

Captain John Horsley (d1834)

John Horsley and Mrs. Jane Cross had 8 children and much is already known about their life in Australia. Equally the life and family of John's wife back in England is well documented¹. However, while the elements of John's own ancestry can be found they are scattered about and the following is an attempt to bring it all together in one place. There is little that is new in what follows but hopefully the sum of the parts produces a bigger picture.

I came to this family while researching what became of my x4 great grandmother's niece, Rosannah Redhead. I have since discovered that the Rosanna, whose son married into the family of John's stepdaughter's descendants, is not my Rosannah². But this family so intrigued me that I had to see the story through. What follows is an account of both sides of John's family and I hope, a more complete rendering of the Blueviad affair than can currently be found on-line.

I also provide in appendices evidence for Jane Cross's failed York Castle 'great escape' and an analysis of the conflicting accounts for the parentage of the founder of the Hamiltons of Airdrie (John's paternal grandfather's first wife is descended from this line). Finally, for a bit of fun, there are two family trees that provide rather tenuous links between John and the Houses of Windsor and Stewart.

John Horsley

John Horsley was the son of John Horsley (1741-1819) and Mary Rich (1730-1810). His parents were married in March 1768 at St Martins-in-the-Fields, London. I have not been able to identify a baptism record for John. There are two competing dates for his birth. One is around 1767/8, at the time of his parent's marriage, and is based on the New South Wales register of deaths which records him as 66 years of age in February 1834³. The second is based on his gravestone, which records his age at death as 57 years⁴. The year 1776 fits better with his military record and makes him a contemporary of his first wife however his mother was 46 years old by this time.

John's mother was 38 years of age when she married John's father, a 27-year-old bachelor. The 38-year-old Mary Rich was the widow of James Morris and had already had 6 children. Mary's first husband was 21 years her senior, conversely her second husband, John's father, was 11 years her junior.

Mary's first husband, born circa 1709, died in 1767⁵. Mary and James had 3 children who died in infancy; John 1752-54, Charlotte Maria 1756-57 and Nevil George 1766-67(?)⁶. Three other children survived, half siblings to John; James Morris b1750, Mary Henrietta Morris b1754 and Elizabeth Morris b1758. All 3 were alive when John left England in 1814.

¹ Maria Champion de Crespigny (1776-1858). See www.ayfamilyhistory.blogspot.co.uk/2013/01/maria-champion-crespigny-born-1776.html

² The error was in assuming that Rosana Redhead and Wm George Morris [NSW marriage index 2067/1875] were the parents of William J Morris [NSW birth index 15586/1873]. While awaiting the certificates (that disproved this theory) I discovered John Horsley through Wm J Morris who married the sister-in-law of Mrs Cross's great granddaughter, Grace Kay. The certificate also proved that the Rosana Redhead that married in 1875 was not my relative, so that search continues.

³ NSW BDM Death Registration number 1819/1834 V18341819 18

⁴ Reported to me by 2 sources that his headstone is at the Liverpool City Council Pioneers' Memorial Park, NSW.

⁵ Whilst James likely died in Covent Garden he was buried in the Rich family plot at Hillingdon.

⁶ I have not been able to identify a burial record for Nevil, however James Morris' grave inscription makes clear only three children survived him in 1767 and Nevil was not named amongst them.

Why did John migrate to NSW?

It is not at all clear what prompted John to leave for New South Wales in 1814 nor why he left behind his wife of 10 years Maria Champion de Crespigny. There are theories. A descendant of John's has it thus -

About the same time Captain John Horsley, a young officer of the Royal Horse Guards - Blue, had fatally wounded a fellow officer during a duel, an offence that had recently been declared illegal. After being reprimanded; he decided to leave England and try his luck in the new penal colony as a free settler. Leaving behind a young wife who refused to accompany him, he set sail on the Broxbournebury⁷.

There are some problems with this account not least of which is the absence of any contemporary evidence to support it. It is not true to say that duelling had been outlawed immediately prior to 1814. The issue in law, such as it was, was whether duelling counted as a defence against murder and use of this defence continued into the mid 1800s in England. Prosecutions for murder following deaths at the hand of a successful duelist had been taking place since the eighteenth century and favour was certainly moving against duelling as an acceptable way of resolving an act of disrespect between gentlemen. In the early years of the nineteenth century newspapers began leaving out participants names in their reports of duels, which, by all accounts were still regularly taking place. This anonymous reporting certainly suggests the legal risks in these acts of chivalry were being raised.

If John had been convicted of murder it is unlikely that the sentence of the court was a reprimand. In any event by 1814 John had long since been a Captain of the Royal Horse Guards having resigned his commission in 1805. In 1814 John's 'young wife' was 38 years old. It is likely then that this account confuses the events of 1805 where John refused a duel with Edward Goulburn⁸ and there ensued a scandal leading to his early departure from his regiment. More of this later.

Added to the question of why he left, is the question of why NSW? Or, more pertinently, why not India? John's half brother James Morris was, in 1814, a serving Lieutenant General in the East India Company, and based in West Bengal, while his uncle, George Zachary Horsley had also been in the service of the East India Company. Another uncle, Francis Horsley also had business interests in the sub-continent. These connections would undoubtedly have served him well.

However, if there were no connections in NSW when John arrived there soon would be. In 1820 Frederick, the younger brother of his nemesis Edward Goulburn, arrived as secretary and record keeper for NSW. In 1821 he would be appointed the colony's first Colonial Secretary. They cannot but have known who each other was. It was during Frederick's tenure as Colonial Secretary that John was appointed a magistrate.

The NSW town of Goulburn would be named after another brother, Henry Goulburn; the UK Chancellor of the Exchequer 1828-30 and 1841-46 who also spent 6 months as Home Secretary. In late 1831 John's cousin's brother-in-law Maj-Gen Richard Bourke⁹ arrived in Sydney to take up post as the 8th Governor of NSW.

⁷ Freda Smith was a descendant of Jane Cross the stepdaughter of John Horsley. John had *de facto* married her mother Mrs Jane Cross on arrival in the colony. See www.thetreeofus.net/4/107757.htm

⁸ Edward Goulburn 1787-1868 son of Munbee and Susannah (Chetwynd)

It is worth noting that travelling out to NSW at that time and joining the colony required the permission of the UK government. New South Wales was still, first and foremost, a prison. Just as today you can't walk in off the street and enter one of HM's Prisons it was no different for the then colony of New South Wales¹⁰. In an ironic twist Henry Goulburn MP, before he reached the heights of Chancellor and Home Secretary, was the Under-Secretary of State for War and the Colonies when John sought permission from that office to embark for the colony of NSW in 1814.

What is known of John at that time is that his mother had been dead for four years, while his father was still alive and would survive another five. His half sisters were living comfortable lives while their brother had a successful career in India. It is purely speculative but John may have been driven by a desire to leave a legacy. His siblings were all unmarried and after 10 years of marriage he had no children. Did John escape to Sydney to produce and raise a family? If so, he was certainly successful.

It is doubtful that John deserted his wife as such. She certainly knew of his whereabouts since in 1834 she wrote to Governor Bourke seeking confirmation for the rumours of John's death. Unlike with Mark Twain such rumours had not been exaggerated.

John Horsley was likely a wealthy man. I do not know what he did after leaving the King's Guard however in 1810 he inherited from his mother a quarter of the share of stocks and annuities that she had been left by her father, which, in 1780 when her father's probate was finally concluded, totalled over 13k pounds. John was also an honourable man¹¹ and it is not beyond reason to suppose that Maria shared in the annual pay-outs of John's £3,000+ investment even after he moved 'down under'. If so, it is hardly surprising that she was anxious about the wellbeing of her long estranged husband.

John's Maternal Ancestry

John's windfall stemmed from the success of his maternal grandfather. John's mother was the daughter of John Rich (1692-1761) and Amy Smithies (1702-1737). Grandfather John was the son of Christopher Rich an attorney turned theatrical entrepreneur who bequeathed (in 1714) to John Rich and his younger brother a 75% share in the barely finished New Theatre at Lincoln's Inn Field. John Rich would later relocate the Duke's theatrical company, for which he was actor/manager, to Covent Garden, building the first incarnation of what is now known as the Royal Opera House. He was able to afford this through his successful staging of the Beggar's Opera; an opera that continues to play to packed houses to this day and one he commissioned from the dramatist John Gay (1685-1732). A wit of the day noted that the play had 'made Gay rich, and Rich gay'¹².

Rich was a theatrical innovator as well as a successful impresario. He is credited with having invented the modern pantomime¹³, a much loved and popular form of theatre that is regularly produced across England particularly over the Christmas season.

⁹ Richard Bourke's sister Frances Emma Bourke married Heneage Horsley, the son of Bishop Samuel Horsley, John's half uncle.

¹⁰ It was not a matter of simply taking a boat across the seas and landing in Sydney. In other researches I have identified a young man who did just that in 1823. He then spent five weeks on board a ship moored in Port Jackson while trying to secure for himself a job in the colony. He was eventually successful and soon after Frederick Goulburn confirmed in writing the Governor's permission for him 'to discharge at this port'.

¹¹ This is based on my reading of his account of the Blueviad affair. However the poem accuses him of profligacy, particularly with his wife's money. In 1825 Maria receives a bequest in uncle Francis Horsley's will. John does not so I may be being overly generous.

¹² "Rich, John". *Dictionary of National Biography*. London: Smith, Elder & Co. 1885–1900 See [www.en.wikisource.org/wiki/Rich,_John_\(DNB00\)](http://www.en.wikisource.org/wiki/Rich,_John_(DNB00))

¹³ See www.en.wikipedia.org/wiki/Pantomime

John and Amy had 6 children –

- Henrietta b1727; married 1760 James Bencraft
- Charlotte b1728; married 1st 1749 Robert Lane, 2nd 1758 John Beard
- Mary b1730; John Horsley's mother
- Sarah b1733; married 1760 George Voelcker
- John b1735; died in infancy
- Elizabeth b1737; died in infancy

Amy Rich died in 1737 of tuberculosis no doubt complicated by giving birth. John remarried in 1744 to Priscilla Wilford. They seem to have had no children. John however had had a child to Mrs Ann Benson during his marriage to Amy. Catherine Benson was born in 1729 and married William Colvill in 1770¹⁴.

John Rich died in 1761. His will provided for his widow and son-in-law, John Beard, to manage the theatre until such time as the patents (rights to stage specific plays) were sold. Terry Jenkins, a retired opera singer, gives an account of the ensuing family squabbles at www.thefreelibrary.com/The+will+of+John+Rich--probate+and+problems.-a0235279628

John's Paternal Ancestry

John Horsley's father was also named John Horsley, born 1741 the son of the Reverend John Horsley [1699-1777] and his second wife Mary Leslie¹⁵ d1787. Revd. Horsley was a lecturer at St Martins-in-the-Fields, London and additionally the Rector at St James, Thorley, Hertfordshire.

Although he hailed from Hertfordshire, grandfather John Horsley studied at the University of Edinburgh where he was awarded an MA in 1723. Dr William Hamilton was Professor of Divinity at Edinburgh while John Horsley was an undergraduate. It is probable that Horsley had boarded with the Hamiltons, a common practice at the time for students and professors alike. At the end of 1723 John had a clandestine marriage in London to the Professor's daughter Anne, b1703.

A more public marriage took place 3½ years later in 1727 at St Mary's Islington. The first child of this couple that I have been able to identify was born in December 1729. The Revd. Horsley's children were as follows –

to Anne Hamilton

- Martha b1729; died in infancy
- Samuel b1733; married 1st 1774 Mary Botham, 2nd 1778 Sarah Knight
- William b1735; died in infancy

to Mary Leslie

- Ann b1740; never married
- John b1741; John's father
- Sarah b1743; never married
- George Zachary b1744; married 1789 Charlotte Mary Talbot

¹⁴Jenkins, Terry. "The will of John Rich--probate and problems.." The Free Library. 2010 The Society for Theatre Research. www.thefreelibrary.com/The+will+of+John+Rich--probate+and+problems.-a0235279628 accessed 9 Dec. 2014. Jenkins raises the spectre of a second illegitimate child and references a son, Charles, baptised 1729 at St Giles-in-the-Fields, that I have not listed above.

¹⁵A number of sources describe Mary as the daughter of George Leslie of Kincraigie, Perthshire, Scotland but I have yet to find a birth record to support this.

- Mary b1747; married 1766 William Palmer
- twins b1748¹⁶ - William; died in infancy. Elizabeth; never married
- Francis b1751; married 1792 Elizabeth Williams

William was baptized 10 March 1748 at St James, Thorley probably soon after birth and in expectation that he would not survive. His twin sister Elizabeth was baptized at St Martins-in-the-Fields, London 1 June 1748.

John's father was variously a city banker and/or 'an impecunious writer and translator of the plays of [Jean-Baptiste] Racine'.¹⁷ I have uncovered nothing else of him. Of his father's siblings two are particularly worthy of note. Mary, wife of William Palmer¹⁸ was the grandmother of Roundell Palmer, an MP and founding member of the British Liberal Party who served both as Solicitor General and Attorney General before his ennoblement as Baron Selborne after which he served twice as the Lord Chancellor. He was later granted the titles Viscount Wolmer and the Earl of Selborne. One of Mary's 6 sons, John Horsley Palmer, was Governor of the Bank of England 1830-33.

John's half-uncle Samuel followed the Revd. Horsley into the priesthood and was both a distinguished scientist and theologian. His edited works of Sir Isaac Newton are still in print today¹⁹. He had a habit of courting controversy. As a Secretary of the Royal Society he had a long running feud with its then President Sir Joseph Banks. He was also a prominent and public critic of Joseph Priestly, the founder of Unitarianism²⁰. Horsley took issue with Priestley's account of early Christian theology and his questioning of the divinity of Christ.

After his preferment to the see of St David's Samuel had a new platform as a Lord Spiritual in the upper house of the Westminster Parliament. His speeches were well regarded and those on the dangers of the French Revolution earned him the sobriquet the 'Grand Mufti'. In 1992 Professor Mather reassessed Horsley's role as a leading figure in the late eighteenth century Anglican Communion and as a precursor to the Oxford Movement.²¹

Bishop Samuel's mother, Revd. Horsley's first wife, was from the Hamiltons of Airdrie. Appendix B covers some of the contradictory accounts of the parents of the founder of the Hamiltons of Airdrie.

The Blueviad

John Horsley was an officer of the Royal Horse Guards Blue. In 1805 he had been a Captain for 2 years²² and only just married²³ when he, along with his fellow officers, became the subject of a public humiliation at the hands of a disgruntled former officer, the Edward Goulburn referred to above. The 17-year-old Edward had published a satirical poem, *The Blueviad*²⁴, which lampooned every officer of the

¹⁶ Hargrave, Phillip. *John Horsley and Isaac Maddox*, 2011. www.friends-stjames.org/John_Horsley_Biography.htm accessed 8 Dec 2014

¹⁷ 'John Horsley was the son of a city banker' according Sir Barney White-Spunner in his history *The Horse Guards* 2006, while Professor Mather's 1992 *High Church Prophet*, a biography of John's uncle describes him as a writer.

¹⁸ William Palmer 1737-1821 was High Sheriff of Essex in 1804

¹⁹ Horsley published the 5 volume collected works of Newton under the title *Isaaci Newtoni Opera quae exstant Omnia. Commentariis illustrabat Samuel Horsley*. 1779-1785. Last re-published 2012 by, inter alios, Nabu Press.

²⁰ Joseph Priestly was also an accomplished scientist and is credited with discovering oxygen (disputed) and with inventing the process for making soda water.

²¹ Mather, F.C. *High Church Prophet Bishop Samuel Horsley (1733-1806) and the Caroline Tradition in the Later Georgian Church*. 1992. Clarendon Press.

²² The London Gazette, 16 July 1803 www.thegazette.co.uk/London/issue/15602/page/869

²³ Married Maria Champion de Crespigny at St George, Canterbury, Kent 19 July 1804.

Oxford Blues. Goulburn was almost certainly motivated by revenge having recently resigned his commission; it seems, in the face of a pending court martial²⁵.

Not surprisingly Goulburn was held with little regard by his former colleagues who it seems would have ridden the storm of controversy were it not for a chance encounter between Goulburn and our John Horsley. On the 7th June 1805 John was out riding the bridle path to the south of Hyde Park²⁶ when he came across Goulburn, and in an intemperate moment shook his whip at the teenager. Goulburn rode over to Horsley who made clear he would countenance no conversation with his former colleague.

Three days later an associate of Goulburn's attended the regiment with a letter for Horsley. The letter contained a demand that Horsley give satisfaction to Goulburn following the very public slight earlier in the week, i.e. a challenge to a duel.

Horsley consulted a number of his fellow officers and it seems they all agreed that it was impossible for Horsley to accept the challenge. Duels were only conducted between Gentlemen. If Horsley accepted the challenge he would be acknowledging Goulburn's status as a Gentleman and, given Goulburn's past behaviour, to do so, it was concluded, would have been an insult to the Regiment. A response to the letter outlined this argument.

A second letter was forthcoming. Horsley again consulted his colleagues and confirmed the previous position. He responded to the second letter with an invitation to meet with Goulburn's associate, known only Overand. On the 12th June Overand attended the regiment again. Horsley met with him only to be advised by Overand that if he did not 'provide satisfaction' he would be 'placarded'.

On the 15th June 1805 a series of posters went up around London proclaiming Horsley's cowardice at refusing the duel. At this point there was no turning back and there is an air of inevitability about what happens next, though Horsley had yet to realise that matters were fast spiraling out of control.

A week later a meeting was held in the regimental mess at Knightsbridge. Major Miller, Captain Packe and Lieutenant Fenwick, with Captain Horsley agreed something needed to be done to inform the public of the character of Goulburn so that they might draw the same conclusion as to the preposterousness of his claims. The letter would have been posted had it not been for a conversation Horsley had the following night at a private dinner where one of the guests Mr Dickens, a civilian, suggested the letter should come from the regiment. A fellow officer at the supper agreed he would raise the matter with Lieutenant Colonel Dorien, the Blue's commanding officer and first victim of the Blueviad²⁷.

Two days later, on the 25th of June a general meeting was held, but Horsley was not in attendance. It seems the meeting did not discuss Horsley's letter or even address his predicament, at least that is Horsley's understanding. What is not disputed is that the meeting did discuss the Blueviad and officers unanimously decided to undertake

²⁴ Goulburn, Edward. *The Blueviad, a Satyrical Poem*. 1805. London: Printed for J Maynard by Barker & Son, Great Russel Street, Covent Garden.

²⁵ The London Gazette on the 6 April 1805 '*Cornet William Terry promoted Lieutenant, vice Goulburn retires*', effective 9th April. While Goulburn's Dedication and Preface to the published Blueviad are dated 31 March it is certain that the events that led to his resignation had taken place prior to its publication, at least earlier in March, given the Gazette announcement of his replacement in the first week of April.

²⁶ When William III moved from St James' Palace to Kensington Palace a bridle path was built between the two, the track to the south of Hyde Park became known as Rotten Row and was a 'place to be seen'. You can still ride a horse between the two palaces though you need to cross Hyde Park corner to get to Green Park.

²⁷ The Blueviad deals with each officer in turn. It starts with the Lt-Col, 'Timotheus' aka Snuff, verses 9-97 Part 1.

a legal process to address the libels in the poem²⁸. The meeting agreed only four cases would be contested and these would also address the libels afforded the women associated with each of the 4 officers²⁹. Horsley would afterwards put his name to this resolution.

By this time Horsley was getting anxious that the regiment had done nothing to support him. He was beginning to wonder if there were those who were questioning his conduct in the matter. On the 28th the Blues were at Winkfield Plain, in Berkshire conducting a field day. Horsley was keen to know if anyone in the regiment thought he should have undertaken the duel. He reminds Major Elley of their deliberations when the letters demanding satisfaction were first delivered. Elley nervously pleads to Horsley 'Please don't quote me on private conversations'. Captain Athorpe is silent when reminded of his promise to take up the matter of the regiment signing off the letter drafted 5 days before.

On the ride back to London Horsley took it upon himself to raise the issue with Lt-Col Dorian. Dorian exclaimed he had no opinion on the matter, a position he had apparently earlier confirmed with the Regiment's Colonel, the Duke of Richmond, Charles Lennox (1735-1806). Clearly the matter had not gone unnoticed.

Horsley requested a regimental meeting, which he anticipated, would validate his conduct but equally he seemed keen to identify any dissenting views. Dorian refused the meeting on the grounds it was irregular. He gave no explanation as to the irregularity. Captain Bird and Major Elley rode over and joined in the conversation, Bird spoke up in defence of the position taken by Horsley. Major Elley remained silent, anxious perhaps he provided yet another 'quote'.

Back in London Horsley seized an opportunity to speak with Lennox. The Duke declined to read the letter that Horsley had now been carrying in his pocket for over a week. He merely cautioned that care and counsel should be taken in its wording.

On the 8th of July Horsley posted his letter. It was published on the 11 July 1805

on prosecution commenced against her.

To the EDITOR of the MORNING POST.

SIR,—A Mr. EDWARD GOULBURNE, who once had the honour of holding a Commission in the Royal Regiment of Horse Guards, and who chose to resign that Commission rather than abide the result of a Court-Martial, has thought proper to fix up, in various parts of the metropolis, Placards containing a gross attack on my character as an Officer and a Gentleman. The conduct of this Mr. EDWARD GOULBURNE towards several of my Brother Officers, as well as myself, is now in a course of legal investigation; and an opportunity will soon be given to the Public to judge whether I have resorted to the proper and the only mode which was permitted to me of noticing any thing which proceeds from Mr. EDWARD GOULBURNE.

I am, Sir, your obedient humble servant,

JOHN HORSELEY, Capt. R. R. H. G.

London, July 8, 1805.

...of the legal investigation; and an opportunity will soon be given to the public to judge whether I have resorted to the proper and the only mode which was permitted to me so noticing....

²⁸ The regiment may have been reluctant to sue and only took this action because of the duel controversy. Mr Justice Gross was at pains to censure 'the unwarrantable and harsh treatment of those who, conversant with the ways of the world, first led you [Goulburn], by flattering your slanderous publications, to commit an offence against the laws of the country and then brought you before this Court...' Report in the Northampton Mercury, 15 February 1806.

²⁹ When the case was heard there were only 3 officers prosecuting; Lieutenant Colonel Dorian, Captain John Anstey Abney and Captain (and Mrs.) Bird.

John appears to have conducted himself in what he saw as self evidently the only right and proper manner. Edward Goulburn was less than a Gentleman. Everyone should agree this, not least Goulburn himself. The rules of the game were clear; duels were for Gentleman only. All very simple really. Horsley should have known it wasn't.

Perhaps the Blueviad's characterization of Horsley/Bluster may not have been too far off the mark. In a footnote to verse 58, Part 2 the author writes 'His extreme pride and haughtiness, when contrasted with his former *littleness*, has induced me to be severer here than I otherwise should have been'. There was clearly little love lost between the two, Goulburn continues ': when fallen I could spare and pity him; his upstart pride it is my duty to shew in its proper light, my maxim being "*Spargere subjectis et debellare superbos*"³⁰'

Goulburn was the grandson of a Viscount. Whatever the youthful indiscretions that led to his resignation from the regiment, and they have yet to be revealed in all I have read³¹, his station will have counted for something. Horsley must have been aware of this. He was underestimating his adversary and soon there would be a third protagonist in the unfolding drama. The Captain was about to find himself between a rock and a hard place.

Unsurprisingly Goulburn responded to Horsley with his own letter to the editor.

To the EDITOR of the MORNING POST.

SIR,—A Captain JOHN HORSLEY, of His Majesty's Royal Regiment of Horse Guards, having thought fit to shake his whip at me, and say he would break every bone in my body, and having afterwards refused to give me the satisfaction to which a Gentleman is entitled, I was under the necessity of exposing him to the Public. From the obloquy of which exposure (after above a month's silence), I now find he endeavours to screen himself by publicly asserting an evident untruth in your Paper, vainly imagining that the world will not at once see, that this attempt at justification is the forced and patched-up composition of a man, who now flies for protection to that law which he himself was the first to violate by his conduct towards me. I am, Sir,
Your obedient humble servant.
London, July 11, 1805. EDWARD GOULBURN.

But worse was to come. Regimental Head Quarters wrote to Horsley on the 14th —

The Officers of the Royal Regiment of Horse Guards are much displeased at the statement made in the letter published in the Morning Post of the 11th July 1805, which is without authority.

³⁰ "scatter those who have been defeated and subdue the arrogant". I wonder if this is an error and Goulburn meant to quote the Aeneid by Virgil "parcere (not spargere) subjectis et debellare superbos" — spare those you have defeated and subdue the arrogant. Of course Goulburn may be deliberately paraphrasing Virgil.

³¹ I have not researched the events that led to Goulburn's resignation though the later libel case cast a curious veil over it 'he had conducted himself in such a manner as not to satisfy the corps, the circumstances of which were not material to be stated on this occasion' Report in the Ipswich Journal, 7 December 1805.

Chief signatory was Lt-Col Dorien and it included those that Horsley had consulted with the month before, including Major Elley but not Captain Bird. Hardly the support Horsley had been desperate to elicit from his brothers in arms.

Horsley then met privately with Colonel Lennox who confronted him with a written memorial from the regiment's officers implicitly critical of his conduct.

Horsley sees Dorien's hand in the carefully crafted missive with its vague accusation of bringing the name of the Regiment into disrepute. Horsley asserts that Dorien had a well established reputation as a gifted wordsmith and he had no doubt that Dorien had conspired to draft it in such a way as to encourage the maximum support for the statement. Horsley's name did not even appear in it.

Lennox was surprised when Horsley advised him that he had never before seen the statement and had not been aware its sentiments. The Duke revealed that Lt-Col Dorien had advised him to the contrary.

Horsley's protestations that he had nothing but support for his actions, and the fact that he had only now been confronted with the statement handed him seemed to have no impact on the course of action taken by Lennox which seemed to have been determined in advance of their meeting. Colonel Lennox asked for Horsley's resignation. The aging Duke in his 71st year wanted it there and then. He would take it straight to the Commander in Chief of the British Forces, as he planned to go up to the country the following day 'for his health'.

Whether because of the injustice or the sheer shock of the request (he had not seen this coming) Horsley was not immediately going to fall on his sword. He sought a few days within which to give a considered response. Despite his desire to quit London at the earliest opportunity the Duke obliged, 'God forbid I should hurry you'.

On the 19th July Captain John Horsley, Esq. submitted his memorial to Colonel Lennox, Duke of Richmond, for consideration by the Commander in Chief, the Duke of York and Albany, The Prince Frederick. The memorial did not contain the requested resignation.

Instead Horsley sought a Court Martial. He defended his position on the basis that his colleagues had unanimously supported it. The statement can be read to suggest the civil action taken by the regiment informed his decision not to fight. However it is clear from the above chronology that the resolution to take Goulburn to court was made over a fortnight after Horsley shook his whip at his former colleague.

On the 3rd August 1805 the Duke of Richmond wrote with a letter from the Duke of York and Albany. The King had been consulted and was of the opinion that the facts of the case had been established and were not in dispute³². There was no question of a Court Martial. The King expected Captain Horsley's resignation.

The game was now up. Any hopes Horsley had of rescuing his career had been dashed but he was still concerned for his good name. A week after the Duke, Colonel Lennox's correspondence, Horsley wrote, on the 11th August, to Lt-Col Dorien seeking guidance on how to resign his commission. He also made a request for the regiment to declare on his character. There was no response to the latter demand.

³² 60 years later a piece from Fraser's Magazine on famous duels would claim that George III had seen one of the offending posters, exclaiming "What, what, what? A Captain in my household troops a coward! What are the Horse Guards about?" The Law of Honour – Celebrated Duels. Reprinted in the Glasgow Daily Herald, 11 March 1865.

On the 24th August the London Gazette posted the following notice³³ –

War Office, August 27, 1805.
Royal Regiment of Horse Guards, Lieutenant John
Thoyts to be Captain of a Troop, without Purchase, vice Horsley, who retires.

Horsley made one last attempt to get clarity on whether his commanding officer thought him a coward. After the Gazette appeared he wrote again to Dorien. On the 1st September Lt-Col Dorien replied complaining that Horsley had put to him an 'improper question'. He nonetheless wrote he had 'but no suspicion of the kind.'

Horsley was still in contact with his former comrades with whom he shared the contents of Dorien's correspondence. Word got back prompting Dorien into sending an unsolicited letter to John Horsley advising him he had not meant to provide him with a justification for his position but wrote privately to put his mind at rest.

This was quite possibly 'the straw that broke the camels back'. On the 5th September John Horsley had published *The case of John Horsley, Esq., late a captain in the Royal Regiment of Horse Guards Blue* from which the preceding is drawn. It was printed 'for W. Stewart of opposite Albany, Piccadilly, by J Smeeton of Martin's Lane'. The account is written in the third person and I would hazard a guess it was written by W Stewart for John.

After nearly three months of waiting Horsley finally gives up on ever securing the unequivocal support that he so desperately sought from his beloved regiment. In a remarkable volte-face the published account concludes –

"he shall never derive satisfaction from their good
opinion or be unsatisfied by their disapprobation"

Newspaper accounts of the time suggest that not only Horsley but those who had supported him in refusing the duel were also drummed out of the Regiment. If this was the case it was separate to the process that saw Horsley's resignation. Perhaps as a consequence of Horsley's own published account.

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³³ The London Gazette Issue 15837, page 1079. www.thegazette.co.uk/London/issue/15837/page/1079

The York Castle breakout

Annex A

Freda M. Smith, a direct descendant of Jane Cross, in her family history *A Tenacious Women - The Story of Jane Jackson Horsley*³⁴ gives the following account -

Afraid of having to support her children without the help of their father, Jane decided on a plan to free her husband from his prison cell [in York Castle]. She applied for permission to visit Robert on the pretext of saying goodbye and the magistrate agreed to her request.

Jane then visited the village blacksmith and begged him to make her a small hacksaw. The blacksmith agreed and told her to come back on the morrow.

With the hacksaw carefully concealed beneath her voluminous petticoats she made her way to the castle to put her plan into action. Without thinking Jane took the pathway through the kitchen garden where she was observed by one of the servants who consequently reported the matter to the Yeoman of the Guards. She followed the long dark passage, which wound down into the bowels of the castle and found Robert in one of the dingy cells. She whipped the hacksaw from beneath her skirts and proceeded to saw through the offending iron bars.

By this time the guard had followed her and she was taken into custody for trying to free her husband. The following day Jane was taken before the magistrate who questioned her about the misdemeanor. She was reprimanded and because the magistrate felt sorry for her predicament, he allowed her to go home to her children.

I have to admit that when I first read this I had my doubts. There were no references given and it had all the hallmarks of a family legend, handed down through the generations and embellished with each retelling. I have encountered a few of these in my own family history.

So I was pleasantly surprised to find the following notices in the Leeds Mercury.

³⁴ www.thetreeofus.net/4/264744.htm

In the 31 July 1813 edition was the following, related to events of the 2nd May –

Jane Cross, aged 24, wife of Robert Cross, aged 27, late of Hull, charged with several other persons, now prisoners in the said Castle with having committed a burglary at Howden; she the said Jane Cross being charged upon oath with having on Sunday 2nd day of May, 1813, conveyed into the Castle certain steel saws for the purpose of cutting iron, with an intent to assist her husband, and other prisoners, to effect their escape.

terfited.
Jane Cross, aged 24, wife of Robert Cross, aged 27, late of Hull, charged, with several other persons, now prisoners in the said Castle, with having committed a burglary at Howden; she the said Jane Cross being charged upon oath with having on Sunday the 21 day of May, 1813, conveyed into the Castle certain steel saws for the purpose of cutting iron, with an intent to assist her husband, and other prisoners, to effect their escape.
George Wilkinson, aged 20, of Scholes, coal miner, and Joseph Fournis, aged 18, of Clerkheaton, la-

And the outcome? Three weeks later on the 21st August the same paper, as well as carrying a report of Robert Cross's 17th August death sentence³⁵ included the following notice regarding the cases considered on the 18th August–

On Wednesday morning, Mr. JUSTICE CHAMBERLAIN went to the Guildhall, to pass sentence on the two unfortunate female Prisoners convicted of

The other Prisoners received the following sentences :—
John Emmett (aged 42)—FOURTEEN YEARS TRANSPORTATION.

Jane Cross, James Hobman, and David Rouse the younger—ACQUITTED.
Richard Brook—DISCHARGED BY PROCLAMATION.

Jane was not reprimanded by a magistrate but acquitted by a judge. An acquittal no doubt informed by feeling 'sorry by her predicament'.

³⁵ The sentence of death was later commuted to 14 years transportation.

John, first Hamilton of Airdrie

Annex B

John Horsley's grandfather's first wife was Anne Hamilton, daughter of Professor Hamilton. Anne's x7 Great Grandfather was John Hamilton who was killed at the Battle of Flodden in 1513. He acquired control by lease of the village and surrounding lands of Airdrie from the Abbot of Newbattle in 1503. He was henceforth known as John Hamilton of Airdrie and the title, with the estate, was handed down through the male line. The Barony of Airdrie doesn't appear to exist anymore.

John's father was the knight, Sir Robert Hamilton of Preston & Fingalton. The barony of Fingalton in Renfrewshire dates to 1339 when it was granted to Sir John Fitz-Gilbert de Hamilton of Rossaven (Lanarkshire) by his nephew Sir David Hamilton of Cadyow. Fitz-Gilbert Hamilton had earlier acquired the lands of Ross or Rossaven from the monks at Kelso and his son and heir would additionally acquire the Barony of Preston, in the county of East Lothian. John of Airdrie's older brother Robert inherited the baronies of Preston and Fingalton in 1522.

While it is beyond doubt that John of Airdrie's father was Sir Robert there are competing claims for who his mother was. George Crawford's 1710 publication, the title of which is so long that it is worthy of a book in its own right, has it that John's mother was Marion Crichton daughter of Sir David Crichton of Cranston-Riddell.

The '*Genealogical History of the Royal and Illustrious Family of the Stewarts from the year 1034 to the year 1710; to which are added the Acts of Sederunt and Articles of Regulation relating to them; to which is prefixed a General Description of the Shire of Renfrew*³⁶ provides a detailed account of the House of Stewart and confirms that Princess Mary, daughter of James II married, secondly, the first Lord Hamilton.

In his account of Renfrewshire Crawford describes Mearns Parish. The second family he details is that of the Hamiltons of Preston and Fingalton. Sir Robert III was the great grandson of Sir James I of Preston & Fingalton (d. bef 1450) who Crawford asserts married Margaret Hamilton the illegitimate daughter of the first Lord Hamilton referred to above.

Regards Sir Robert III, Crawford states that Marion Crichton was the mother of his 4 sons and after her death he married Dame Ellene Shaw, Lady Dirlton, daughter of Sir James Shaw of Sauchy, and relict of Archibald, master of Haliburton. However this is contradicted by other genealogists.

John Anderson³⁷, Robert Naismith³⁸ and Barbara Balfour-Melville³⁹ all contend that Robert's first wife, and the mother of his children, was Margaret, daughter of Sir John Mowat of Stonehouse. Anderson has it that Marion Crichton was his second wife and Dame Helen Schaw his third. For what it is worth my own view is that Crawford, despite his pre-eminence as a genealogist and historian, got it wrong on this occasion.

Sir Robert's third wife Helen or Ellene Schaw/Shaw has her own tangled web of spouses. Robert was her last of either 3, 4 or 5 husbands depending on whose

³⁶ George Crawford's book was first published in 1710. It was updated by George Robertson and republished in 1818. Glasgow: John Smith & Son, Edinburgh: Archibald Constable & Co., London: Rest Fenner.

³⁷ Anderson, John. *Historical and Genealogical Memoirs of the House of Hamilton: with Genealogical Memoirs of the Several Branches of the Family*. 1825. Edinburgh: The author, and London: Simpkin & Marshal.

³⁸ Naismith, Robert. *Stonehouse: historical and traditional*, 1885. Glasgow: Robert Forrester.

³⁹ Balfour-Melville, Barbara. *The Balfours of Pilrig a History for the Family*, 1908. Edinburgh: William Brown.

account you read. Anderson⁴⁰ has it that before her marriage to Robert Hamilton in 1516 she had married previously in the following order;

1 – Archibald, Master of Haliburton

2 – Andrew Stewart, 1st Lord Avandale

3 – Sir Patrick Hume of Polworth

4 – Sir Peter Houstoun of that Ilk (slain at Flodden)

The first of these marriages was to the Master of Haliburton who it is said had died by 1488, possibly falling, along with his father, at the battle of Sauchie (11 June 1488). According to Paul⁴¹ he was alive in 1486 when he signed over the lands and barony of Boltoun to his mother.

The second is particularly problematic since Lord Avandale is recorded as dying in 1488. His entry in the Dictionary of National Biography states 'His wife's name is nowhere recorded, and he died without surviving issue'⁴². If he had married Helen Shaw it would have to have been in the last year of his life. Paul has it that Helen Shaw married secondly Hume of Polwart and not Stewart.

The third, Patrick Hume is documented as such by his own family's history⁴³ who have it that Helen was his second wife after Margaret Edmonstone. Sir Patrick died in 1504.

The 4th husband, Sir Peter Houstoun of that Ilk it is claimed married 'Helen daughter of Schaw of Sauchie' in 1480⁴⁴ and she was the mother of his children, including his heir and only son, Patrick b1492. If this was the case then Helen could not have also been the wife of Haliburton and of Hume. If she is the same Helen Shaw 'of Sauchie' she can only have married Houstoun after 1504 when she again became a widow.

The only explanation I can give based on my cursory review of the accounts I have accessed is that Helen, who married Sir Patrick Houstoun was of the family of Schaws of Sauchie but she was not the daughter of Sir James Schaw of Sauchie, one of the alleged assassins of James III of Scotland. There are too many references to Helen/Ellene, 'daughter of Sir James' in the various accounts of Haliburton, Hume and Hamilton for this to be easily discounted. It is worth noting that Metcalfe merely describes Houstoun's wife as 'daughter of Schaw of Sauchie' without naming which Schaw was her father⁴⁵. But it probably needs more research than I have devoted to it to reveal an accurate picture.

I therefore conclude that Helen Schaw, daughter of Sir James Schaw of Sauchie had three husbands as follows –

- Married 148? Archibald, Master of Haliburton (d1488)

⁴⁰ Ibid 35

⁴¹ Paul, Sir James Balfour. Ed. *The Scots Peerage. Vol. 4.* 1907. Edinburgh: David Douglas.

⁴² Anderson, John. *Stewart, Andrew (d.1488)*. In the *Dictionary of National Biography*, 1885–1900. London: Smith, Elder & Co.. Vol 54 p271.

⁴³ Warrender, Margaret. *Marchmont and the Humes of Polwarth by one of their Descendants*. 1894. Edinburgh and London: William Blackwood & Sons.

⁴⁴ Metcalfe, William. M. *History of the County of Renfrew from the Earliest Times*. 1905. Paisley: Alexander Gardner.

⁴⁵ However there are references to 'daughter of Sir John Schaw, of Sauchy' see Glenn, Thomas Allen. *William Churchill Houston, 1746-1788*. 1903. Reprint. London: Forgotten Books, 2013 p91(102).

- Married 149? Sir Patrick Hume of Polworth (d1505)
- Married 1515 Sir Robert of Fingalton & Preston (d1522)



