly More Likely to be Selected for Transportation to the Colonies Over other Prison Facilities



Graph 4 – Over 85% of the Female Prisoners Selected for Transportation During the '45 Came from the Carlisle Prison Population. This Propensity was Likely Due to the Prisoners Being Remote from A Sympathetic Population and Drawn from Lower Portions of Society



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Availability of Data and Material	Not relevant.
Authors Contributions	I am only the sole author of the article.

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2. The accounting for Carlisle is difficult to place precisely since the prison records do not always differentiate whether the women were captured at Carlisle or sent to Carlisle and captured elsewhere. It does not appear in the records that women were shipped from other prisons to Carlisle giving credence to the assumption that the prisoners held at Carlisle were most likely captured at the city. Additionally, the location of Carlisle was not suitable to serve as a long-term prison site. Women captured later in the rising and during the pacification of the Highlands were often stowed in prison ships, Edinburgh, and eventually London.
3. Frank McLynn, *The Jacobite Army in England 1745; the Final Campaign* (Edinburgh: John Donald Publishers, 1983), p. 31.
4. The executions of prisoners at Kensington Commons had a deleterious effect on the English population who felt sympathy for the victims. Evidence for this sympathy was present in the case of James Dawson whose betrothed died from the horror of seeing the archaic execution method of hanged, drawn, and quartered being inflicted upon her fiancé. Thomas Bayly Howell, ed., *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors*, vol. XVIII (London: T. C. Hansard, 1813), pp. 375-376.
5. NLS MS.287
6. Hugh Douglas, *Flora Macdonald: The Most Loyal Rebel* (Stroud: Sutton, 2003), p. 63; Maggie Craig, *Damn' Rebel Bitches: The Women of the '45*, (London: Mainstream Publishing, 1997), p. 86.
7. The development of this viewpoint likely comes from two areas. First, female Jacobites were not above referencing their plight in order to garner public sympathy. Second, governments on the continent were not above executing women for participation in treasonous activity. A prime example can be seen in the case of France's assimilation of Roussillon in the seventeenth century and the execution of Theresa de Camprodon I d'Armengol, among others. While Camprodon was executed for charges of murder, her family was identified as leaders in the Catalan resistance leading to the execution being politically motivated. David Stewart, *Assimilation and Acculturation in Seventeenth-Century Europe: Roussillon and France, 1659-1715* (Westport: Greenwood Press, 1997), pp. 88-91.
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12. Ibid.,
13. Douglas, *Flora Macdonald: The Most Loyal Rebel*, pp. 54-56.
14. Ibid., pp. 72-73.
15. Ibid.,
16. Ibid., p. 80.
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AUTHORS PROFILE



A. F. Simpson is a doctoral student at the University of St. Andrews and is focusing on the role of children and the family unit in the Jacobite political world of seventeenth- and eighteenth-century Europe. Prior research has focused on the contribution women played in the Jacobite rising of 1745 and built upon the research of Rosalind Carr and Anita Gillespie in attempting to understand women's role within eighteenth-century Scotland and more particularly Jacobitism. Simpson has also co-edited a new edition of the sixteenth-century Anglican Divine, William Whitaker's *A Disputation on Holy Scripture*, which is slated for release from Prolego Press in the United States in the fall of 2024.

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