

# The Militia “Riots” of 1797

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**Geoff B Bailey & Jessie Young**

The end of the eighteenth century saw Falkirk going through considerable social and physical changes. As commerce and industry developed apace, led by the establishment of the Carron Company and the opening of the Forth and Clyde Canal, the size of the population rapidly increased. The 1790s seem to have been particularly busy. Falkirk Brewery expanded to the north side of Newmarket Street. Spurred on by the French Revolution there was a call for greater representation. In 1793 a section of the Falkirk community led by Dr John Corbett forced a reorganisation of the Stentmasters in order to make them more representative and open. The stentmasters looked after the [town's water supply](#) and were slowly accumulating other civic duties. Amongst these was the appointment of billeting officers to find accommodation for troops in transit. Jobs undertaken by them in the past had been given to their own number and remunerative billeting orders had been divided between brewers and bakers (Reid 1993, 28, 32.). The established church saw its own authority and status challenged by the increased popularity of secession churches and in 1799 the [Falkirk Relief Church](#) rebuilt its meeting house on a grander scale to cope with demand. Political and religious wars were a real possibility. Writing his entry for the Statistical Account of Scotland in 1797, the minister of the [parish church](#) referred to the results of the battle at Culloden: “*Thus tranquillity was restored to the nation; and we trust, that the horrors of civil war will never again prevail in the land.*”

Britain was in the midst of a prolonged and unpopular war with France. The French landed a military force near Fishguard in 1797 and, although ineffectual, it had a galvanising effect on the nations. In July that year an Act of Parliament was passed for raising a militia force of 6,000 men in Scotland to guard against foreign invasion. A similar Act had already been enacted in 1757 for England and Wales and it was the local militia that had dealt with the French landing. The period of service in Scotland was to be during the then present war and one month longer. By this Act, his Majesty's Lieutenants and Deputy-Lieutenants were appointed to meet in their respective counties on the 1<sup>st</sup> August, to issue orders to the schoolmaster, or Chief Constable, in each parish, to make up and return a register of all the males betwixt the ages of 19 and 23, distinguishing their ranks and occupations and if they laboured under any infirmities - a copy of which list was to be affixed to the church door in each parish on the Sunday before the return was to be made to the second meeting.

In Stirlingshire the Duke of Montrose took the lead and instructed the deputy lieutenants of the shire to arrange the compilation of the lists. [William Forbes of Callendar](#), as the senior deputy in East Stirlingshire, was tasked with overseeing the work in that district. He quickly communicated with the

schoolmaster at Falkirk and the process of framing a list for the parish was begun. Rumours started to circulate that the Militia Act was designed to suppress internal strife rather than to face up to a foreign foe. It was an unwarranted tax and yet another step in the slippery slope to slavery. Taking men away from their families and social setting was at best disruptive, at worst dangerous. The burden was to fall heaviest upon the poor, whereas the rich could buy their way out. North of the border there was the added fear that it was a reaction to the earlier French Alliance with Scotland. A group calling themselves "United Scotsmen" having just led a failed rebellion fanned the flames of nationalism.

That organisation was already in a state of war with the London-based government and on 17 July an Act of Parliament declared it to be illegal. Those members who had already been arrested were put on trial. However, the resentment to the Militia Act did not depend upon nationalism and demonstrations were held throughout Scotland, including Kirkintilloch, Freuchie, Strathavon, Galston, Dalry and throughout Aberdeen. That August a large crowd assembled on Bathgate Muir to oppose the Act and called for the Depute Lieutenant to give them the register/lists so that they could be destroyed. He was asked to refrain from assisting the Act. Subsequently a trial took place in Bathgate. Of those charged one said he was on the Muir on business, another went out of curiosity and a third because he had two sons on the list. James Steel (nick-named 'Citizen Steel') was charged in taking part in the "Bathgate Riot." He understood the purpose of the meeting was to ask the King to repeal the Militia Act and a petition was sent to the King – it was a peaceful assembly. A letter from a Bathgate schoolmaster, referring to local gentry, made the commonly held point that "*we are not going to risk our lives for them and their property.*"

The Edinburgh Evening Courant, following the government line, noted that "*The present opposition to the militia act was altogether unforeseen and unexpected. It was always understood that England was averse to granting a militia to Scotland; but it never was known till now that Scotland was unwilling to receive it.*"

William Forbes was from Aberdeen and had purchased Callendar Estate in 1783 in direct opposition to the hereditary owners represented by the Earl of Errol. This and his new-found wealth and brisk manner quickly alienated him from most of the population of Falkirk. Long-established tenants were uprooted from their farms, the common muir was to be divided and old practices were dramatically ended. The family was well aware of this local enmity and felt unsettled by it. In this air of hostility they were vulnerable.

*"It is singular that the colliers, who had been the hereditary bondsmen of the old family, were the most devoted to them,"* wrote James Paterson some thirty years later when recalling the period. On the night of 23 August 1797 he continues, *"a great band of them, aided by a few of the town's lads, went out with a drum, and parading round the house, so alarmed Mr. Forbes and his brothers that they fled by a back door, and ran up through the wood. Looking round, from among the trees, they beheld the flickering blaze of Carron Works, and imagining that Callendar House was in flames, proceeded with all speed by the village of*



*Redding to Linlithgow, from whence they posted to Edinburgh, where, applying to Lord Adam Gordon, the Commander-in-Chief, they caused a troop of the Lancashire Dragoons to be sent out to Falkirk, who inflicted their unwelcome presence on the inhabitants for nearly half-a-year. It is to this affair that Kay's caricature of Copper-bottom's Retreat alludes."* (Kay 1837 Vol 1, 107).

**Illus: Copperbottom's Retreat or a view of Carron Work!! By John Kay.**

On the night of the incident William Forbes was greatly stressed and, having reached a pace of relative safety, wrote a brief note to his mother in Aberdeen lamenting his loss. Unfortunately we do not have a copy of what he said, but we do have her reply of the 26<sup>th</sup>.

*"Aberdeen 26 August 1797*

*Dear Sir*

*This morning I received your letter of the 23 which has given me inconsiderable pain At same time I got your brother's letter of the 24*

*You say the mob have burned Callander house He says the mob continued for two hours at your house and went away without doing any injury and that matters are now settled so you will perceive I am in uncertainty and in a state of the utmost anxiety*

*Whatever be the case I have surely reason to be thankful for your being both in safety and I consider your having written one at a time when you cannot have been supposed to have been much at leisure as a great favour Tho' you know how to act and will be well advised I your mother give it as my opinion that neither you nor your brother should return to Callander for some time not at least till the affair is thoroughly settled*

*All here are extremely anxious I do not describe what we feel  
therefore entreat that you will take care of your self and your brother  
and to put my mind at ease write me by every post*

*Jean & Ja<sup>s</sup>. present respectful compliments and I am always with  
great esteem*

*Your affectionate mother  
Janet Forbes"*

[Forbes Papers 602/5]

The incident was briefly reported in the Edinburgh Courant on the 24<sup>th</sup> August 1797, immediately after demonstrations in Eccles, Berwick, against the Militia Act when property was set on fire.

*"In Stirlingshire the misguided people assembled in great numbers, threatening to burn the houses of several gentlemen; and it was yesterday currently reported, and generally believed, that the house of a gentleman near Falkirk was burnt to the ground; we are happy to be enabled to contradict this report, and congratulate the country that such an event does not disgrace its annals...*

*To check these illegal proceedings, the most prompt and decisive measures have been adopted by Government. Besides the detachments of Cinque Port cavalry sent to Berwickshire, a party of the Lancashire cavalry marched from Piershill Barracks for Stirlingshire yesterday morning, and another for Selkirk. Another party of light dragoons passed through this city to the westward this morning."*

Troops had been billeted at Falkirk on numerous occasions over the previous 15 years and the sojourn of the Lancashire dragoons was neither as dramatic nor long as Paterson made it out to be. Just as Kay's cartoon was an exaggeration, so too was the accompanying text.

The Cinque Port Dragoons were soon to enter the annals of infamy. On 28 August a proclamation was drawn up by some of the inhabitants of Tranent in East Lothian to object to the enforced recruitment of Scots into the military to be used for controlling their own people or for deployment overseas – even though the Act specifically forbade the latter. The following four clauses give a flavour of the proclamation:-

- 1. We declare that we unanimously disapprove of the late Act of Parliament for raising 6000 militiamen in Scotland.*
- 2. That we will assist each other in endeavouring to repeal the said Act.*
- 3. That we are peaceably disposed; and should you, in endeavouring to execute the said Act, urge us to adopt coercive measures, we must look upon you to be the aggressors, and as responsible to the nation for all the consequences that may follow.*

4. *Although we may be overpowered in effecting the said resolution, and dragged from our parents, friends, and employment, to be made soldiers of, you can infer from this what trust can be reposed in us if ever we are called upon to disperse our fellow-countrymen, or to oppose a foreign foe.*

The following day a group of protesters from the local mining communities in Tranent came face to face with the dragoons. Tensions were high and the troops opened fire, killing the leaders. The fleeing crowd was then cut down indiscriminately as they tried to escape into the surrounding countryside. In all between twelve and twenty men, women and children died, and many more were injured.

Deputy Lieutenants and justices of the peace in Stirlingshire were reminded of the powers of the Riot Act that could be used on such occasions. It was only to be used if reason did not prevail.

*“WHEREAS, the execution of the Militia Act has, in some places, met with a good deal of obstruction, owing, it is imagined, to the nature and objects of the Act not being sufficiently understood, and to its being misrepresented, probably by artful and designing people, who wish to raise a Ferment in the Country. In order, therefore, to quiet the minds of the People of this County, the LORD LIEUTENANT of STIRLINGSHIRE thinks it his duty to state in this public manner, that a REGULAR MILITIA has long been Established in ENGLAND, and is universally considered as the best and most CONSTITUTIONAL FORCE for the Defence of the Country against Foreign and Domestic Enemies; that the MILITIA was also occasionally CALLED OUT IN SCOTLAND Fifty Years ago, and has ever since been loudly called for by the best Friends of our excellent Constitution, and by those most attached to the happiness of Scotland.*

*If any person will attentively peruse the Act, he will see that there is no real hardship imposed by it, unless it be considered as a hardship, that a certain number of the Youth of the Country shall be called upon for its Defence against Foreign and Domestic Enemies, a duty which every man owes to his Country, both from the Laws and the Nature of all Society. No Gentleman, or the Son of a Gentleman (as has been supposed by some) is exempt from the Militia Duty; he must be returned in the List of his Parish, if he is within the Age prescribed by the Act, which is from the time he has finished his Nineteenth Year, till he has finished his Twenty-third, being a period of Four Years; and, if the Ballot falls upon him, he must either serve or find a Substitute, the same as any other Person in the Parish.*

*It has been unjustly represented, that as soon as the Militia are embodied, they will be drafted into Regiments of the Line, or Fencible Regiments, and ordered to march to England, Ireland or Foreign Countries – but this is a wicked and malicious falsehood, For, by a*



Clause in the Act, it is not in the power of Government to march a single Militia-man out of Scotland on any pretence whatever. The Clause is the 55<sup>th</sup>, and in these words, "Provided always and be it further Enacted, that neither the whole or any part of the Militia directed by this Act to be raised and maintained, shall, on any account, be carried, or ordered to go out of that part of Great Britain called Scotland." And by the 34<sup>th</sup> Clause of the Act it is enacted, that "any Officer, Serjeant, or other Person, who shall enlist any man to serve in His Majesty's other Forces, knowing him to belong to the Militia, shall, for every such offence, forfeit and pay the sum of Twenty Pounds sterling."

The number of Militia-men to be furnished by each Parish, if we suppose the total number of Six Thousand to be equally divided, does not exceed Seven Men; but as all the Parishes are not equal in extent and population, a few more may be required from some, and a few less from others; but, in any point of view, it will fall very light on the Young Men of Scotland in general: And, should any Man who is chosen by Ballot, not be disposed to serve personally, he has it in his power to provide a Substitute, which will entitle him to his Discharge; or, if he neither serves himself nor finds a Substitute, the only Penalty that he is liable to is the Payment of Ten Pounds; so that the idea of any Man being forced to serve against his will, is unfounded: And as it has been the practice in England, to raise a Fund, previous to the Ballot, for providing Substitutes, or paying Penalties, the same practices may be adopted in the County, and a Subscription Paper sent about in every Parish to secure Subscriptions.

The pay and advantages of a Militia-man, when called out, are so great, that it is believed that there will be little difficulty in procuring Substitutes; and, indeed, if the Act was better understood, it is not doubted but that most of those who are balloted will be very willing to serve personally. A Militia-man's pay, when called out, is Thirteen-pence-halfpenny per day, or Seven Shillings and Tenpence halfpenny per week, with Clothes, Lodging, Firing, and good Medical Assistance when necessary; together with the benefit of Chelsea Hospital, in case of being maimed or wounded in Actual Service. And after having served, the liberty, if a married man, of setting up and exercising any trade within any town or place within the Kingdom of Great Britain by the 65<sup>th</sup> Clause of the Act; all of which makes his situation very comfortable, and but a slight inconvenience to those who wish to follow their former or any other line of employment, after their Service, which can be of no long duration, is finished. Indeed, they will be much more respected and be in a better state than if they had never served in the Militia.

*The Lord Lieutenant submits these considerations to the inhabitants of the County, and begs them to reflect on the dreadful consequences of resisting the Authority of Legislature, which must be supported, and consequently any attempt to make such resistance must end in dreadful calamities for the country, and particularly to those individuals who obstruct the execution of Laws, which have so lately received the consideration and sanction of the King, Lords, and Commons in Parliament assembled.*

MONTROSE

*Buchanan, 29<sup>th</sup> August, 1797.*

*The following Clauses from the Riot Act are subjoined, in order to prevent any person from incurring through ignorance, the penalties of that Act;*

*By the Riot Act any persons to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together, and being required and commanded by one or more Justices of the Peace to disperse themselves, and peaceably to depart to their habitation, shall unlawfully, riotously and tumultuously remain or continue together for the space of one hour after such command or request made by the proclamation. That then such continuing together to the number of twelve or more, shall be adjudged felony, without benefit of clergy. And the offenders therein shall be adjudged felons and shall suffer death as in case of felony, without benefit of clergy. And the same penalty is inflicted on the event of any persons unlawfully, riotously and tumultuously assembled together, who shall demolish or begin to demolish or pull down any Dwelling-House, Barn Stable, or other Outhouse..."*

[Forbes Papers 626/13]

The Presbytery of Linlithgow, which encompassed Falkirk, had a lengthy address prepared, which they ordered should be read from all the pulpits within its bounds. The dangers that were to be dreaded from "*the hereditary enemies of our country*" were detailed, the chief of which were the spreading "*the calamities of war over these lands,*" which had been "*so long the abode of peace,*" and the putting down of "*the venerable establishments of the Church and State.*" These, it was declared, were not "*empty boastings*" of the enemy, for there was more than enough evidence to convince every rational and candid mind, that such were their "*most serious intentions.*" It was pointed out that "*the late expedition against Ireland and the very recent debarkation of troops on the southern coast of this island, must be regarded as preludes to more formidable assaults.*" At a time believed to be so pregnant with danger, when the enemy were "*hovering on our coasts,*" it was reflected with sorrow that there were men who endeavoured to lull the people into a false feeling of security, but of such they were warned to beware, and to consider what an invasion would mean to them, aggravated as it would be by "*the peculiar character and more than common enmity of their foes.*" They might learn their fate "*from the destruction of life, of comfort, and of property*

*in their own country, and from what has been experienced in those regions which their armies have been permitted to overcome.” “Murder, infidelity, sacrilege, and blasphemy,” it was added, “will be regarded by wise and good men with horror.” (Murray 1888 Volume 2, 201).*

Revolution and anarchy were in the air and people started taking sides, stirring up class struggles. A deputy lieutenant, apparently also named Forbes, wrote a sycophantic anonymous letter to William Forbes:

*“I was extremely sorry to hear of the trouble some low People gave you last week. I am sure you have too much courage to heed them. Do they imagine that any thing which they can do will make you desist from those plans or Operations which you have framed yourself or even fright you in the least? I dare say you will shew yourself possessed of the Spirit peculiar to the Forbeses (I am one of them Myself) and carry them through in spite of Opposition... Your plan of expelling the old lazy and poor Tenants from the Farms to the S. Of the Town and getting Farmers from England and removing all legal Obstructions to Agriculture such as Thirlage & c is both proper and wise. They know much better about Farming than the Scots and you may depend will cultivate your grounds in another and more compleat and effectual manner. They will also be of infinite use in giving a good example of Farming to the Country and which they say have great need of it.” (Forbes Papers 625/10).*

Mentioning the agricultural improvements undertaken by William Forbes he continues:

*“These are Operations more worthy of one like you than meeting to put in force Militia Acts.”*

It was not, however, the local rabble that he blamed for recent events

*“If you are not at present the first man in the Country you are certainly the Second and when all your designs are completed will be first without doubt. – It is somewhat mortifying I confess for men of ancient Families to see a Novice come down at once and transcend them so completely in all his many Operations – His Grace of Montrose will certainly never submit to be classed only Second – I imagined that it had been a combination of the Neighbouring Landholders who envied you in your proceedings which had visited a mob there at you. – But they said “You was very selfish and had no public spirit and it was that which made you not well liked” They said how you had harmed the Townsfolk much. – I do think that you ought to take the Town of Falkirk under your immediate protection.”*

After a long-winded series of recommendations regarding Callendar Estate the anonymous writer finally comes to the whole purpose of his discourse - to use class prejudice to persuade William Forbes not to continue to enforce the Militia Act.:

*“With regard to the Militia Act – I am clearly of Opinion that you should not intermeddle much with it. – When you were at the Law you*



*experienced no favour. I am fully convinced and so is every unprejudiced person that I ever spoke with that in your case with Col. Livingston the Judgements were at once partial iniquitous and absurd. Perhaps they envied your wealth too. – Would I then run any dangers now to serve their purposes? Would I bring myself into hazard for them? I am certain you don't regard one of the Judges who seemed to be in a concerted league against you nor give a penny for one of them and as you will not allow the envy of the surrounding Landholders however numerous to thwart your purpose or obstruct your designs as little will you cringe to any one even tho' he may chance to be the Minister of the Day. – The Act is both unpopular and absurd. – By pledging yourself to give it no countenance you will secure yourself from danger."*

He had clearly misjudged his man. William Forbes knew that the best way of retaining his recently acquired landowning status was to back the existing establishment – though he also realised that a lower personal profile would be beneficial.

**Illus: William Forbes of Callendar by Sir Henry Raeburn.**

He was not the only local official to feel the pressure. John Johnston, the schoolmaster of the grammar school in Falkirk, also suffered abuse during the performance of his duties in gathering names. Johnston must have begun to feel persecuted by officialdom as well. He had been appointed the senior teacher at Bathgate on 13 May 1784, but his life there does not seem to have been a very pleasant one. In 1786 the Heritors of that town imposed an assessment of £80 on the parish for the relief of the poor, and Johnston was instructed to collect the same, he being clerk to the Heritors. It stands recorded under date of 23 January 1786 that "*Mr Johnston, the present collector of the assessment, informed the committee*" (a joint committee consisting of one or two Heritors, the minister and Kirk-Session, and several of the influential inhabitants of Bathgate for the regulation of the affairs of the poor),

*"that in the situation in which he stood as schoolmaster he found it to be disagreeable as well as hurtful to him to continue any longer in that office, especially in collecting that part of the assessment laid on the inhabitants of the Parish on account of their finding fault with him, by which means he believes he loses several of their children from attending his school, whom otherwise he would get." He therefore wished that the committee "would appoint another in his place for collecting the assessment laid on the inhabitants, which they (the committee) having considered do hereby appoint and nominate John Downs, indweller in Bathgate, to be collector for levying the*



*assessment laid on the inhabitants of this parish in his place, and who shall be obliged to account for the money he draws to Mr Johnston, in order that he may distribute it among the poor, and who shall also be bound to obey the orders that shall be given him by Mr Johnston, who, notwithstanding of his declining the office of collector for the inhabitants, is to be the chief collector and manager, and whom the committee confide in."*

This business of an assessment caused a great amount of trouble in the parish of Bathgate, and was the occasion of a quarrel between the minister, Kirk-Session, and Heritors. The assessment was abolished altogether in 1791, but prior to that date John Johnston had quitted the scene of conflict. He settled in Falkirk at the close of 1788. Now, in 1797 it must have seemed that the past had come back to haunt him. In 1799 after eleven years' service as master of the Grammar School, John Johnston found himself again resigning his office (Love 1898).

Tom Aitken, the Town Constable, also felt compelled to decline "*taking an active part from an apprehension that he is not personally safe in the present temper of the Parishioners*" (Forbes Papers 626/15).

The establishment was rattled, but determined to stand firm. The Duke of Montrose made this clear to William Forbes:

*"Buchanan 2<sup>d</sup> Sept<sup>r</sup> 1797*

*Sir*

*I have received a letter from the Duke of Portland, who instructs me to proceed, & that I must call for support from the Military &<sup>c</sup>, should I be resisted in carrying into execution the Militia Act. You will therefore have the goodness at all events to procure a list of the Parish, the best way & most perfect in your power, & have it placed on the Door of the Parish Church, the Friday before the Meeting of the District, General Maxwell, M<sup>r</sup> Baird, & I dare say S<sup>ir</sup> William Bruce will assist you as far as depends on them, should you require their aid.*

*The stand against this spirit must now be made but no explanation ought to be neglected, for which reason I have ordered to be sent to you an explanation of parts of the act, with extracts from two acts lately passed, that Persons may know what they are doing, should they disregard the laws of their Country.*

*I must trouble you to acknowledge the receipt of this letter, the importance of which you will perceive. I have the pleasure to remain with esteem Sir*

*your obedient Servant  
Montrose*

*P:S: I suppose very much of your communicating my letter to the Gentlemen, Justices of the Peace &c; and I trust you will procure at Falkirk on the 15<sup>th</sup>, the greatest attendance of the Gentlemen &*

*Magistrates which can be obtained; as it will have a good effect, whether the Act is to be explained, or force called in to (the) support of the civil Power. Should you expect to be resisted, I must desire to know what Military aid you will require, in time for me to provide a sufficient force, to carry the act into execution according to my instructions, & I think you will do well on this point to consult with the Deputy Lieutenants of your District.*

*Montrose"*

[Forbes Papers 626/21]

James Henderson, a Falkirk solicitor, was doing his best to placate his townsfolk. He and William Forbes considered that explanation and clarification of the Militia Act were the best ways to proceed, though tough measures were to be held in reserve.

*"Sir*

*I have your favour ... with the Papers anent the Militia which I shall make Public –*

*It is no doubt greatly owing to the Ignorance of the Act that the Country people have been so riotous at same here There are not people awanting who thro' design mislead & stir up sedition I have got notion that there is to be a general meeting of Delegates and others of the 7 adjoining Parishes to be held at Denny Muir upon Friday First and I think that measures should be taken to secure & punish the ringleaders – lenient measures has no effect upon these persons*

*I am respectfully*

*Sir Your most Obe<sup>d</sup> Se<sup>r</sup>*

*James Henderson*

*Falkirk 3 Septem<sup>r</sup> – 1797*

[Forbes Papers 626/17]

The infirm men and poor men with more than two children were exempted from service. Of course those with means could buy their way out, and it was possible to put forward a substitute, if one could be found. And it was these last possibilities, at first sight so unpromising, which offered a tenuous solution to the local problem. If a subscription could be arranged in the parish, as Montrose had suggested, it might be possible to raise sufficient money to pay for substitutes for any who chose not to serve in the Militia – what we might call a stealth tax today.

*"Callendar 3 Septem<sup>r</sup> 1797*

*Sir*

*This morning I (have) received, the papers herewith sent from Stirling (respecting the Militia Act) which you will have the goodness to make public. – I am of opinion that (we should raise) Subscription Should be raised (sufficient) to exempt all the individuals of the Parish*

*on whom the ballot may fall from Serving as Militia men or at least  
Such of them as chuse to decline actual Service by finding Substitutes  
in their room. I have only to Say for myself that I will cheerfully  
contribute liberally for the above purpose and will (shall) be happy to  
See you at Callendar tomorrow morning at an early hour on the  
business*

*I am &<sup>c</sup>*

*M<sup>r</sup> James Henderson*

[Forbes Papers 626/18]

Whilst many of the deputy lieutenants were intimidated two rallied behind Montrose and allied themselves closely with William Forbes. These were Sir William Bruce of Stenhouse and General William Maxwell of Parkhill. The Bruces of Stenhouse had benefited financially by the establishment of the great ironworks belonging to the [Carron Company](#) on its grounds in 1759 and had become accustomed to managing change. It was an old long-established family seat. General Maxwell, like William Forbes, was part of the new order. He had bought the estate of Park Place in Polmont in 1793 (when still a Colonel) and renamed it [Parkhill](#). The house was only three years old. He then set about extending the policies and laying out avenues to create a gentleman's seat of note. A military man, he had no qualms about having troops on the ground.

*"Parkhill 4<sup>th</sup> Sepr 1797*

*Sir*

*It has been suggested to M<sup>r</sup> Bruce and me, that it might be a prudent measure to have a troop of Dragoons at Falkirk tomorrow, in case of any disturbance at the Fair.*

*Should this meet with your concurrence I will order the Troop f<sup>r</sup> Linlithgow to be at Falkirk in the morning, but as every stable in Falkirk is occupied could you accommodate them with stabling for a few hours? If not I will concert matters accordingly with the Commanding Officer.*

*Be pleased to say what number of stalls you can furnish for the occasion in case it should be agreeable to you to receive the Dragoons.*

*I have the honor to be*

*Sir your most obed Ser<sup>t</sup>*

*W<sup>m</sup>. Maxwell*

[General William Maxwell to William Forbes. Forbes Papers 626/20]

Evidently any public gathering was seen as a potential tinderbox. The list of men between the ages of 19 and 23 was supposed to be attached to the door of the parish church ahead of a meeting on 15 September, when it would be finalised – taking into account any not considered eligible. Troops would be essential on the day – and preferably for a period in advance.

"Callr. 4 Sept 97

*I have received the honor of your Graces letter of Second – I shall confer with the other Deputy Lieutenants respecting the force necessary to be sent to Falkirk by the fifteenth Septem<sup>r</sup> and write to your Grace as soon as I have seen these Gentlemen – The printed explanation of part of the Militia act dated Buchanan 29 Aug<sup>t</sup> was received and made public yesterday it will certainly have a good effect to obviate in some measure the difficulties I have this day directed a Subscription to be opened for exempting the Individuals of the Parish of Falkirk on whom the ballot may fall from Serving as Militia men or at least such of them as chuse to decline actual Service by finding Substitutes in their room –*

*The Constable (Thomas Aitken) tells me to day that he will not attempt nor does he think that any one will attempt to take a list of this Parish in terms of the Militia Act till a Troop of Dragoons is Stationed at Falkirk –“*

[William Forbes to the Duke of Montrose. Forbes Papers 626/22]

"Buchanan 6<sup>th</sup> Septr 1797

Sir

*I have received your letter, stating that the Constable will not attempt to make out the list without a troop of Dragoons, being stationed at Falkirk; if that be your opinion, I must beg that you will as a Magistrate require a Troop from Stirling to attend you for that purpose & give information to the Commander in Chief that you have done so, with your reasons; & as the list must be placed on the Church Door on Sunday next, you have not a moment to lose.*

*Falkirk must not reap advantage from the obstruction it gives to the Laws, you must therefore take care that you have names enough down & should Men who are not liable to the act be on the list, they may state the reasons why they should be struck off on the 15<sup>th</sup>.*

*It will be disgraceful to us, & derange the whole Country, should we fail in procuring a list of Falkirk Parish, which I am persuaded you will obtain in one way or another, privately, if you cannot by the Schoolmaster or Constable publickly.*

*I remain with esteem Sir*

*your obedient Servant*

*Montrose”*

[Duke of Montrose to William Forbes. Forbes Papers 622/24]

Troops were therefore stationed both at Falkirk and Stirling. William Forbes attempts to get the schoolmaster and constables to participate were unavailing. James Henderson made an attempt to compile a sufficient list, but time was now pressing. As deputy lieutenant of Falkirk parish it was William Forbes' duty to present the list to the district meeting there on the 15<sup>th</sup>. Montrose encouraged him to carry on, but admitting that it was not an agreeable task he



arranged for General Maxwell to stand by. The meeting was set back by a week to the 22<sup>nd</sup>. The Stirlingshire parish of Balfron met on the 20<sup>th</sup> and Kilsyth on the 30<sup>th</sup>. Despite resistance to the Act meetings in the county passed without incident. By the 19<sup>th</sup> Henderson had come up with 19 names for Falkirk, which whilst far from exhaustive was considered sufficient to get things started. The meeting at Falkirk duly convened on 22<sup>nd</sup> September with William Forbes in attendance and lists were provided for Polmont, Muiravonside and Slamannan. That for Falkirk was deemed to be inadequate and two constables were appointed to obtain additional names so that it could be posted at the church door on Sunday 5 October and discussed the following day.

Within a few days the new constables also refused to assist and William Forbes was left with the awkward task of prosecuting them for not fulfilling their duties under the Militia Act. His sense of isolation was not shared by Montrose who could see the bigger picture in the county as a whole. Elsewhere deputy lieutenants had *"with great spirit, on the refusal of the Schoolmasters & Constables taken the lists themselves, & never have met with resistance in that exercise"* (Forbes Papers 626/38). The problem for William Forbes was that he was neither familiar enough with the locality nor liked.

An adequate list was evidently presented and for a short time things calmed down. A lull in the war against the French gave a bit of breathing space. The creation of a new military force was seen by one Falkirk man as a business opportunity:

"Sir,

*I would esteem it as a singular favour, if by your Interest, I could be employ'd to make Stockings for the Reg<sup>t</sup> of Militia, that is to be Commanded by his Grace the Duke of Montrose. And if honor'd with the Comission I hope every satisfaction will be given by*

*Sir*

*Your Most Obedient Humble Servant  
John Roger*

*Falkirk July 7<sup>th</sup> 1798"*

[Forbes Papers 631/20]

Over the following months extra information was acquired, but it was only as the date of the ballot approached that people's attention was sharpened. That date was 12th June 1798.

*"Stirling 5<sup>th</sup> June 1798*

*Sir,*

*His Grace the Lord Lieutenant, has directed me to inform you, That he has received His Majesty's order in Council, ordering out Three thousand men as Militia – That the apportionment is a little different in many Counties; and the number which Stirlingshire is to furnish, is by this last order in Council, 106, whereas the former stated the number*

to be only, 103, But whatever may have given rise to the mistake, His Grace adds, that His Majesty's last order, must be the rule, and that it probably sets right some former mistake.

I subjoin the number of men to be Ballotted from your parish, And request that you affix, or cause to be affixed on the Church door of your parish, That the Ballot for One hundred & Six men (the number of Militia His Majesty has been pleased to call out from the County of Stirling) is to take place at the Townhouse of Stirling, on Tuesday the 12<sup>th</sup> of June at Eleven forenoon.

The men so ballotted, Regiment immediately, may remain at Stirling on Pay, from the date of said Ballot on 12<sup>th</sup> June.

I am respectfully

Sir Your obed<sup>t</sup> hum<sup>e</sup> Servt

Tho Wingate Clk of G.M. Meetings

The Town & Parish of Falkirk to furnish Thirteen men –  
[Forbes Papers 639/12]

This was half of the number permitted under the Act. By a letter sent on the day that the ballot was drawn William Forbes was informed of those chosen and was requested to notify those who were to be immediately called out:

*"Stirling 12 June 1798*

*Names in the Second Militia Ballot for immediate Service in Stirlingshire, To whom notice is ordered to be given by the Deputy Lieutenant in writing by a Constable or other Officer duly authorised, by serving the Militia Men personally or by laving the same at their usual place of abode, to attend at the Town house of Stirling on Wednesday the 20 June instant at Ten forenoon under the penalties of the Statute*

*Falkirk Parish*

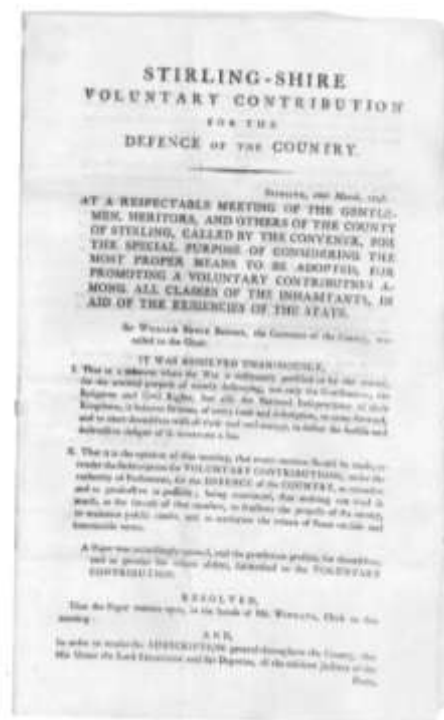
<i>Isaac Wyper</i>	<i>Collier</i>	<i>Falkirk</i>
<i>Tho<sup>s</sup>. Montgomery</i>	<i>Carter</i>	<i>Falkirk</i>
<i>Robert Walker</i>	<i>Merchant</i>	<i>Falkirk</i>
<i>John Scot</i>	<i>Farmer</i>	<i>Seabegs</i>
<i>Alex<sup>r</sup>. Boak</i>	<i>Gardner</i>	<i>Falkirk</i>
<i>Robert Balderstone</i>	<i>Butcher</i>	<i>Falkirk</i>
<i>John Jameson</i>	<i>Weaver</i>	<i>Falkirk</i>
<i>James Warden</i>	<i>Wright</i>	<i>Falkirk</i>
<i>William Dearn</i>	<i>Residenter</i>	<i>Falkirk</i>
<i>James Shaw</i>	<i>Surgeon</i>	<i>Falkirk</i>
<i>Robert Williamson</i>	<i>Residenter</i>	<i>Burnside</i>
<i>Thos Gibbeson alias Gibson</i>	<i>Tanner</i>	<i>Falkirk</i>
<i>John Miller</i>	<i>Coppersmith</i>	<i>Falkirk</i>

*Signed Tho Wingate  
Clk of G.M.*

*N.B. Proper Substitutes, if sent to the Regiment at Stirling, will be accepted, before the 20th June"*  
[Forbes Papers 639/15]

James Shaw, surgeon, and Robert Walker, merchant, immediately chose to pay their fines of £10 each and were removed from the list. A little later the residenter William Dearn paid up. John Scott, farmer at Seabegs, was in danger of being declared a deserter when he too settled by naming James Walker as his substitute. In general it was noted that the substitutes for Stirlingshire were shorter than those from Fife and pride led the Duke of Montrose to request that in future all should be at least 5ft 6ins tall. This was not enforceable.

**Illus: Printed paper calling for voluntary subscriptions to pay for militia substitutes in March 1798.**



Some of those selected by the ballot had contributed to the subscription scheme as an insurance policy and now called upon it to pay out. There was a little delay:

*"Sterling 20 June 1798*

*Dear Sir*

*At the Meeting of the Deputy Lieutenants held this Day, several decent young men from the Parish of Falkirk, who had been balloted, Attended and stated, that a fund had been raised in the parish by Subscription, to pay for Substitutes on the penalty of £10 for those on whom the Ballot fall, which was in the hands of M<sup>r</sup>. Henderson writer in Falkirk who I am informed is just new in Aberdeen (absent) The 29<sup>th</sup> inst. is the Day fixed for the last meeting to receive those balloted; or Substitutes for them on the penalty of £10. After that those who don't comply will be proceeded against – in terms of the Act of Parliament – The Duke desires I would inform you of this, and beg you have the goodness to give Directions to M<sup>r</sup>. Henderson to do the needfull for the people who contributed, and where funds are in his hands – so as the Business as to them may be settled on the 27. without any coercive measures being taken against them which may be attended with bad consequences*

*I am*

*Dear Sir*

*Your most obed<sup>t</sup> Se<sup>r</sup>.*

*Geo: Menzies"*

[Forbes Papers 643/1]

Robert Walker's £10 was paid to Michael Hardy who agreed to act as a substitute. James Walker failed to turn up and upon investigation John Scott admitted that he had no substitute, but believed that he had paid the fine. This too turned out to be a false claim. Towards the end of September the Stirlingshire Militia (the 4<sup>th</sup> Regiment of Scots Militia) marched to Perth for training.

By the end of 1798 the schoolmaster and constables at Falkirk felt confident enough to amend the rather poor quality list submitted for the parish. The presence of troops contributed to this atmosphere. Their presence is indirectly attested by the request of Lieutenants Cameron and Ogston for the use of seats in Falkirk Church in January 1799. The names of the militiamen enrolled by the first ballot were published in the Edinburgh Evening Courant on New Year's Day 1799:

**"Militiamen called up for the County of Linlithgow –**

**Bo'ness Parish:**

Thomas Dawson servant to Thomas Cowan  
John Grant, joiner  
Henry Scrimgeour, servant to Mr Todd

**Carriden Parish:**

James Robertson, alias Roebuck, servant  
James Fraser, labourer  
John Marshall, salter

**Militiamen called up for Stirling County –**

**Muiravonside Parish:**

William Robertson, tailor in Maddiston  
Thomas Liddle, servant, Candyhead  
James Taylor, labourer

**Polmont Parish:**

Robert Kay, farm servant, Reedyflatts  
John Ramsay, tailor at Bennetstown  
William Johnston, servant to James Hardy  
John Corkhill, coalier, Shielhill \*  
Thomas Walker, farmer's son

**Slamannan Parish:**

Alexander Provan, farm servant, Okerdykes  
William Waddell, farm servant, Limeridge  
Adam Bell, wright, Falkirk  
Thomas Dunn, packman in Falkirk  
James Bryce, Merchant there  
James Liller, weaver there  
Peter Dunlop, workman, Bainsford

George Thomson, weaver, Falkirk  
John Levingstone Mitchell, miller, Mungalmill  
--- Grinton, tailor, Grangemouth  
Alexander Taylor, founder, Bainsford  
James Balderstone, baker, Falkirk  
Alexander Callander, flesher, Falkirk

Airth Parish:

John Russel, farmer, Dunmore  
Thomas Neish, workman, Dunmore  
Robert Telfer, farmer, at Lochs  
Nathaniel Blair, farmer, Dunmore

Bothkennar Parish:

William Boyd, cooper

Larbert Parish:

John Blair, sailor  
William Dick, servant  
William Cowan, coallier  
George Cowie, ditto \*  
Walter Campbell, moulder  
James Muirhead, ditto

Dunipace Parish:

James Angus, servant to Wm Gillespie, farmer Roughmole  
John Martin, bleacher, Herbertshire

Denny Parish:

Adam Watt, flour miller to Wm Renny, Denny  
Henry Corbet, weaver, Denny  
Robert McLaren, miller, Castlerankine  
John Fraser, coalhewer, Banknock \*  
John McLaren, farmer, Cutheltown

{\* - failed to attend 14 Feb, 3c.}

Falkirk Parish:

Adam Bell, wright, Falkirk \*  
Thomas Dun, packman \*  
Alex Taylor, Bainsford  
James Balderstone, Falkirk \*

{\* - listed on 27 April as missing.}"

The four names given above as missing in the parish of Falkirk were part of the second tranche of men called out under the first ballot. We can also add George Thomson, weaver, as missing. Thomas Montgomery, carter, was dead and Robert Williamson, residenter at Burnside, could not be found. It also turned out that John Scott of Seabegs had lodged £10 with the clerk in the proper time and that this had not been reported. Another of the second call-out was Alexander Callendar, butcher. He petitioned William Forbes:



*"Unto the Honb<sup>les</sup> William Forbes of Callander  
the Petition and Complaint of Alex<sup>r</sup> Callander Flasher in Falkirk*

*Humbly Sheweth*

*That your Petitioner is Balated for a Malitia your Petitioners father is a very old man aged 66 years, and my mother almost blind with a pain in her head, and I have a Sister that was Born Deprived of Judgment, and Continues so cannt put on her own Cloths, nor keep them on, when put upon her and she is 20 years of age, and if I be taken from them the whole Family must unavoidably go to ruin*

*May it therefore please your Honour to Consider the above Petition which is truth and give your Petitioner your Honours best advice how/ or what to do in the affair*

*Alexander Callander*

*Falkirk the 8<sup>th</sup> Jan<sup>y</sup> 1799"*

[Forbes Papers 659/3]

On 26<sup>th</sup> February all of those asterisked in the newspaper list (plus Alexander Callendar) were declared to be deserters and warrant was granted to any officer of the law *"to search for, seize & apprehend their persons and have them committed County Goal, or other safe custody, and transmitted by a proper party, to the Regiment interring of the Act for punishing mutiny & Desertion"* (661/4). Persons knowingly harbouring, or concealing any militiaman ordered out onto active service were to be fined £5.

The amended list also included Alexander Grinton, a tailor in Grangemouth. Rev. James Wilson of the parish church, George Ritchie an elder there, and Alexander Hardie all testified to the fact that he had died in London almost a year before. Peter Dunlop of Bainsford was found to be unfit. James Miller, weaver, paid his £10 penalty for not serving.

However, the selection process was not over. These vacancies had to be filled and so a second ballot took place at Stirling on 5 February 1799. On 14 February 1799 the newspaper published more names:

*"Chosen by ballot to serve in the militia:*

*Falkirk Parish: Thomas Moir, workman in Falkirk James Wyse, mason there*

*Larbert Parish: James Mitchell, day labourer James Munro, moulder, Carron*

*Denny Parish: John Leishman, surgeon in Denny"*

Another four men were balloted on the first Sunday of June. Yet again there had been a clerical error and one of those selected, Robert Bauck, weaver, did not exist. Montrose clearly suspected duplicity and misinformation. In the interim an amended Militia Act had been passed on 21 June 1799 extending the age from 10 to 39 and new lists had to be produced. Montrose's solution was simply to put the onus on the population.

*"London 30<sup>th</sup> July 1799*

*Sir*

*I hope as Deputy Lieutenant, you will fall upon means to get a good, & fair return of the Persons liable to serve in the Militia for the Parish of Falkirk –*

*Should you have difficulty with the Schoolmaster or not find proper Persons within the Parish, I must request that you will employ a proper Persons or Persons from Stirling or Edin; & in case of obstruction or resistance, call to your assistance the Volunteers, or Military; for we must not have so defective a list as we had before. Sheriff's Officers, or Messengers may be employed, should you not get Persons within the Parish, who will do the business.*

*In case the Families will not afford the necessary information, put on the list all those who are near the age, concerning whom there may be any doubt; & then it will fall upon them, to prove that they are out of the age fixed by the Act of Parliament. I am sorry to give you so much trouble, but it is for the honour of the Country that Gentlemen undertake these Offices, & the spirit & due execution of them tends much to the safety & prosperity of the Country. I congratulate you on the favourable turn of Public affairs, which interests us all very much."*

[Duke of Montrose to William Forbes. Forbes Papers 659/8]

William Forbes replied that the situation in Falkirk was more favourable than before and that James Henderson and others were perfecting the list, which would be completed in time for the next meeting on 20 August. To be on the safe side he suggested that a company of soldiers or a troop of dragons should be ordered to the town the preceding day. Montrose gave Forbes authority to make such an arrangement:

*"I have received your letter of the 4<sup>th</sup>, & do not conceive that there can be any resistance to the proceedings which are to take place in Falkirk, according to the Act of Parliament; should you have reason to expect any, this will be In your authority as Deputy Lieutenant, for calling on the Military, or Volunteer Yeomanry Corps in Stirlingshire, for their Aid & Assistance."*

[Duke of Montrose to William Forbes. Forbes Papers 659/10]

After the resignation of John Johnston as schoolmaster, William Brown was appointed rector on 23 April, 1799 at the age of 23 years. He was enticed to draw up the new list by legal threats and the promise of an Exchequer Allowance of £2.14/-. He fared no better than his predecessor with regard to the Militia Act:

*"Falkirk, Aug<sup>t</sup>.15<sup>th</sup>, 1799*

*Sir,*

*I received some time ago, an order signed by some of the Deputy Lieutenants of this County, to make out and return by the 20<sup>th</sup> Inst. a list of all the men in this parish, liable to be balloted into the Scotch Militia, which I expected to be able to accomplish, with the assistance of others upon whom that duty devolves, but as every person whom I have applied to, declines having any share in it, I think it my Duty to inform you, as Deputy Lieutenant for this District, that it is absolutely impossible for me to do it, being altogether a Stranger in the parish and not acquainted even with the boundaries of it, - If you and others connected therewith appoint any person to take up the list, I shall cheerfully give them what assistance is in my power*

*I am Sir*

*Your very humble Serv<sup>t</sup>.*

*William Brown"*

[William Brown to William Forbes. Forbes Papers 659/12]

Brown left Falkirk in 1806 and became a distinguished classical scholar in Edinburgh. His inability to help with the Falkirk list delayed the process here. On 29 August a meeting of the Lieutenancy in Stirling only received the amended lists for Airth, Alva, Dunipace, Larbert, St Ninians and Stirling. All the other parishes were given more time. The date for Falkirk was twice set back.

Meantime more of the replacements were putting forward objections. Colin MacNab of Grangemouth claimed that he was too old. He was told to provide proof and wrote to the session clerk of his native parish of Killin for the necessary certificate. This took time – Killin was upwards of twenty miles from any post office. To meet the deadlines he agreed to "*Deposit any reasonable sum of money you please to mention immediately to answer for me until I produce my certificate*" (Forbes Papers 659/19). On 26 October he was able to enclose a certificate stating that he had been baptised on 8 April 1764. John Telfer, founder, and David Scrimgeour of Falkirk were declared deserters. The latter had lodged an objection, but it was deemed to have been too late.

By the 9<sup>th</sup> December 1799 it was all over. On that day five substitutes were enrolled for Falkirk and each man, balloted or substitute, received £6 from the subscription fund. The sting had been drawn from the tail and going forward few problems were encountered.

The subscription method was formally adopted by the Falkirk Militia Society when it was instituted on 12 September 1799 by a 22 year old draper from Grangemouth called Thomas Hardie. It was made easier by the extension of the age range, which meant that a great many more men were at risk of being called upon than before. By comparatively small dues substitutes were provided

for members which were balloted, indeed such activity was displayed by Hardie that the committee of the society had easy duties. In 1802 the society presented him with a very handsome silver cup as an expression of the esteem with which they held him (Love 1910). Up to the peace of Amiens, in the spring of 1802, very few demands were made on its funds. Only three of its number had been balloted. The war having terminated, the Scotch militia was also at an end. It was judged, however, inexpedient to break up the society, until the view of Government was known as to the re-establishment of a militia force in Scotland. Of these the society was not ignorant. In the course of a few weeks a bill was brought into Parliament, and afterwards (29 June 1802), passed into law for the establishing of a militia force in Scotland on a permanent footing.

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The Forbes Papers are currently held in Callendar House.