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The Rise of the House of Mansfield: Scottish Service Nobility in the emerging British State

I.

Grete Walter-Klingenstein's superb study of the rise of the house of Kaunitz has been lauded – in keeping with its own sub-title – primarily for its illuminating portrait of the family background and education of the State Chancellor, Wenzel Anton von Kaunitz-Rietberg (1711–94), who had previously defied modern scholarly study.[1] Its appearance thirty years ago was also a landmark in writing about the nobility within the Habsburg Monarchy and more widely in Europe.[2] It demonstrated the way in which shrewd family strategy, consistently followed over several generations, brought about the remarkable rise of a relatively obscure Moravian family to political and social pre-eminence, and underlined the crucial importance within noble families of the House (*Haus*) and the lineage (*Geschlecht*).[3]

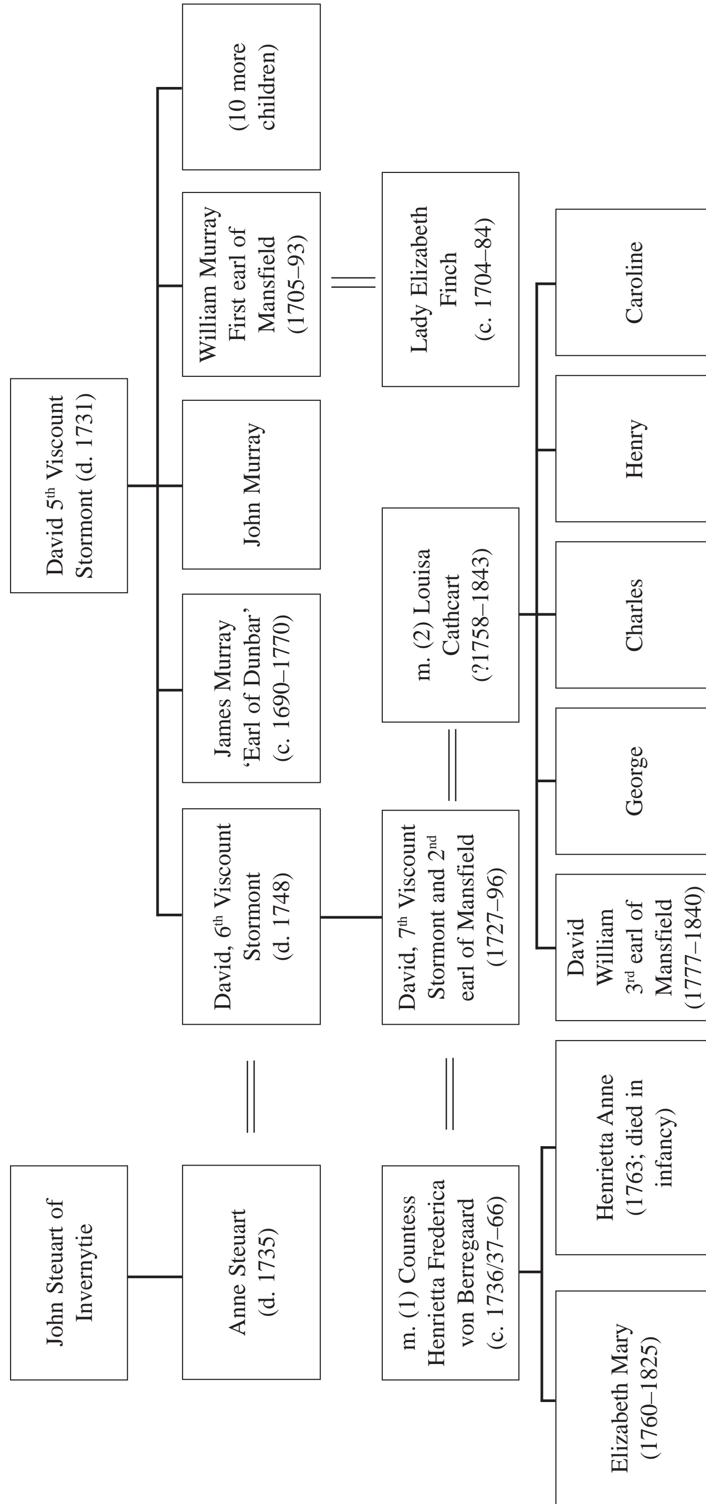
The Kaunitz were originally from Bohemia, but they had secured land in neighbouring Moravia and became identified with that territory. Compromised by their involvement in the Bohemian rebellion of 1618–20, which led to the two eldest sons being driven into exile, the family fortunes were re-launched so successfully by the fourth son and his heirs that it became an elite aristocratic lineage and in Wenzel Anton provided the leading minister throughout the second half of the eighteenth century. The route to the summit lay through loyal service to the

1 Grete Klingenstein, Der Aufstieg des Hauses Kaunitz: Studien zur Herkunft und Bildung des Staatskanzlers Wenzel Anton (Göttingen 1975). I am grateful to my former colleagues Professor Bruce P. Lenman and Dr David Allan, and to Professor Derek Beales, for their helpful comments on an earlier version of this article. Ms Clarissa Campbell Orr generously allowed me to read a section of her forthcoming biography of Queen Charlotte, wife of George III. All dates are given in the New Style, unless indicated by '[O.S.]'.

2 This is more explicitly emphasised in the Italian translation, with its sub-title expanded in a revealing way: Grete Klingenstein, L'ascesa di casa Kaunitz: Richerche sulla formazione del cancelliere Wenzel Anton Kaunitz e la trasformazione dell'aristocrazia imperiale (secoli XVII e XVIII) (Rome 1993): see also the comments of Cesare Mozzarelli in his 'Introduction', pp. 5–9. The best guide to recent research is now the first volume of Thomas Winkelbauer, Ständefreiheit und Fürstenmacht. Länder und Untertanen des Hauses Habsburg im Konfessionellen Zeitalter, 2 vols. (Vienna 2003).

3 Klingenstein, Aufstieg 21–22.

Simplified Genealogy of the House of Mansfield during the 18th Century



dynasty, as diplomats, as governor of Moravia and finally as State Chancellor during the reign of Maria Theresa, reinforced by a consistent strategy which determined the education, career and marriage of family members. This brought wealth, largely in the form of land, and successive steps in the aristocratic hierarchy: eventually, in 1764, Wenzel Anton was raised to the rank of Prince.

One of the diplomats whom Prince Kaunitz encountered during his official duties was viscount Stormont, Britain's ambassador in Vienna (1763–72).[4] The Scottish nobleman quickly established warm relations with the State Chancellor, becoming well known within his private social circle, and he was one of the few foreign diplomats invited to stay on the family estates at Austerlitz.[5] Stormont's own rise and that of his lineage were in many ways as remarkable as that of the House of Kaunitz and its leading figure. It too was the product of a coherent family strategy, which brought about its advance from relatively modest origins in the Scottish lower nobility to the very apex of the British state created by the Anglo-Scottish Union of 1707. The embassy to Vienna was a decisive stage in this ascent, which carried Stormont first to the post of ambassador to France (1772–78) and then to that of Southern Secretary (1779–82), during which time he was *de facto* British foreign minister.[6]

In this as in so many other ways his trajectory, and that of the Mansfield family, mirrors exactly that of the Kaunitz. There were differences, principally the fact that Stormont's rise was prepared and directed not by his father, grandfather and

[4] I am grateful to the earl of Mansfield for granting me access to and permitting me to cite the Murray-Mansfield Papers (hereafter: MMP) kept at Scone Palace in Perthshire, and to the archivist Dr Mary Young for facilitating my research. These are one of the most extensive collections of papers still in private hands in Britain, particularly for the eighteenth-century earls. There are, however, gaps and their public careers are much more fully documented than their private affairs. One reason is the loss of a substantial quantity of correspondence and other papers when the Gordon Rioters sacked the first earl of Mansfield's town house in London in spring 1780: he was a target because certain of his legal decisions appeared to be favourable to Catholics and Protestant Dissenters, and the rioters were strongly Protestant in their sympathies. Another is that the first earl, like many eighteenth-century statesmen, was unusually discreet and sought to disguise the undoubted influence he wielded, and as a result some papers may have been deliberately destroyed. The 'Mansfield Ledgers' for 1739–96 at C. Hoare and Company (hereafter: CHC), a leading London private bank, contain important information on the finances of the first two earls. I am grateful to the Partners for allowing me to examine these and to the Archivist, Ms Pamela Hunter, who greatly aided my research on them.

[5] This is apparent from the Zinzendorf diary: Haus- Hof- und Staatsarchiv (hereafter: HHStA), Vienna, Tagebuch Zinzendorf, vol. 8, fos. 196v, 200v; vol. 9, fos. 6r, 26v; Stormont's own testimony to this is in his letter to William Markham, 13 February 1771, MMP Box 110, Bundle 1.

[6] Until the creation of the Secretaryship of State for Foreign Affairs in 1782, administrative control of British diplomacy was shared between the Northern and Southern Secretaries, both of whom also had wider responsibilities than foreign policy, as was common in eighteenth-century Europe.

great-grandfather, but by his uncle, the celebrated lawyer and judge William Murray, who became Lord Chief Justice in England for more than three decades (1756–88) and was ennobled as the first earl of Mansfield.[7] It was therefore accomplished in a shorter period of time: barely two generations, in contrast to the four required by the Kaunitz. Yet it is the similarities which are much more striking. Each family turned its back on earlier support for rebellion and conformed also where religion was concerned: the Kaunitz to Roman Catholicism, the Mansfield to the Anglicanism which became the official faith of the emerging British state. Both Prince Kaunitz and the first earl of Mansfield considered careers in the Church, abandoning these for State service. Another important similarity was the importance of younger sons, so often neglected in studies of noble lineages within which descent through male primogeniture prevailed. Above all, both the Kaunitz and the Mansfield exemplified a relatively new kind of higher nobility, which was becoming more numerous by the eighteenth century. This comprised families which rose from relatively modest beginnings in the lower nobility through prolonged and devoted service within the expanding infrastructure of the more powerful States emerging at this period, securing in return social and political status, opportunities for their relatives and clients, and lands and other forms of wealth. Exactly like the Kaunitz-Rietberg, the Stormont-Mansfield were service nobility (*Dienstadel*), with Scotland cast in the role of Moravia.

II.

The rise of the Mansfield was accomplished by two men during the middle and later decades of the eighteenth century: the great lawyer William Murray, first earl of Mansfield (1705–93) and his nephew, the diplomat and foreign minister David Murray, seventh viscount Stormont (1727–96), who succeeded his uncle as second earl of Mansfield.[8] Though the very different worlds of law and foreign affairs provided their separate routes to pre-eminence, their careers and especially that of the younger man with his uncle were intertwined at every stage. The family's origins had been modest and relatively obscure, and aspects of its earlier

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[7] To avoid confusion, the first earl will be referred to as 'Mansfield' throughout this article and his nephew and successor as 'Stormont'.

[8] There is no satisfactory scholarly biography of either man, though the recent study by James Oldham, The Mansfield Manuscripts and the Growth of English Law in the eighteenth century 2 vols. (Chapel Hill, N.C. 1992) contains much important information on the first earl's life in addition to its authoritative discussion of his legal career. Biographical treatments of Mansfield have been provided by: Lord John Campbell, The Lives of the Chief Justices of England, 4 vols. (London 1874 ed.) iii.157–442 and iv.1–38; C.H.S. Fifoot, Lord Mansfield (Oxford 1936); Edmund Heward, Lord Mansfield (Chichester–London 1979); while basic information on both men is to be found in Oxford Dictionary of National Biography [hereafter cited as DNB] 60 vols. (Oxford 2004) xxxix, 884–87 and 992–1000. These are the source of the biographical details given in this article unless otherwise indicated.

history problematical for its subsequent trajectory. The Murrays were a numerous and widely dispersed kin in early modern Scotland and were 'lairds' or lords, as the Scottish lesser nobility were known.[9] The senior branch, the Murrays or Morays of Tullibardine in Perthshire, could trace their origins as far back as the thirteenth century and rose to be dukes of Athol. The Stormont Murrays were descended from a junior branch of the Murrays of Tullibardine. From the end of the Middle Ages they had provided minor figures in the royal administration, securing lands and other opportunities in return. Promotion to the peerage and the acquisition of what became the core landed possessions came about at a relatively late stage, as was frequently the case in the Scottish nobility.

David Murray of Gosparty (d. 1631) had been an important courtier, servant and adviser of the first Stuart King of Britain, James VI of Scotland (1567–1625) and I of England and Ireland (1603–25).[10] 'Bred from his youth at the court of King James VI', he progressed from the mid 1580s from cup-bearer, to master of the horse, to captain of the guard, to Comptroller of Scotland and privy councillor: in every way a classic court career before 1603.[11] His own fortunes and those of his lineage were established by firm support for the monarchy at the time of the so-called Gowrie conspiracy in 1600, when an unsuccessful attempt was supposedly made to kill or kidnap the King by John Ruthven, third earl of Gowrie (1577/8–1600) and his younger brother Alexander (1580?–1600). Few believed the King's (implausible) official account of the episode, but both the third earl and his brother were executed and the forfeited Gowrie lands became available for grant to trusted courtiers. Though Murray then accompanied the King to England, he soon returned north and, for the rest of his life, played an important role in Scotland's government and especially its ecclesiastical politics during a period of absentee monarchy. A second-rank figure, diligent rather than particularly imaginative or innovative, he prospered through consistent loyalty to the crown and opportunistic profiting from court favours, at a period when reliable subordinates were far more important to the workings of administration than formal institutions.[12] This devotion brought successively a knighthood (1591), ennoblement as Lord Scone (1605) and finally promotion to the titled peerage as viscount Stormont (1621).

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9 The family has not received modern scholarly study. The best sources of information are the entry on 'Murray, Viscount Stormont' in The Scots Peerage ed. Sir James Balfour PAUL, 9 vols. (Edinburgh 1904–14) viii.186–214, and the relevant articles in DNB, vol. xxxix. Scotland resembled continental Europe, in that – unlike England – there was a lesser nobility which enjoyed noble status but lacked formal titles.

10 See the article in DNB, xxxix, 882–84, and Keith M. BROWN, Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an early modern society (Edinburgh 1986) 122, 228–29, 256.

11 The Peerage of Scotland: A Genealogical and Historical Account (London 1767) 186.

12 See Julian GOODARE, The Government of Scotland 1560–1625 (Oxford 2004).

This ascent was accompanied by material rewards from a grateful ruler, mostly taken from the former Gowrie estates which had stretched across the fertile lowlands of Perthshire into the rich farming lands of Angus. These two counties lay immediately to the north of the river Tay and to the south of the more mountainous region of the Highlands and, further east, the Grampians: in this sense they were a frontier zone between Scotland's two societies, Lowland and Highland. Principal among these gains was the lordship of Ruthven, lying just outside the prosperous town of Perth, together with the lay commendatorship of the wealthy abbey of Scone, which was 'erected' into a barony in 1605 when David Murray became one of James VI's numerous 'Lords of Erection'. The abbey had been established as long ago as the twelfth century. Originally an Augustinian priory, its principal landholdings were scattered across the rich farmlands of southeast Perthshire. As the traditional inauguration site of Scottish Kings, it was an immediate target for Scotland's Protestants during the sixteenth-century Reformation and the accompanying political revolution, in which Perth was a very important regional centre: in 1559 both the abbey and the neighbouring bishop's palace were burned by the reformers. Thereafter the Ruthven earls of Gowrie became the first lay commendators, and after their fall the office and lands of the abbey passed to the new Lord Scone and subsequent viscount Stormont. These gains significantly expanded the family landholdings, until then modest in extent as well as widely dispersed.

The abbey's extensive lands in Perthshire came to be the core of the family's landholding, as they remain to the present day. The first viscount had created an imposing residence, by this period expected of any would-be aristocratic family, extending a structure begun by the Gowrie earls, and Scone Palace now became the focal point of the family's power.[13] During the next hundred years the lands were expanded, largely through a skilful series of marriages and fortunate successions, which at times resulted from a repeated failure of heirs in the direct male line: it was a lineage which always made use of entails to secure both succession and patrimony. The principal gain was the sizeable estate of Annandale in Dumfriesshire, in southwest Scotland, containing Comlongan Castle. This was acquired by means of marriage with the female heir of the earl of Annandale, himself part of the widespread Murray kin. The final important acquisition was the Perthshire estate of Invernytie, gained in the 1720s when the future sixth viscount married another heiress, Anne Steuart.

The first viscount Stormont was a typical member of the rising lesser nobility of later Stuart Scotland who had benefited both from the insidious transfer of substantial Church lands to lay commendators from elite families before the Ref-

[13] An engraving of the palace in the earlier seventeenth century, by A. Rutherford and dating from 1775, is reproduced on p. 144 of South-East Perth: an archaeological landscape, published by the 'Royal Commission on the Ancient and Historical Monuments of Scotland' (Edinburgh 1994).

ormation and by a confirmation of such grants after Scotland became nominally a Protestant realm, by a monarchy anxious to secure reliable servants and supporters. The Scottish nobility more than doubled in size, expanding from 57 (1603) to 119 (1649), while the number of titled Houses increased even faster, rising from 24 to 70 over the same period.[14] The result was a significant expansion of the nobility during the first four decades of the seventeenth century, paralleling developments elsewhere in the British Isles and across Europe.

The Stormont Murrays were a classic example of institutionalised advancement at the Stuart court. Courtiers and royal servants, the expanded nobility consisted of new men who secured lands and positions of prominence at a relatively late stage. An outstanding example was Thomas Hamilton (1563–1637), who progressed triumphantly through law and financial administration, secured vast estates in the southern half of Scotland and was successively created earl of Melrose (1619) and Haddington (1627).[15] Alexander Seton (1555–1622) followed an identical upward route to become Lord Urquhart (1588) and earl of Dunfermline (1622), acting as Chancellor of Scotland from 1604 until his death in 1622.[16] His successor as chancellor (1622–34) was another Perthshire laird, George Hay (baptised 1570–1634) who first made money through glass manufacturing and then moved smoothly into government service, securing part of the former Gowrie lands and being created Earl of Kinnoull (1633).[17] In contrast to the earls of Haddington, Dunfermline and Kinnoull, the Stormont Murrays as viscounts were in the lowest tier of the peerage. Yet their emergence under James VI and I was still striking, their durability was to be remarkable, and the extent of their landed wealth was to be impressive.

Its consolidation was accomplished despite real problems of biological continuity. The first occasion on which the title of viscount descended directly from a father to his son – far less an eldest son – was when the fifth viscount Stormont succeeded the fourth in the late 1660s, underlining the importance of the wider Murray kin in establishing and perpetuating the lineage.[18] A danger of biological extinction was permanent, epitomised by the fate of the earls of Dunfermline, who had risen even more spectacularly under the first Stuart King of Britain, but who died out in 1695 after only four generations. The dynastic survival of the Stormont Murrays was also accomplished despite mounting financial problems, which by the second quarter of the eighteenth century had become overwhelming. Though the causes and the chronology of these remain obscure, their scale is all-too-evident. By the time the fifth viscount – father of Mansfield – died in 1731, the

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[14] Keith M. Brown, Kingdom or Province? Scotland and the Regal Union, 1603–1715 (Basingstoke 1992) 35.

[15] DNB xxiv, 897–902.

[16] DNB xxv, 995–96; Scots Peerage ed. Paul, v.217–39.

[17] Scots Peerage ed. Paul, iii.369–75.

[18] Details in Scots Peerage, viii.196–204.

situation was critical and it remained so throughout the period of Stormont's own father, the sixth viscount. When the latter died in 1748, annual income from the estate rentals was slightly more than £2,000, a respectable figure for a Scottish nobleman in the mid eighteenth century. But the debts on which interest was payable were more than £21,400 and the annual cost of servicing this borrowing was almost £2,400: an unusually high figure, and significantly more than the annual income from the estate, out of which various annuities also had to be paid.[19] The level of interest payments, which overall was more than ten per cent at a period when most borrowing could be undertaken at around five per cent, is the best index of these difficulties, which provided the essential background to the early careers of both Mansfield and Stormont.

III.

The future first earl of Mansfield was born at Scone on 2 March 1705, the fourth of six sons in an unusually large family: David Murray, fifth viscount Stormont (d. 1731) fathered no fewer than fourteen children. The number of siblings and especially of male children placed obstacles in the path of young William Murray, since within noble families resources were concentrated upon the eldest male child, and little if any assistance was provided for younger sons; daughters would usually receive a dowry upon marriage. The Stormont Murrays clearly corresponded to this established pattern, though they seem to have practised unigeniture (the succession of one son, who might not necessarily be the first born) rather than strict male primogeniture where the family settlement was concerned.[20] In any case the financial problems were such that little or no assistance could be provided in either case.

The Treaty of Union in 1707 had closed both the English and the Scottish nobilities, and provided that any future ennoblement should be in a new 'British' peerage. The clear intention was that Scottish noblemen so elevated should then enjoy full membership of the House of Lords. Four years later, however, the upper chamber, fearful that it might be swamped by newly-minted British peers from Scotland, determined in the celebrated Hamilton case that no Scottish nobleman granted a British title could automatically sit as a member of the upper chamber.[21]

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19 See the detailed analysis in MMP vol. 230. I have presented the figures in rounded totals, since they were subsequently modified slightly and, in any case, are primarily a guide to the scale of the family's financial problems. The shortage of financial records for the period before the 1730s obscures almost everything about the origin of these debts.

20 This emerges from the letter from James Murray to his sister, Marjorie Hay of Cromlix ('Lady Inverness'), 10 April 1724 [?O.S.], printed in: The Jacobite Court at Rome in 1719 ed. Henrietta Tayler ('Scottish History Society', third series, Edinburgh 1938) 225.

21 G.S. Holmes, The Hamilton Affair of 1711–12: A Crisis in Anglo-Scottish Relations, in: English Historical Review 77 (1962) 257–82, provides a masterly treatment.

Though in a handful of instances – including that of Mansfield himself – the British government was able to circumvent this provision by granting British titles to the younger sons of Scottish peers who were unlikely to succeed to their fathers' Scottish titles, it would be 1782 before this resolution was formally reversed. In the meantime ambitious Scottish peers could only enter the House of Lords if they were elected Representative Peers for Scotland, of which there were only sixteen.[22] The Treaty of Union provided for the election of this group from among the Scottish nobility, to make up for the exclusion of the Scottish peerage from the House of Lords.

The wider political context, moreover, was decidedly unfavourable to a younger son in the Scottish nobility who sought to make a career in London, and it soon became even more unfavourable.[23] There were two linked elements in this: the impact of the Union of 1707 and the question of Jacobitism. The Scottish elite had signed the Treaty of Union with a degree of optimism concerning the new political world into which they hoped to integrate and the economic benefits they anticipated, but at least in the first half of the eighteenth century their hopes were not realised. In fact Scotland was rapidly reduced to the position of a client society within the larger British state which was coming into existence.[24] During the previous century – ever since the 'Union of the Crowns' in 1603 – remarkably few Scotsman had intermarried with or otherwise permanently entered the English social and political establishment. In 1707 only one Scottish family – the Campbell, dukes of Argyll – also held a title in the English peerage, as Earl of Greenwich, and for the next half century Scottish affairs were controlled by the second duke of Argyll (1680–1743) and his younger brother Ilay, who in turn became third duke of Argyll (1682–1761). From 1719 they were dukes of Greenwich. Neither ducal title, however, gave them automatic membership of the legislature.

The horizons of all save a handful of Scottish peers were bounded by Scotland itself, and in some ways the traditional links with Western Europe continued to be more important than the new possibilities offered by London and the English court. It was significant that the first Scottish peer to build his own house in the English capital, the duke of Queensberry, did not do so until the 1720s. Until then those members of the Scottish elite who spent extended periods of time in London

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[22] For this system, see Sir James Fergusson, The Sixteen Peers of Scotland: An account of the elections of the representative peers of Scotland, 1707–1959 (Oxford 1960).

[23] The wider context is provided by Paul Langford, 'South Britons' Reception of North Britons, 1707–1820 and Colin Kidd, Eighteenth-century Scotland and the Three Unions, both in: T.C. Smout (ed.), Anglo-Scottish Relations from 1603 to 1900 (Proceedings of the British Academy 127, Oxford 2005) 143–70 and 171–89.

[24] See the penetrating analysis by Bruce P. Lenman, A Client Society: Scotland between the '15 and the '45, in: Jeremy Black (ed.), Britain in the Age of Walpole (London 1984) 69–93.

preferred to rent property, which underlined both their relative poverty and the limited extent of integration which had taken place.

One important reason was Jacobitism and its enduring legacy.[25] The Jacobites were the supporters of James VII and II (1685–88), the last Stuart King who had been driven from the British thrones in the 'Glorious Revolution' of 1688–89. His followers immediately began to dream of and conspire for a return of the dynasty to what they always viewed as its rightful position as rulers of Scotland, England and Ireland. Supported by leading European states, above all France, the Jacobites mounted a series of attempts during the first half of the eighteenth century to restore the Stuarts, with an attempted invasion in 1708, and risings in 1715, 1719 and 1745. By far the most serious of these was the rebellion in 1715 to restore James Stuart, the 'Old Pretender' (son of James VII and II), with significant support in northern England and in Scotland, where some Highland clans were among the most consistent supporters of the Jacobite cause.[26]

The likelihood of a Stuart restoration, militarily or politically, has been much debated and continues to be controversial. What is clear – and much more important for the present article – is that the possibility greatly strengthened anti-Scottish prejudice within England and confirmed Scotland's reputation as a bastion of arbitrary government, Catholicism and Toryism, which were all identified with the Stuarts and so with Jacobitism. In the aftermath of the second serious rising, that of 1745, an English pamphleteer put the point squarely: 'A Scot is a natural hereditary Jacobite'.[27] During the long decades of Whig ascendancy in the reigns of George I (1714–27) and George II (1727–60), this identification was deliberately encouraged, above all by Sir Robert Walpole, prime minister from 1721 until 1742. Walpole was quick to taunt his political enemies with the charge of Jacobitism and to identify his Tory opponents with the Stuart cause, and he carefully assembled information on visits to the Pretender's court and even intercepted correspondence with people living there, to employ against his political rivals in the House of Commons. It suited him to exaggerate the Jacobite threat, which at least by the 1730s was declining, in order to buttress his own political authority, and this may have encouraged some incautious historians to do likewise.

The shadow of Jacobitism hung over the first half of Mansfield's career, at times causing him real difficulties. This was due both to the strongly Jacobite

[25] The best guide is Bruce P. Lenman, The Jacobite Risings in Britain 1689–1746 (London 1980), while there are some valuable comments on the position of the nobility in Margaret Sankey, Daniel Szechi, Elite culture and the Decline of Scottish Jacobitism, 1716–1745, in: Past and Present 173 (2001) 90–128.

[26] There is now a judicious and informative study by Daniel Szechi, 1715: The Great Jacobite Rebellion (New Haven, CT 2006).

[27] Quoted by Lenman, The Jacobite Movement 264. Interesting enough, Mansfield penned a reply to this pamphlet, which had attacked his increasing influence within government.

environment of his family and the wider Murray kin, and to his own conduct. The dukes of Athol were pro-Stuart, while Perthshire had been an important source of support during the 'Fifteen. The Stormont family had first risen into the nobility through consistent support for Stuart monarchs, and remained sympathetic to their cause. Both Mansfield's father, the fifth viscount Stormont, and his eldest brother the sixth viscount had been imprisoned and fined for their equivocal conduct at the time of the 1715 rising (when they had failed to rally to the government); a second older brother James Murray (c.1690–1770), having been briefly an M.P. and lived in London (1713–15), made his career at the court of the exiled Stuarts, became a prominent adviser to the Old Pretender and was created 'Earl of Dunbar' in the Jacobite peerage; while his sister Marjorie and her husband John Hay of Cromlix, created 'Duke of Inverness' by the Pretender, were also prominent at the exiled Stuart court.[28] After the loss of their British thrones, the last Stuart King and his heirs set up a shadow court in exile and continued to grant titles of nobility to assert their own sovereign status.[29] Other members of the wider Murray family were also Jacobite supporters. Mansfield himself had shadowy and short-lived but undoubted links with his brother James, whom he visited in Paris, and his brother-in-law (by now secretary of state to the Old Pretender) in 1725.[30] His family background and his own youthful indiscretions would cause him problems throughout the first half of his own career. As late as 1753 he was forced to defend himself before the Privy Council against the accusation that – in the early 1730s – he had drunk the Old Pretender's health, a damaging charge against which he defended himself with considerable skill, possibly saving his own career.[31]

During the reigns of the first two Hanoverian Kings, the prospects for a Scotsman within the British state, particularly one from a family with strong and notorious links with the exiled Stuarts, appeared very poor. One exception to this generalisation was the British army, where around one quarter of all officers were Scottish, but a career in killing did not prove attractive to everyone, and there were clear limits to how high they might expect to rise in the officer hierarchy.[32] Another route – that taken by Stormont – was the British diplomatic service: his own successor in Vienna, for example, was to be another Scotsman, Sir Robert Murray Keith. The American colonies and the Indian sub-continent were other

[28] Jacobite Court ed. Tayler, 13–28 passim.

[29] See Edward Gregg, Monarchs without a Crown, in: Robert Oresko et al. (eds), Royal and Republican Sovereignty in Early Modern Europe: Essays in memory of Ragnhild Hatton (Cambridge 1997) 382–423.

[30] See his letters to his brother-in-law, Lord Inverness, 6 August and 30 October 1725, printed in The Jacobite Court ed. Tayler, 230–31.

[31] Horace Walpole, Memoirs of King George II ed. John Brooke, 3 vols. (New Haven, CT 1985) i.206–23, passim.

[32] James Hayes, Scottish Officers in the British Army 1714–63, in: Scottish Historical Review 37 (1958) 23–33.

locations where individuals prospered, but while this might bring employment and even wealth, it was unlikely to lead to high office in London. During the first half-century of the Union relatively few Scotsmen were able to make careers at the English court or in public life.

Mansfield's solution – after the later 1720s – was to break off all contacts with the Jacobite members of his own family, including his own father and mother, and instead to make his career purely in England. Until then he had a foot in both camps, evident in his education, exactly as many families sought to do at this time when the stability of Britain's Hanoverian dynasty could not be assumed. Like many sons of the Scottish nobility he had initially studied at the local school, in his case Perth Grammar School. In 1718 – on the advice of his brother James, who had lived in London briefly – he travelled south to England and enrolled at Westminster School in London. The first earl, remarkably, would never return to Scotland, though he lived for a further seventy-five years. He always retained a mild Scottish accent and deliberately cultivated social links with fellow Scotsmen who had made their own careers in the British capital, but in all other respects became thoroughly anglicised.

The choice of school was highly significant. Westminster, under its legendary headmaster (1711–33) Robert Freind, was at this period England's leading school, with at least 400 pupils in the later 1720s; it would be the middle decades of the century before it would be overtaken by Eton. Originally a medieval monastic foundation and part of the abbey, Westminster had been re-founded twice during the sixteenth century, after the Reformation. Its royalist reputation ensured that, from the 1650s, the English aristocracy began to send its sons there, and by around 1700 it had become the training ground for statesmen. Westminster was renowned for the study of the classics and provided valuable future contacts, as the Whig elite also sent its sons there. Numerous members of eighteenth-century British cabinets and three successive prime ministers during the 1740s and 1750s, Lord Carteret, Henry Pelham and the duke of Newcastle, were former pupils, and the last-named was to play an important role in Mansfield's own career.[33] Yet it retained associations with the exiled Stuarts: Freind himself was suspected of Tory and even Jacobite sympathies, exactly as Mansfield himself would be, and the family's choice of school suggested a continuing wish to keep its options open. Westminster had in fact been recommended by his Jacobite elder brother, James Murray.

The first earl's singular aptitude for study and especially classics was already apparent, and his path at Westminster was eased in 1719 by his election as a King's scholar, that is to say a foundationer who received an annual income to cover the costs of his education. The school had established links with Christ Church, Oxford, and he matriculated there in 1723. He studied classics and ancient and

[33] John Cannon, Aristocratic Century: The peerage of eighteenth-century England (Cambridge 1984) 37–44.

modern history, and took his B.A. in 1727. The choice of Christ Church too was highly significant.[34] At precisely this point it was emerging as the leading college for the sons of the English peerage: once again an educational decision carried with it future social and political benefits.[35] Exactly like his school, moreover, Christ Church and, more generally, Oxford were believed at this period to be bastions of Tory and Jacobite sentiment, and while the charge has been exaggerated, it undoubtedly contains some truth, thereby reinforcing suspicions of Mansfield's own sentiments.

Family resources were extremely limited, especially for a fourth son, and his original intention of studying law was about to be abandoned in favour of a career in the Anglican Church, that English Mecca for impoverished younger sons of the social elite, when the father of one of his Westminster classmates saved the day and funded his entry to the Inns of Court. The first earl's decision to study law was even more significant, since at this period in England it was a social escalator in the way that other potential careers – the army, the colonial administration or the diplomatic service – were not. Though social connections and inherited wealth were of some importance, the law was more of a career open to the talents than most others. England's legal profession had established itself and also increased notably in size during the later-seventeenth and earlier-eighteenth centuries, and it offered an opportunity for a successful barrister to make significant sums of money.

In 1724 – the year after he matriculated at Oxford – Mansfield entered Lincoln's Inn to prepare for a legal career; he began full-time study there three years later; and by late 1730 he had been called to the English bar. The Anglo-Scottish Union had preserved each country's distinctive and contrasting legal system: Scotland's, based upon Romano-Dutch law, and the Common Law which prevailed in England. The effect was to make it difficult for a Scottish-trained lawyer to practise at the English bar, and vice versa. The first earl's decision to train in London was an early example of what became common later in the century.[36] He was to be the first Scotsman to gain real distinction in the English legal profession, though not the last. It was also the moment at which Mansfield definitively turned his back on his Jacobite family and committed himself irrevocably to the Hanoverian succession. The English man-of-letters Horace Walpole – who long suspected the first earl of Stuart sympathies – shrewdly declared that he had been 'converted by [his] own interest'.[37]

Mansfield's initial period as a lawyer at the English bar was characterised by the hardship encountered by all young barristers: in the first two years he appar-

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[34] L.S. Sutherland, L.G. Mitchell (eds.), The Eighteenth Century (Oxford 1986) vol. 5 of The History of the University of Oxford ed. T.H. Aston, is vastly informative on all aspects of its history.

[35] Cannon, Aristocratic Century 44–52.

[36] See Andrew D. Gibb, Law from over the Border (Edinburgh 1950).

[37] Walpole, Memoirs i.34.

ently secured only one brief.[38] During the later 1730s, however, he created a thriving and successful legal practice.[39] He had acquired extensive knowledge of Scots law in addition to his English legal training, and this meant that he was often retained in appeals from the Scottish Court of Session to the British House of Lords. He also married, in 1738, Lady Elizabeth Finch (c. 1704–84), who was the granddaughter of the great seventeenth-century English Lord Chancellor, Heneage Finch, first earl of Nottingham (1621–82). Though the bride was marginally older than her husband, this was an exceptionally good marriage for the younger son of a Scottish Jacobite nobleman, both in the social connections it conferred and in the legal links it implied. It underlined how effectively Mansfield was moving towards the centre of the British establishment.

This trajectory rested upon his skill as a lawyer and advocate – his close friend, the prominent poet Alexander Pope, memorably referred to him as 'silken-tongued' – and upon immense hard work: throughout his life the first earl was to be assiduous in mastering all the details of the cases he was handling, as his voluminous legal papers testify. But it also rested upon the important personal and social connections which went back to Westminster and Christ Church. He himself wrote on one occasion of how the foundation of his success was that he had been 'introduced into the best company' at an early stage, and he was always aware of the importance of such connections and assiduous in cultivating these.[40] All his life, he was anxious to assist his social and political peers in any way he could, and in this way gain favour with them. He would provide legal or financial advice, or – when his nephew was posted abroad as a diplomat – help leading noblemen wishing to send sons on the Grand Tour.[41]

One of Mansfield's oldest friends was Alexander Stone (1703–73), with whom he had studied at Westminster and Christ Church and who, by the early 1730s, had become the private secretary to the duke of Newcastle, already a powerful figure in government and subsequently prime minister. The duke was also a noted former pupil of Westminster School, and this reinforced the emerging axis. From the mid 1730s Mansfield also had important links with Newcastle's closest political confidant, Philip Yorke, earl of Hardwicke (1690–1764), the greatest lawyer of the first half of the eighteenth century and Lord Chancellor after 1737. Within a British political and social establishment which was remarkably small and interconnected, these contacts proved decisive during the next phase of his career. Moving smoothly into Newcastle's orbit, in 1742 Mansfield entered gov-

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[38] Daniel Duman, The Judicial Bench in England 1727–1875 (London 1982) 58.

[39] This is evident from details of his income in CHC, Ledger 39, fos. 186v–187r.

[40] Campbell, Lives of the Chief Justices iii.157; Mansfield to Stormont, 6 January 1758, MMP Box 18, Bundle 8.

[41] E.g. as he did for the duke of Portland's heir Lord Lichfield: to Stormont, 2 and 6 January and 7 March 1758, MMP Box 18, Bundle 8. It may be significant that Lichfield was another alumnus of Westminster and Christ Church.

ernment as Solicitor-General and the House of Commons as M.P. for Boroughbridge, a Yorkshire seat within the duke's patronage.

During the next decade Mansfield established his position. In the House of Commons he became a leading government spokesman and a mainstay in debate. His outstanding abilities and notable discretion, capacity to master detail and renowned industry, together with the central place of law within eighteenth-century administration, made him indispensable to the ministry, while he extended his own personal and social contacts with leading figures and even with the King, George II. In an important sense the family's eighteenth-century emergence involved a return to its traditional role as courtiers as well as crown servants, with the important difference that the House of Hanover had replaced that of Stuart in its calculations. In 1746–47 Mansfield jointly handled the prosecution of many of the leaders of the second major Jacobite rebellion, which included members of his own extended family, and was generally deemed to have exhibited great firmness and exemplary fairness in this role, thereby reinforcing his own Hanoverian credentials. Five years' later he performed a much more private, though no less important, service for Newcastle. Like many eighteenth-century aristocrats the duke lived beyond his income and so was frequently short of money and permanently in debt. He requested that Mansfield should carry out a detailed enquiry into his finances, which produced a series of recommendations. The duke tried to respect these, not altogether successfully.[42] This indicated the first earl's standing with the influential Newcastle, as well as demonstrating his own financial acumen.

Mansfield built up a sizeable fortune, at least half a million pounds by his death, by shrewdly investing his legal fees and his considerable official income in the unusual investment of mortgages, that is to say loaning money on property – in which Hoare and Company specialised – as well as government stocks, which were more normal for a member of the British elite. The fourth son of an impoverished father died a remarkably wealthy man, though his fortune was almost entirely in investments, which at the time of his death in 1793 were producing an annual income of at least £25,000.[43] Four years earlier, a reliable calculation of his wealth produced a total of £543,708.[44] An income of this size placed the first

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42 Ray A. KELCH, Newcastle: A duke without money (London 1974) 143–51.

43 Fifoot, Lord Mansfield, p. 50; CHC, Ledgers vol. L, fos. 169v–175r, 230v–234r, 357v–363r, and 386v–389r, provide ample evidence to support this figure.

44 OLDHAM, Lord Mansfield 28, n. 96, based upon material in MMP, Bundle 46. It was broken down as follows:

Mortgages	£186,708
Government securities/cash	£130,000
Bank Annuities	£109,000
Real Property	£65,000
Personal Property	£8,000
Official income/arrears	£45,000
Total:	£543,708

earl in the premier league of aristocratic fortunes at this period. It was estimated, around 1760, that only ten peerage families had an annual income in excess of £20,000 and, while the number would have been slightly increased by rises in agricultural prices during subsequent decades, the first earl was still one of the wealthiest aristocrats, a remarkable achievement in a single lifetime.[45] This fortune was distinctive in one important respect. The first earl held very little land: apart from the estates surrounding his home at Kenwood in north London, he had small amounts of property in three counties in northern England: Derbyshire, Cheshire and Cumberland. Mansfield owned far less landed property than most judges at this period, comprising little more than ten per cent of his wealth.[46] The Stormont Murray landed patrimony was already extensive, however, and the House of Mansfield was to be formed by annexing a new British title and novel wealth to an impoverished if long-established Scottish peerage family.

Mansfield was promoted to the office of Attorney General in 1754. Two years later he gave this up and left the House of Commons to become Lord Chief Justice in the Court of King's Bench, securing a British peerage as Baron Mansfield and with it membership of the House of Lords. He was a member of the Privy Council until 1765 and his political influence was henceforth always to be considerable, particularly under George III, who came to the throne in 1760. Even after the first earl formally left the cabinet he retained close links with successive prime ministers. Horace Walpole shrewdly remarked, that the first earl 'served the cause of power, without sharing it'.[47] Yet he certainly came to enjoy considerable influence. One reason for this was the instability of British government between the 1750s and the 1770s, with frequent changes of leaders and personnel. Though he frequently resisted suggestions that he should become Lord Chancellor (since the holder of that office was likely to change every time a new ministry came to power) Mansfield was one of the very few fixtures during these years. The political standing which resulted was increased by his role in the legal campaign against the radical John Wilkes during the 1760s and in the discussions produced by the growing clashes with the North American colonies, which culminated in their rebellion in 1775.

Eighteenth-century government, in Britain as throughout Europe, was only slowly moving from its traditional juridical mode into a more modern administrative idiom. Policy was, very largely, the implementation of the relevant laws and this gave lawyers a special importance in ministerial deliberations. It aided the first earl's rise, as did the fact that British government was still a collection of individuals – many of whom he knew personally, in some cases from his school- or university-days – rather than a set of formal institutional structures. By the

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45 J.V. Beckett, The Aristocracy in England 1660–1914 (Oxford 1986) 289.
46 Cf. Table 10, Duman, Judicial Bench 128.
47 Memoirs, iii. 2.

early 1770s, if not earlier, Mansfield was a close confidant of the King and of the Prime Minister Lord North (1770–82), securing advancement in the peerage from 'baron' to 'earl' in 1776. He remained in post until he was over eighty years of age, resigning only in 1788.

In 1754 – the year that he became Attorney General – Mansfield had purchased the estate of Kenwood ('Caenwood') lying on the northern edge of Hampstead Heath, at the extremity of present day north London but in the eighteenth century almost a country residence. This was indispensable for a rising legal and political figure, who would be expected to provide hospitality – which would smooth his own upward path – for other members of the legal and governing elite. Its rural location yet closeness to central London made it ideal for this purpose. The first earl bought the estate from his fellow Scotsman, John Stuart, third earl of Bute (1713–92), for around £4,300, which he paid in cash: in itself testimony to the success of his legal and official careers and to his own financial acumen.[48] Kenwood contained an impressive house, initially built in the early decades of the seventeenth century and remodelled around 1700. A decade after he acquired it, the first earl engaged his fellow Scotsmen Robert and James Adam to carry out a further upgrading. Robert, who had returned only recently from studies in Italy and was entering on the period of his greatest celebrity, played the leading role in turning Kenwood into what is recognised to be the finest eighteenth-century country house in London, appropriate for its owner's new status. He added a new east wing and entrance portico, and substantially redecorated both exterior and interior; towards the end of Mansfield's life, work began on laying out the gardens in a more picturesque style.[49] The first earl quickly came to love Kenwood, and he lived there permanently after the burning down of his central London house in Bloomsbury by the Gordon rioters in 1780.

The immense wealth, political influence and judicial renown which the first earl secured, rested both upon outstanding ability and hard work as well as upon ambition and social and political connections. Horace Walpole never entirely lost his suspicion that Mansfield supported the exiled Stuarts, but acknowledged him to have been one of the five 'great men' he had known, alongside three prime ministers and one King's son.[50] Throughout his life the first earl was notably clear-sighted about his aims and ruthless in advancing them: once established in England he effectively broke off relations with his own parents and with other family members with any taint of Jacobitism. He may have continued to maintain contact with a single sister, Amelia, and then only intermittently. His marriage was both

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[48] CHC, Ledgers vol. W, fo. 434v.

[49] Brief accounts can be found in Bridget Cherry, Nikolaus Pevsner, The Buildings of England: London, 4 – North (London 1998) 29–30 and 368–72; and Julius Bryant, Kenwood (London 2001).

[50] Memoirs, i.206; iii.2. The other four were the duke of Cumberland, Sir Robert Walpole, William Pitt the Elder and Lord Carteret.

long and unusually happy, save in one crucial respect: it was childless.[51] Aristocracy – like monarchy – was dynastic. It depended upon the transmission of power and wealth, together with the human resources to support these, from one generation to the next. In the case of the first earl all his achievements would die with him unless he could identify and advance a chosen successor from within his own immediate family.[52] The range of alternatives was not wide, and the obvious candidate was quickly identified: the son of his eldest brother, the sixth viscount Stormont (d.1748), whose own successor David also became Mansfield's chosen heir at a very early stage.[53] By the mid 1750s a well-placed contemporary declared that the seventh viscount Stormont 'was not merely his [Mansfield's] nephew but looked upon by him as his son'.[54] The childless lawyer, having identified his successor, now set about directing his education and shaping his career.

IV.

David Murray, seventh viscount Stormont and second earl of Mansfield, had been born in 1727 into a family that was equally stained by Jacobitism. His grandfather, as we have seen, had been fined and imprisoned for his conduct at the time of the first major rebellion, his father had tacitly backed the 'Fifteen, while his mother came from a lineage which was equally strong in its support of the exiled Stuarts: his maternal grandfather, John Steuart of Invernytie, was a leading Perthshire Jacobite and had joined the rebellion in 1715 bringing 900 men with him.[55] More generally, anti-Scottish prejudice was strong and widespread, and the likelihood of a young Scottish peer securing a post in London was slight. Stormont later declared that 'with the dead weight of a Scotch title it would not be possible for me to make my way at home'.[56] Mansfield was determined, however, to advance his nephew's career and he directed the carefully planned formation which the young man underwent.[57]

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[51] Mansfield hinted at his own sadness at the lack of an heir and its consequences in a letter to Stormont, 3 November 1758, MMP Box 18, Bundle 8.

[52] See his comments to an old school friend, Thomas Newton, bishop of Bristol, 22 October 1776, printed in John Holiday, The Life of William, late Earl of Mansfield (London 1797) 451.

[53] See the 'Observations upon Lord Stormont's Settlements' [1776], MMP Box 83, Bundle 6, for the way in which the succession was arranged by 1755 at the very latest, and probably several years before that.

[54] Lord Holdernesse to Andrew Mitchell, 17 September 1756, British Library (hereafter: BL), Add. MSS. 6832, fo. 90.

[55] Jacobite Court ed. Tayler, p. 47.

[56] Historical Manuscripts Commission Reports: Hastings MSS (hereafter: HMC Hastings), 4 vols. (London 1928–47) iii.138.

[57] He subsequently referred to 'the Plans I chalked out for you': to Stormont, 2 January 1758, MMP Box, Bundle 8.

Treading exactly in his uncle's footsteps, the young David Murray was educated with other future members of the British establishment, first at Westminster, which he entered in 1739, becoming a King's scholar in the following year, and then at Christ Church, Oxford, where he matriculated in 1744 and graduated with a B.A. in 1748, the same year that he became the seventh viscount Stormont upon his father's death (23 July).[58] His education established a family tradition begun by his uncle: future earls of Mansfield were to be educated at Westminster (subsequently replaced by Eton) and Christ Church. Yet eighteenth-century Oxford could not provide the kind of relevant, modern and professional education for a future statesman which the young Wenzel Anton Kaunitz had received at the University of Leipzig. Its curriculum remained very traditional and dominated by the study of the classics, at which Stormont would excel throughout his life. The Inns of Court – which served as England's third university at this period – alone could provide the kind of professional training, albeit in a much narrower field, provided by the newer Protestant universities within the *Reich*, but no thought seems to have been given to launching Stormont upon a career in law. His own reserved personality and, even more, Mansfield's distinction – which could all too easily add the charge of nepotism to that of Jacobitism if his nephew were called to the English bar – are the most likely explanations. The British army and the colonies were also rejected, since neither would lead directly to the summit of power and Stormont was an eldest son. Instead, he and his uncle determined upon a career in diplomacy in which – in the company of many of his fellow Scotsmen – the nephew was to make his career for over two decades.[59] Mansfield's increasingly close relations with successive Hanoverian Kings reinforced this decision, since royal influence in diplomatic appointments remained considerable. His friendship with Bute secured admission to the entourage of the young George III and Queen Charlotte, which contained a distinctly Scottish element. This reinforced Mansfield's links with the Hanoverian court and was further strengthened by a shared interest in gardening and botany and by royal visits to Kenwood.

Stormont's preparations were exceptionally thorough, and personally directed by his uncle, who also provided the necessary funds.[60] The parlous state of the

[58] The Record of Old Westminsters ed. G.F. Russell Barker and Alan H. Stenning, 2 vols. (London 1928) vol. II, pp. 675–76.

[59] See D.B. Horn, The British Diplomatic Service, 1689–1789 (Oxford 1961) 115–22, for the significant proportion of Scotsmen serving as diplomats during the third quarter of the eighteenth century, and the reasons for this.

[60] The absence of any correspondence between the two men at this period makes this speculation rather than proven fact. But it seems likely in the light of the twenty-one letters which have survived from 1756–61 in which Mansfield is clearly guiding his nephew's steps [MMP, Box 18, Bundle 8] and the letters from Stormont both to William Markham [ibid Box 100, Bundle 1] and those to his great friend (with whom he seems to have been at both school and University) Francis, tenth earl of Huntingdon (1729–89) during the period 1748–59 [HMC Hastings, iii.64–139 passim], in which the uncle's directing influence is fully apparent. Oldham, Lord

family finances at first prevented the seventh viscount drawing regular income from his own estates, while Mansfield's thriving legal and political career provided the money required.[61] This was initially in the form of a loan: in spring 1756 Stormont undertook to repay the sum of £7,220 which the first earl had advanced over the previous eight years, and agreed to pay five per cent interest on this loan.[62] In fact he never paid any of this interest, while the absence of detailed financial records for the period after 1758 makes it impossible to ascertain whether the principal itself was ever repaid, but the availability of the money alone was a vital contribution to the formation of the surrogate son who was already destined to be Mansfield's successor. To develop the contacts needed for any kind of career in aristocratic circles, a Grand Tour on the Continent was virtually obligatory, and regarded as a worthwhile investment, however much it cost.

Stormont's peregrination was clearly shaped by the demands of his intended career. He first went to France to improve his French, by the mid eighteenth century the language of diplomacy at most European courts, studying at the Academy at Caen from October 1748 until late in 1750. He was an accomplished linguist, and by January 1750 he was writing that he was 'grown so absolute a Frenchman that you must not expect one word of English from me'.[63] He also took instruction in dancing and fencing – essential accomplishments for any nobleman – and less predictably in mathematics. This was the prelude to an extended and leisurely Grand Tour of the kind that many young aristocrats undertook at this period.[64] Stormont travelled through France, staying in Paris for the first half of 1751, and on to the Italian Peninsula where he visited Florence, Rome, Bologna and Venice (1751–52). Then, much less predictably, he moved on to German-speaking Europe, which was a far more unusual destination for a British nobleman making the Grand Tour and suggests that he may already have been anticipating a diplomatic appointment in central or eastern Europe, where many Scotsmen were posted. He travelled to Vienna, on to Munich and Dresden and finally Hanover, where he was careful to pay his court to Newcastle, his uncle's political superior and patron who was visiting the Electorate in the company of George II. He then travelled on through the Dutch Republic, the Austrian Netherlands and back to

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Mansfield, p. 27, provides an earlier example of the first earl personally directing the career of one of his younger brothers, Charles Murray.

[61] This is evident from Stormont's Personal Account Book 1748–56: MMP Box 102, Bundle 3. He first received any income from the Stormont lands in 1754. The decade after he succeeded to the title saw a determined and largely successful effort by his agent to put the finances on a sounder footing: see ibid, vol. 230, passim.

[62] Ibid, Box 102, Bundle 3; Stormont to [?], 20 September 1762, ibid, vol. 229 for the interest theoretically due.

[63] HMC Hastings, iii.71.

[64] It can be reconstructed from Stormont's Personal Account Book for 1748–1756, which is in MMP Box 102, Bundle 3.

France. These months saw Stormont make successful efforts to learn Italian, and rather less successful study of German, which was soon abandoned.

During the first half of 1753 he served as unpaid *attaché* at the British embassy in Paris. It was a highly significant step, and confirmed that both his uncle's planning and his own ambitions were taking him towards a career in diplomacy: 'more [he later confessed] from the want of a better than from any deliberate choice'.[65] The intention was also apparent from his study of the major works of diplomatic theory and recent political history, and in the extensive summaries of the provisions of major treaties since the end of the Spanish Succession War he compiled around the time he secured his first diplomatic appointment.[66] Within an international system in which precedent and previous events exerted a decisive influence, such knowledge would be crucial, and this highlights Stormont's exceptionally detailed and conscientious preparations for a career in diplomacy.

When he returned to England in 1753, the seventh viscount resumed the social life of a young aristocrat. He brought with him a French servant – who rejoiced in the name 'Corneille'! – no doubt to keep his command of that language up to scratch. At this point he stayed for several months with his uncle, underlining his central place in the latter's planning. Mansfield's own career was prospering: appointed Attorney General in the following year, by now a confidant of Newcastle, who headed the ministry after the death of his brother Henry Pelham in 1754, and increasingly in the favour of George II, he was well placed to advance his nephew's fortunes. In late 1755 Stormont was named envoy extraordinary to Saxony-Poland, an appointment of considerable stature for a twenty-eight-year-old diplomatic novice, if not one of outstanding political importance, and one which Britain's new envoy acknowledged he owed to his uncle's influence.[67] The first earl also advanced his nephew the considerable sum of £1,500, to cover the substantial initial expenditure.[68]

Stormont took up his post at Dresden in June 1756, and later that year moved with the Wettin court to Warsaw after the Prussian invasion of Saxony which precipitated the continental Seven Years War (1756–63). His close links through his uncle with Newcastle immediately led him to attempt – at the instigation of the duke, with George II in the background and with the clear aim of keeping war away from Hanover – to mediate between the Prussian King and the ruler of Saxony-Poland, Augustus III (1733–63) shortly after Frederick the Great's inva-

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65 HMC Hastings, iii.136–37; cf. his comment in November 1755, when his appointment to his first diplomatic post was about to be announced, that the diplomatic service was 'in effect in my situation almost the only walk that is open': ibid, p. 111.

66 These are in MMP, vol. 809. Stormont's subsequent letter to Markham, 7 July 1759, ibid Box 110, Bundle 1, makes clear the content and extent of his studies after leaving Oxford and before his appointment to Dresden.

67 HMC Hastings, iii.111.

68 CHC, Ledgers, vol. X, fo. 131v. This amount does not seem to have been repaid.

sion of the electorate in late August 1756, but this initiative was unsuccessful.[69] In other respects his years in Warsaw were politically uneventful. Saxony-Poland was a minor European court with which Britain's relations were distant and unimportant, and Stormont revealed himself to be a competent diplomat, himself noting that there was 'no real business' at Warsaw. But he put his leisure to unusually good use, declaring that he had 'spent more Hours in my closet than ever I did since I left Oxford'.[70] He resumed his study of recent political history and of the fundamental writings about diplomacy, and even more significantly wrote a history of the great-power system from 1648 until 1756.[71]

In one important respect, however, these years saw him divert from the carefully articulated family strategy which had guided his steps until this point. Instead of a negotiated marriage with an English peerage family, of the kind that Mansfield himself had undertaken, which would have boosted his social standing and enhanced his political connections, Stormont contracted an unexpected marriage apparently based purely upon romantic affection. In August 1759 he married a very young and moderately wealthy noble widow he had met at the Saxon-Polish Court, Henrietta Frederica von Berregaard, *née* Bünau (c.1736/37–66), an unusual step for a nobleman whose every action hitherto had been so carefully planned.[72] Mansfield not merely approved of this; he even advised his nephew on his courtship of his future wife, underlining just how far his directing influence extended.[73]

Stormont's own ambition was clear: he regarded Warsaw as nothing less than a 'banishment' and was already talking in terms of eventually securing appointment to the Paris embassy, the very apex of the British diplomatic service.[74] He also seems to have been one of the numerous diplomats who regarded an embassy as primarily the path to eventual office within domestic government. Mansfield's steadily rising influence ensured that his nephew's career did not stagnate. Within a few months of reaching the Polish capital Stormont was declining to move to Russia, an opportunity obtained by his uncle.[75] In 1761 the first earl secured his nephew's appointment as one of the three plenipotentiaries to a proposed

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69 Mansfield to Stormont, 10 and 17 September 1756, MMP Box 18, Bundle 8.

70 Stormont to Markham, 7 July 1759, MMP Box 110, Bundle 1.

71 Stormont to Markham, 7 and 30 July 1757, both in ibid Box 110, Bundle 1. A copy of the sections covering 1648–1713 is in ibid, Box 98, Bundle 4.

72 MMP, Bundles 1236 and 2370, have material on this. Her first husband, Baron Frederik Berregaard, had been Denmark's representative to Saxony-Poland from 1750 until 1757: L. Bittner et al (eds.), Repertorium der diplomatischen Vertreter aller Länder seit dem Westfälischen Frieden (1648) 3 vols. (Oldenburg–Vienna– Cologne 1936–65) ii. 40, 43.

73 Mansfield to Stormont, 31 October and 3 November 1758, MMP Box 18, Bundle 8. Mansfield also wrote to the future Lady Stormont when the engagement was announced: 11 May 1759, ibid, Bundle 584.

74 HMC Hastings, iii.133, 137, 138.

75 Mansfield to Stormont, 25 January 1757, MMP Box 18, Bundle 8.

peace congress at Augsburg, which was intended to negotiate a conclusion to the fighting.[76] When he wrote informing Stormont of this, he also instructed him to remember to write to the rising star of British politics and the new King's former tutor, Bute, who had largely brought it about.[77] Though the conference never took place, Stormont's nomination indicated his growing stature.

Two years later, in spring 1763, again through Mansfield's direct influence, he was appointed ambassador to Vienna. By now Newcastle had been driven from office, but Mansfield was able to exert pressure on his successor as prime minister – and fellow Scotsman – Bute. The Lord Chief Justice, who always had an eye to the main chance, had been one of Bute's staunchest supporters and had earlier purchased Kenwood from him.[78] Stormont's growing links with the government and his own increasing stature were apparent in his election, three months later, as one of the sixteen representative peers of Scotland. In practice these men were a government list, handpicked by the ministry of the day, at least during the first half-century of the Union; crucially they could vote by proxy. Stormont was reappointed in 1768, 1774, 1780, 1784 and 1790, although he only became an active member of the upper chamber after the close of his diplomatic career in 1778.

The decade which he spent at the Habsburg court (1763–72) consolidated his reputation as a diplomat in what was a far more important post.[79] Britain had quite unrealistic hopes of restoring the traditional alliance with Austria as the centrepiece of an anti-French foreign policy, and these were soon dashed. Kaunitz, however, wished for good relations which were quickly restored. During the early years of his embassy, the political role of the ambassador's wife was significant. Lady Stormont was a Saxon noblewoman in her own right and therefore able to hold her own *salon*, which she did with considerable aplomb. Her father had been a Saxon and then an Imperial diplomat, and was remembered in Vienna, advancing her own easy integration into the society of the Habsburg capital.[80] She was a woman of enormous liveliness and charm who captivated Kaunitz, and this made up for the rather reserved, serious and dour manner of her husband.[81] It helped secure the ambassador's admission to the private society of the Habsburg ruling family and of the State Chancellor himself, and contributed to the success of Stormont's embassy. Lady Stormont's own health was never especially good,

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[76] BL Add MSS 32,922, fos. 113, 133–34, 151–52.

[77] Mansfield to Stormont, 24 April 1761, MMP Box 18, Bundle 8.

[78] BL Add MSS 36,797, fos. 39–40; R.R. Sedgwick (ed.), Letters from George III to Lord Bute 1756–1766 (London 1939) nos. 296 and 302.

[79] For his career as diplomat and then foreign minister, see H.M. Scott, British Foreign Policy in the Age of the American Revolution (Oxford 1990) chapters 4, 7, 8–12 passim.

[80] Repertorium, ii, passim, for his career.

[81] HHStA, Tagebuch Zinzendorf, vol. 9, fos. 1r, 3v, 4v, 6r, 7r, 25v; Rudolf Graf Khevenhüller-Metsch, Hanns Schlitter (eds.), Aus der Zeit Maria Theresias. Tagebuch des Fürsten Johann Josef Khevenhüller-Metsch, Kaiserlichen Obersthofmeisters 1742–1776, 8 vols. (Vienna 1907–76) vi.65.

however, and she died in March 1766 at the age of only twenty-nine. Her death had a traumatic impact upon her husband, who experienced something approaching a nervous breakdown and was given an extended leave of absence, returning to Vienna only in summer 1768.[82] Mansfield once more stepped into the breach this created: Stormont's surviving daughter, Elizabeth Mary (born 1760), who was still a very young child, went to live with her uncle and aunt at Kenwood and was largely brought up by them, while her father remained abroad.

The final four years in the Habsburg capital were dominated by the Russo-Turkish War which began in autumn 1768, and the first partition of Poland, finalised in 1772. Britain's official reaction was muted: events in eastern Europe were now less important to ministers than the unrest in the North American colonies. Stormont, however, was outraged by the planned partition's cynicism and during his final months in Vienna became involved in some shadowy private diplomacy in a futile attempt to avert it. The origins of this initiative were complex and went back at least to the years he had spent in Warsaw, where he had befriended members of two leading Polish noble families and especially the young Stanislas Poniatowski, who had subsequently been elected King of Poland-Lithuania in 1764, and become extremely sympathetic to the country's cause. When the partition treaties became known in summer 1772, Stormont protested loudly for several weeks, though his action was unofficial and quite unknown to his superiors in London. His emotional commitment to Poland and to Poniatowski was sufficiently strong for him to imperil a carefully planned career, though there were to be no official repercussions.

By now Stormont was the leading British diplomat of his generation, while Mansfield was entrenched as the political confidant of George III and a key adviser to the ministry. Late in 1772 the uncle secured what Stormont had described as 'the idol of [his] ambition' more than a decade earlier: appointment as British ambassador to Paris.[83] The posting was the apex of the diplomatic service, in stature and importance the equivalent of a post in the cabinet, and Britain's ambassador in Vienna was notably well qualified to fill it. Yet it is striking that, in the accompanying private discussions, Mansfield was still directing his nephew's actions, though by now the latter was in his mid 40s. Stormont was one of the few career diplomats to fill the post during the eighteenth century, and also one of the few Scotsmen: two circumstances which underlined the extent of his achievement.

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82 Sir Horace Mann to Horace Walpole, 7 May 1768, Walpole Correspondence ed. W.S. Lewis, 48 vols. (New Haven, CT 1937–83) xxiii.18: Stormont had been staying with Mann, who was in a notably good position to judge.

83 HMC Hastings, iii.138. For the appointment, Mansfield to Stormont, 27 and 31 March and 14 April 1772, MMP, Box 52 [these are among the very few letters between the two men to have survived for the period after 1761]. When Stormont was informed, he recalled that in his 'younger days [it] was the favourite object of my ambition': to the fourth earl of Rochford, 29 May 1772, ibid.

Yet his years in Paris were to prove less successful than the time he had spent in Vienna, being characterised by a clear deterioration in relations with France, which slowly moved towards open intervention on the side of the North American colonists who had rebelled against Britain in 1775.

During the period he spent at the French court, Stormont re-married, and to a much more conventional aristocratic bride: in early May 1776 he was betrothed to Louisa Cathcart (1758?–1843), the much younger third daughter of his fellow Scottish diplomat and nobleman, Charles Schaw Cathcart, ninth Lord Cathcart (1721–76). To the one surviving daughter of his first marriage this added three further daughters and, crucially, a son: David William Murray (1777–1840), significantly given both his father's and uncle's names, who in due course would succeed as third earl of Mansfield. The first earl continued to support his nephew's career, loaning him £3,000 in summer 1778, providing accommodation for an extended period after he returned from the French court, and advancing a further £2,500 in 1785.[84]

The two and a half years after his return from France were to be the apex of Stormont's public career, during which he acted as Secretary of State for the Northern Department (October 1779–March 1782) and *de facto* foreign secretary during the latter stages of the American War. One of the few career diplomats to occupy such an exalted post during the eighteenth century, he brought into office an unparalleled knowledge of Europe, after over twenty years service as a diplomat, and he was to be notably professional, not least in corresponding with diplomats abroad. But he also brought to his post two decades of exposure to ideas about British foreign policy: ideas which were always orthodox, often outdated, and at times dogmatic. Stormont never completely made the transition from diplomat to statesman, and his handling of Britain's foreign policy was to be conscientious and competent rather than inspired. He left office when Lord North's ministry fell in March 1782. Briefly lord president of the council (April–December 1783), during the following decade, he was a stalwart of opposition in the House of Lords and at times an important critic of government policy. After the outbreak of war with Revolutionary France (1793) he supported the government of William Pitt the Younger, once again becoming lord president of the council from 1794 until his death in September 1796.

Mansfield had died in 1793, and Stormont succeeded both to his considerable fortune, and to his title under the terms of a special remainder granted by the King, a device which permitted peerages to be inherited by more distant relatives than sons and (occasionally) daughters.[85] This joined the extensive Scottish landed

[84] CPC, Ledgers vol. 99, fo. 272v; this was repaid – apparently with interest – two years later: ibid, vol. 3, fo. 298v; ibid, vol. H, fo. 326v. The second sum does not seem to have been repaid.

[85] There was a technical point of peerage law involved, which had led to the grant of a second special remainder in 1792 in favour of Stormont; the first, granted in 1776 when the decision

estates of the Stormont family, to the vast personal wealth built up by the first earl through his legal practice, high judicial office and especially skilful investment. It made the Mansfield wealthy members of Britain's nineteenth-century landed aristocracy. Around 1880, according to John Bateman's celebrated calculations, their estates were almost 50,000 acres in extent, and yielded an annual income of more than £40,000, figures which placed the family just outside the hundred largest and wealthiest landowners in the British Isles.[86]

The second earl of Mansfield enjoyed his new wealth and title for a mere three years, dying at the very beginning of September 1796. He set in motion further important work at Kenwood, adding two further wings to the house and diverting a nearby road to increase the size of the park and so enhance its seclusion. The aim was clearly to make it an appropriate residence for a medium-rank British peerage family, which the Mansfield had become by this point. Its proximity to London, the location of central government and the focus of political life, underlined that a continuing British role was anticipated for the family. The second earl also began to plan a substantial rebuilding of Scone Palace and this too was completed under his successor in the early nineteenth century. The second earl was buried in the north transept of Westminster Abbey, London, next to his uncle, later in September 1796. Their shared resting place symbolised how the two men, whose careers had intersected at so many points, had together travelled the long and difficult road from their family's Jacobite past to the very heart of the Hanoverian state, and set the seal on the remarkable eighteenth-century rise of the House of Mansfield.

V.

It possesses a wider importance for the history of Hanoverian Britain. During the reigns of George I and II, political disfavour together with the overwhelming influence of the Argathelians – the duke of Argyll and his brother Ilay – had restricted the opportunities for Scottish noblemen within the new British state. A handful became diplomats, some fashioned careers in the colonies, rather more served in the army, but the overwhelming majority exercised very little influence outside Scotland. In the middle decades of the eighteenth century this began to

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in the Hamilton case appeared an insurmountable obstacle to his entering the House of Lords as second earl of Mansfield, had been in favour of his second wife and their heirs, and related to the original barony/earldom of Mansfield in the County of Nottingham. Since this could not be reversed, a second special remainder, granted by the crown in the final year of the first earl's life, involved the fiction that a second 'earldom of Mansfield', this time in the county of Middlesex, be passed on to Stormont and this was duly done. For these technicalities, see [G.E. Cokayne], The Complete Peerage, 13 vols. (revised edition, London 1910–40) viii.387–88.

86 John Bateman, The Great Landowners of Great Britain and Ireland ed. David Spring (1883 ed.; reprinted Leicester 1971) 298.

change, and Mansfield led the way. Prejudice against former Jacobite families vanished after the accession of George III in 1760, while the Argathelian monopoly of Scottish patronage vanished in the following year with the death of Ilay (the third duke of Argyll). Patronage passed briefly to Bute and eventually to the ascendancy of Henry Dundas led in Scotland by the first and second viscounts Melville, making it easier for able Scotsmen to fashion a career in London. Another able if unscrupulous Scottish lawyer, Alexander Wedderburn, first earl of Rosslyn (1733–1805), followed exactly in Mansfield's footsteps. He left the Scots bar after quarrelling with a senior judge in 1757, but re-trained in England and was called to the English one. Thereafter he entered Parliament and became successively Solicitor General, Attorney General and Lord Chief Justice in the Court of Common Pleas, ending up as Lord Chancellor, through the patronage first of Bute and then of Dundas.[87]

During the final third of the eighteenth century this path was to be followed by more and more Scottish nobles, both eldest and younger sons, as a genuine 'British' nobility service began to be created, incorporating Irish peers as well.[88] It was above all a nobility of state service, consisting of soldiers and naval officers, lawyers, diplomats and government servants of all kinds, their numbers boosted by the expansion of administration, by frequent and extended periods of warfare and by imperial expansion. Though the law was a special case, the Mansfield family was in the vanguard of this development. An awareness of their success – however untypical it later appeared – is essential to any understanding of the wider process of which it proved to be part. It resembled, in the most general sense, the integration apparent at an earlier period between the nobilities of the separate territories of the Habsburg Monarchy.

The celebrated Tory man-of-letters, Dr Samuel Johnson, famously remarked that 'Much may be made of a Scotchman if he be caught young', and he had the first earl in mind. The trajectory to which his aphorism applied, however, was also brought about by careful social and intellectual formation and adherence to a sense of House and lineage, as well as notably careful cultivation of social and political connections: all of which were as apparent for the House of Mansfield as they had been for that of Kaunitz.

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87 DNB, lvii.908–10.

88 There are important discussions of this by Linda Colley, Britons: Forging the Nation 1707–1837 (New Haven 1992), especially chs. 3 and 4; Michael W. McCahill, Peerage creations and the changing character of the British nobility, 1750–1830, in: English Historical Review 96 (1981) 259–84; and Michael McCahill, Ellis A. Wasson, The New Peerage: Recruitment to the House of Lords, 1704–1847, in: Historical Journal 46 (2003) 1–38.