

A genealogical and heraldic history of the commoners of Great Britain...

By John Burke

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A Letter from Winifred Herbert, Countess of Nithsdale, to her sister, the Lady Lucy Herbert, Abbess of the English Augustine Nuns, at Bruges, containing a circumstantial account of the escape of her husband, William Maxwell, fifth Earl of Nithsdale, from the Tower of London, on Friday, the 23rd of February, 1716.¹

“DEAR SISTER,

MY lord’s escape is now such an old story that I have almost forgotten it: but since you desire me to give you a circumstantial account of it, I will endeavour to recal it to my memory, and be as exact in the narration as I possibly can; for I owe you too many obligations to refuse you anything that lies in my power to do. I think I owe myself the justice to set out with the motives which influenced me to undertake so hazardous an attempt, which I despaired of thoroughly accomplishing, foreseeing a thousand obstacles, which never could be surmounted but by the most particular interposition of Divine Providence. I

¹ For this interesting document I am indebted to a little work published for private circulation, by Sheffield Grace, esq. and presented to me by that able and accomplished antiquarian, who states that he obtained the original from the library of Lord Arundel, of Wardour.

confided in Almighty God, and trusted that He would not abandon me even when all human succours failed me.



Winifred Maxwell, Countess of Nithsdale

I first came to London upon hearing that my lord was committed to the Tower. I was at the same time informed that he had expressed the greatest anxiety to see me, having, as he afterwards told me, nobody to console him till I came. I rode to Newcastle, and from thence took the stage to York. When I arrived there the snow was so deep that the stage could not set out for London. The season was so severe and the roads so extreme-

ly bad, that the post itself was stopped. However, I took horses and rode to London, though the snow was generally above the horses' girths, and arrived safe without any accident. On my arrival I went immediately to make what interest! could among those who were in place. No one gave me any hopes, but they all to the contrary assured me that, although some of the prisoners were to be pardoned, yet my lord would certainly not be of the number. When I enquired into the reason of this distinction, I could obtain no other answer than that they would not flatter me. But I soon perceived the reasons which they declined alleging to me. A Roman Catholic upon the frontiers of Scotland who headed a very considerable party; a man whose family had always signalized itself by its loyalty to the royal house of Stuart, and who was the only support of the Catholics against the inveteracy of the Whigs, who were very numerous in that part of Scotland, would become an agreeable sacrifice to the opposite party. They still retained a lively remembrance of his grandfather, who defended his own castle of Caerlaverock to the last extremity, and surrendered it up only at the express command of his royal master. Now having his grandson in their power, they were determined not to let him escape from their hands. Upon this I formed the resolution to attempt his escape, but opened my intention to nobody but my dear Evans. In order to concert measures, I strongly solicited to be permitted to see my lord, which they refused to grant me, unless I would remain confined with him in the Tower. This I would not submit to and alleged for excuse, that my health would not permit me to undergo the confinement. The real reason of my refusal was, not to put it out of my power to accomplish my designs; however, by bribing the guards, I often contrived to see my lord, till the day upon which the prisoners were condemned. After that, for the last week we were allowed to see and take our leave of

them. By the assistance of Evans, I had prepared every thing necessary to disguise my lord, but had the utmost difficulty to prevail upon him to make use of them. However, I at length succeeded by the help of Almighty God. On the 22nd of February, which fell on a Thursday, our general Petition was presented to the House of Lords, the purport of which was, to interest the lords to intercede with his Majesty to pardon the prisoners. We were however disappointed, the day before the petition was to be presented, the Duke of St. Albans, who had promised my Lady Derwentwater, to present it, when it came to the point, failed in his word. However, as she was the only English Countess concerned, it was incumbent on her to have it presented. We had but one day left before the execution, and the Duke still promised to present the petition, but for fear he should fail, I engaged the Duke of Montrose to secure its being done by the one or the other. I then went in company with most of the ladies of quality then in town to solicit the interest of the lords as they were going to the house. They all behaved to me with great civility, but particularly the Earl of Pembroke, who, though he desired me not to speak to him, yet he promised to employ his interest in my favour, and honourably kept his word, for he spoke very strongly in our behalf. The subject of the debate was, whether the king had the power to pardon those who had been condemned by Parliament; and it was chiefly owing to Lord Pembroke's speech that it was carried in the affirmative, however, one of the lords stood up, and said that the house could only intercede for those of the prisoners who should approve themselves worthy of their intercession, but not for all them indiscriminately. This salvo quite blasted all my hopes, for I was assured that it was aimed at the exclusion of those who should refuse to subscribe to the petition, which was a thing I knew my lord would never submit to; nor, in fact, could I wish to pre-

serve his life on those terms. As the motion had passed generally, I thought I could draw from it some advantage in favour of my design. Accordingly I immediately left the House of Lords and hastened to the Tower, where, affecting an air of joy and satisfaction, I told the guards I passed by, that I came to bring joyful tidings to the prisoners; I desired them to lay aside their fears, for the petition had passed the house in their favour. I then gave them some money to drink to the Lords and his Majesty, though it was but trifling, for I thought if I were too liberal on the occasion, they might, suspect my designs, and that giving them something would gain their good will and services for the next day, which was the eve of execution. The next morning I could not go to the Tower, having so many things upon my hands to put in readiness; but in the evening, when all was ready, I sent for Mrs. Mills, with whom I lodged, and acquainted her with my design of attempting my lord's escape, as there was no prospect of his being pardoned, and that this was the last night before the execution. I told her that I had every thing in readiness, and that I trusted she would not refuse to accompany me, that my lord might pass for her. I pressed her to come immediately, as we had no time to lose. At the same time I sent to Mrs. Morgan, then usually known by the name of Hilton, to whose acquaintance my dear Evans had introduced me, which I look upon as a very singular happiness. I immediately communicated my resolutions to her. She was of a very tall slender make, so I begged her to put under her own riding-hood one that I had prepared for Mrs. Mills, as she was to lend hers to my lord, that in coming out he might be taken for her. Mrs. Mills was then with child, so that she was not only of the same height, but nearly of the same size as my lord. When we were in the coach, I never ceased talking, that they might have no leisure to reflect. Their surprise and astonishment when I first opened my

design to them had made them consent, without ever thinking of the consequences. On our arrival at the Tower, the first I introduced was Mrs. Morgan, (for I was only allowed to take in one at



[Emily Mary Osborn](#) - Oil on canvas

a time), she brought in the clothes that were to serve Mrs. Mills when she left her own behind her. When Mrs. Morgan had taken off what she had brought for my purpose, I conducted her back to the staircase, and in going, I begged her to send me my maid to dress me, that I was afraid of being too late to present my last petition that night if she did not come immediately. I dispatched her safe, and went partly down stairs to meet Mrs. Mills, who had the precaution to hold her handkerchief to her face, as is natural for a woman to do, when she is going to take her last farewell of a friend on the eve of his execution. I had, indeed, desired her to do so, that my lord might go out in the same manner. Her eyebrows were rather inclined to be sandy, and my lord's were very dark and very thick; however I had prepared some

paint of the colour of her's to disguise his with; I also brought an artificial head-dress of the same coloured hair as hers, and I painted his face with white and his cheeks with rouge, to hide his long beard, which he had not time to shave. All this provision I had before left in the Tower. The poor guards, whom my slight liberality the day before had endeared me to, let me go quietly out with my company, and were not so strictly on the watch as they usually had been, and the more so as they were persuaded, from what I had told them the day before, that the prisoners would obtain their pardon. I made Mrs. Mills take off her own hood, and put on that which I had brought for her; I then took her by the hand and led her out of my lord's chamber, and in passing through the next room, in which were several people, with all the concern imaginable, I said, "My dear Mrs. Catharine, go in all haste and send me my waiting-maid, she certainly cannot reflect how late it is; I am to present my petition tonight, and if I let slip this opportunity I am undone, for to-morrow will be too late; hasten her as much as possible, for I shall be on thorns till she comes." Every body in the room, who were chiefly the guards' wives and daughters, seemed to compassionate me exceedingly, and the centinel officiously opened me the door. When I had seen her safe out I returned to my lord, and finished dressing him. I had taken care that Mrs. Mills did not go out crying, as she came in, that my lord might better pass for the lady who came in crying and afflicted, and the more so, because he had the same dress which she wore. When I had almost finished dressing my lord in all my petticoats except one, I perceived it was growing dark, and was afraid that the light of the candles might betray us, so I resolved to set off. I went out leading him by the hand, whilst he held his handkerchief to his eyes. I spoke to him in the most piteous and afflicted tone of voice, bewailing bitterly the negligence of Evans, who

had ruined me by her delay. Then said I, "My dear Mrs. Betty, for the love of God, run quickly and bring her with you; you know my lodging, and if you ever made dispatch in your life, do it at present; I am almost distracted with this disappointment." The guards opened the door, and I went down stairs with him, still conjuring him to make all possible dispatch. As soon as he had cleared the door I made him walk before me, for fear the centinel should take notice of his walk; but I still continued to press him to make all the dispatch he possibly could. At the bottom of the stairs I met my dear Evans, into whose hands I confided him. I had before engaged Mr. Mills to be in readiness before the Tower, to conduct him to some place of safety, in case we succeeded. He looked upon the affair as so very improbable to succeed, that his astonishment when he saw us, threw him into such a consternation that he was almost out of himself; which Evans perceiving, with the greatest presence of mind, without telling him any thing lest he should mistrust them, conducted him to some of her own friends on whom she could rely, and so secured him, without which we should have been undone. When she had conducted him and left him with them, she returned to Mr. Mills, who by this time had recovered himself from his astonishment. They went home together, and having found a place of security they conducted him to it. In the mean time, as I had pretended to have sent the young lady on a message, I was obliged to return up stairs, and go back to my lord's room in the same feigned anxiety of being too late, so that every body seemed sincerely to sympathize in my distress. When I was in the room, I talked as if he had been really present: I answered my own questions in my lord's voice as nearly as I could imitate it; I walked up and down as if we were conversing together, till I thought they had time enough thoroughly to clear themselves of the guards. I then thought

proper to make off also. I opened the door, and stood half in it that those in the outward chamber might hear what I said, but held it so close that they could not look in. I bade my lord formal farewell for the night, and added, that something more than usual must have happened to make Evans negligent on this important occasion, who had always been so punctual in the smallest trifles; that I saw no other remedy but to go in person: that if the Tower was still open, when I had finished my business, I would return that night; but that he might be assured I would be with him as early in the morning as I could gain admittance into the Tower, and I flattered myself I should bring more favourable news. Then, before I shut the door, I pulled through the string of the latch, so that it could only be opened in the inside. I then shut it with some degree of force, that I might be sure of its being well shut. I said to the servant as I passed by (who was ignorant of the whole transaction) that he need not carry in candles to his master, till my lord sent for them, as he desired to finish some prayers first. I went down stairs and called a coach, as there were several on the stand and drove home to my own lodgings, where poor Mr. M'Kenzie had been waiting to carry the petition, in case my attempt had failed. I told him there was no need of any petition, as my lord was safe out of the Tower, and out of the hands of his enemies as I supposed, but that I did not know where he was. I discharged the coach and sent for a sedan chair, and went to the Duchess of Buccleugh, who expected me about that time, as I had begged of her to present the petition for me, having taken my precaution against all events. I asked if she was at home, and they answered me that she expected me, and had another duchess with her. I refused to go up stairs as she had company with her, and I was not in a condition to see any other company. I begged to be shewn into a chamber below stairs, and that

they would have the goodness to send her grace's maid to me, having something to say to her. I had discharged the chair, lest I might be pursued and watched. When the maid came in I desired her to present my most humble respects to her grace, who they told me had company with her, and to acquaint her, that this was my only reason for not coming up stairs. I also charged her with my sincerest thanks for her kind offer to accompany me when I went to present my petition. I added, that she might spare herself any further trouble, as it was judged more advisable to present one general petition in the name of all; however, that I would never be unmindful of my particular obligation to her grace, and which I should return very soon to acknowledge in person. I then ordered one of the servants to call a chair and I went to the Duchess of Montrose, who had always borne a part in my distresses. When I arrived, she left her company to deny herself, not being desirous to see me under the affliction which she judged me to be in. By mistake, however, I was admitted, so there was no remedy. She came to me, and as my heart was in an ecstasy of joy, I expressed it in my countenance. As she entered the room, I ran up to her in the transport of my joy; she appeared to be extremely shocked and frightened, and has since confessed to me, that she apprehended my troubles had thrown me out of myself, till I communicated my happiness to her. She then advised me to return, for that the king was highly displeased and even enraged at the petition I had presented to him, and had complained of it severely. I sent for another chair, for I always discharged them immediately, that I might not be pursued. Her grace said she would go to Court and see how the news of my lord's escape was received. When the news was brought to the king, he flew into an excessive passion, and said he was betrayed, for it could not have been done without a confederacy. He instantly dis-

patched two persons to the Tower, to see that the other prisoners were well secured, lest they should follow the example. Some threw the blame on me, some upon another. The duchess was the only one at court that knew it. When I left the duchess I went to a house that Evans had found out for me, and where she promised to acquaint me where my lord was. She got thither some few minutes after me, and told me that when she had seen him secure she went in search of Mr. Mills, who by this time had recovered himself from his astonishment, that he had returned to his house where she found him, and that he had removed my lord from the first place where she had desired him to wait, to the house of a poor woman directly opposite the guard-house. She had but one small room up one pair of stairs, and a very small bed in it. We threw ourselves on the bed, that we might not be heard walking up and down. She left us a bottle of wine and some bread, and Mrs. Mills brought us some more in her pockets the next day. We subsisted on this provision from Thursday till Saturday night, when Mr. Mills came and conducted my lord to the Venetian Ambassador's. We did not communicate the affair to his excellency, but one of his servants concealed him in his own room till Wednesday, on which day the Ambassador's coach and six was to go down to Dover to meet his brother. My lord put on a livery, and went down in the retinue, without the least suspicion, to Dover; where Mr. Michel (which was the name of the Ambassador's servant) hired a small vessel, and immediately set-sail for Calais. The passage was so remarkably short that the Captain threw out this reflection, that the wind could not have served better if his passengers had been flying for their lives, little thinking it to be really the case. Mr. Michel might have easily returned, without suspicion of having been concerned in my lord's escape; but my lord seemed inclined to have him with him, which he did, and he has at

present a good place under our young master. This is an exact and as full an account of this affair, and of the persons concerned in it, as I could possibly give you, to the best of memory, and you may rely upon the truth of it. For my part, I absconded to the house of a very honest man in Drury Lane, where I remained till I was assured of my lord's safe arrival on the continent. I then wrote to the Duchess of Buccleugh (every body thought till then that I was gone off with my lord) to tell her I understood I was suspected of having contrived my lord's escape, as was very natural to suppose; that if I could have been happy enough to have done it, I should be flattered to have the merit of it attributed to me, but that a bare suspicion, without proof, would never be a sufficient ground for my being punished for a supposed offence, though it might be a motive sufficient for me to provide a place of security; so I entreated her to procure leave for me to go about my business. So far from granting my request they were resolved to secure me if possible. After several debates, Mr. Solicitor-General, who was an utter stranger to me, had the humanity to say, that since I shewed such respect to Government as not to appear in public, it would be cruel to make any search after me. Upon which it was decided, that no further search should be made if I remained concealed; but that if I appeared either in England or in Scotland, I should be secured. But this was not sufficient for me, unless I could submit to see my son exposed to beggary. My lord sent for me up to town in such haste, that I had not time to settle any thing before I left Scotland. I had in my hands all the family papers, and dared trust them to nobody. My house might have been searched without warning, consequently they were far from being secure there. In this distress I had the precaution to bury them in the ground, and nobody but myself and the gardener knew where they were. I did the same with other things of value. The

event proved that I had acted prudently, for after my departure they searched the house, and God only knows what might have transpired from those papers. All these circumstances rendered my presence absolutely necessary, otherwise they might have been lost, for though they retained the highest preservation after one very severe winter, for when I took them up they were as dry as if they came from the fire-side, yet, they could not possibly have remained so much longer without prejudice. In short, as I had once exposed my life for the safety of the father, I could not do less than hazard it once more for the fortune of the son. I had never travelled on horse-back but from York to London, as I told you, but the difficulties did not arise now from the severity of the season, but the fear of being discovered and arrested. To avoid this, I bought three saddle horses, and set off with my dear Evans, and a very trusty servant whom I brought with me out of Scotland. We put up at all the smallest inns on the road that could take in a few horses, and where I thought I was not known, for I was thoroughly known at all the considerable inns on the northern road. Thus I arrived safe at Traquhair, where I thought myself secure, for the Lieutenant of the County being a friend of my lord's, would not permit any search to be made after me without sending me previous notice to abscond. Here I had the assurance to rest myself for two whole days, pretending that I was going to my own house with leave from Government. I sent no notice to my house, that the Magistrates of Dumfries might not make too narrow enquiries about me. So they were ignorant of my arrival in the country till I was at home, where I still feigned to have permission to remain. To carry on the deceit the better, I sent to all my neighbours and invited them to come to my house. I took up my papers at night, and sent them off to Traquhair. It was a particular stroke of providence that I made the dispatch I did, for they

soon suspected me, and by a very favourable accident, one of them was overheard to say to the Magistrates of Dumfries, that the next day they would insist on seeing my leave from Government. This was bruited about, and when I was told of it, I expressed my surprise that they should be so backward in coming to pay their respects; but, said I, "better late than never, be sure to tell them that they shall be welcome whenever they choose to come." This was after dinner, but I lost no time to put every thing in readiness with all possible secrecy; and the next morning before day-break I set off again for London with the same attendants, and as before put up at the smallest inns, and arrived safe once more.

On my arrival, the report was still fresh of my journey into Scotland, in defiance of their prohibition.

A lady informed me, that the king was extremely incensed at the news. That he had issued orders to have me arrested; adding, that I did whatever I pleased in despite of all his designs, and that I had given him more trouble and anxiety than any other woman in Europe. For which reason I kept myself as closely concealed as possible, till the heat of these reports had abated. In the mean while I took the opinion of a very famous lawyer, who was a man of the strictest probity. He advised me to go off as soon as they had ceased searching after me. I followed his advice, and about a fortnight after escaped without any accident whatever. The reason he alleged for his opinion was this, that although in other circumstances, a wife cannot be prosecuted for saving her husband, yet in cases of high-treason, according to the rigour of the law, the head of the wife is responsible for that of the husband; and as the king was so highly incensed there could be no answering for the consequences, and he therefore entreated me to leave the kingdom. The king's resentment was

greatly increased by the petition which I presented, contrary to his express orders. But my lord was very anxious that a petition might be presented, hoping that it would be at least serviceable to me. I was in my own mind convinced that it would be to no purpose, but as I wished to please my lord, I desired him to have it drawn up, and I undertook to make it come to the king's hand, notwithstanding all the precautions he had taken to avoid it. So the first day that I heard the king was to go to the drawing-room, I dressed myself in black, as if I was in mourning. I sent for Mrs. Morgan (the same who accompanied me to the Tower) because as I did not know his Majesty personally, I might have mistaken some other person for him. She stood by me and told me when he was coming. I had also another lady with me, and we three remained in a room between the king's apartments and the drawing-room: so that he was obliged to go through it, and as there were three windows in it, we sat in the middle one, that I might have time enough to meet him before he could pass. I threw myself at his feet, and told him, in French, that I was the unfortunate Countess of Nithsdale, that he might not pretend to be ignorant of my person. But perceiving that he wanted to go off, without receiving my petition, I caught hold of the skirts of his coat, that he might stop and hear me. He endeavoured to escape out of my hands, but I kept such strong hold that he dragged me from the middle of the room to the door of the drawing-room. At last one of the blue-ribbands, who attended his Majesty, took me round the waist, whilst another wrested the coat out of my hands. The petition, which I had endeavoured to thrust into his pocket, fell down in the scuffle, and I almost fainted through grief and disappointment. One of the gentlemen in waiting took the petition, and as I knew that it ought to have been given to the Lord of the Bedchamber who was then in waiting, I wrote to him, and entreated

him to do me the favour to read the petition which I had had the honour to present to his Majesty.

Fortunately for me it happened to be my Lord Dorset, with whom Mrs. Morgan was very intimate. Accordingly, she went into the drawing-room and presented him a letter, which he received very graciously. He could not read it then, as he was at cards with the Prince, but as soon as the game was over, he read it; and behaved, as I afterwards learnt, with the greatest zeal for my interest, and was seconded by the Duke of Montrose, who had seen me in the antichamber and wanted to speak to me, but I made him a sign not to come near me, lest his acquaintance should thwart my designs. But it became the topic of their conversation the rest of the evening, and the harshness with which I had been treated soon spread abroad, not much to the honour of the King. Many people reflected that they had themselves presented petitions, and that he had never rejected any even from the most indigent objects. But this behaviour to a person of quality was a strong instance of brutality. These reflections which circulated about, raised the king to the highest pitch of hatred and indignation against my person, as he has since allowed; for when the ladies, whose husbands had been concerned in this affair, presented their petitions for dower, mine was presented among the rest, but the king said, I was not entitled to the same privilege, and in fact I was excluded; and it is remarkable, that he would never suffer my name to be mentioned. For these reasons every body judged it prudent for me to leave the kingdom; for so long as this hatred of the king subsisted I could not be safe, and as it was not probable that I could escape falling into his hands, I accordingly went.

This is the full narrative of what you desired, and of all the transactions which passed relative to this affair. No-

body besides yourself could have obtained it from me; but the obligations I owe you, throw me under the necessity of refusing you nothing that is in my power to do. As this is for yourself alone, your indulgence will excuse all the faults which must occur in this long recital. The truth you may however depend upon, attend to that, and overlook all deficiencies. My lord desires you to be assured of his sincere friendship.

I am, with strongest attachment,
My dear Sister,
Yours, most affectionately,
WINIFRED NITHSDALE.