

THE TOWN OF LIVERPOOL IN THE '45

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THE story of the town⁽¹⁾ of Liverpool in the Jacobite rising of 1745 is quite familiar. The contemporary "Minutes or Abstract and Account" as ordered to be entered into the town books, and dated 3 May 1749, is brief and uncomplicated, and has set the pattern for later narratives. It is best known, of course, from its reproduction in Touzeau's *Rise and Progress of Liverpool* (Volume I, pages 462-3), but Touzeau's account suffers from two defects: one, an inattention to detail; and two, based, as it is, very narrowly on the town books, a jerkiness in narration, reflecting the limitation of its sources. As an example of the former, Touzeau says on page 458-9 that Charles Edward "landed at Lochnaugh on one of the western islands in Scotland [page 462 reads "on Skye"] on the 25th July, 1745, and it is said the news of his landing was brought here by a Liverpool captain . . .". In fact, Charles Edward landed not on Skye but on Eriskay, and landed there not on the 25th, but on the 23rd; in any case, Loch nan Numh is not in the Islands, but on the mainland; and the news was *certainly* brought to Liverpool by a Liverpool captain—by Richard Robinson, master of the brigantine *Ann* of this port.⁽²⁾

The principal fault, however, in Touzeau's account, which is the generally accepted account, is that, relying as it does, almost exclusively upon the town council minutes, it has to jump from one such entry to the next with nothing in between to sustain the story. For example, on 7 September the town council at a special meeting framed a loyal address to the crown: "We do with Hearts full of the warmest Loyalty assure Your Majesty that we will (at the Hazard of our Lives and Fortunes) exert Ourselves in Support of the Succession in Your Majesty's Royal House". Touzeau says that "the offer

⁽¹⁾ For the story of the *port* see R. C. Jarvis, "The Port of Liverpool in the '45", in *TRANSACTIONS*, Vol. 98.

⁽²⁾ I was at first disappointed to discover among the Newcastle papers in the British Museum, the secretary of state's acknowledgment of receipt of the affidavit sworn by the master at Liverpool—but without the affidavit. (Addl. MSS, 32705, f. 90). The affidavit, however, I later found in the Public Record Office (SP36/67/24), see below.

of service contained in this Address was accepted perhaps sooner than the framers anticipated". On 23 September the secretary of state sent down to Liverpool a royal sign manual noting the "most earnest desire" of the people of Liverpool "in this time of Common Danger . . . to enter into Associations for taking up Arms for the Common Defence". The king therefore issued a royal warrant "to Give you [that is to say, the mayor] Power and Authority . . . to Form into Troops and Companies such Persons as shall be willing to associate themselves". But we go too fast. Judging by Touzeau and the town books, no one has yet said a word about "entering into Associations for taking up Arms". Why should even the loyal citizens of Whig Liverpool "enter into Associations" under officers commissioned by the *mayor*, when the constitutional force in such an emergency was undoubtedly not an association of town volunteers, but the county militia, and the constitutional officer to issue commissions was not the mayor but the lord lieutenant?⁽³⁾

Certainly there is a gap in Liverpool history to be filled here, and there are a number of other gaps to be filled, and they cannot be filled by reference merely to the town books. I propose, therefore, to go over the main occurrences of that time, and to attempt to get them both into a closer focus and into a longer perspective, by reference to other record sources. These sources will be principally the state papers and the War Office records, both in the Public Record Office;⁽⁴⁾ the records at the Lancashire end touching upon the lieutenancy, to be found for example among the Stanley MSS. and the Houghton MSS., both in the Lancashire Record Office at Preston;⁽⁵⁾ the correspondence of the secretary of state and the lord chancellor, now among the Newcastle MSS. and the Hardwicke MSS., both in the British Museum;⁽⁶⁾ and the regimental accounts of the Liverpool Blues.⁽⁷⁾

⁽³⁾ A somewhat similar constitutional question arose in London during the Gordon Riots (1780). When certain of the wards and vestries decided (as we know from the respective minute books) to raise and arm "associations of volunteers", the military and legal authorities ruled (as we know from the state papers, domestic) that it was not legal for citizens to *assemble* in arms, *even in their own defence*, save under the authority of the lieutenancy or by commission from the crown.

⁽⁴⁾ State papers (domestic) Geo. II. (S.P. 36/[bundle]/[number]); the state papers, Scotland, ii series (=S.P.54/[bundle]/[number]); and for certain troop movements, the state papers, Ireland, and War Office records W.O.2, and W.O.5.

⁽⁵⁾ DDK. 1741, and DDHo. 475.

⁽⁶⁾ In particular, Vols. XX-IV (= Addl. 37505-9), and Vol. LX (= Addl. 35408), respectively.

⁽⁷⁾ I am very much indebted to our member, Mr. Daniel L. Evans, for facilities to study these accounts, and for his kind permission to quote freely from them, below.

Charles Edward landed in the Isles on 23 July 1745, and on the mainland on the 25th. His landing was a well-kept secret, for the Jacobite faction promptly closed all means of communication from the western highlands, and proceeded to muster the clans in the fastnesses of the west. In the meantime, neither the ministry in London, nor even the ministry in Edinburgh, had the faintest inkling of what was happening until as late as 8 August, and even then London did not believe what Edinburgh reported.⁽⁸⁾ Nothing at all, therefore, was given out for publication, and no official statement was made until as late as 17 August. Then the *London Gazette* disclosed that there had been some sort of landing in the Highlands, and that one of the gentlemen said to have disembarked, "from the general report, and from several concurring circumstances, there is reason to believe, is the Pretender's son". There is reason to believe! He had, as a matter of fact, been there nearly a month.

A whole week before this information was disclosed, namely on 10 August, the brigantine *Ann* of Liverpool (Richard Robinson of Liverpool, master) bound from Riga to Liverpool with timber, was forced by contrary winds into the Isle of Canna, which is about mid-way between Eriskay where Charles Edward had landed in the Isles on the 23rd, and Loch nan Numh, where he had landed on the mainland on the 25th. Captain Robinson of Liverpool learned whilst there, from a local Protestant schoolmaster, that there had been a landing "on the said island of Sky from on Board a frygate of eighteen guns," and furthermore that a few days ago "the said schoolmaster had seen, on the Main[land] opposite to the island of Sky, a tall thin young man who went under the title of Prince Charles".⁽⁹⁾ The *Ann* did not arrive in Liverpool until 11 o'clock on the night of Thursday 15 August—but still before the facts of the landing had been officially admitted or were generally known. Therefore, from the state of intelligence in England at the time, the information brought to Liverpool by the *Ann* was of first importance. Richard Robinson appeared therefore before Owen Pritchard, the mayor, next day. An affidavit was drawn up and sent forthwith to the duke of Newcastle, the secretary of state in London. In his covering letter the mayor said: "I thought it my Duty as being the Mayor of this, His Majesty's Ancient and Loyal Borough of

⁽⁸⁾ S.P. 54/25/54 and 58, and *Carlisle MSS* (Hist. MSS. C. 15 R., VI), p. 200.

⁽⁹⁾ S.P. 36/67/24. It is this document that is the source of the error, so frequently and uncritically repeated in later Liverpool histories, that Charles Edward had landed on Skye.

Liverpool, to give Intelligence of any transactions which I might hear was carrying on . . . being conformable to my Oath of Allegiance and consistent with the duty of a Magistrate and a subject". The sceptic might think the phraseology quite consistent with a magistrate wanting to insure himself against another Restoration. Be that as it may and notwithstanding its Whiggery, Liverpool was among those considerable boroughs and cities that omitted to send very promptly up to London any form of loyal address, early assuring its support of the House of Hanover.

At this time, parliament stood prorogued, and the king was abroad in his beloved Hanover. The king consistently refused to delegate, either to his not very well-beloved council of regency, or to his well-hated prince of Wales, authority to summon the British parliament. Parliament therefore, and hence any very effective measures to combat the rising, would have to wait until the king could return, in his own time, to England. He landed at Margate on 31 August, and a good many of the boroughs and cities that had omitted to send any loyal address hitherto, made that the occasion to congratulate him upon his safe arrival, combined with an assurance of loyalty to the House of Hanover. Liverpool was one of those boroughs that still did not do anything in particular. Indeed not until as late as 17 September, by which time the fall of Edinburgh was imminent, was a special meeting of the town council called to frame a loyal address. In the meantime, however, the situation had become very confused. The constitutional force to combat any invasion or insurrection was unquestionably the county militia, and the command of the county militia, under the crown, was unquestionably vested in the lord lieutenant. It had, however, by now become apparent, particularly in the northern counties, which were the only counties as yet practically concerned, that there was a particular defect in the law that now made it difficult, if not impossible, to raise the militia in a constitutional manner, or, to be more exact, to raise the money to subsist the force, if once the force were raised. Furthermore, this defect in the law could not as yet be remedied, for parliament stood prorogued, and no one in England had power to recall it.⁽¹⁰⁾

Briefly, the position was that at the Restoration the First

⁽¹⁰⁾ For a closer study of the legal and constitutional problems involved, see R. C. Jarvis "The Lieutenancy and the Militia Laws in 1745", *Juridical Review*, Vol. LXIV (1952), pp. 29-39, and "The Lieutenancy and the Militia in Lancashire and Cheshire in 1745", in *Transactions, Lancashire and Cheshire Antiquarian Society*, Vol. LXII (1950-51), pp. 111-32.

Militia Act of 1661 (13 Car. II, *st.* 1, *cap.* 6) had acknowledged that the "supreme and sole command" over the militia "*was and ever was*" the undoubted right of the crown. This seemed to surrender to the crown the main principle for which parliament had fought in the Civil War. In the Second Militia Act of 1662 (14 Car. II, *cap.* 3), however, the Commons managed to insert a clause which provided that although the crown could, solely out of its unfettered prerogative, raise the militia at a cost to be borne by the counties, it could not hold the militia so mustered beyond a single month, without reimbursing the counties for the costs so incurred. Insofar as the crown would therefore have to go to parliament for supplies, parliament had, in a sense, resumed some form of control over the militia, notwithstanding the wide terms of the declaratory act of 1661. Some later legislation, for example 1 Anne, *cap.* 17 and *st.* 2, *cap.* 15, purported to clarify the position, but by 1745 the situation was in fact far from clear. Certainly it was left, probably deliberately, that the crown was already in arrears with the counties for the "statutory month" (see 7 Geo. II, *cap.* 23), so that when the crisis came, the militia could not legally be held mustered without parliamentary authority. But parliament was prorogued and could not be recalled except by the king, and the king was abroad in Hanover.

The lieutenantancy, by whose agency alone the militia could be raised, operated through the deputy lieutenants, who were mostly also on the commission of the peace. The deputy lieutenants, in the northern counties at least, hesitated to muster a force in their capacity as deputy lieutenants, so long as they knew they had no authority as justices to strike a rate for its maintenance.⁽¹¹⁾ In this quandary, certain of the northern lords lieutenant met in unofficial conference at York, although the earl of Derby, for Lancashire, was not there, and the earl of Cholmondeley, for Cheshire, was absent from the county at the time. In general, the northern lords lieutenant pleaded with the ministry to do something to remove the restraining clause, or at least to clarify the position, or failing anything else to invest them with some alternative form of authority. We know from the Lancashire lieutenantancy papers (Stanley MSS. 26 October 1745) that Lord Derby was legally advised from Lincoln's Inn, "You'll please to consider you can't do anything by Law with the Militia". The duke of Argyll, the pillar of the Whig cause in Scotland, also found himself unable to "do anything by Law with the Militia".

⁽¹¹⁾ S.P. 36/68/15 and 28, and S.P. 36/67/91, and 69/12.

He thought the law pretty poor, but he decided to keep on the safe side of it: although "very sensible of the inconveniences arising to the Government and to the Country", he was, he said, "unwilling to subject himself to penalties, and trust to pardon".⁽¹²⁾

In contrast, however, Sir Henry Hoghton, one of the most active in the Whig cause in the county, advocated putting the whole lieutenantancy machinery into operation, restraining clause or no restraining clause, and raising the militia. "Your order", he wrote to the lord lieutenant on 13 September, "in a very few words will be an authority to us. Without it we can't do it, nor will any join therein". In a later letter written early in November he declared that Pelham, the secretary of state, had hinted to him that "he hopes it will be done". Lord Derby felt constrained to reply: "You say you presume no order will be sent by the king for raising them till the first new Act is passed. Ought not then the same caution to have been observed by us? But Mr. Pelham says 'He hopes it will be done'. If I remember his words aright, he only says he supposes we shall not scruple doing it for our defence. Why then do they scruple ordering us to do it, as they know that in strictness without such order it cannot be done?" Apart altogether from these constitutional difficulties, another difficulty was of course that of arms. Outside the militia organisation, the lord lieutenant said he did not know that there were "twenty muskets in the County . . . save what may be in the hands of the Merchants of Liverpool",⁽¹³⁾ and according to the town books, the corporation of Liverpool found that their total stock could be contained in five chests, and added up to 221 muskets, 154 pistols and 25 swords. That and no more.

On 2 November the royal assent was given to a short bill, hurried through parliament, professedly to remove the restraining clause. The whole thing, however, had been done so hurriedly that by faulty drafting the new act served only to confuse the confusion.⁽¹⁴⁾ Even so, Lancashire decided to raise the militia, notwithstanding that the lord lieutenant said (as we know from the Newcastle papers) that he "did not care to act by an assumed power", and that he had "done what in strictness of law we cannot justify". He reported to the secretary of state—"although upon the Reports of others"—that his militia, apart from any constitutional complication, was a

⁽¹²⁾ Campbell of Stonefield MSS. (Register House, Edinburgh), 15th August.

⁽¹³⁾ S.P. 36/68/101.

⁽¹⁴⁾ S.P. 36/72/121, and Addl. MSS. 32705, ff. 314 and 316.

body "very unfit for service, without an officer capable of commanding, and without most of the conveniences and necessities of an Army". When he actually saw the mustered body, he reported to the secretary of state that, "what our Militia are I have formerly represented to Your Grace upon the Reports of others—and can [now] confirm in what I have seen myself."⁽¹⁵⁾ The lord lieutenant had no confidence in his "Raw, undisciplined Militia, consisting of Foot [only], without any one that knows how to command". He feared he might be left, after a brush with the invaders, with his militia in its "undisciplined state, but raw and half armed", in some part of the county, "without any place of strength it could retire to".⁽¹⁶⁾ Liverpool might seem at first glance, the obvious "place of strength to retire to"; but Liverpool, he said, was "certainly not tenable". As the mayor of Liverpool himself said, after they had resolved to fortify the town: "When we came to survey the length and situation of our Town, it was found impracticable to be fortified, or if done to be defended with less than ten thousand men."⁽¹⁷⁾ When therefore the men of the Lancashire militia were mustered, they were mustered not because the lord lieutenant had "any great opinion of their usefulness", but rather because he doubted "whether better men can be had any other way", and, more importantly, because this would be a way to gather together the arms in the county to prevent them from falling into the hands of the enemy.

On the 7 November—the Jacobite army had not yet crossed into England—Derby called to Knowsley several of his deputy lieutenants, "who seemed to be of opinion the best way would be to send to the Towns to get them to send in their arms, and hire a vessel at Liverpoole for them, which should be ready to sail in case the rebels came that way". He added, "what to do for the best I am in much doubt, and am only sure I would do the best if I knew it". The militia, therefore, was mustered—after a fashion—on the first rumour of the advance of the invaders to the borders of the county. When there was no longer authority to hold them mustered, even under the new act, they were stood down, firstly as being a body with no authority in law to stand under arms, and secondly, as being a body likely to lose its arms to the enemy. "I know of no other use of raising them", said the lord lieutenant, but "that is the best way of hindering their arms from falling into the hands of our Enemies".⁽¹⁸⁾ In the event, as we

⁽¹⁵⁾ Addl. MSS., 32705 f. 314.

⁽¹⁶⁾ *Ibid.*, f. 373.

⁽¹⁷⁾ S.P. 36/69/95.

⁽¹⁸⁾ Addl. MSS. 32705, f. 314, and Hoghton MSS., 7 November.

know from a letter dated 1 December in the Hoghton papers, "We kept our Militia together untill the Rebels came to Lancaster [24th November], then Ld. Derby and such of his Deputy Lieutenants as met his Lordship at Liverpool were unanimously of opinion for the three Regiments of Militia to be discharged. . . . Such of our arms as we could prevail with the men to quitt were put on board ship at Liverpool, the rest of them the private men took home with them promising to secure them from the rebels."

In the meantime, efforts had been made through the machinery of the lieutenancy, to raise in the county at large an alternative force, namely a body of "subscription soldiers",⁽¹⁹⁾ men who should serve as volunteers maintained by voluntary subscriptions, and hence be outside the restraining provision of the militia laws. One might suppose from certain writings about the Forty-five, that the idea of citizens undertaking to band themselves together in "associations" maintained by voluntary subscription originated at York, in particular on the initiative of the archbishop. My own impression, however, is that the idea originated in Belfast, where a number of Protestant citizens as early as August banded themselves together into an "association to maintain the Protestant succession".⁽²⁰⁾ The idea caught on in England, particularly when the confusion of the law prevented the militia from mustering in a constitutional manner.

In Lancashire, however, the subscription scheme to maintain the association, also failed. Various stipulations were made, either by the subscribers or the ministry, that were not acceptable to the one side or the other, and the differences could not be adjusted in time. As we read in a letter written by Derby to Newcastle on 13 October and preserved in the Hoghton papers, "It had been happy if one General Plan for the whole nation had been fixed upon by the Government and sent to the several Lieutenants, but while all were left to make their own subscriptions upon such terms as they judged would be most serviceable to the Publick, it was not possible but Gentlemen must differ in themselves, tho' all meant the same end."

As the matter was summed up late in September, "the event has not answered our expectations".⁽²¹⁾ In the meantime, however, events were moving rapidly. Edinburgh had fallen,

⁽¹⁹⁾ Stanley MSS., 26 September (John Hardman was the collector for Liverpool).

⁽²⁰⁾ S.P. 36/67/56.

⁽²¹⁾ S.P. 36/68/101. There are some interesting references to this subscription scheme among the Stanley MSS. See especially documents dated 13 and 16 October.

the Government forces had been defeated at Prestonpans, and the clans were marching to invade England. No one knew as yet whether the invasion would be by way of Newcastle or Carlisle, whether east or west of the Pennines, whether through Yorkshire or through Lancashire. As soon as the army moving south from Edinburgh bore off for Kelso, some opinion at least in Lancashire appreciated that this could only mean that the intended route must lie through that county. To avoid a repetition of the pitiful surrender in 1715, and bearing in mind that the Jacobites expected more support in Lancashire than in almost any other county, it was not beyond the bounds of possibility that the French, who were widely thought to be planning a landing somewhere in Wales or the west, might stage their landing in Lancashire. Thomas Brereton, M.P. for Liverpool, wrote to the secretary of state: "If the Rebels are marching to Kelso it may very well be apprehended their design is to take the same rout into Lancashire that the Rebels did in the year 1715, with an Expectation of the French landing some Troops upon the Coast to join them". The rumour seemed the more likely, so Brereton added, "because to my certain knowledge Persons unknown to any of the Country have within a month past been sounding the Coast from Pile of Fowdray [intercalating the words, upon re-reading, "which is above Lancaster", for the benefit of the secretary of state, who could not be expected to know the geography of Lancashire] to near the Town of Liverpool, where search is making last Monday in order to apprehend two Persons who had been employed in such soundings."⁽²²⁾ With Wade and his government force from Newcastle the wrong side of the Pennines with "a mountainous Country to travel over", it was possible, and indeed, probable, that the invaders could reach Preston before them.

Events seemed to point to some major operations in the west. Already at the first rumour of an invasion in the previous year, the ministry had called upon the lord lieutenant of Ireland to "give immediate Directions for Transporting to Chester or such other Port in England as shall be most convenient, the Body of Two thousand Foot, together with Horse and Dragoons". As the troops already in England were likely to be "pretty much drawn to the south and east parts"; and as that fact might "encourage any Disturbance in the north-west or Midland Parts"; and as therefore any troops landed in the north-western ports would "have a long march thro' a Part of England where . . . all are not so well affected as could be

⁽²²⁾ Addn. MSS. 32705, f. 294.

wished"; the troops were ordered to carry powder and ball.⁽²³⁾ The ministry, then, fully expected trouble in the north-west, and it cannot be doubted, from odd scraps of evidence such as contemporary letters, parish records, and so forth that the Lancashire Whigs also very much feared a fifth column in their midst.⁽²⁴⁾ In the event, disturbances were later reported at Ormskirk, for example, of sufficient scale to be called "the Insurrection at Ormskirk".⁽²⁵⁾ Steps were therefore taken to tender the statutory oaths to all suspected persons, in order to convict the "refusers", and thus have power to take up their horses and so immobilise them. Also the two regiments in Dublin, Sinclair's and Battereau's regiments, were transported to Chester to reinforce the north-west, and Brigadier Cholmondeley sent up from London to take command.⁽²⁶⁾

By the third week in September, Liverpool was getting very concerned, especially when intelligence was received from Glasgow that the Jacobite army had imposed a compulsory levy upon that place. Owen Pritchard, the mayor of Liverpool, was absent from the town, "some Urgent Affairs calling me", as he said, "into Wales for a week." He left the care of the town, he said, "in the hands of Mr. Ald. Brooks, who served the office of Mayor the preceding year."⁽²⁷⁾ Alderman Brooks, the deputy mayor, "called a Meeting of the Principal Inhabitants of the Town to Consider a proper method for securing the Town from any Insult from the Rebels if they should advance so far." This town meeting thought that the best method would be "to raise as many men as can be had to bear arms in order to secure the town". The meeting, however, was aware, apparently, of the constitutional difficulties in the way of raising the militia. The deputy mayor therefore sent the same day, 20 September, an express messenger to London to the secretary of state, to beg the king's authority direct to raise some volunteers outside the militia organisation, "and to request what assistance shall be necessary to secure so Considerable a Trading Town as this is, as it might be attended with bad consequences should we have a visit from 'em unprepared". The deputy mayor hoped, furthermore, that "some Engineers and regular Force will be allowed us should there be occasion".

⁽²³⁾ S.P. Ireland, bun. 406, 16 and 22 February 1744.

⁽²⁴⁾ Addl. MSS. 32705, f. 373. For some references to action against the papists, see R. C. Jarvis, "The Forty-five and the Local Records", *Transactions, Lancashire and Cheshire Antiquarian Society* (1956), Vol. LXV, pp. 70-90.

⁽²⁵⁾ S.P. 36/75/2 and 53.

⁽²⁶⁾ S.P. 36/69/54, and 70/37. For a reference to the horses of Lancashire papists being moved into Cheshire see S.P. 36/75/20, enc.

⁽²⁷⁾ S.P. 36/69/95.

The secretary of state was told, somewhat peremptorily perhaps, that the Liverpool express messenger would wait for a reply. In the meantime "we shall be preparing everything in readiness on your Grace's Answer". There was, for example, "a Great quantity of gunpowder in a Magazine here for use of ships"; so the mayor was writing to the Admiralty for permission to place it on board the new vessels now building in the port, the *South Sea Castle*, and the *Loo*, so that it could not fall into the hands of the enemy.⁽²⁸⁾

The secretary of state replied to Liverpool on 23 September to the effect that their express of the 20th had been received in London on the 22nd, and had been laid before the king. The king "extremely approves the Zeal and Attention to His Service, which you and the other Magistrates of Liverpool have show'd in the present critical conjuncture and the Precautions you have taken for putting the town into a condition of Defence". The ministry, however, was in a hopeless muddle about the precise manner in which citizens could legally take up arms, even to defend themselves. The Yorkshire lieutenancies doubted the assurances of the ministry; those of Northumberland and Durham pleaded for the law officers' ruling and declined to levy a rate until it had been received. Lord Derby was convinced the whole procedure was illegal, and the lord chancellor himself was constrained to admit that the militia of Westmorland and Cumberland had been raised illegally. To make matters worse it was by now generally recognised that the new act had by faulty drafting failed of its purpose. The secretary of state, the duke of Newcastle, had to admit in respect of his own lieutenancy of Nottinghamshire, "I really am ignorant what steps may be the most proper to be taken"⁽²⁹⁾.

Rightly or wrongly, in such strategic places as Berwick, Carlisle and Newcastle, the king had, if only upon grounds of sheer military urgency, issued royal warrants authorising those places to raise forces for their own defence, altogether outside the machinery of the lieutenancy. The secretary of state, therefore, continued his letter of 23 September to the deputy mayor of Liverpool: "I send you enclosed a warrant, under His Majesty's Royal Sign Manual, directed to the Mayor of Liverpoole (which you will deliver to him) authorising and empowering him to form into Troops or Companies such of the Inhabitants as shall be willing to take arms, and to grant commissions to such Persons as he shall think proper

⁽²⁸⁾ S.P. 36/68/78, and 68/119.

⁽²⁹⁾ *Ibid*, no. 18.

to Exercise and Command them.”⁽³⁰⁾ He then added, either by way of an explanation or apology: “The like Powers have been granted by His Majesty in several Counties on the occasion of the present Rebellion, and to the Mayors of Berwick Carlisle and Newcastle.” Incidentally, in Carlisle, as facts were to prove, it led to much friction and jealousy between the corporation and the lieutenantancy;⁽³¹⁾ in Liverpool no such friction or jealousy is apparent.

In the meantime the corporation had not been idle. A plan was laid before the town council for “raising Fortification about this town for its Defence”, the cost of which it was prepared to defray, at least in part, by public subscription. It was therefore ordered by the town council “that the Corporation Do Pay and Contribute the sum of One thousand Pounds towards carrying on these Works, and raising Forces for the defence of the Town &c”. So far as the town meeting was concerned (as distinct from the meeting of the town council) it was decided to form the eight hundred or thousand men into companies of a hundred men each, and, said the mayor, “I will, pursuant to the power given me by his Majesty’s Royal Sign Manual, appoint Captains Lieutenants and Ensigns”. It was the intention to “appoint some persons to be Officers in the Companies who had already behaved well in his Majesty’s Service, the others will be chosen out of young Gentlemen of the Town who have sometime payd old Sergeants to instruct them in the Military Exercise”. The command of the regiment was offered by the mayor to one of the members of parliament, “our worthy Representative, Thomas Brereton, Esq., as no one could be so agreeable to our Inhabitants”. Brereton, however, “declined so important a Trust on account of his inexperience in the Military Function”, and the town thereupon entreated the secretary of state to move the king to order “some Colonel or other Officer of known experience to come here and take command of these Companys which we doubt not of having found and cloathed in three weeks, near the number having already entered their names”. Sufficient arms and ammunition also was requested, with an assurance that the arms would be returned into the magazines “when the occasion of having had them shall happily cease”.⁽³²⁾

⁽³⁰⁾ S.P. 36/68/119. It will be noticed that this entirely disposes of the story as told by Touzeau.

⁽³¹⁾ R. C. Jarvis, *The Jacobite Risings of 1715 and 1745* (Cumberland Record Series, Vol. I), pp. 66-7.

⁽³²⁾ S.P. 36/69/95, and Liverpool town books.

The first step taken in Liverpool upon the receipt of the royal warrant to raise and arm troops locally for the defence of the town, was to consult with "the Magistrates and his Majesty's other loyal subjects" as to the manner in which they could most effectively contribute. They "were all of Opinion that would best be done by raising 800 or 1,000 Men to march with others that may be raised in the County to join His Majesty's Forces that come into these parts". This resolution having been taken, a further town meeting was called on 28 September and "a Voluntary Subscription was immediately entered into of some Three Thousand Pounds", a sum, said the mayor, "which I have not the least reason to doubt will be considerably enlarged at another meeting appointed for that purpose [on the 30th]". It was upon this development that the town council held a further meeting, when it was resolved that the "summe of One Thousand Pounds, ordered last Council day to be subscribed by the Council towards the Expense of Raising Fortifications, be now Made and Paid towards the Expenses of raising one thousand Men, more or less, in this Town". Incidentally, it was further resolved "that the Royal Sign Manual be entered into the Council Book"—as though it had been town council business from the start.

It was the town meeting that decided to equip the men "with new Blew Frocks, Hatts and Stockings, and to maintain them for two Months certain", from which "Blew Frocks" the force came to be called "The Liverpool Blues". But, it must not be assumed that every soldier in the Liverpool Blues necessarily came from Liverpool. For example, an entry in the Aughton parish accounts records a regular payment, a sort of separation allowance, made by the overseers of the poor to the wife of a soldier "when he was with the Blews".⁽³³⁾

The officer whom the crown sent down from London to take command of the royal warrant unit was Colonel William Graham of the 43rd Foot,⁽³⁴⁾ a regiment raised as recently as 1741. Lieutenant-Colonel Gordon was sent as his second-in-command, and Major Richard Bendish as field officer. Arms and ammunition were ordered from the Tower.

There is, among the state papers (domestic) of this period, an odd item of no particular importance, except that it dilates upon the "great folly in giving the Regiments the names of the Collonels. It gives too great an Authority to the Collonels, who in time of civil discord often looks upon himself as Master

⁽³³⁾ L.R.O.: PR. 56.

⁽³⁴⁾ Now the Ox. & Bucks. L.I.; raised in 1741 by Colonel Thomas Fowkes, transferred in 1741 to the 2nd Foot.

of the Regiment and uses it as his Own property, and for whom his Inclination Directs". It was suggested, therefore, that the regiments "be new named—after Countys Citys and Towns".⁽³⁵⁾ This suggestion to name regiments after counties cities and towns, was perhaps somewhat premature; but it is worth noting that although at an early stage "the regiment of volunteers raised for His Majesty's Service in Liverpool" (to give it its official title) was very occasionally referred to as Graham's Regiment, in general it came to be called the Liverpool Blues. It was thus one of the first regiments in the British army to be so titled. Incidentally, among the War Office records is a reference to a reinforcement sent from London to "Graham's Regiment" in Liverpool, "there to follow such Directions as they shall receive from Coll. Graham". The reinforcement marched by way of Barnet, St Albans, Dunstable, Stony Stratford, Towcester, Daventry, Coventry, Colehill, Litchfield, Rugely, Stone, Congleton, Knutsford, Warrington and Prescot to Liverpool. The reinforcement consisted of three men.⁽³⁶⁾

Orders for the uniform clothing of the Liverpool Blues were placed by 5 October. "These goods will be wanted in a fortnight or a very few days", the order read. There were, for example, "52 Doz. of full-sized Men's felt Hatts . . . 50 doz. of them bound with white Galloon and white mettles Buttons . . . the other two Dozen let be of a better kind and come without being bound". Three thousand yards of kersey were ordered for the coats; thirteen shoemakers in the town were directed to set about making 626 pairs of shoes at "4/2 per pr if approved of"; and "50 Doz of strong White Stockings" were ordered from Wales.⁽³⁷⁾ This was in great contrast to uniforming the more regular county militia. Sir Henry Hoghton, the commander of one of the three units of county militia, wrote to the lord lieutenant on 28 October, "Many of the foot are likely fellows, but [have] poor bad cloathes. I have spoken to several, and I hope it would not be thought much of if yor Ldship thought fit to order each man to have a coat without

⁽³⁵⁾ S.P. 36/67/68. Regiments were not in general associated with the counties until 1781 (or more directly in 1881). The Inniskilling Fusileers and the Edinburgh Regiment (now the King's Own Scottish Borderers) were, however, earlier than the Liverpool Blues.

⁽³⁶⁾ P.R.O.: W.O.2 Nov. 1745, and W.O.5/37. p. 103. Another detachment that marched in, a subaltern and 50 men from Lowther's Regiment at Chester (via Nantwich, Northwich and Warrington) in October, was not to reinforce the town, but to embark on the vessel, newly built in Liverpool, H.M.S. *Loo*, (W.O.5/37, pp. 72-3).

⁽³⁷⁾ Regimental accounts (in the possession of our member, Mr. Daniel L. Evans).

lining, only faced and turned up the sleeves; if the cloth were brown would be cheapest". Yet, as the lord lieutenant said to the secretary of state (bearing in mind he was then, 13th October, basing his militia not on a statutory rate but on a voluntary subscription) "As to the cloathing, I know not what to say to it: an uniform seems necessary, and yet if it be paid for out of the private Subscription, a less number of men must be raised, and I fear this is not the time for it". Likewise with "trophies", that is to say, colours and standards. Sir Henry Hoghton inquired on 29 October: "If we are to go upon service, I presume yo. Lordship will order us to give Warrants for Trophy money that we may have colours, drums and halberds" . . . The lord lieutenant replying from Knowsley ten days later made it clear that, if the king and his ministry scrupled to give him any legal warrant, he in his turn scrupled to tax his county with "trophy money". In any case, he said, "colours &c seems an unnecessary expense, and at this time very impracticable".

The Liverpool Blues, not being raised under the militia law, suffered none of these restraints. By the time they received their uniform clothing, they had received also their drums and "4 pare of Drum Sticks" at a shilling the pair. They had also "standards for the Colours, and a pair of ensigns", even if the latter cost only £2.14.3d including the fringe, plus four shillings for the making.⁽³⁸⁾

With the militia no very great success and the subscription soldiers a distinct failure in the country at large, Lancashire's hopes might even now rest in the royal warrant companies—the Liverpool Blues. As was reported to the ministry in London: "There are 800 Men joined into Companys at Liverpool, to which Captains Lieutenants and Ensigns have been some time appointed, and the whole for near a Month past exercised by old Officers and disbanded Sergeants and Corporals, and have all taken the Oaths to his Majesty, and had the Articles of War read to them, and are ready to march at an Hour's warning were proper Field Officers sent down to command them, and arms and ammunition Suplyed them".⁽³⁹⁾ It was suggested, therefore, that the Liverpool men should not wait until they had received the supplies "that were on the way to them" from the Tower, but that Colonel Graham, who was about to set out to take over command, should bring from London "an Order along with him to the Storekeeper of Chester Castle for a proper Supply of Arms, wch may be replaced by the Arms that are to be sent . . . from the Tower to

⁽³⁸⁾ Regimental accounts.

⁽³⁹⁾ Addl. MSS., 32705, f. 294.

furnish the Liverpool Men". Throughout the month of October, the regimental accounts for the Liverpool Blues show the receipt of cash as "For Owen Pritchard's order on Jno. Bostock". From the end of October onwards the items read: "For Jas. Broomfield's order on Jno. Bostock". This should not be passed over as mere routine, indicating no more than that Broomfield had now succeeded Pritchard as mayor. Some cities and boroughs seized upon any sort of technicality in order to enter a *non possumus*. Nottingham, for example, reported upon the change of mayoralty that the new mayor could now make no use of the royal warrant as he was not named on it; nor could the ex-mayor, who was named, because he was no longer mayor.⁽⁴⁰⁾ Liverpool, by contrast, saw no such difficulty. The change passed, in effect, unnoticed.

Colonel Graham arrived in Liverpool on Sunday, 10 November. He "had the seven Companies out" on the Monday, and opening "15 Chests of arms in the Field . . . delivered the arms sent from the Tower." After having inspected the men, he reported to the secretary of state the same day, not very enthusiastically perhaps, that he thought they were "about five hundred as good Men as could be expected." That very day, however, an express arrived in the town, bringing the mayor information that the invading force had crossed into England at 11 o'clock the previous morning and was already marching southward. Upon hearing this, Colonel Graham "desired a consultation with the Mayor &c", and a representative body was therefore called together the same day at the mayor's house. This meeting consisted of the civic dignitaries, namely the mayor, his predecessor in office, and others of the aldermanic body, the military arm represented by Colonel Graham and his second in command, certain civil and church dignitaries, and the leading merchants and ship-owners of the town.⁽⁴¹⁾ The decisions taken at this meeting show a delicate balance of civil and military authority. In the first place it was "thought advisable", since information had been received that the invaders were advancing southwards, "that the Mayor shall give directions to secure the Avenues of the Town". It was "recommended", furthermore, "that Coll. Graham stay with the Liverpool Regiment of Seven Companies in Town

⁽⁴⁰⁾ S.P. 36/69/110.

⁽⁴¹⁾ S.P. 36/73/88 (263) and (264). The report names the following as present at the meeting:—"Jas Bromfield, Esq., Coll^o. Graham, Lt Coll^o. Gordon, Foster Cunliffe Esq., Aldn. Owen Pritchard, Mr. Chas Gore, Aldn. Rd. Kelsell, Mr. Jas Gildart, The Revd. Mr. Stanley, Aldn. Edwd. Trafford, Jno. Colquitt Esq., Mr. Jno. Hardman, Aldn. Wm. Carr, Mr. Saml. Ogden, Mr. Edwd. Forbes, Mr. Jas. Gildart, Mr. Av. Heywood."

Untill he is order'd other ways by his Superior Officers." Thus the civic arm gave its "directions" to the military to secure the defence of the town, and accompanied its "directions" with certain "recommendations", subject to the overriding authority of higher military command. The next "head of decision" seems to imply that The Blues were not expected to be victorious, for it was "agreed that when Collo. Graham can do no further service for the Defence of the Town, he shall dispose of the Forces under his Command as he shall judge best for his Majesty's Service", which, it is to be noted, is just what did *not* happen at Carlisle. Colonel Graham communicated the terms of the town meeting's decision to the secretary of state, commenting that the town itself had "no sort of Defence but the houses". He therefore proposed to accept the town's decision "which I shall follow to the best of my Judgment".⁽⁴²⁾ He also sent a special messenger to Marshal Wade, the general officer commanding at Newcastle.⁽⁴³⁾ Next day, 12th November, the hats shoes and stockings were given out to the majority of the troops. The issue was completed on the 14th, and the coats were given out on the 15th "in the field, at Marching". With their commander, arms and uniform, the Blues were now complete. The companies, eight in number, were commanded by Isaac Wakeley, Francis Stuart, Lawrence Spencer, Peter Mason, George Campbell, William Tonge, Benjamin Heywood and John Colquitt. Ensign Lee of Captain Campbell's company served as adjutant.⁽⁴⁴⁾

Among the state papers there is an unsigned scrap, dated 13 November, presumably a notation of business to be considered by the cabinet council. It reads: "? Whether it might not be of service to send Orders and Directions to the Lords Lieuts. or their Deputies in Westmorland and Lancashire to break the Bridges and render the Roads as impassable as they can, on the Great Rout leading through Cumberland, Westmorland and Lancashire towards Cheshire. [In another hand]? An Order for Brigadier Douglas [at Chester] to break down the bridges at Warrington and Stockport".⁽⁴⁵⁾ Already on the 7 November General Ligonier, who was with his regular troops in the southern Midlands, had received orders "to march with a Body of Troops . . . towards Chester, and to make himself master of the River Mersey", but as yet he had not been able to do so. From one of the earl of Cholmondeley's despatches preserved among the state papers and written from

⁽⁴²⁾ S.P. 36/73/88 (263).

⁽⁴⁴⁾ Regimental accounts.

⁽⁴³⁾ S.P. 36/74/10 (enc.).

⁽⁴⁵⁾ S.P. 36/73/112.

Chester to the duke of Cumberland, we know that reliable intelligence used to be obtained at this critical stage "from a very Substantial Trader and Merchant in Warrington, who writes me particulars of accounts he has received from a Person being Employed by the Traders of Liverpool and this Place to attend on the Rebels in their March and bring the best Intelligence from them".⁽⁴⁶⁾ The "traders of Liverpool", then, had already looked to the matter of intelligence, and when the Jacobites were known to be bound for the Mersey, Colonel Graham marched off with his Liverpool Blues, with their carts, wagons and "a new tarpaulin for the Powder cart", and began to operate between Runcorn, Frodsham, Northwich, Latchford and Warrington, the facts being reported to the War Office. Incidentally, this means that before the Jacobites set foot into the county of Lancashire, The Blues had crossed the county border into Cheshire. This should be read in relation to the records of certain other counties where the militia demurred at moving outside the county, or positively refused to be transferred or embodied into some other form of unit, if this would require them to move outside the limits of the county.⁽⁴⁷⁾ The Blues seem to have raised no such objections.

Among the War Office records are the instructions subsequently issued "To Colo. William Graham, Officer comg. in chief the Regt. of Volunteers raised for His Majesty's service in Liverpool". They are dated 19 November:

It is His Majesty's Pleasure that you continue with the Regiment under your command at Warrington, and that you do, according to your Judgment and Discretion endeavour to secure and fortify the Bridges and Passages of the River there and thereabouts, and use all other Endeavours in obstructing the Rebels in case they should attempt to March Southwards, for which purpose more troops will join you as soon as possible; but in Case any great Body of the Rebels should approach so near as to make it impracticable for you to defend that Pass and no further assistance should be arrived, you are to retire to Chester, in all which you are to act according to the best of your Judgment; and to obey such Orders as you shall receive from Sir John Ligonier or other your Superior Officer. And if you shall have left Warrington before this comes to your Hands, you are forthwith to return thither and put in execution the Orders aforesaid.⁽⁴⁸⁾

On 23 November the earl of Cholmondeley, commanding at Chester, thought proper to take the opinion of Brigadier Douglas and the field officers of the several regiments and

⁽⁴⁶⁾ S.P. 36/75/57.

⁽⁴⁷⁾ S.P. 36/78/72-5.

⁽⁴⁸⁾ P.R.O.: W.O. 5/37, p. 168. It is particularly to be noted that the orders initially were to *fortify* the bridges, not to demolish them.

garrison there. This was then the situation: firstly, the Jacobite van was already at Burton and would occupy Lancaster next day; secondly, it had "been resolved to disarm the Lancashire militia in order to prevent them [the arms] from falling into the Hands of the Enemy, as it would be impossible for such a Body to make any Defence"; and thirdly, the various units of Cumberland's army, which was to concentrate at Meriden Common near Coventry, were as yet separated, and were "at the Distance of several Marches" from one another. In this situation, since the concentration of the government force could not be speeded up, the advance of the Jacobites had to be delayed. It followed, therefore, so they argued at Chester, that the Mersey bridges must not be fortified, but broken down. Cholmondeley accordingly gave orders the same day for the breaking of the bridges, and reported from Chester to the duke of Richmond at military headquarters at Litchfield that this task was to be executed "under the Inspection of Coll. Graham", that is to say, by the Liverpool Blues. Next day the duke of Richmond was "glad to find they have broke down the Bridge at Warrington and hope[d] they will do the same at Stockport".⁽⁴⁹⁾ Having destroyed two arches of Warrington bridge, therefore, the Liverpool Blues on 26 November had ten masons, four carpenters and two labourers at work breaking down Barton, Carrington and Holmes bridges. They also took an arch out of Crosford and Stockport bridges. At Warrington, as an additional precaution, they brought the ladders across to the Cheshire side and sank the boats.⁽⁵⁰⁾

The Jacobite main body was at Preston on 27 November. The same day intelligence was sent south, and on the 28th when the Jacobites reached Wigan, the advance intelligence had reached Warrington. An intelligence note from Warrington to Cholmondeley, enclosed in one of Cumberland's despatches,⁽⁵¹⁾ said that "as soon as [this messenger] came to me [at Warrington] I sent for Mr. Colket, the Commanding Officer at this Bridge [who was over on the Cheshire side, and] who came over and heard this whole acct. from the man himself." John Colquitt was, of course, captain of one of the companies of the Liverpool Blues. We know of course that Manchester was occupied and that the Jacobites repaired Crosford bridge and crossed the Mersey at Stretford, Stockport and Cheadle. Since the enemy was in overwhelming force, the plan was for The Blues to withdraw, fall back on

⁽⁴⁹⁾ Addl. MSS. 32705, ff. 367 and 375.

⁽⁵⁰⁾ Regimental accounts.

⁽⁵¹⁾ S.P. 36/75/57.

Northwich and retreat into Chester. A hurried note from Northwich is preserved among the military papers:

Northwich. Sunday Morning, half-an-hour after two

Decr 1st.

. . . by Intelligence Col Graham has recd. by his out Scouts, one part of the Rebels will be at this place in a few hours. . . . As orders are to see the Rebels before I retire, my retreat from this place will most certainly be cut off. I must likewise inform [you] that it is the Colonel's opinion (and what he intends to do himself) to make the best retreat to Chester.

There is a further note, this time from the duke of Kingston.

Sunday 7 o'clock

Take care not to be cut off, but come back to this place if he can, which if he should not be able to do, to take Col. Graham's advice.⁽⁵²⁾

The notes got safely through, but we do not know whether the men did.

The Liverpool Blues re-formed in Chester. Upon the Jacobite retreat again to the north, they moved up into Warrington again, northwards through Wigan and Preston to Carlisle. Still outside the limits of the county, they were not stood down until 15 January, that is until some time after the re-surrender of Carlisle, and did not come back to Liverpool until all Jacobite troops under arms had been driven beyond the Scottish Border.

⁽⁵²⁾ S.P. 36/75/20 (56), 62 and 63.