Transcript of a letter of Sir Walter Scott. B Decr. 18 - 1793 i

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~~62, Stanhope Gardens,~~
~~Cromwell Road, S.W.~~

Mr Robert Shortreed
Writer Jedburgh

Dear Sir

I trouble you with the enclosed £1.1. for carrying on our joint operations at Hermitage Castle which I suppose our friend Dr Elliott will think of commencing about this time. I shall expect to hear from you if they prove successful. Let the bowl of Keeldar by no means be forgotten. I think it probable his grave may produce something. It will be proper to go as deep as the Till, or we may lose our labour

I expect to hear from the Dr. on the subject of our old Ballads particularly Jemmy Tellfer, which is a great favourite of mine. Tell the Dr. that I ~~may~~ am tiring excessively for summer, that I may visit Liddisdale again; and that I am saving the fees to buy a pringe a Grey that I may be independent of Mr. Lack's charger &c. Best compliments to Mr. Rutherford and all Liddal water friends, when you see them, and do drop me a line, when you can spare time from the weightier matters of the law &c. Yours sincerely Walter Scott

Decr. 18. 1793

The corrections made on this copy by
Sir Walter Scott do not appear to have
been ever printed.

This might perhaps
be improved — though
not enlarged —

Early impress

BORDER ANTIQUITIES.

Horrida præcipue cui gens, assuetaque multo
Venatu nemorum, duris Æquicola glebis:
Armati terram exercent, semperque recentes
Convectare juvat prædas, et vivere rapto.
Æneid. Lib. vii. l. 746.

preface.

This tract was written as a preface to a curious & valuable publication of prints on the subject of Border Antiquities published a good many years since, the author also wrote ~~to~~ one or two of the descriptions of individual subjects. All the others are by other hands.

INTRODUCTION.

The frontier regions of most great kingdoms, while they retain that character, are unavoidably deficient in subjects for the antiquary. The ravages to which they are exposed, and the life to which the inhabitants are condemned by circumstances, are equally unfavourable to the preservation of the monuments of antiquity. Even in military antiquities such countries, though the constant scene of war, do not usually abound. The reason is obvious. The same circumstances of alarm and risque require occupation of the same points of ~~defence~~ resistance; and, as the modes of attack and of fortification change, the ancient bulwarks of cities and castles are destroyed, in order to substitute newer and more approved modes of defence. The case becomes different, however, when, losing by conquest or by union their character as a frontier, scenes once the theatre of constant battle, inroad, defence, and retaliation, have been for two hundred years converted into the abode of peace and tranquillity. Numerous castles left to moulder in massive ruins; fields where the memory of ancient battles still lives among the descendants of those by whom they were fought or witnessed; the very line of demarcation, which, separating the two countries, though no longer hostile, induces the inhabitants of each to cherish their separate traditions,—unite to render these regions interesting to the topographical historian or antiquary. This is peculiarly the case on the border of Scotland and England. The recollection of their former hostility has much of interest and nothing of enmity. The evidences of its existence bear, at the same time, witness to the remoteness of its date; and he who traverses these peaceful glens and hills to find traces of strife, must necessarily refer his researches to a period of considerable antiquity. But it was not always thus; for, since the earliest period of which we have any distinct information until the union of the crowns, the northern provinces of England, and the southern counties of Scotland, have been the scenes of inveterate hostilities, commenced and maintained with fury, even before the names of Scotland and England were acknowledged by history.

Our earliest authentic acquaintance with these transactions is during the Roman period of English history, and commences with the invasion of Agricola, whose efforts carried his invading arms almost A. D. 81. to the extremity of Caledonia. At this period the Border counties of England and Scotland were inhabited by three nations. Those Britons lying to the east, and possessing one-half of Northumberland, and extending from the northern bank of the South Tyne to the Frith of Forth, were called the Ottadini. Westward of this powerful nation lay the Gadeni, who held the west part of Northumberland, great part of Roxburghshire, Selkirk and Peebles shires, and extended also to the banks of the Forth, embracing West-Lothian. This country being mountainous, and remaining forest-ground

Note

~~I have been told lately my father a singular instance of the sort of~~

to a late period, the Gadeni were probably a less populous nation than the inhabitants of the more fertile country to the east. Westward of the Gadeni, and extending to the sea-coast of the Atlantic, lay the Selgovæ, having the Solway Frith for their southern limit. These nations Agricola found each occupying a strong country, and animated with the courage necessary to defend it. But their arms and discipline were unable to resist those of the Romans. A brief statement of their means of defence at this remote period naturally commences the Introduction to the Border Antiquities.

The towns of the ancient Britons were fortified in the ordinary manner of barbarians, with ditches, single or double, occupying the angles of the eminences, which were naturally selected for their site, and being, of course, irregular in their form. The earth was thrown up so as to form a steep *glacis* to the outside, and was sometimes faced with stones, in order to add to its height, and increase the acclivity; this formed the rampart of the place, and the gates, generally two or three in number, were placed where access was most convenient. One of the most perfect of these forts is situated in the neighbourhood of the celebrated Catrail, a work of antiquity to be afterwards briefly noticed, just where that limitary fence crosses the farm of Rink, belonging to Mr Pringle of Fairnilee. The fort occupies the crest of an eminence near the junction of the rivers Tweed and Ettricke, which has an extensive prospect in every direction; and, though in the neighbourhood of higher hills, is too distant to be itself commanded by them in a military sense. There are two ramparts, the first of earth and loose stones, but the interior consisting of immense blocks of stone, disposed so as to form a rude wall, and faced with earth and turf within. The permanence of these massive materials seems to have insured that of the building, for they defy all ordinary efforts of the agriculturist, too apt to consider such works as cumberers of the ground. The fortress has two gates, one to the east and the other to the west, with something like traverses for protecting and defending the approach. This remarkable fortress is surrounded by others of less consequence, serving as out-posts, and has plainly been a hill-fort of great importance belonging to the Gadeni. It is, probably, more ancient than the Catrail itself.

There are not to be found, on the Border, any of those vitrified appearances which are to be found in Craig Pha~~ct~~raig, and other Highland fortifications, and which seem to intimate that fire was used in building or in destroying them. We may therefore conclude, that the stones employed in constructing them were less fusible than those found in the shires of Forfar, Kincardine, and Aberdeen.

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If we can trust a popular tradition, the singular ancient structures called Peghts, or Picts Houses, common in the Highlands, Western Isles, and Orcades, were also to be found in the Border. The inhabitants point out small rings, or elevated circles, where these *Duns*, as they are called, are said to have stood. In Liddesdale, particularly, more than one of these are shown. But whether, like those of Dun-Dornadilla in Sutherland, and Mousa in Shetland, they were built of stones arranged in the form of a glass-house, and containing a series of concentric galleries within the thickness of the wall, must be left to conjecture. Mr Chalmers seems to have considered them as common hill-forts.

These fortresses, so constructed, the natives defended with javelins and bows and arrows, the usual weapons of savages. The arrow-

heads, made of flint, are frequently found, and are called, by the vulgar, elf-arrow-heads, from being, as they supposed, formed by the fairies or elves. At a later period, the Britons used copper and brass heads for arrows, javelins, and spears, which are found of various sizes and shapes near their habitations. In like manner, from the specimens found on the Borders, there appears to have been a gradual improvement in the construction of battle-axes and weapons of close fight. The original Celts, or axes, are of polished stone, shaped something like a wedge. These are found of all sizes, some seeming intended for felling trees, and others for warlike purposes; and others again so very small, that they could only be designed for carving or dividing food.* When, however, this degree of refinement was attained, it was obvious that some improvement in the material of which the implements were formed, could not be far distant.

Accordingly, brass Celts, or battle-axes, seem to have been the next step in advance; and these are of various forms, more or less rude, as the knowledge of the art of working in metals began to advance. The first and most rude form of the brass Celt, usually found in the urns under sepulchral cairns, is a sort of brazen wedge, having an edge, however, rounded like that of an axe, about three inches

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* These are certainly Celtic weapons; yet they cannot be considered as peculiar to that people. They have been found in considerable numbers in the Shetland Isles, which were evidently first settled by the Scandinavians. The natives suppose them to be thunderbolts, and account the possession of one of them a charm. Mr Collector Ross of Lerwick presented the author ~~of this Introduction~~ with six of these weapons found in Shetland. It is said the stone of which they are constructed cannot be found in these islands. The natives preserve them, from a superstitious idea that they are *thunderbolts*, and preserve houses against the effects of lightning.

stone-axe

The author ~~He is~~ is in possession of another exactly of the ordinary form & usual material (green granite) of a Scottish ~~Celt~~ which was found in the Blue mountains of Jamaica. Another of large size ~~was given~~ and an un-formed shape was given to the author by Capt John Fergusson of the Mersey who brought it from the Coast of Chili broad in the face. The shape of these weapons points out the probable mode of attaching them to handles, by hollowing out the sides, and leaving deep ledges; so that, if we conceive the abrupt angle at the root of an oak branch to have been divided by fire, the axe might have been inserted between the remaining pieces; and the whole being lashed fast by a thong, for securing which provision is often, though not uniformly, made by a loop in the brazen head, a battle-axe of formidable weight and edge was immediately obtained. The next step of improvement was that of casting the axe hollow instead of solid, so that the crooked part of the handle being inserted into the concave part of the axe as into a sheath, a far more solid and effectual weapon was obtained, and at less expence of metal, than when the handle was weakened by burning, and divided into two portions, which overlapped, as it were, the solid axe. It seems probable that the provincial Britons learned this improvement from their masters, for the hollow axes resemble those of the Romans in shape and size, and are sometimes decorated round the rim where they join the handle, with a rude attempt at moulding. But the hollow axe was, like the more rude solid implement, secured to the handle by thongs, as the loop or fixed ring left for the purpose usually testifies.

The next step taken by the Britons in improving their warlike weapons, seems to have been the fastening the metal with which they were shod to the wooden handles, by means of broad-headed copper or brass nails, secured by similar heads on the opposite side, and thus effectually rivetted to the wood. This seems to have been the mode of shafting a weapon, like a very broad-headed javelin or spear, found near Friarshaugh, opposite to Melrose, the ~~seat~~ of

Residence
at [illegible]

[illegible]

[illegible]

John Tod, Esq.* This curious weapon is about a palm's-breadth at the bottom, tapering to the length of about nine inches, or perhaps more, (for it is considerably decayed towards the point) dimensions greatly exceeding those of the Roman *pilum*, or javelin. It resembles pretty much those weapons which the Californian Indians manufacture out of copper, and secure, by broad-headed copper nails, to handles made of bone. These are now used by the Californians as they were probably employed by the Gadeni, or northern Britons in general, to compleat and secure the union of the wooden shaft and metal head.

Short brazen swords of a peculiar shape are also occasionally, though rarely, found in these districts; they are uniformly formed narrow towards the handle, broad about the middle of the blade, and again tapering to a point at the extremity. Such weapons, by the common consent of antiquaries, have hitherto been termed Roman swords. They are, however, unlike in shape to those usually represented on Roman monuments, which are almost uniformly of an equal breadth from the handle, until they taper, or rather slope off suddenly, to form a sharp and double-edged point. The metal employed may also lead us to doubt the general opinion which gives these weapons to the Romans. That the arts of Rome under the emperors, and for a length of time before, had attained to working steel, a metal so much superior to brass for the formation of military weapons, and its general use in manufacturing arms, is suffici-

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* Presented to the author by Mr Tod. Notwithstanding what is said in the text, it may, perhaps, be thought a specimen of the Roman Pilum, though differing in the size and mode of shafting.

ently testified by their employing the word *ferrum*, to signify battle in general. It may, no doubt, be urged, that in size and shortness the brass swords in question differ from the long blades generally used by barbarians. But, without stopping to consider the variety of weapons which might exist in different tribes; without dwelling on the awkward and useless increasing breadth and thickness of the blades in the middle, which look very like the first gradation from a club to a sword; without even founding upon the probability that, after the Roman discipline had become known to the barbarians by fatal experience, they had tried (and certainly they had time enough to have done so) to make a rude imitation of the Roman sword in the metal which was most easily manufactured,—without resting upon any of these things, we may require the evidence that the Romans ever, within the period of their recorded history, used brazen swords. That the Greeks did so in the remote days of Homer cannot be doubted, and certainly from the same reason that we ascribe these weapons to the Britons, namely, that to fuse brass is a more easy and obvious manufacture than to work steel. But that the Romans ever employed swords of this inferior metal during the period of their history which is recorded, we have no warrant to believe. Virgil, an antiquary and a scholar, as well as a poet, in describing the various tribes of Italy, who assembled under Turnus, does indeed mention one nation whose warriors wore swords of brass—

> Et quos maliferæ despectant mænia Abellae
> Teutonico ritu soliti torquere cateias;
> Tegmina quîs capitum raptus de subere cortex;
> / lc
> Eratæque micant peltæ, micat æreus ensis.

ÆNEID. Lib. VII.

Note

×† One found in Ireland was presented to me by the celebrated Ladies of Llangollen.

~~N.B.~~ Note

* They would seem to have been used much later in history than the days of the Romans — Two specimens of this weapon now in the authors possession were found

On this passage there are three things to be observed. First, that this mountain and rude tribe is described as retaining the ancient customs of the Teutones. Secondly, that the rest of their armour and weapons, as the helmets made of cork, and the Gallic sling, or harpoon called *catela*, are given along with the brazen narrow buckler, or *pelta*, and the brazen sword in question, as marks of a rude tribe, unprovided with such weapons as the other Italians used at the supposed arrival of Æneas. Besides, swords of this description have been found in the western islands, or Hebrides, to which the Romans never penetrated; and they have also been found in Ireland.‸ Nay, we are assured, that, in one instance, not only the sword-blades, but the mould for casting weapons of that description, have been found in the kingdom last mentioned,—facts which certainly go far to establish that these brazen swords, which in breadth and thickness have a spherical form, are of British, not of Roman manufacture. *

The battle array of the British in these northern districts, mountainous and woody, and full of morasses, must have been chiefly on foot. But we are assured by Tacitus that they, as well as the Southern Britons, used the chariot of war. All the Celtic chiefs seem to have gloried in being car-borne, and are so described by the Welsh, the Irish, and the Gaelic bards. It is probable that men of distinction alone used this distinguished, but inconvenient, mode of fighting; and that as the cavalry of the Romans formed a separate rank in the state, so the *covinarii* in the northern parts of Britain consisted of the chiefs and their distinguished followers only. Indeed the difficulty which such squadrons must have found in acting, unless upon Salisbury plain, or ground equally level, must have rendered the use of them in the north rather a point of imposing splendour than of real advantage. The charioteers of the Caledonians do indeed seem to have made a considerable part of their force in the memorable battle which Agricola fought against Galgacus near the foot of the Grampian Hills. But we are to consider, that at this important period, common danger had driven the chiefs to form a general league, so that every sort of force which they could draw together appeared in its utmost proportion; and those war-chariots, assembled from all quarters, augmented by those also of the Southern Britons who had retired before the conqueror to these last recesses of freedom, bore, probably, an unusual proportion to the extent of their forces. That they fought valiantly, the Romans themselves admit; and they certainly possessed the mode of managing that very awkward engine called a chariot-of-war, where even the lower grounds are unequal and broken by ravines and morasses, with as much, or more effect than the Persians, of a more ancient date, upon their extensive and level plains. There is, as far as we know, but one representation of a chariot of this period existing in Scotland. It occurs in the church-yard of Meigle, in a neighbourhood famous for possessing the earliest sculptural monuments respecting the events of antiquity. The chariot is drawn by a single horse, and carries two persons besides the driver.* Chariots used in war are the invention of a rude age, before men adventured to break horses for riding.* In a rough country, like Scotland, they could be but rarely employed with advantage, and must soon have fallen into disuse.

Of the worship of the Northern Britons we have no distinct traces;

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* See an engraving in Pennant's Tour, vol. III.

Note

* There appears to have been no horsemen at the Siege of Troy.

a tradition concerning the ring exactly corresponded with origin of the Serpent Anguinum as mentioned by classical historians. The carrying it about the person is supposed to avert many evils & to bring good luck. The water in which it is dipped if given to a feverish patient ~~[illegible]~~ is of rare benefit. It is said to be formed by the adders in the act of engendering. He that ventures to seize upon it must fly ~~until he crosses~~ & will be pursued by the reptiles until he cross a running stream. If the ring chance to fall or should be sold for money it loses its virtue.

but we cannot doubt that it was Druidical. The circles of detached stones, supposed to be proper to that mode of worship, abound in various places on the Border; and, although ~~there may be good reason to~~ doubt whether the presence of those monuments is in all other cases to be positively referred to the worship of the Druids,* yet there is no reason to think that the religion of the Ottadini, Gadeni, or Selgovæ, differed from that of the southern British tribes. We know, at least, one instance of the Druid's Adder-stone, a glass bead so termed, being found on the Borders. This curious relique is now in possession of a ~~lady in Edinburgh~~. They appear, however, to have worshipped some local deities, whom the urbanity of Roman paganism acknowledged and adopted with the usual deference to the religion of the conquered. In the station of Habitancum, now called Risingham, near the village of Woodbourn in Redesdale, was found a Roman altar dedicated to Mogon, a god of the Gadeni; and there is one in the Advocates' Library of Edinburgh inscribed to the *Divi Campestres*, or Fairies. It was found in the romantic vicinity of Roxburgh Castle.

it may be safely

G ed

[illegible] to whom it was bequeathed by its late proprietor. Another of these same reliques is now in possession of a ~~[illegible]~~ person of [illegible] [illegible] [illegible] [illegible]. In both cases the [illegible]

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* The most stately monument of this sort in Scotland, and probably inferior to none in England, excepting Stone-henge, is formed by what are called the Standing Stones of Stenhouse, in the island of Pomona in the Orknies, where it can scarcely be supposed that Druids ever penetrated; at least, it is certain, that the common people now consider it as a Scandinavian monument; and, according to an ancient custom, a couple who are desirous to attach themselves by more than an ordinary vow of fidelity, join hands through the round hole which is in one of the stones. This they call the promise of Odin. The Ting-walls, or places where the Scandinavians held their comitia, were surrounded by circles of stones as well as the places of Druid worship; and instances of this occur even in Norway. But, indeed, the general idea of setting up a circle of stones to mark the space allotted for the priests, or nobles, while the vulgar remained without its precincts, seems likely to be common to many early nations.

The funeral monuments of the Celtic tribes on the Border are numerous, and consist of the cairns, or heaps of stones, so frequently piled on remarkable spots. On opening them, there is usually found in the centre a small square inclosure of stones set on edge, with bones, and arms such as we have already described. There is frequently found within this stone-chest, or *cist-vaen*, as it is called by the Welch, an urn filled with ashes and small beads made of coal. The manufacture of these urns themselves is singular. The skill of the artist appears not to have been such as to enable him to form his urn completely before subjecting it to the operation of the fire. He therefore appears to have first shaped the rude vessel of the dimensions which he desired, and then baked it into potter's-ware. On the vessel thus formed and hardened, he afterwards seems to have spread a very thin coat of unbaked clay on which he executed his intended ornaments, and which was left to harden at leisure. The scrolls and mouldings thus hatched on the outside of these urns are not always void of taste. In these tombs and elsewhere have been repeatedly found the *Eudorchawg*, the *Torques*, or chain, formed of twisted gold, worn by the Celtic chiefs of rank. In the fatal battle of Cattraeth, in which the Celtic tribes of the middle marches sustained a decisive defeat from the Saxons who occupied Northumberland, Berwickshire, and Lothian, somewhere, probably, about the junction of Tweed and Ettrick, and in the neighbourhood of the Catrail, there fell three hundred chieftains, all of whom, as appears from the elegy of Aneurin, a sad survivor of the slaughter, wore the Torques of gold. It is not a chain forged into rings, but is formed of thin rods of flexible gold twisted into loops which pass through each other, and form oblong links. This ornament appears

to have been common to the chiefs of all Celtic tribes; and undoubtedly Manlius had his surname of Torquatus from killing a Gallic chief so decorated. The broach for securing the mantle has been repeatedly found in the Borders. It is also an ancient Celtic ornament.

The Druids are understood to have had no use of coins; yet it is singular, that, on a place near to Cairnmore in Tweeddale, there were found, along with a fine specimen of the *Eudorchawg*, a number of round drops of gold of different sizes, greatly resembling the coins of the native Hindhus, and of which it is difficult to make any thing unless we suppose them intended to circulate as specie. May it not be conjectured, that the provincial Britons fell on this expedient of maintaining a circulating medium of commerce, from the example of the Romans?

In the Lochermoss, near Dumfries, have been found canoes made out of a single trunk like those of Indians, which served the aboriginal inhabitants for the purposes of fishing. But in the time of the Romans, the Britons had acquired the art of making light barks, called *Curraghs*, covered with hides like the boats of the Esquimaux. This brief account of the hill-forts, sepulchres, arms, religion, and means of embarkment, possessed by the three Celtic tribes whom the Romans found in possession of the Borders, completes a brief and general view of the British antiquities of the district.

The Roman Antiquities found in these districts are of such number and importance as might be expected from the history of their northern warfare, and the policy which they adopted to preserve their conquests. Even the ambition of a Roman conqueror, to extend as far as possible the limits of the empire, could not blind the successors of Agricola to the inconveniences which would be incurred in attempting a total conquest of Britain. That the invaders would defeat the natives as often as they might be imprudent enough to hazard a general action, was highly probable; but to win an engagement, or overrun a succession of mountains, lakes, towns, and morasses, was more easy than to establish and maintain amongst them the necessary garrisons and military points of communication, without which, the soldiers whom the victor might leave to maintain his conquests, must unquestionably have fallen victims to famine and the attacks of the barbarians. The Romans, therefore, renouncing the enticing but fallacious idea of maintaining a military occupation of the Caledonian mountains, set themselves seriously to protect such part of the island as was worth keeping and capable of being rendered secure. It may be much doubted, whether they paid even to the southern parts of Scotland the compliment of supposing them a desirable conquest. But to intersect them by roads, and occupy them with camps and garrisons, was necessary for the protection of the more valuable country of England.*

Accordingly, the earliest measure taken for the protection of the
A. D. 120. Roman province in Britain, was the original wall of Hadrian, extending from the Frith of Solway to the mouth of the Tyne. Within this line the country was accounted civilized, and what was retained beyond it, was strongly occupied and secured by fortresses. At a later period, Lollius Urbicus, during the reign of Antoninus, formed a similar wall greatly in advance of the first, between the

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* The learned author of Caledonia concludes, that these roads were extended even to the north of Aberdeenshire. It is impossible to mention this work without acknowledging with gratitude the brilliant light it has cast on many parts of Scottish history hitherto so imperfectly understood.

Friths, namely, of Forth and Clyde. It was a rampart of earth, with a deep ditch, military road, and forts, or stations, from point to point, but appears to have proved insufficient to curb the incursions of the tribes without the province, or to prevent the insurrection of those within its precincts. The Emperor Severus found the country betwixt the walls of Hadrian and that erected by Lollius Urbicus, during the reign of Antoninus, in such a state of disorder, that, after an expedition in order to intimidate rather than to subdue the more northern tribes, he appears to have fixed upon the more southern barrier as that which was capable of being effectually maintained and defended; and, although it is not to be presumed that he formally renounced the sovereignty of the space between the Friths of Solway and of the Forth and the Clyde, yet it is probable he only retained military possession of the most tenable stations, resting the ultimate defence of the province upon the wall of Hadrian, which he rebuilt with stone, and fortified with great care. Betwixt the years 211, being the æra of the death of Severus, and 409, the date of the final abandonment of Britain by the Romans, the space between the two walls, entitled by the Romans the province of Valentia, was the scene of constant conflict, insurrection, and incursion; and towards the latter part of this tumultuous period the exterior line of Antoninus was totally abandoned, and the southern wall itself was found as insufficient as that of Antoninus to curb the increasing audacity of the free tribes. A. D. 139.

From this brief deduction it may be readily conjectured, that the Roman Antiquities found in the districts to which this introduction relates, must be chiefly of a military nature. We find, accordingly, neither theatres, baths, nor temples, such as have been discovered in Southern Britain, but military roads, forts, castles, and camps, in great abundance.

The principal Roman curiosity which the Border presents, is certainly the wall of Severus, with the various strong stations connected with it. The execution of all these military works bears the stamp of the Roman tool, which aimed at labouring for ages. The most remarkable is the wall itself, a work constructed with the greatest solidity and strength. The ravages continually made upon it for fourteen centuries, when any one in the neighbourhood found use for the well-cut stones of which it is built, have not been able to obliterate the traces of this bulwark of the empire. The wall was twelve feet high, guarded by flanking towers and exploratory turrets, and eight feet broad, running over precipices and through morasses. The facing on both sides was of square freestone, the interior of rubble run in with quicklime between the two faces, and uniting the whole in a solid mass. The earthen rampart of Hadrian lies to the north of it, and might, in many places, be used as a first line of defence. It is not clear in what manner the Roman troops sallied from this line of defence when circumstances rendered it necessary. No gates appear except at the several stations. A paved military way may be traced parallel to the walls, in most places, for the purpose of sending reinforcements from one point to another. No less than eighteen *stations*, or fortresses, of importance, have been traced on the line of the wall. The most entire part of this celebrated monument, which is now, owing to the progress of improvement and enclosure, subjected to constant dilapidation, is to be found at a place called Glenwhelt, in the neighbourhood of Gilsland Spaw.*

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* Its height may be guessed from the following characteristic anecdote of the late Mr

camp utensils & weapons

The number of forts and stations extending along the wall from west to east, some in front to receive the first attack of the enemy, some behind the wall to serve as rallying places, or to accommodate the troops destined to maintain the defence, render this magnificent undertaking upon the whole one of the most remarkable monuments of history. It differs from the Great Wall of China, to which it has been compared, as much as a work fortified with military skill, and having various gradations and points of defence supporting each other, is distinct from the simple idea of a plain curtain or wall. It was not until the hearts of the defenders had entirely failed them that the barbarous tribes of the north burst over this rampire.

With the same regard to posterity which dignified all their undertakings, the Romans were careful to transmit to us, by inscriptions still extant, the time at which these works were carried on, and the various cohorts and legions by whom different parts were executed. These, with altars and pieces of sculpture, have been every where dug up in the vicinity of the wall, and form a most valuable department of Border Antiquities, though not entering into the scope of the following work.

Joseph Ritson, whose zeal for accuracy was so marked a feature in his investigations. That eminent antiquary, upon an excursion to Scotland, favoured the author with a visit. The wall was mentioned; and Mr Ritson, who had been misinformed by some ignorant person at Hexham, was disposed strongly to dispute that any reliques of it yet remained. The author mentioned the place in the text, and said there was as much of it standing as would break the neck of Mr Ritson's informer were he to fall from it. Of this careless and metaphorical expression Mr Ritson failed not to make a memorandum, and afterwards wrote to the author, that he had visited the place with the express purpose of jumping down from the wall in order to confute what he supposed a hyperbole. But he added, that, though not yet satisfied that it was quite high enough to break a man's neck, it was of elevation sufficient to render the experiment very dangerous.

the wall standing
at Glenwhelt

In advancing beyond the wall, the antiquary is struck by the extreme pains bestowed by the Romans to ensure military possession of the province of Valentia. No generals before or since their time appear to have better understood the necessity of maintaining communications. A camp, or station, of importance, is usually surrounded by smaller forts at the distance of two or three miles, and, in many cases, the communication is kept up, not only by the Iters, or Ital
military roads, which traverse the country in the direction of these fortresses, but by strong lines of communication with deep ditches and rampires. Of this there are some curious and complicated remains near Melrose, where a large triangular space lying betwixt the remarkable station on Eildon Hills and those of Castlesteads and of Caldshiels, is enclosed by ditches and ramparts of great depth. There appears to have been more than one British fortress within the same space, particularly one called the Roundabout, upon a glen termed Haxlecleuch,* and another very near it upon the march between the properties of Kippilaw and Abbotsford. Besides these lines of communication, there is a military road which may be distinctly traced to the Tweed, which it appears to have crossed above
not far from the present house of Abbotsford. Newharthaugh.* It is impossible, while tracing these gigantic labours, to refrain from admiring, on the one hand, the pains and skill which is bestowed in constructing them, and, on the other, the extra-

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[*] Mr Chalmers, whose opinion is always to be mentioned with the utmost respect, seems inclined to think, that these entrenchments are the works of the provincial Britons, executed to protect them from the Saxons of Bernicia. Some bronze vessels and Roman antiquities, found by the author in improving ~~that~~ part of his property through which these lines run, warrant a different conclusion. 6

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* From the mouth of this little glen a road called the Haxle-gate is stated to run as far as the singular little entrenchment on the Eildon hills call Bourjo where the Druids are said ~~to~~ by tradition to have offered up sacrifices. See Milnes history of the Parish of Melrose. The ~~[illegible]~~ heathen ~~priests~~ chief Priest of the Germans was termed Haxa (hence the modern Hexe a witch) the Haxlegate & Haxlecleuch may therefore be interpreted the Path or glen of the principal Druidess.

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vagant ambition which stimulated the conquerors of the world to bestow so much pains for the preservation of so rude a country.

The frequent accompaniment of these camps is a Roman *tumulus*, or artificial mount, for depositing the remains of their dead, of which there is a very fine specimen on the south side of the Tweed, opposite to Sir Henry Hay Macdougal's beautiful mansion of Makerston. This *tumulus* appears to have belonged to the neighbouring camp on Fairnington Moor. In these specimens of Roman pottery have been found, probably lachrymatories and the vessels sacred to the *manes*, or souls, of the deceased. These mounts might also be used for exploratory purposes.

Around the stations have, in most instances, been found Roman coins, of all reliques the most decisive, brazen axes, usually termed Roman, though perhaps not correctly to be regarded as such, and querns, or hand-mills, for grinding corn, made of two corresponding stones. Camp-kettles of bronze of various sizes are also found on the line of these roads, particularly where marshes have been drained for marl. It may, in general, be remarked, that, in Scotland, the decay of a natural forest is the generation of a bog, which accounts for so many antiquities being found by draining. Sacrificial vessels are also frequently discovered, particularly those with three feet, a handle, and a spout, which greatly resemble an old-fashioned coffee-pot without its lid. Out of the entrenchment above-mentioned, connecting the fort at Castlesteads with that on Eildon Hills, was dug a pair of forceps of iron, much resembling smith's tongs. Inscriptions have rarely been found to the north of the wall.

Such are the evidences which still remind the antiquary, that these twelve districts once formed the fence and extreme boundary of the Roman power in Britain.

No reader requires to be reminded of the scenes of desolation which followed the abdication of the Romans. All exterior defences which the wall and the forts connected with it had hitherto afforded, were broken down and destroyed, while the Picts and Scots carried on the most wasteful incursions into the flourishing provinces of the south. But the learned and indefatigable Chalmers has plainly shewed, that the tribes inheriting the late Roman province of Valentia were not subjugated by either of these more northern nations, but maintained a separate and precarious independence. These tribes, the reader will remember, were the Ottadini, Gadeni, and Selgovæ, to which were united, the Novantes of Galloway, and the Damnij of Clydesdale, who, like their Border neighbours, were inclosed between the two walls. It is probable that, according to the ancient British custom, they were governed by their separate chiefs, forming a sort of federal republic, whose array, in case of war, was subjected to the command of a dictator, termed the Pendragon. They did not long enjoy the full extent of their territory; for, as in other parts of England, so on her northern frontiers, the invasion of the Saxons drove from their native seats the original inhabitants. It was not, however, until the year 547, that Ida, at the head of a numerous army of Anglo-Saxons, invaded and possessed himself of the greater part of Northumberland. These conquerors spread themselves on all sides, and became divided into two provinces, Deira and Bernicia. The Deirians occupied the northern division of Northumberland, with the bishopric of Durham, and made constant war with the British inhabitants of Westmoreland and Cumberland. The Saxons of Bernicia pushed their conquests northwards, possessed themselves of the ancient seats of the Ottadini and Gadeni, or the modern Berwickshire and

the ~~separate~~ rulers

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x[2] the Scottish Sea as the Frith of Forth was then termed.

lower part of Roxburghshire, seized on Lothian, were ~~probably~~ the first founders of Edinburgh, and warred fiercely with the natives now cooped up in the hilly country to the westward, as also with the Picts, who lay to the northward of ~~these invaders~~. It seems highly probable that to this people we owe the Scoto-Saxon language of the Lowlands.* Their country is sometimes called Saxonia by ancient writers, being the Saxon part of Scotland. The line of demarcation, which then was the subject of dispute between the Saxons and Britons, extended north and south instead of east and west, like that which afterwards divided Scotland from England. All good antiquaries allow, that the remarkable trench called the Catrail, which extends nearly fifty miles in the former direction, and may be traced from near the junction of the Gala and the Tweed to the mountains of Cumberland, was intended to protect the native inhabitants of Strath Clwyde, for thus the remaining possessions of the Romanized Britons were entitled, from the too powerful Saxon invaders. It was natural that these provincial Britons should endeavour to make use of the same means of defence of which they had an example in the Prætentura of Antoninus, and the more elaborate wall of Severus. The imperfect execution of the Catrail plainly shows their inferiority of skill, while its length, and the degree of labour bestowed in the excavation, indicate their sense of its importance. This rampart is the most curious remnant of antiquity which can be ~~dis-~~

as its name [Edwin's Burgh] imports when rightly rendered

running

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* The author has no hesitation to own that a film has fallen from his eyes on reading the Caledonia with attention. The Picts, as conjectured by Tacitus, might have been intermingled with settlers from Germany. But it seems probable that such emigrants merged in the main body of the Celtic tribes just as the Scandinavians did, who, at a later period, settled in the Hebrides and in Sutherland.

~~tinctl~~y traced ^ to this distracted period. It is a ditch and rampart of irregular dimensions, but in breadth generally from twenty to twenty-four feet, supported by many hill-forts and corresponding entrenchments, indicating the whole to have been the work of a people possessing some remnants of that military skill of which the Romans had set the example. From what Mr Chalmers mentions of the course of Herrit's Dike, in Berwickshire, we may conjecture it to have been either a continuation of the Catrail, or a more early work of the same kind. Supposing the latter to be the case, it would seem that, when expelled from Lauderdale, the Britons fell back to the Catrail, as the Romans had done from the wall of Antoninus to that of Severus. The Catrail is very happily situated for the protection of the mountainous country, as it just commences where the valley of the Tweed becomes narrow and difficult of access, and skirts the mountains, as it runs southward. Contrary to other defences of the same sort, it was erected to save the mountaineers from the continued inroads of the inhabitants of the plains, whereas fortifications have generally been erected in the ~~plain~~s for precisely the opposite purpose.

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It is remarkable, that the obscure contests of the Britons and Saxons yet survive in traditional song. For this we have to thank the institution of the Bards, the second rank to the Druids, and partaking of their sacred character. This order survived the fall of Druidism, and continued to perpetuate, while they exaggerated, the praise of the British chieftains who continued to fight in defence of the Cumbrian kingdom of Reged, and the more northern district of Strathclwyde. The chief of these bards, of whom we still possess the lays in the ancient British language, are Taliessin, Merlin of Cabounded with the probabilities

ledonia, Aneurin, and Llywarch Hen. The two last appear to have been princes, and, contrary to the original rules of their order, they, as well as Merlin, were warriors.

Urien of Reged, and his son Owen, both afford high matter for the songs of the bards; and it is to the Welch poetry also that Arthur owes a commemoration, which, with the help of Geoffrey of Monmouth, was so extravagantly exaggerated by after minstrels. These native princes, however, do certainly appear to have maintained a long struggle with the Saxons, which was frequently successful, and might have been eventually so, had not the remains of the provincial Britons been divided into two petty kingdoms of Cumbria and Strath-Clwyde, and those tribes of warriors distracted by frequent disunion among themselves. As it was, they finally lost their independence. The last king of the Cumbrian Britons, called Dunmail, was slain in battle near Ambleside, on the lake of Winandermere, where a huge cairn, raised to his memory, is still called Dunmail-Raise, and his kingdom was ceded to Scotland by the conqueror Edward in 945. Strath-Clwyde, sometimes resisting, sometimes submitting, maintained a precarious independence until about 975, when Dunwallon, the last independent king of the Northern Britons, was defeated by Kenneth III. King of the Scots, and is said to have retired to the cloister.

But although the kingdoms of Reged and Strath-Clwyde were thus melted down into the general mass of Scottish subjects, yet the British inhabitants of Valentia continued long distinguishable by their peculiar manners, customs, and laws. When Edward I. was desirous to secure his usurpation of the Scottish crown by introducing the feudal system in its full extent, and thus assimilating the laws of England and Scotland, he declares, that the "customs of the Scots and the Brets shall for the future be prohibited, and no longer practised;" and that the king's lieutenant should submit to an assembly of the Scottish nation "the statutes made by David King of Scots, and the amendments made by other kings." It was probably at this time that the law-treatise, entitled, *Regiam Majestatem*, was compiled, with the artful design of palming upon the Scottish parliament, under the pretence of reviving their ancient jurisprudence, a system as nearly as possible resembling that of England. Now it is proved that, until a late period, that part of modern Scotland which lay to the south of the river Forth, and bordered on the east with the Saxon province of Lothian, or Loden, was still called Britain. Accordingly, Fordun terms Stirling a castle situated in *Scotland* on the confines of Britain, and says that the seal of the town of Stirling bore this legend,

> Continet hoc in se pontem castrum Strivilense
> Hic armis Bruti hic stant Scoti cruce tuti.

As the names of Britain and Scotland were thus preserved, the customs alluded to by Edward as proper to be abolished were those which the Scots and Britons, both nations of Celtic original, had transmitted to their descendants, and which, from the spirit of independence which they breathed, were naturally hostile to the Conqueror. It is probable that the clan-customs and regulations were amongst those alluded to by Edward's prohibition; at least, we shall presently see that they were the subject of jealousy to future legislators.

While the Northern Britons were maintaining the dubious and sanguinary resistance against the Saxons which we have briefly noticed, the invaders themselves were disturbed in their operations of

conquest by the arrival of fresh hordes from Scandinavia, whose inroads were as distressing to the Saxon inhabitants of Northumberland and Lothian as those of their ancestors had been to the British Ottadini, whom they had expelled from those fertile provinces. The celebrated Regnar Lodbrog, renowned in the song of Scalds, led the first attack by the Danes on Northumberland. He fell; but his death was promptly and dreadfully avenged by the fresh invasion headed by his sons, Inguar and Hubba. They appear totally to have A. D. 876. subverted the Saxon kingdom of Northumberland founded by Ida, and to have conquered the country as far south as York, and penetrated westward as far as Stanemore, where their invasion added to the distressed condition of the Cumbrian Britons. Aided by frequent descents of their roving countrymen, they wasted and they warred in these northern regions; and though they nominally acknowledged the royalty of Edward the Elder, the Northumbrian Danes could hardly be termed subjects of a Saxon monarch, until they were defeated by Athelstane, in the bloody and decisive battle of Brunnanburgh. The wild convulsions of the period sometimes occasioned a temporary disunion even after this engagement; but such incidents may be regarded rather as insurrections than as a re-establishment of Northumbrian independence.

It is natural to enquire what traces still remain of the Danish invaders? The circular camps found in many places of Northumberland, and on the borders of Cumberland, are plausibly ascribed to them, and the names of their deities have been imposed upon several tracts in the same district. But we find ~~none~~ few of those Runic monuments so common in their own country, either because they never possessed tranquillity sufficient to aim at establishing such records, or that they were destroyed in after ages out of hatred to the Danish name. The taste of the Scalds, however, is to be traced in the early English poetry which was first cultivated in the North of England. The northern minstrels could derive no lessons from the bards who spoke the Celtic language, their earliest attempts at poetry were, therefore, formed on alliteration; and as late as the time of Chaucer it was considered as the mark of a northern man to "affect the letter." * Further of the Danes antiquaries can trace but little. Their independent sovereignty in Northumberland was as brief as it was bloody; and their descendants, mixing with Saxons, and what few might remain of the Southern Ottadini, formed the mixed race from which, enriched by the blood of many a Norman baron, the present Northumbrians are descended.

In the tenth century, the frontiers of England and Scotland, which had now begun to assume these distinctive appellations, differed greatly from the relations they bore to each other in subsequent ages. The district of the Ottadini, conquered first by the Saxons, and afterwards by the Danes, extended from the Tyne, and sometimes even from the Humber, to the shores of the Frith of Forth. Berwickshire of course, and Lothian, made part of its northern division, called Bernicia. These counties were often the scene of inroad to the nation of Scots and Picts, now united under the same monarch, and might occasionally be occupied by them. But, regularly and strictly speak-

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* Chaucer's Parsone apologises for not reciting a piece of poetry—

But trusteth wel I am a sotherne man,
I cannot geste, *rom*, *ram*, *ruf*, by my letter,
And God wot, rime hold I but litel better.

ing, they, as well as the city of Edinburgh, (Edwins-Burgh,) may be considered as part of England. It acquired in time the name of Lothian, an epithet not only conferred on the counties now comprehended under that term, but also including Berwickshire, afterwards called the March.* The *Lod~~e~~nenses*, distinguished in the battle of the Standard and elsewhere, were the people of this south-eastern district; and the district appears to have been included amongst those for which, as English possessions, the King of Scotland did homage to his brother of England.† Thus Scotland was, at this early period, deprived of those fertile south-eastern provinces. On the other hand, the south-western frontier of Scotland was enlarged beyond its present bounds by the possession of the ancient British kingdom of Reged, or Cumberland. This was ceded to Malcolm I. by Edmund, after the defeat of Dunmail, the last King of Cumbria. The cause of the cession is obvious. The people of Cumberland were of the same race and manners with those of the Britons of Strath-Clwyde who occupied the opposite frontier of Scotland; and Edmund, who retained but a doubtful sovereignty over Northumberland, would have been still more embarrassed by the necessity of o/

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* Simeon of Durham, narrating the journey of the papal legate to Scotland, has these remarkable words,—" Pervenit apud fluvium Tuedam qui Northumbriam et Loidum determinat, in loco qui Rothesburche vocatur."

† Malcolm IV. acknowledged himself vassal to the crown of England for the county of Lothian, (among other possessions,) a circumstance which has greatly embarrassed Scottish antiquaries, who are very willing to discover the Comitatus Lod~~e~~nensis in Leeds or in Cumberland. The truth is, however, that the true meaning ~~rather~~ fortifies the plea of independence. For Lothian, in this enlarged sense, was just the ancient Bernicia, peopled with Saxons or English, and Malcolm did homage for it, not as part of Scotland, but as part of England. o/

retaining, by garrisons or otherwise, so wild and mountainous a country as the British Reged. By yielding it to Malcolm, he secured a powerful ally capable of protecting the western frontier of Northumberland, and to whose domination the Cumbrians might be the more readily disposed to submit, as it united them with their brethren the Britons of Strath-Clwyde. We have already seen that these districts as far as the Forth, though under the dominion of the Scottish kings, were termed Britain, in opposition to Scotland proper.

But in the year 1018, Malcolm II. enlarged the eastern limits of his kingdom to the present frontier of Scotland, by a grant from Eadulf, Earl of Northumberland, who ceded to him the whole district of Lothian and Berwickshire to the Tweed. This important addition to his kingdom he certainly continued to retain, although the English historians pretend that Canute carried his arms into A.D. 1031. Scotland, and penetrated far northwards. If such was the case, his invasion and victory remained without fruits.

What the Scottish kingdom acquired on the eastward in the reign of Malcolm II., was balanced by the loss of Cumberland, which William the Conqueror wrenched from Malcolm Canmore. After this period, although Stephen, in his necessity, ceded Northumberland to Scotland, and, although the English on the other hand frequently held military possession of part of the opposite country, the Borders, with the exception of the Debateable Land to the west, and the town of Berwick on the east, which were constant subjects of dispute, might be considered as finally settled according to the present limits.

While these transactions occurred, other most important changes having taken place both in the interior of South and North Britain,

had amalgamated these two grand divisions of the island each into one great kingdom, so that the regions, where they bordered on each other, ceasing to be the residence of independent or tributary states, assumed the character of frontiers, or, as we now term them, of Borders. This important consolidation of England and Scotland, each into a distinct and individual monarchy, took place in both countries nearly about the same period. At least, although the present kingdom of England was formed by the consolidation of the states of the heptarchy rather more early than the Scottish nations were united into one state, the distractions, occasioned by Danish invasions and civil wars, prevented her extending her empire over her northern neighbours. Indeed the power of England could scarce be said to be wielded by one sovereign with uncontrolled sway, until William the Conqueror had repressed the various insurrections of the Saxons, subjugated for ever the tumultuary Northumbrians, and acquired a consolidated force capable of menacing the kingdom of Scotland. Had this event happened a century sooner, it is probable all Britain would, at that early period, have been united under one monarch. Or had a Scottish monarch existed during the heptarchy, as powerful as Malcolm Canmore at a subsequent æra, it is possible that he might have pushed his limits much farther to the south than the present Borders, and would probably have secured to Scotland at least the countries on the north of the Humber. As it happened, the situation and balanced strength of both countries dictated the present limits.

The Saxons, who gave name to England, and language to both nations, now began to disappear from the stage. The local antiquities which are ascribed to them on the Borders are not numerous.

Their coins, as well as those of the Danish dynasty, are frequently found both in England and Scotland; and cups and drinking horns have been preserved and discovered, which may be referred to this period. But of their architecture the ecclesiastical edifices afford almost the only specimen. The houses, even of their princes, were chiefly formed of wood; and their military system consisted rather in giving battle than in attacking or defending places of strength. Some rude ramparts seem to have encircled their towns for protection against the Danish invaders, and in their own civil dissentions. But castles, whether belonging to kings or chiefs, must have been rare during the Saxon period. No specimens survive on the Border, or even farther south, unless the very singular edifice, called Coningburgh Castle, near Sheffield, be considered as a specimen of Saxon military architecture. The Keep is round instead of being square as usual; and, being supported by six huge projecting buttresses, has a massive, and, at the same time, a picturesque appearance. The mortar is of a kind much more imperfect than that which is used in the Norman buildings, having a mixture of ashes and charcoal and very little lime. In this place the Saxons certainly had a castle, as appears from the name, and tradition points out in its vicinity the *tumulus* of the celebrated Hengist. But it is probable that the Saxon building was repaired and improved by William de Warren the Norman baron, on whom it was bestowed by the Conqueror.

If the Saxons left few examples of their military architecture, they laid the foundation of many splendid ecclesiastical establishments. Once the most fierce, they appear, on their conversion, to have become the most devout nation of Europe. Christianity, though such

advantage should not be named with her inestimable spiritual benefits, brought the arts to Britain in her train. Paulinus, one of the missionaries, who, by orders of Pope Gregory, had accompanied to Britain the intrepid Saint Augustin, made great progress in the conversion of Northumberland about the year 625. At Yevering, now an obscure hamlet, about two miles from Wooler, then the royal residence of Edwin, King of Northumberland, and his pious spouse, Ethelburga, Paulinus abode thirty-six days in company with the sovereigns, daily employed in instructing the heathen inhabitants, and baptizing them in the neighbouring river called the Glen. The first church which this zealous and successful missionary constructed in Northumberland was that of Lindesfarne, or Holy Island. It was formed entirely of wood. But the use of stone was speedily introduced, and the art ^ improving in proportion to the encouragement which it received, began, during the eighth and ninth centuries, to assume a more regular and distinct form. The Saxon style of architecture, as it is called with more propriety than that by which the style that succeeded it is termed Gothic, had now assumed a determined character. Massive round arches, solid and short pillars, much gloom and an absence of ornament, mark this original mode of building. It is also remarkable for a peculiar style of architectural decoration, described by Mr Turner in his excellent history of the Anglo-Saxons, as being a universal diagonal ornament, or zigzag moulding, "disposed in two ways, one with its point projecting outwards, the other with its point lying so as to follow the lines which circumscribe it, either horizontal, perpendicular, or circular." There is a curious specimen of this ornament on a door-way in the ruinous part

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of the Abbey-Church at Jedburgh,* which looks into the clergyman's garden, which is richly arched with this species of moulding. In the Chapter-House at the same place may be seen a very perfect specimen of Saxon architecture.

The Saxon historians expatiate with a sort of rapture on the magnificence which Wilfred, Bishop of York, displayed in the erection of a church at Hexham. It was raised by masons and pargeters brought from Italy, who garnished the building by winding stairs, elevated it into Roman magnificence, and decorated its walls and vaults with pillars, ornamental carving, oratories, and chapels. Perhaps we may suspect a little exaggeration in this description; for the same authorities assure us, with little probability, that when Wilfred attempted the conversion of the South Saxons, they were rendered so miserable by famine, that they were in the habit by forty at a time to hold each other by the hands and throw themselves into the sea; and ~~that they~~ were so little able to secure themselves from this evil, that, till instructed by Saint Wilfred, they were ignorant of catching any fish but eels. A state so grossly savage in Sussex is scarce to be reconciled with a favourable progress in the arts so much farther to the northward. Still, however, religion appears to have flourished in these savage districts.

Aidan, a monk of Saint Columba's monastery of Iona, was, in 1634, named Bishop of Lindesfarne, or Holy Island, which became soon a renowned seminary. Melrose, a classical name, owed its original foundation to the same Aidan; and, as the holy flame spread around and increased, the abbies of Coldingham and Tyningham were

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* Jedworth, or Jedburgh, was founded A. D. 825. See *Caledonia*, vol. I. p. 426.

popularly called _shark's teeth_.

erected. These buildings, like the church of Lindesfarne, were originally fabricated of wood, and afterwards arose in more durable materials. But of these, and of other Saxon edifices, only fragments can now be traced. The unsparing fury of the heathen Danes destroyed almost all the churches on the Borders, and only in a very few favoured instances can the Saxon architecture be distinguished. Even its remnants are rendered indistinct by the repairs and additions of later ages. The ancient vaults beneath the present church at Hexham, which have been constructed chiefly by the use of materials fetched from some Roman station, as appears from the inscriptions in Horsley's work, are probably the only part remaining of the magnificent church of Wilfred. In Holy Island a few diagonal mouldings and circular arches flatter the fancy of the antiquary that they may have been part of Saint Cuthbert's original church. At Jedburgh, the Chapter-House and one highly enriched door-way have been already noticed. In Kelso Abbey-Church the whole arches and ornaments of the building are decidedly in the Saxon style, and its noble, concentrated, and massive appearance forms one of the most pure and entire, as well as most favourable, specimens of that order, which occur on the Scottish Border. The young student of antiquities is not, however, to set it down as a rule, that, where such ornaments and arches occur, the edifice exhibiting them is indubitably as old as Saxon times. The architecture which had arisen among the Saxons was practised among their successors, not only until the Gothic, as it is called, was introduced, but even in many later instances, from taste or with a view to variety. It is probable that the Cumbrian Britons and those of Reged mingled with the Christian religion circumstances expressive of their own ancient man-

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ners and customs ; but of this we have little evidence. We may refer, however, to this period, the remarkable monument at Penrith, consisting of two huge stone pillars, richly engraved with hieroglyphics, with a sepulchral stone extended between them. The common tradition terms this the monument of Sir Ewain Cæsarius, a champion who cleared the neighbouring forest of Inglewood of wild beasts.

The edifices upon the Border, dedicated to devotion and peace, arose the more frequently that the good understanding between the English and Scottish nations was for some time only interrupted by occasional and brief wars, bearing little of the character of inveterate hostility which afterwards existed between the sister kingdoms, even in the time of peace. In fact, until the conquest of England by the Normans, and for ages afterwards, each monarch was so earnestly employed in the consolidation of his authority over the mixed tribes to whom it extended, that he had no time for forming schemes of ambition at the expence of his neighbour. If the English frontier regions contained aboriginal Britons, Saxons, Danes, and Normans, the subjects of Scotland were even more miscellaneous. The Picts and Scots had now, indeed, melted down into one people, bearing the latter name ; but the Scoto-Britons of Reged still retained a distinct, though no longer an independent, existence. This was still more the case with the people of Galloway, who, lying more remote from the authority of the kings of Scotland, gave them apparently no other obedience than that which was formerly yielded by the British tribes to the Pendragon, or chief of their federation. There remain to be noticed the Scoto-Saxons, being the descendents of those, who, in earlier times, had colonized the northern division of Bernicia, extending from the

banks of the Tweed to the Frith of Forth, and skirting on the west the kingdom of Strath-Clwyde. These Saxons were gradually augmented by such of their countrymen as the civil broils of the heptarchy, the invasion of the Danes, and, finally, the sword of the Normans, drove to seek shelter among their northern brethren; and such was the number of these fugitives, and the influence which they attained at the court of the Scottish monarch, that their language came to be in general use, and at length to supersede the various dialects of the Celtic, which were probably spoken by the other tribes. It cannot but be considered as a very singular phenomenon, that the inhabitants of a ceded province, and that not a large one, should give language to the whole kingdom, although both their original churchmen and royal family were certainly Celtic. But Lothian and the Merse, as the most fertile parts of Scotland, had a natural attraction for her monarchs, and the Saxon language, refined and extended as it must have been by the new emigrants from England, possessed the power of expressing wants and acquisitions unknown to the more simple Celtic nations. It is probable, also, from the expression of Tacitus, that among the various tribes who inhabited the eastern shores of Scotland, particularly about the mouth of the Tay, there might be several of German descent, by whom the Saxon would be readily adopted. Above all, the reader must observe, that, although the Christian missionaries came originally from the Celtic seminary of Iona, yet the large foundations of Lind~~e~~sfarne, Hexham, Melrose, Coldingham, Jedburgh, and others on the Borders, were endowed by Saxon magnificence, and filled with Saxon monks, who disseminated their language along with their religion through such tribes as still used the British or Celtic tongue. The authority of these Saxon ministers of religion must have been the more prevalent, as they were held to teach a more orthodox doctrine concerning a very important point of controversy—the keeping of Easter, —than their Scottish brethren. On this subject, Queen Margaret, wife of Malcolm Canmore, employed against the Scottish heresy "the sword of the spirit," combating their errors three days, like "St Helena," says the encomiast, "converting the Jews." Her warlike and royal spouse acted as interpreter on this occasion between his zealous consort and the Scottish clergy, a circumstance which proves that he understood both Saxon and Celtic, she the former language only. It also establishes this fact, that the Lowland Scotch had not yet spread generally through the Celtic tribes, though it did so afterwards.

To the nations already mentioned as subjects of Scotland, must be added the Norman families, who, expelled from England by the various convulsions which took place in that scene of their new conquest, or voluntarily abandoning it in consequence of discovering their services ill recompensed by the Conqueror, were attracted to Scotland by the munificence of Malcolm Canmore. The weak prince, who succeeded that active and enterprising monarch, in vain adopted a different line of policy from his, and laboured to banish from Scotland those foreigners who had settled there under his auspices, —a savage and inhospitable measure by which Donald Bane endeavoured to gain favour with the Scottish tribes, who longed to return to the wild manners of their forefathers. But Alexander I., though himself of a disposition so stern as to acquire the surname of The Fierce, yet, connected with England by marriage, again encouraged the settlement of foreigners in his realm, and the Norman barons,

with their retainers, flocked thither in such numbers, that David I. addresses his charters to his feal subjects, Franks, English, Scottish, and Galwegians; and his son Henry classes the inhabitants of his county of Northumberland into Franks (*i. e.* Normans) and English.

The Normans brought with them their rules of chivalry, their knowledge of the military art, their terms of honour and badges of distinction, and, far the most important, their feudal system of laws. It is not to be supposed that these were at once imposed on the Scottish nation at large, as has been erroneously asserted by the ancient historians of that people. But the fiction of law which considered the sovereign as the original source of all property, and which held the possessors of land by that very act of possession amenable to his courts, and liable to serve in his armies, rendered the system acceptable to the king, while the great barons, being each in their degree invested with the same right and authority within their own domains, were satisfied to submit to the paramount superiority of the crown, distant as it was, and feebly exercised, in consideration of their own direct authority over their vassals being recognised and acknowledged by the same system. The king, by whom grants of land were made, and the nobles to whom they were given, had thus every motive for adopting the feudal form; not to mention that the Norman barons, on whom such marks of regal bounty were conferred, would not have accounted that they possessed them securely, unless they had been expressed in the manner to which the law of their own country had familiarized them. Thus, while in England the feudal law was suddenly imposed in consequence of the Norman conquest, it gradually glided into Scotland, recommended at once by its own well-modelled and systematic arrangement, by the interests of the king and of the nobles, and the principle of imitation among the inferior gentry. The clergy, doubtless, lent their aid to the introduction of the new system, which, while it imposed no new burthens on their property, gave them at once a firmer and more durable species of land rights, and sundry facilities for exercising their superior knowledge of law, and of legal documents, at the expence of the laity. At what time the feudal system was entirely adopted through the Lowlands of Scotland, it would be difficult to ascertain. We have already seen that the laws of the ancient inhabitants, the customs, as they are called, of the Scots and Bretts, were in some observance during the temporary usurpation of Scotland by Edward I., and that it appears to have been the purpose of that wily monarch, by abolishing these usages, and introducing into the Scottish law an universal observance of the feudal system, to prepare the way for a more complete union between his usurped and his hereditary dominions. One leading feature of Celtic manners and laws remained, however, upon the Borders, until the union of the crowns; and, in despite of the feudal system with which it was often at variance, continued to flourish as well in the southern as in the northern extremities of Scotland. This was the system of septs, or clan-ship, by which these districts were long distinguished.

The patriarchal government of each tribe, or name, by a single chieftain, supposed to represent in blood the father from whom the whole sept claim their original descent, is, of all kinds of government, the most simple and apparently the most universal. It is deduced from the most primitive idea of all authority, that right of command which is exercised by a father over his family. As the

wigwams of the grandchildren arise round the hut of the patriarch, the power of the latter is extended in a wider circumference; and, while the increasing numbers of the tribes bring them into contact, and of course into disputes with other societies of the same kind, this natural HEAD (such is the literal interpretation of the Norman word Chef, or the Celtic Cean) is more extensively useful, as their counsellor in peace and captain in battle. This simple mode of government, very similar to what now exists among the Persian and Hindhu tribes, was universal among the ancient Celtic nations. A confederation of a certain number of these tribes, or clan-ships, under a government, whether monarchical or popular, composed a Celtic kingdom, or state, but did not alter, or interfere with, the authority exercised by each chief over his own tribe. Thus, ancient Gaul was divided into sixty-four states, comprehending four hundred different tribes; which makes a proportion of about six clans to each federal union. In Britain, in like manner, Cæsar enumerates no less than four kings in the province of Kent alone, by which he must have meant four patriarchal chieftains. That such was the original government of Britain, is sufficiently evident from the system of clanship being found in such perfection in Wales, whose inhabitants, driven into the recesses of their mountains by the Saxons, long maintained with their independence the manners of the ancient British. They acknowledged five royal tribes, and five of churle's blood, to one or other of which each genealogist could refer the pedigree of the subordinate septs. That Ireland unbroken and untouched by the Romans or Saxons, should have possessed the system of clanship in all its perfection, cannot be matter of surprise. In the Highlands of Scotland, the system became only extinct in the days of our fathers. And,

of Kindred

~~Ceann~~ or Ceanne

the [illegible]

But these notwithstanding the system of ~~pedigree~~ clanship in Wales was much modified by the Roman regulations respecting the ~~[illegible]~~ Populi or Small States, &c

therefore, as being found in all countries where dialects of the Celtic are spoken, and where their customs continued to be preserved, we must account the system of clanship as peculiar to the Celtic tribes, and unknown to the various invaders of Britain, whether Saxons, Danes, or Normans. ~~As~~ Since it continued to retain full force upon the Borders, down to the period of the union of the Crowns we must hold that it was originally derived from the Celtic inhabitants of the western parts of Valentia, who remained unsubdued by the Saxons, and by those of Reged or the modern Cumberland.

Nor does it at all shake this conclusion, that none of the clans distinguished upon the Borders used the Celtic patronymics common in Ireland, Wales, and the Scottish Highlands, and that we are well assured that several of them are of Saxon or Norman descent. In this case, as in Ireland, the Saxon or Norman settlers seem to have readily conformed to the custom of the native inhabitants, and to have adopted the name and authority of chiefs, with as much readiness and as effectual patriarchal sway, as if they had been descended from Galgacus or Cadwallader. A vague tradition asserts, that the number of Scottish Border clans was eighteen, and of those of the Highlands forty-eight; but I presume there is no genealogist now alive who would undertake to repeat the list. At a late period in the history of the Borders, the Scottish parliament, for the purpose of checking the depredations of these septs, published a "Roll of the Clans that has Captains and Chieftains, on whom they depend oft-times against the Will of their Landlords, as well on the Borders as Highlands," which, with some brief remarks on Border-names, will be found in the Appendix to this Introduction.*

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* Appendix, No. XII.

The system of clanship thus established on the western and middle parts of the Border, spread its influence into Berwickshire also; for, although the potent family of Gordon, or of Home, has not, in the strictest sense, been termed a clan, that is, a sept depending entirely upon one patriarchal head, and of which the common people, as well as the leaders, bore the same name, yet the heads of the branches of these great families added to their extensive feudal and territorial influence that authority of blood which they exercised over the barons of their own name, as was the case with the Butlers, Giraldines, and other great Norman families settled in Ireland. But on these eastern parts of the marches this clannish attachment was less strong and inviolable, and there are more frequently instances of persons of distinction acting against the head of their family upon occasions of public distraction.* The same thing may be observed on the opposite Borders of England. Northumberland, at least the more level parts of that county, from which the British had been long expelled, was occupied by families of power and distinction, who exercised the same feudal and territorial authority that was possessed by other landholders throughout England. But in the wild and mountainous dales of the Reed, the Tyne, and the Coquet, as well as in the neighbouring county of Cumberland, the ancient British custom of clanship still continued in observance, and the inhabitants acted less under the direction of their landlords than

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* In the civil wars of Queen Mary, Godscroft (himself a Home) informs us, after enumerating the royalists, that "the Lord Hume did also countenance them, though few of his friends or name were with him, save one mean man, Ferdinando of Broomhouse." —*History of the Douglasses.* Folio Edit. p. 311.

under that of the principal man of their name, corresponding in this respect with the manners of the Cumbrian Britons, from whom they derived their descent. This grand distinction should be heedfully kept in view by the antiquary; because the mode of government, of living, and of making war, adopted by the Borderers on both sides, seems to have been in a great measure the consequence of this prevailing system of clanship.

The simplicity of the system was its first and principal recommendation. The father is the natural magistrate among those of his own family, and his decisions are received with respect, and obeyed without murmur. Allow the fiction (for such it must frequently have been,) that the existing chief was the lineal descendant and representative of the common parent of the tribe, and he became the legitimate heir of his paternal authority. But the consequences of this doctrine led directly to despotism; and indeed it is upon this very foundation that Sir Robert Filmer, the slavish advocate of arbitrary power, has grounded his origin of magistracy. The evil, however great in a more advanced state of society, was not felt by tribes of bounded numbers, and engaged constantly in war. As soldiers, they felt the necessity of submitting absolutely to their leader, while he exerted his authority with tolerable moderation; and, as commanding soldiers, the chief must have felt the hazard of pushing discipline into tyranny. There were also circumstances which balanced the inconvenience of being subjected to the absolute authority of the chieftain. He was not only the legislator and captain and father of his tribe, but it was to him that each individual of the name looked up for advice, subsistence, protection, and revenge.

The article of counsel, it may be supposed, was mutual; for it is

reasonably to be presumed, that the chieftain would, in any matter of great moment, use the advice of the persons of most consequence in the clan; as, on the other hand, it was a natural part of his duty to direct and assist them by his opinion and countenance.

The support assigned by the chief to his people was so ample, as to render it questionable whether he could call much proper to himself, excepting his horses and arms. However extensive his territories were, he could use no part of them for his own peculiar profit, excepting just so much as he was able (perhaps by incursions upon the neighbouring kingdom) to stock with sheep and with black cattle, which were consumed in the rude festivals of his castle faster than they could be supplied by the ordinary modes of raising them. The rest of the lands he distributed among his principal friends and relations, by whom they were managed in the same way, that is, partly stocked with cattle for the use of the laird, and partly assigned to be the temporary possessions of the followers. The vassals, or, to speak more properly, the men of name among the kindred, sometimes assisted the revenues of the chief by payment of the various feudal casualties, when he happened to be their feudal superior as well as patriarchal captain. But these seem frequently to have remitted "in respect of good and acceptable service," and most probably were at all times levied with a very lenient hand.* Payment

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* In most collections of deeds respecting the Borders, gifts of nonentry, &c., from the lord Superior to the faulty vassal, are very numerous. But it sometimes happened, that the lands of a powerful chief were possessed by vassals of a clan different from and hostile to his own; and, in that case, the cause of forbearance did not exist. The Beattisons, a very powerful name on the western frontier, at one time possessed all the valley of Esk as the vassals of the Lord Maxwell. As they refused to pay their feudal acknowledgments to that nobleman, he sold the superiority of these lands to the Lord of Buc-

of rent was totally unknown on the Borders until after James's accession to the crown of England, and thus the chief's superior wealth consisted in his extensive herds and flocks. Here also the inhabitants of the Borders gave token of their Celtic origin. To live on the produce of their flocks, to be independent of the use of bread, to eat in quantity the flesh of their cattle, are attributes which Lesley ascribes to the Borderers in Queen Mary's time, and which also apply to the Welch and the Irish. On the splendour with which the chief practised his rude hospitality, much of his popularity, and of course much of his power, depended. Those who rose to great consequence were in the custom of maintaining constantly in their castles a certain number of the younger and more active warriors of the clan, as we shall have afterwards occasion to notice more particularly. And thus all the chief means of subsistence were expended in the service of his clan.

Protection was the most sacred duty of a chief to his followers, and this he was expected to extend in all forms and under almost all circumstances. If one of the clan chanced either to slay a man, or commit any similar aggression, the chief was expected to defend him by all means, legal or illegal. The most obvious and pacific was to pay such fine, or *amende*, or assythement, as it was called, as might pacify the surviving relations, or make up the feud.* This practice of

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cleuch, who dispossessed and nearly exterminated the rebellious vassals, and retaining a large portion of their forfeited estates to himself, distributed the rest among the principal persons of his name.

* In the year 1600, Archibald Napier, second son of Sir Alexander Napier of Merchiston, was way-laid and assassinated by five of the name of Scott, who had a deadly feud with the unfortunate young man. The present Lord Napier has some curious correspondence between the father and brother of the slain gentleman, respecting the assythement offered by the chief in the name of the murderers to atone the quarrel. The bro-

receiving an atonement for slaughter seems also to have been part of the ancient Celtic usages; for it occurs in the Welch laws of Howell Dha, and was the very foundation of the Irish Brehon customs. The vestiges of it may be found in the common law of Scotland to this day. But poor as we have described the Border chief, and fierce as he certainly was by education and office, it was not often that he was either able or disposed to settle the quarrels of his clansmen in a manner so amicable and expensive. War was then resorted to; and it was the duty of the chief and clan who had sustained the injury to seek revenge by every means in their power, not only against the party who had given the offence, but, in the phrase of the time and country, against all his name, kindred, maintainers, and upholders. On the other hand, the chief and clan to whom the individual belonged who had done the offence, were equally bound in honour, by every means in their power, to protect their clansman, and to retaliate whatever injury the opposite party might inflict in their thirst of vengeance. When two clans were involved in this species of private warfare, which was usually carried on with the most ferocious animosity on both sides, they were said to be at *deadly feud*, and the custom is justly termed by the Scottish parliament most heathenish and barbarous. And the Statute-book expressly states, that the murders, ravage, and daily oppression of the subjects, to the displeasure of God, dishonour of the prince, and devastation of the country, was occasioned partly by the negligence of the landlords and territorial magistrates, within whose jurisdiction the malefac-

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ther seems to have declared for revenge, the father appears rather inclined to accommodate the dispute.

tors dwelt, but chiefly by the chieftains and principal leaders of the clans and their branches, who bore deadly quarrel and sought revenge for the hurt or slaughter of any of their "unhappy race," although done in form of justice, or in recovery of stolen goods. "So that," continues the statute, "the said chieftains, principals of branches, and householders, worthily may be esteemed the very authors, fosterers, and maintainers of the wicked deeds of the vagabonds of their clans or surnames."* In these deadly feuds, the chiefs of clans made war, or truce, or final peace with each other, with as much formality, and as little sincerity, as actual monarchs. Some examples of which the reader will find in the Appendix; and for others he is referred to the account of the private wars between the powerful families of Johnstone and Maxwell, in the end of the sixteenth century, in which each clan lost two successive chieftains. Many battles were fought, and much slaughter committed.†

As the chief was expected to protect his followers, in good and evil, from the assaults of their neighbours, and even from the pursuit of justice, the followers and clansmen were expected, on the other hand, to exhibit the deepest marks of devotion to his interest, never to scruple at his commands when alive, and, in case of his death by violence, to avenge him, at whatever risk to themselves. In the year 1511, Sir Robert Kerr, warden of the Middle Marches, was slain at a Border meeting by three Englishmen. Starkhed, one of the murderers, fled, it is said, nearly as far south as York, and there lived in private and upon his guard. Yet in this place of security he was surprised and murdered by two of Sir Robert Kerr's follow-

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* Statute, 1594, chap. 211.

† See Minstrelsy of the Scottish Border, Vol. I. p. 260.

^ seeming

ers, who brought his head to their master, by whom, in memorial of their vengeance, it was exposed at the Cross of Edinburgh. These observations may suffice to explain the state of clanship as it existed on the frontier. The cause of the system's subsisting so long was its peculiar adaptation for the purposes of war and plunder, which the relative condition of the two kingdoms rendered in later times the constant occupation of the Borderers. This was not always the case, for there was an early period of history when the hostility between the two kingdoms was neither constant nor virulent.

Until the death of Alexander III. of Scotland, and the extinction of the direct line of succession to the crown opened the way to the ambition of Edward I., there were long continued intervals of peace and amity between England and Scotland. The royal families of each country were united by frequent alliances; and as the possession of extensive domains in England, held of the English crown, frequently obliged the kings of Scotland to attend the court of their brother-sovereign, they formed friendships both with the English kings and nobles, which tended to soften the features of hostility when it broke out between the nations. The attachment of Malcolm IV. to Henry II. was so great as to excite the jealousy of his own subjects; and the generosity of Cœur de Lion restored to William of Scotland the pledges of homage which had been extorted from him after his defeat and imprisonment at Alnwick, and converted an impatient vassal into an affectionate and grateful ally. From
aera that ~~period~~, A.D. 1189, there was an interval of profound peace between the realms for more than a century. During this period, as well as in the preceding reigns, the state of the Border appears to

have been in a state of progressive improvement. It was there that David I. chose to establish the monastic institutions whose magnificent remains still adorn that country, the Abbies, namely, of Kelso, Melrose, Jedburgh, and Dryburgh. The choice of spots so near the limits of his kingdom (for his possession of some part of the North of England was but precarious) was, perhaps, dictated by the sound policy of ensuring the cultivation of tracks peculiarly exposed to the ravage of the enemy, by placing them under the sacred protection of the church. In this point of view the foundations completely answered the purpose designed; for it is well argued by Lord Hailes, that, while we are inclined to say with the vulgar that the clergy always chose the best of the land, we forget how much their possessions owed their present appearance to the art and industry of the clergy, and the protection which the ecclesiastical character gave to their tenants and labourers, while the territories of the nobles were burnt and laid waste by invaders. If these advantages are taken into consideration, we shall admire, rather than censure, the munificence of David I., and hesitate to join the opinion of his successor, who, adverting to his character of sanctity, purchased, as he deemed it to have been, by his dilapidation of the royal patrimony, observed, sarcastically, that he had proved a sore saint for the crown.

The settlement of these monasteries contributed, doubtless, not a little to the improvement of the country around them; and the introduction of many Norman families upon the border country must also have had its share in introducing regular law and good order. Under the progressive influence of these changes of property, it seems probable that the Celtic system of clanship would have gradually

given way, and that the Borderers would have assimilated their customs and manners to those of the more inland parts of Scotland. But the savage and bloody spirit of hostility which arose from Edward the First's usurpation of the crown of Scotland, destroyed in a few years the improvements of ages, and carried the natives of these countries backward in every art but in those which concerned the destruction of the English and each other. The wars which raged through every part of Scotland in the thirteenth century, were urged with peculiar fury on the Borders. Castles were surprised and taken; battles were won and lost; the country was laid waste on all sides, and by all parties: The patriotic Scotch, like the Spaniards of our own time, had no escape from usurped power but by ~~sacrificing~~ the renouncing benefits of civilization, and leading the lives of armed outlaws. The struggle, indeed, terminated in the establishment of national independence; but the immediate effect of the violence which had distinguished it was to occasion Scotland retrograding to a state of barbarism, and to convert the borders of both countries into wildernesses, only inhabited by soldiers and robbers. Many towns, which had begun to arise in the fertile countries of Roxburgh and Berwickshires, were anew ruined. Roxburgh itself, once one of the four principal burghs of Scotland, was so completely destroyed, that its site is now only remembered and pointed out by tradition.

The mode of warfare adopted by the Scots themselves, however necessary and prudent, was destructive to property, and tended to retard civilization. They avoided giving pitched battles, and preferred a wasting and protracted war, which might tire out and exhaust the resources of their invaders. They ~~destroyed all~~ the grain exhausted? laid and other resources of their own country which might have afforded waste relief to the Englishmen, and they viewed with great indifference the enemy complete the work of destruction. In the mean while, they secured their cattle among the mountains and forests, and either watched an opportunity to attack the invaders with advantage, or, leaving them to work their will in Scotland, burst into England themselves, and retaliated upon the enemies' country the horrors which were exercised in their own.* This ferocious, but uncompromising mode of warfare, had been strongly recommended in the rhymes considered a legacy from Robert Bruce to his successors, and which indeed do, at this very day, comprise the most effectual, and almost the only defensive measures, which can be adopted by a poor and mountainous country, when invaded by the overpowering armies of a wealthy neighbour. The concentration of the national forces in woods, mountains, and difficult passages,—the wasting the open country, so as to deprive the enemy of the supplies they might obtain from it,—sudden attacks from ambushes and by night,—a sys-

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* This extraordinary species of warfare astonished the French auxiliaries, who, under John de Vienne, came to the assistance of the Scottish in the year 1384. They beheld with surprise the Scottish army decline combat, and, plunging into the woods, "destroy," says Froissart, "all as they went, and burn towns, villages, and manors, causing all the men, women, and children to retreat with their cattle into the wild forests, where they knew well that the English could not follow them." Then, while an English army ravaged the country of Scotland, and burned the capital, the Scottish forces burst into Northumberland and Cumberland, wasting, slaying, and burning without mercy, until, in the opinion of the French auxiliaries, they had done more damage in the bishoprics of Durham and Carlisle than all the towns of Scotland were worth. "So the Frenchmen and Scotts returned into Scotland the same way they came; and when they came into Scotland, they found the country destroyed, but the people did set but little thereby, and said how with three or four poles they would soon set up their houses again, and that they had saved much of their cattle in the woods."—*The Cronycle of* Froissart, vol. II. p. 27. 29.

tem of destroying the hostile communications and narrowing their resources, are as distinctly recommended by these homely lines as they were to the Portugueze by the great captain whose conduct and valour achieved their independence. In the following transcript, the modern orthography is preferred:—

On foot should be all Scottish weir,*
By hill and moss themselves to wear; †
Let wood for walls be bow and speir,
That enemies do them no dreire.‡
In strait places gar || keep all store,
And burn the plain land them before;
Then shall they pass away in haste,
When that they find naething but waste.
With wiles and wakening on the night,
And meikle noises made on height;
Than shall they turn with great affray
As they were chased with sword away;
This is the counsell and intent
Of good King Robert's testament.
FORDUNI, *Scotichronicon*, vol. II. p. 232.

It followed, from this devastating system of defensive war, that the Scottish were so far from desiring to cover their borders by building strong places or fortresses, that they pulled them down and destroyed them where they already existed. Buchanan has elegantly turned this systematic destruction of their castles into a compliment to the valour of his countrymen;

Nec fossis et muris patriam sed Marte tueri.

But, without disparaging Scottish valour, the motive of leaving their

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* *Weir*—war. † *Wear*—to defend. ‡ *Dreire*—harm or injury. || *Gar*—cause.

frontier thus open, seems to have been a consciousness that they were greatly surpassed by the English both in the attack and defence of their strongholds;—that if they threw their best warriors into frontier garrisons, they might be there besieged, and reduced either by force or famine; and that the fortresses of which the enemy should thus obtain possession, might afford them the means of maintaining a footing in the country. When, therefore, the Scottish patriots recovered possession of the castles which had fallen into the power of the English, they usually dismantled them. The Good Lord James of Douglas surprised his own castle of Douglas three times, it having been as frequently garrisoned by the English, and upon each occasion he laid waste and demolished it. The military system of Wallace was on the same principle. And, in fine, with very few exceptions, the strong and extensive fortresses, which had arisen on the Scottish Borders in better times, were levelled with the ground during the wars of the thirteenth century. The ruins of the Castles of Roxburgh, of Jedburgh, and of several others which were thus destroyed, bear a wonderful disproportion in extent to any which were erected in subsequent times. Nay, the Castle of Jedburgh was so strongly and solidly constructed, and the Scottish so unskilful in the art of destruction, even where there was no military opposition, that it was thought it could not be destroyed without such time and labour as would render it necessary to impose a tax of two pennies on every hearth in Scotland to defray the expense. But Duke Robert of Albany, then regent, to shun the unpopularity of this impost, defrayed the charge of the demolition out of the crown revenues.

of destruction and
devastation

This continued to be the Scottish defensive system for many ages, a foreboding

^ Upon one of these occasions (the last if we mistake not) the Good Lord James finding the English had assembled ~~[illegible]~~ great supplies of provisions in the castle which he had no force to retain fell upon a singular mode of destroying them. He caused the grain ~~[illegible]~~ meal & flour to be poured out on the great Hall of the Castle staved the casks of wine & beer amidst ^ the provisions killed sheep & bullocks in the same apartment & finally "to make the the great flab" put to death his English prisoners and mingled their blood with the disgusting mess. The savage pleasantry of the times termed this feat "the Douglasses Larder" and it was foretold by [illegible] a holy man who honoured it seems the virtue of patriotism above [illegible] that of humanity that as often as Douglas* Castle should be destroyed so often it should arise more stately from its ruins NZ the ambitions &c.

Note

This prophecy was believed to influence the late Duke of Douglas who fifty or sixty years since when his Castle was ~~burned down~~ destroyed by fire (which was for once was accidental) he commenced the rebuilding of it on a magnificent scale which however his Grace did not live to complete. It is singular that ~~he~~ in a construction ~~[illegible]~~ upon a modern plan of architecture he did not forget to renew the Massamore (a border dungeon) which in former days had been the dreaded appendage of that perilous Castle.

and, of course, while it exposed invaders to hardships, loss, and want of subsistence, it reduced the frontiers of their own country, for the time, to a waste desart. Beacons were lighted in such a manner as to signify either the threatened approach, or actual arrival, of the English army. These were maintained at Hume Castle, at the Tower of Edgerhope, or Edgerstane, near the sources of the Jed, upon the ridge of the Soltra Hills, at Dunbar, Dunpender (or Trapraine) Law, North-Berwick Law, and other eminences; and their light was a signal for the Scottish forces to assemble at Edinburgh and Haddington, abandoning to waste and pillage all the southern counties.* Till the very last occasion of hostility between England and Scotland, this mode of defensive war was resorted to in the latter kingdom. Cromwell found the Borders in that desolate situation in his campaign of 1650; and, had it not been for the misjudged zeal of the presbyterian ministers, who urged David Lesley to give battle at Dunbar, he must have made a disastrous and disgraceful retreat.†

From this system it followed that most of the Scottish places of strength, even when the abode of great nobles or powerful chiefs,

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* Statute 1455. Chap. 28.

† "In the march between Mordington and Coppersmith (Cockburn's Path) we saw not any Scotchman in Eyton, and other places that we passed through; but the streets were full of Scotch women, pitiful sorry creatures, clothed in white flannel, in a very homely manner. Very many of them very much bemoaned their husbands, who, they said, were enforced by the lairds of the towns to gang to the muster. All the men in this town (Dunbar,) as in other places of this day's march, were fled; and not any to be seen above seven or under seventy years old, but only some few decrepid ones."—*Relation of the Fight at Leith, near Edinburgh, &c. published by authority; printed by Ed. Griffin*, 1650, 4*to.*

were constructed upon a limited and mean scale. Built usually in some situation of natural strength, and having very thick walls, strongly cemented, they could easily repel the attack of any desultory incursion; but they were neither victualled nor capable of receiving garrisons sufficient to defend them, excepting against a sudden assault. The village, which always almost adjoined to the castle, contained the abodes of the retainers, who, upon the summons of the chieftain, took arms either for the defence of the fortress or for giving battle in the field. Of these, the greater part were called "kindly tenants," or "rentallers," deriving the former name from the close and intimate nature of their connection with the lord of the soil, from whom they held their little possessions by favour rather than bargain; and the latter from the mode in which their right of possession was constituted, by entering their names in their lord's rental-book. Besides this ready militia, the more powerful chiefs maintained in their castle, and as immediate attendants upon their persons, the more active young gentlemen of their clan, selected from the younger brethren of ~~gentlemen~~ of estate, whose descent from the original stock, and immediate dependence upon the chief, rendered them equally zealous and determined adherents.

sons or

persons

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* Satchells gives a list of the pensioners thus daily maintained in the family of Buccleuch, and distinguishes the lands which each held for his service:—

"That familie they still were valiant men,
No Baron was better served into Britain;
The Barons of Buckcleugh they keept at their call
Four and twenty gentlemen in their hall,
All being of his name and kin,
Each two had a servant to wait on them;

been possessed' upon a limited and petty scale. Such usually is [illegible] of natural necessity, and having very little [illegible] they could easily repel the attacks of any [illegible]; and they were neither [illegible] to [illegible] possessions sufficient to [illegible] against a [illegible]. The villages which [illegible] adjoined to the [illegible] the abodes of the [illegible] who upon the [illegible] of the [illegible] took great [illegible] for the defence of the [illegible] by giving battle in the field. Of these, the greater part were called "family retainers" or "[illegible]," deriving the former name from the close and intimate nature of their connection with the head of the [illegible], from whom they held their little possessions by [illegible] rather than [illegible]; and the latter from the mode in which their rights of possession was maintained by [illegible] their persons to their family [illegible]. [illegible] the most powerful chiefs [illegible] to their [illegible] and in [illegible] upon their persons, the [illegible] young gentlemen of these clans [illegible] from the [illegible] of [illegible] of [illegible] descent from the original stock, and [illegible] upon the chief, [illegible] equally [illegible] and [illegible] of [illegible].

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* [illegible]

[illegible]

These were recompensed by grants of land, in property or lease, which they stocked with cattle or sheep, as their chief did those which he retained in his own hands.

But the castles which held these garrisons, whether constant or occasional, were not of strength, or at least of extent, at all commensurate with the military power of the chiefs who inhabited them. The ruins of Cessford, or of Branxholm, before the latter was modernized, might be considered as on the largest scale of Scottish Border fortresses, and neither could brook comparison with the baronial castles of English families of far less power and influence.

Hume Castle might be reckoned an exception, from its extent and importance. The French king was at one time required to supply a garrison for it, (*Border Hist.* p. 571,) which shews a determination to defend it to the uttermost. But this fortress commanded and protected Berwickshire, a country which, from its wealth and po-

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Before supper and dinner most renowned,
The bells rung and the trumpet sounded,
And more than that I do confess,
They kept four and twenty pensioners;
Think not I lie, or do me blame,
For the pensioners I can all name;
There's men alive elder than I,
They know if I speak truth or lie.
Ev'ry pensioner a room did gain,
For service done and to be done,
This I'le let the reader understand,
The name of both the men and land,
Which they possess'd it is of truth,
Both from the Lairds and Lords of Buckleugh."
History of the Name of Scott.

pulation, as well as from the strength of the frontier afforded by the Tweed, early lost the wilder and more savage features of the middle and western Borders. Even in this case it was not without great hazard that the Scottish transgressed their usual rules, by covering this commanding situation with a strong and extensive castle. For Hume Castle was taken by the English after the fatal battle of Pinkie, and again in the year 1570; and being garrisoned by the enemy, afforded, on both occasions, a strong-hold from which they were not easily dispossessed.

The Castle of Caerlaverock, on the western frontier, protected against the English by its situation, appears also to have approached, in size and splendour of architecture, to the dignity of an English fortress; but this fortress also was repeatedly taken by the invaders. The original Castle of Caerlaverock was besieged, taken, and garrisoned by Edward I. in the year 1300. The siege is the subject of a curious French poem preserved in the British Museum, and published in the Antiquarian Repertory. When recovered by Sir Edward Maxwell, during the wars of Robert Bruce, he dismantled it, according to the policy which we have already noticed. The present castle, built on a scale of unusual size and magnificence by the powerful family of Maxwell, was ruined by the Earl of Sussex in the fatal year 1570. Much of the present ruins belong to the seventeenth century; and the castle owes its state of desolation to the successful arms of the Covenanters in 1640.

The extensive ruins of Bruce's ancient castle, on a lake beside Lochmaben, indicate its extent and strength; and, by the Scottish regulations, particular care was enjoined that it should be kept by a "wise and famous gentleman," with four horsemen in constant at-

garrison, as well as from the strength of the fortress, afforded to the French, only lost the wildest and most savage portions of the [illegible] and [illegible] the [illegible]. Even at this time it was not without grave [illegible] that the [illegible] [illegible] their [illegible] [illegible], [illegible] [illegible] [illegible] with a [illegible] and [illegible]. The [illegible] Castle was taken by the English from the [illegible] [illegible] [illegible] in the year [illegible], and being [illegible] [illegible] [illegible], [illegible] [illegible] [illegible], a [illegible] [illegible] from which they were not [illegible] [illegible].

The Castle of [illegible], on the western frontier, protected against the English by its situation, appears also to have approached, in size and splendour of architecture, to the dignity of an English fortress; but the present plan was apparently made by the [illegible]. The original Castle at [illegible] was [illegible] taken and [illegible] by Edward I. [illegible] [illegible]. The siege is the subject of a curious French poem preserved in the British Museum, and published in the [illegible] [illegible]. When [illegible] by the Edward [illegible], during the [illegible] of [illegible] [illegible], it [illegible] [illegible] according to the [illegible] which [illegible] [illegible] already [illegible]. The present castle, built on a [illegible] of [illegible] [illegible] and [illegible] [illegible] for the [illegible] family of [illegible], was [illegible] by [illegible] [illegible] in [illegible] [illegible] [illegible]. [illegible] of the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of the [illegible] [illegible].

The [illegible] [illegible] of [illegible] [illegible], [illegible] and [illegible] [illegible] [illegible], [illegible] to [illegible] and [illegible], [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] "[illegible] and [illegible] [illegible]" [illegible] [illegible] [illegible], [illegible] [illegible] tendance, who was to discharge the office of steward-depute of Annandale. But Lochmaben Castle was founded before the bloody wars in the fourteenth century, when the Borders were in a state of comparative civilization. Most of the other abodes of the south-western barons, as Closeburn, Spedlin's Castle, Hoddom, Lagg, Amisfield, &c. are towers upon the same plan with those already described.

Even the royal castles on the Border boasted little splendour. That of Newark, a favourite hunting-seat of the kings of Scotland, is merely a large and strong tower, surrounded by a wall of defence, or barnkin. The darksome strength and retired situation of the Hermitage Castle made it long a chosen hold of the Earls of Douglas, and the succeeding branch of the house of Angus, who appear to have fortified it, with little attention indeed to architectural beauty, but so as greatly to improve the natural advantages of its wild sequestered situation. After Hermitage fell into the hands of the crown, it seems usually to have been garrisoned with a few hired soldiers, and was the ordinary residence of the Earls of Bothwell during their power on the Border.

The smaller gentlemen, whether heads of branches of clans, or of distinct families, inhabited dwellings upon a still smaller scale, called Peels, or Bastle-houses. These were surrounded by an inclosure, or barnkin, the wall whereof was, according to statute, a yard thick, six yards in height, surrounding a space of at least sixty square feet.* Within this outer work the laird built his tower, with its projecting battlements, and usually secured the entrance by two doors; the outer of grated iron, the innermost of oak clenched with nails. The apart-

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* Statute, 1535.

ments were placed directly above each other, accessible only by a narrow "turnpike" stair, easily blocked up or defended. Sometimes, and in the more ancient buildings, the construction was still more rude: There was no stair at all; and the inhabitants ascended by a ladder from one story to another. Smallholme, or Sandiknow Tower, is one of the most perfect specimens of this species of habitation, which was usually situated on the brow of a rock, or the brink of a torrent; and, like the castle of the chief, had adjacent huts for the reception of those who were called upon to act in its defence. The Castle of Beamerside, still the residence of the ancient family of Haig, is a tower of the same kind, and is still inhabited by the proprietor.

Upon a sudden attack from any small incursive party, these strengths, as they were called, afforded good means of defence. Artillery being out of the question, they were usually attacked with bows, or hagbuts, the discharge of which drove the defenders from the loop-holes and battlements, while the assailants, heaping together quantities of wetted straw, and setting it on fire, drove the garrison from storey to storey by means of the smoke, and sometimes compelled them to surrender. The mode of defence, by stones, arrows, shot, and scalding water, was equally obvious and simple; and, in ordinary cases, by such means of resistance, joined to the strength of the place, and the military disposition of the inhabitants around, who readily rose "to the fray," a desultory attack was easily repulsed. But when, as often happened, the English entered the frontiers with a regular army, supplied with artillery, the lairds usually took to the woods or mountains, with their more active and mounted followers, and left their habitations to the fate of war,* which could seldom do any permanent damage to buildings of such rude and massive construction, as could neither be effectually ruined by fire nor thrown down by force. Hence it is no uncommon circumstance to observe, that the same castles are, in the course of a few years, repeatedly stated to be destroyed in the annals of English invasion. Where, however, it was determined in the English councils to make the Scottish frontiers feel the sword and firebrand, the scale of mischief was immense, and embraced whole districts, while the military inhabitants of the plundered country, so soon as the burst of fury was over, set themselves about to regain, by repeated forays, on a smaller scale indeed, but equally formidable from their frequency, a compensation for the property which they had been compelled to abandon to the overpowering force of the invaders. The two most dreadful invasions commemorated in Scottish annals, were the great inroads of the Earl of Hertford in the end of Henry the Eighth's reign, and that of the Earl of Sussex in the twelfth year of Queen Elizabeth. †

While such was the state of the landholder, and even of the noble, upon the Borders, it is natural to enquire into the condition of the towns along the Scottish frontier. It appears they were numerous,

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* On such occasions it sometimes happened that a few retainers were left as *enfans perdus*, without the means of escape, to hold the tower out to the uttermost, and thus protect the retreat of the laird. This appears from the account given by Patten of the siege of the towers of Anderwick and Thornton by the Lord Protector Somerset, which also contains a minute account of the mode of attacking and defending a Scottish Peel or Bastel-house. ~~Appendix, No. IV.~~

† ~~See Appendix, No. V.~~

and, considering the very precarious state of security, full of inhabitants. Dumfries, Jedburgh, and Selkirk, were those of principal note. They were under the same mode of government by their own elective magistrates as the other free boroughs of Scotland, and, on many occasions, maintained their freedom and franchises against the powerful barons in the neighbourhood, with whom they were frequently at feud.[*] Besides these intestine divisions, they had to be constantly on their guard against the inhabitants of the opposite frontier, to whom their wealth (such as it was) afforded great temptation. It was acquired chiefly by smuggling; for, as the most rigorous laws in both countries prohibited all mercantile intercourse upon the Borders under high pains, a great contraband trade, both for cattle, horses, salt, fish, and other merchandise, existed upon the frontiers, even till the union of the kingdoms, when most of the southern boroughs of Scotland experienced a great declension, both in wealth and inhabitants, from its being discontinued. Every free burgher was by his tenure a soldier, and obliged, not only to keep watch and ward for the defence of the town, but to march under his

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[*] There was a memorable feud betwixt the Laird of Fairnyhirst and the town of Jedburgh, accompanied with some curious circumstances. The chief was attached to the interest of Queen Mary, the burghers of Jedburgh espoused that of King James VI. When a pursuivant, under the authority of the queen, was sent to proclaim that every thing was null which had been done against her, during her imprisonment in Loch-Leven, the provost commanded him to descend from the cross, and, says Bannatyne, "caused him eat his letters, and thereafter loosed down his points, and gave him his wages on his bare buttocks with a bridle, threatening him that if ever he came again he should lose his life."—BANNATYNE's *Journal*, p. 243. In revenge of this insult, and of other points of quarrel, Fairnyhirst made prisoners, and hanged ten of the citizens of Jedburgh, and destroyed with fire the whole stock of provisions which they had laid up for the winter.

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No 2

^ In all or most of the border villages were Peels or ~~Hostels~~ Bastles of a kind inferior ~~even~~ to those of the gentry held by that class of persons called portioners, small proprietors that is or yeomen. These small ~~towers were~~ buildings were so placed with respect to each other that a crossing discharge of ~~stones or~~ arrows or bullets from them might flank ~~the~~ and protect the gate of the other in which ~~they~~ respect they resemble Martello towers. When the enemy approach the fencible men of the village threw themselves into these strongholds and joined in the common defence It must have required a tolerably strong force to venture into a village defended by several of these towers which could thus afford each other mutual protection #. The narrowness of the crooked streets formed of a Scottish hamlet and the probability that the villagers would be in arms during the attack added considerably to the difficulty of the undertaking. There were many vestiges of such ~~upper~~ towers in the villages of Bowden Lessudden and elsewhere during the Authors youth The only specimen which is in perfect preservation is such a tower belonging to Mr. Heiton ~~of~~ in the village of Darnick. & [illegible].

~~The Border towers of [illegible] also contained towers of a larger size & superior construction belong~~

magistrates, deacons of craft, &c. to join the king's banner when lawfully summoned. They also attended in order of battle and well armed at the warden meetings and other places of public rendezvous on the Borders, had their peculiar gathering words and war-cries, and appear often to have behaved with distinguished gallantry.*

The Border towns were usually strong by situation, as Dumfries upon the Nith, and Jedburgh upon the river of the same name, and were almost always surrounded by some rude sort of fortification, or wall, with gates, or, as they were called in Scottish, ports. But even when these defences were forced by a superior enemy, the contest was often maintained with obstinacy in the town itself, where the height of the houses and narrowness of the streets afforded to brave and determined men the means of resistance, or at least of vengeance. Most of the towns and even villages contained, besides the houses of the poorer inhabitants, bastel-houses, or towers, surrounded with walls, like those which we have described as the habitations of the landed proprietors. The ruins of these are to be seen in most Border villages of antiquity^ ~~In that of Darnwick, near Melrose, there is one belonging to a family called Fisher, almost entire.~~ There is another at Jedburgh, which Queen Mary is said to

They are inferior to p. c

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* The citizens of Jedburgh were so distinguished for the use of arms, that the battle-axe, or species of partizan, which they commonly used, was called a Jeddart-staff, after the name of the burgh. Their bravery turned the fate of the day at the skirmish of the Reedswair, one of the last fought upon the Borders, and their *slogan*, or war-cry, is mentioned in the old ballad which celebrates that event—

> Then rose the slogan with a shout,
> " Fye to it Tynedale"—" Jedburgh's here."

The men of Hawick had & still preserve a gathering word of which the derivation is obscure. The words are probably much corrupted. They are "~~[illegible]~~ ~~[illegible]~~ Terybus and Tery Odin" but the meaning is left ~~[illegible]~~ to the learned.

have lodged in after her ill-fated expedition to visit Bothwell at Hermitage Castle. These towers were either the abode of the wealthier citizens, or of the neighbouring gentry, who occasionally dwelt within the burgh, and they furnished admirable posts for the annoyance of an enemy, even after they had possessed themselves of the town. Lessudden, a populous village, when burned by Sir Ralph Evers in 1544, contained no less than sixteen strong bastel-houses; and Jedburgh, when taken and burned by the Earl of Surrey, contained six of these strong-holds, with many good houses besides, was twice as large as the town of Berwick, and could have accommodated a garrison of a thousand cavalry. The defence of these towns was very obstinate, the people themselves pulling down the thatch of their houses, and burning it in the streets to stop the progress of their enemies; and the military spirit of the Borderers was such as calls forth the following very handsome compliment from the generous Surrey:—" I assure your Grace (Henry VIII.) that I found the Scots at this time the boldest men and the hottest that ever I saw any nation, and all the *journee* upon all parts of the army they kept us with such continual skirmishes that I never beheld the like. If they could assemble forty thousand as good men as the fifteen hundred or two thousand I saw, it would be a hard encounter to meet them." *

If we turn our eyes from the frontiers of Scotland to those of England, we shall behold a very different scene, indicating, even in these remote provinces, the superior wealth and civilization of the English nation, with that attention to defence which was the natural

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* Cotton MSS. Calig. B. IV. fol. 29.

consequence of their having something of value to defend. The central marches, indeed, and the extreme verge of the frontier in every direction, excepting upon the east, were inhabited by wild clans as lawless as their northern neighbours, resembling them in manners and customs, inhabiting similar strong-holds, and subsisting, like them, by rapine. The towers of Thirlwall, upon the river Tippal, of Fenwick, of Widdrington, and others, exhibit the same rude strength and scanty limits with those of the Scottish Border chieftains. But these were not, as in Scotland, the abode of the great nobles, but rather of leaders of an inferior rank. Wherever the mountains receded, arose chains of castles of magnificent structure, great extent, and fortified with all the art of the age, belonging to those powerful barons whose names hold so high a rank in English history. The ~~great~~ house of Clifford of Cumberland alone possessed, exclusive of inferior strong-holds, the great and extensive castles of Appleby, Brough, Brougham, Pendragon, and Skipton, each of which formed a lordly residence, as may yet be seen from their majestic ruins. The possessions of the great house of Percy were fortified with equal strength. Warkworth, Alnwick, Bamborough, and Cockermouth, all castles of great baronial splendour and strength, besides others in the interior of the country, show their wealth and power. Raby Castle, still inhabited, attests the magnificence of the great Nevilles, Earls of Westmoreland; and the lowering strength of Naworth shews the power of the Dacres. All these, and many others which might be mentioned, are so superior to edifices of the same kind in Scotland, as to verify the boast, that there was many a dog-kennel in England to which the tower

potent

of a Scottish Borderer was not to be compared.* Yet when Naworth or Brougham Castles are compared with the magnificence of Warwick and of Kenilworth, their savage strength, their triple rows of dungeons, the few and small windows which open to the outside, the length and complication of secret and subterranean passages, shew that they are rather to be held limitary fortresses for curbing the doubtful allegiance of the Borders, and the incursions of the Scottish, than the abodes of feudal hospitality and baronial splendour.

The towns along the English frontier were, in like manner, much better secured against incursions than those of the opposite Borders. The necessity of this had been early taught them. In the reign of Edward I., a wealthy burgess of Newcastle was made prisoner in his own house by a party of Scottish moss-troopers, carried into Scotland, and compelled to ransom himself. This compelled the inhabitants to fortify that city.† The strength and importance of Berwick, often won and lost during the fourteenth century, induced the English to bestow such expence and skill in fortifying it, that, after the year 1482, it remained as a gate between the kingdoms, barred against the Scottish, but through which the English could at pleasure make irruption. A strong garrison was maintained in that city, ready at all times for service; and, to have kept Berwick-upon-Tweed, was of itself a sufficient praise for a military man, and sums

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* See *Cabala*, p. 160.

† Chorographia, or a Survey of Newcastle-upon-Tyne, republished by the Antiquarian Society of that city.

up, in a minstrel ballad, the character of Harry Hotspur himself.* When garrisons of regular troops were lodged, as was usually the case, in the royal castle of Norham, and Lord Grey's baronial castle of Wark, with smaller parties in those of Etal, Ford, Cornhill, and Twizell, the course of the Tweed, where it divides the kingdoms, was well protected from invasion; and the necessary siege of one or other of this chain of fortresses usually found the Scottish arms such employment, that, ere they could advance into the interior of Northumberland, the array of England was collected and combined for the defence of her frontier. Carlisle, strong and skilfully fortified, having besides a castle of great antiquity and strength, was to the English west marches what Berwick was on the east, a place of arms and a rallying point. The crown appears frequently to have maintained garrisons there, besides the retinue which was assigned to the wardens, as also at Askerton in Bewcastle, Naworth, and other places of strength. Hexham, in the centre of the Border line, was

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* In the old song of the Battle of Otterbourne, Hotspur is thus eulogized:

> Sir Henry Percye in the New Castell lay,
>   I tell ye withouten drede,
> He had been a march-man all his dayes,
>   And kept Berwicke upon Tweed.

Sir Ralph Evers, a Border hero of later date, who was slain in the battle of Ancrum-moor, receives a similar compliment from the minstrel by whom he was celebrated—

> And now he has in keeping the town of Berwicke,
>   The town was ne'er so well keepit I wot;
> He maintain'd law and order along the Border,
>   And ever was ready to prikke the Scot.

also fortified, so that if any considerable body of the Scottish forces should penetrate through the wastes of Reedsdale and Tynedale, they might still find an obstacle in their passage.

But, although these precautions served to protect the English frontier from those extensive scenes of inroad and desolation which their arms sometimes inflicted on Scotland, and in so far afforded them defence, yet the evils of the desultory war carried on by small parties of the enemy, who made sudden irruptions into particular districts, laid all waste, and returned loaded with spoil, were not to be guarded against. If the waste committed by the English armies was more widely extended and generally inflicted, the continual and unceasing *raids* of the Scottish Borderers were scarcely less destructive. The English, if better defended by castles and garrisons, afforded, from the superior wealth of the country, stronger temptation to their free-booting neighbours, and gain is a surer spur to adventures of this kind than mere revenge. The powerful Earl of Northumberland, writing to Henry VIII., complains, that from his house at Warkworth he sees the horizon enlightened by the burning hamlets, which the Scottish marauders had pillaged and fired. Such were the frequent signals of invasion—

——————— at whose sight
So oft the yeoman had in days of yore,
Cursing his perilous tenure, wound the horn;
And warden from the castle-tower rung out
The loud alarm-bell, heard far and wide.
Madoc, p. 359.

The tenure of cornage, alluded to by the poet in these beautiful lines, was well known on the English Borders, as well as on the

the Scottish [illegible] at any time a considerable body of the Scottish Border [illegible] through the wastes of Liddesdale and Tynedale, they [illegible] to both [illegible].

But although these [illegible] the English Border [illegible] of [illegible] and [illegible] in Scotland and [illegible] of the [illegible] carried on by small par[illegible] [illegible] English [illegible] the Scottish Borderers [illegible]. The English, [illegible] of the country [illegible] writing to Henry VIII. [illegible] the Scottish [illegible] of [illegible]—

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

The [illegible] the English [illegible]

Marches of Wales, to which the verses refer. The smaller barons usually held their lands and towers for the service of winding a horn, to intimate the approach of a hostile party. An alarm of this sort, and its consequences, Æneas Silvius witnessed on his passing through Northumberland in his road to Scotland, in the character of a legate, in the year 1448.

" There is a river, (the Tweed) which spreading itself from a high mountain, parts the two kingdoms; Eneas having crossed this in a boat, and arriving about sunset at a large village, went to the house of a peasant, and there supped with the priest of the place and his host. The table was plentifully spread with large quantities of poultry and geese, but neither wine nor bread was to be found there, and all the people of the town, both men and women, flocked about him as to some new sight; and as we gaze at Negroes or Indians, so did they stare at Eneas, asking the priest where he came from, what he came about, and whether he was a Christian. Eneas, understanding the difficulties he must expect on this journey, had taken care to provide himself at a certain monastery with some loaves, and a measure of red wine, at sight of which they were seized with greater astonishment, having never seen wine or white bread. Women with child came up to the table with their husbands, and after handling the bread and smelling the wine, begged some of each, so that it was impossible to avoid distributing the whole among them. The supper lasted till the 2d hour of the night; the priest and host, with all the men and children, made the best of their way off, and left Eneas. They said they were going to a tower a great way off for fear of the Scots, who, when the tide was out, would come over the river and plunder; nor could they with all his intreaties by any means be prevailed on to take Eneas with them, nor any of the women, though many of them were young and handsome, for they think them in no danger from an enemy, not considering violence offered to women as any harm. Eneas therefore remained alone for them with two servants and a guide, and 100 women, who made a circle round the fire, and sat the rest of the night without sleeping, dressing hemp and chatting with the interpreter. Night was now far advanced, when a great noise was heard by the barking of dogs, and screaming of the geese. All the women made the best of their way off, the guide getting away with the rest, and there was as much confusion as if the enemy was at hand. Eneas thought it more prudent to wait the event in his bed-room, (which happened to be a stable,) apprehending if he went out he might mistake his way and be robbed by the first he met. And soon after the women came back with the interpreter, and reported there was no danger, for it was a party of friends, and not of enemies, that were come."

To prevent these distressing inroads, the English warden, Lord Wharton, established a line of communication along the whole line of the Border, from Berwick to Carlisle, from east to west, with setters and searchers, sleuth-hounds, and watchers by day and night.* Such fords as could not be conveniently guarded, were, to the number of thirty-nine, directed to be stopped and destroyed, meadows and pastures were ordered to be inclosed that their fences might oppose some obstacle to the passage of marauders, and narrow passes by land were appointed to be blocked up or rendered unpassable.

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* See Articles devised at Newcastle in the 6th of Edward VI. Border Laws, Appendix.

All these precautions, while they shewed the extent of the evil, did not, however anxiously considered and carefully enforced, produce, in any remarkable degree, the good effects which might have been expected. Indeed the state of the population on either side of the frontier had become such, that to prevent these constant and reciprocal incursions was absolutely impossible, without a total change on their manners and habits of life. And this leads us to take a brief review of the character and manners of the Borderers on either side.

Lesley, bishop of Ross, has given us a curious chapter on the manners of the Borderers of Scotland, a translation whereof the reader will find in the Appendix, No. VI. Contrary to the custom of the rest of Scotland, they almost always acted as light-horsemen, and used small active horses accustomed to traverse morasses, in which other cavalry would have been swallowed up. Their hardy mode of life made them indifferent to danger, and careless about the ordinary accommodations of life. The uncertainty of reaping the fruits of their labour, deterred them from all the labours of cultivation; their mountains and glens afforded pasturage for the cattle and horses, and when these were driven off by the enemy, they supplied the loss by reciprocal depredation. Living under chiefs by whom this predatory warfare was countenanced, and sometimes headed, they appear to have had little knowledge of the light in which their actions were regarded by the legislature; and the various statutes and regulations made against their incursions, remained in most cases a dead letter. It did indeed frequently happen that the kings, or governors of Scotland, when the disorders upon the Border reached to a certain height, marched against these districts with an overpowering force, seized on the persons of the chiefs, and sent them to distant prisons in the centre of the kingdom, and executed, without mercy, the inferior captains and leaders. Thus, in the year 1529, a memorable æra for this sort of expeditious justice, James V., having first committed to ward the Earl of Bothwell, the Lords Home and Maxwell, the Lairds of Buccleuch, Fairnihirst, Johnstone, Polwarth, Dolphington, and other chiefs of clans, marched through the Borders with about eight thousand men, and seizing upon the chief leaders of the moss-troopers, who seem not to have been aware that they had any reason to expect harm at their sovereign's hands, executed them without mercy. Besides the celebrated Johnie Armstrong of Gillnockie, to whom a considerable part of the English frontier paid black-mail, or protection-money, the names of Piers Cockburn of Henderland, Adam Scott of Tushielaw, called the King of the Border, and other marauders of note, are recorded as having suffered on this occasion. And although this, and other examples of severity, had the effect for the time, as the Scottish phrase is, of " dantoning the thieves of the Borders, and making the rush-bush keep the cow," yet this course not only deprived the kingdom of the assistance of many brave men, who were usually the first to endure or repel the brunt of invasion, but it also diminished the affections of those who remained; and a curious and middle state of relation appears to have taken place between the Borderers on each side, who, as they were never at absolute peace with each other during the cessation of national hostilities, seem, in like manner, to have shunned engaging in violent and sanguinary conflicts, even during the time of war. The English Borderers, who were in the same manner held aliens to the civilized part of the country, insomuch

that, by the regulations of the corporation of Newcastle, no burgess could take to his apprentice a youth from the dales of Reed or Tyne, made common cause with those of Scotland, the allegiance of both to their proper country was much loosened; the dalesmen on either side seem to have considered themselves in many respects as a separate people, having interests of their own, distinct from, and often hostile to, that of the country to which they were nominal subjects. This gave rise to some singular features in their history.

In the first place, this indifference to the national cause rendered it the same thing to the Borderers whether they preyed upon the opposing frontier, or on their own countrymen. The men of Tynedale and Reedsdale, in particular, appear to have been more frequently tempted by the rich vales of the Bishoprick of Durham, and other districts which lay to the southward, than by the rude desolation of the Scottish hills. Their wild manners are thus described in the Chorographia, or Survey of Newcastle, first published in 1549.

" There is in many dales, the chief are Tinedale and Reedsdale, a countrey that William the Conquerour did not subdue, retaining to this day the ancient laws and customs, (according to the county of Kent) whereby the lands of the father is equally divided at his death amongst all his sonnes. These Highlanders are famous for thieving; they are all bred up and live by theft. They come down from these dales into the low countries, and carry away horses and cattell so cunningly, that it will be hard for any to get them or their cattell, except they be acquainted with some master thiefe, who for some mony (which they call saufey-mony) may help them to their stoln goods, or deceive them.

" There is many every yeare brought in of them into the goale of Newcastle, and at the Assises are condemned and hanged, sometimes twenty or thirty. They forfeit not their lands, (according to the tenure in gavelkind) the father to bough, the sonne to the plough.

"The people of this countrey hath had one barbarous custome amongst them; if any two be displeased, they expect no lawe, but bang it out bravely, one and his kindred against the other and his; they will subject themselves to no justice, but in an inhumane and barbarous manner fight and kill one another; they run together in clangs (clans) as they terme it, or names.

"This fighting they call their feids, or deadly feides, a word so barbarous that I cannot express it in any other tongue. Of late, since the union of both kingdoms, this heathenesh bloody custom is repressed, and good laws made against such barbarous and unchristian misdemeanours and fightings."

The Scottish Borderers seem to have been, in all respects, as little amenable to the laws of their country, and as little disposed to respect the rights of their countrymen as the Dalesmen of Northumberland. Their depredations not only wasted the opposite frontier of England, but extended through the more civilized parts of Scotland, and even into Lothian itself; and it is singular enough, that a Scottish lord chancellor seems to have had no more effectual mode of taking vengeance on them than by writing a poem of exprobation.*

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* See Maitland's Complaint against the Thieves of Liddesdale, in Pinkerton's Scottish Poems; and a copy, somewhat different, in The Minstrelsy of the Scottish Border, vol. I.

Of Liddesdale, the common thieves
Sae pertly steilis now and reives,

They entered readily into any of the schemes of the English Borderers, and we find them contributing their numbers to swell the army with which the unfortunate Earls of Westmoreland and Cumberland, in the twelfth year of Queen Elizabeth, as well as upon other occasions, when public commotion gave hope of plunder.* But their allegiance hung much more loosely about them than this would imply; for not only did they join the English Borderers in their exploits against the English government, but upon any turn of affairs which was favourable to the arms of England, they readily took assurance, as it is called, or allied themselves with that kingdom, and assisted them with their forces in laying waste their native country.

That nane may keep
Horse, nolt, or sheep,
Nor yet dare sleep
For their mischievis.

* * * * *

These thieves have well nigh harried hail
Ettricke-forest and Liddesdale;
Now they are gane
In Lothian
And sparis nane
That they will wale.

The poet enumerates the principal leaders of this banditti, each of whom, he says, had a *To-name*, a soubriquet, that is, or *nomme de guerre*, to distinguish him from others of the same clan. He mentions Will of the Laws, Hob of the Shaws, the Laird's Jock, John of the Syde, and other merry-men, whose fame is not yet quite forgotten on the Border.

* Sir Ralph Sadler writes to the Secretary Cecill, "My said servant told me, that the rebells ar abouts the nomber of 3^{m} (3000), whereof 7^{c} (700) horsemen, of the which I here say there be 4 or 5^{c} (4 or 500) of the thieves and outlawes of Tyndale, Riddesdale, and also of Tividale, both English and Scottish theves together, and the residue of the saide 3^{m} are footemen."

This was particularly the case with the Borderers who inhabited the *Debateable Land,* as it was called, a considerable portion of ground upon the west marches, the allegiance of whose inhabitants was claimed by both parties, and rendered to neither. They were outlawed to both nations, and readily made incursions upon either, as circumstances afforded the best prospect of plunder.* The inhabitants of Liddesdale, also comprehending the martial clans of Armstrong, Elliot, and others, were apt, on an emergency, to assume the red cross, and for the time became English subjects. They had indeed this to plead for their conduct, that the sovereigns of Scotland had repeatedly abandoned them to the vengeance of English retaliation, on account of hostilities against that country, which their own monarchs were unable to punish.† These clans, with the Rutherfords, Crossers, Turnbulls, and others, were the principal instruments

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* The Debateable Land (a perpetual source of contention between the kingdoms) was a small tract of ground, inhabited by the most desperate outlaws of both nations, lying between the rivers Sark and Esk. In 1552, it was divided by commissioners of both nations, the upper or more western part being assigned to Scotland, and the lower portion to England, in all time coming.

† By a convention, dated at Berwick in the year 1528, it is declared lawful for the King of England to proceed by letters of marque, authorizing his wardens and other officers to proceed against the inhabitants of Liddesdale to their slaughter, burning, hership, robbing, reiving, despoiling, and destruction, till full redress was obtained of the wrongs conplained of. But it is provided, that the English shall not besiege the house or castle of Hermitage, or appropriate any part of Liddesdale, or accept of the homage of any of its inhabitants being Scotchmen by birth. The same singular mode of coercion was to be competent to the King of Scotland for the injuries committed by the clans of Leven, and inhabitants of the tract of country between the Crissep, the Liddell, and that stream. Each monarch might prevent this hostile mode of procedure against his subjects, by offered redress and satisfaction, by the 11th of January, 1748-9, or within forty days thereafter.—RYMER's *Fœdera*, p. 276.

of the devastation committed in Scotland in the year 1445.* They expiated this fault, however, by another piece of treachery towards their English allies, when, seeing the day turn against them at Ancrum-moor, these assured Borderers, to the number of 700 men, suddenly flung away their red crosses, and, joining their countrymen, made great and pitiless slaughter among the flying invaders.

It followed, as another consequence of the relations which the Borderers held with each other, that, as they were but wavering in allegiance to their own country, so their hostilities upon the other, though constant and unremitted, were seldom marked by a sanguinary character. The very unremitted nature of the predatory war between them gradually introduced rules, by which it was modified and softened in its features. Their incursions were marked with the desire of spoil, rather than that of slaughter. Indeed, bloodshed was the rather avoided, as it uniformly demanded revenge, and occasioned a deadly feud between two clans; whereas the abstraction of property was only considered as a trivial provocation. As we have noticed the fury with which they revenged the former injury, we may here give an instance of the care which they took to avoid it. When the discomfited Earls of Northumberland and Westmoreland entered Liddesdale, after the dispersion of their forces in the twelfth of Queen Elizabeth, they were escorted by Black Ormiston, and other Borderers. Martin Elliot of the Preakin Tower, who was attached to the Regent Murray, raised his clan to intercept their passage; but when both parties had met, and dismounted from their horses to fight out their quarrel, Elliot said to Ormiston, " he would be sorry to enter

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* See Appendix, No. IV.

into deadly feud with him by bloodshed, but he would charge him and the rest before the Regent for keeping of the rebels; and if he did not put them off the country the next day, he would do his worst against them;" and thus they parted on a sort of composition.* Patten, in describing the English Borderers, gives many insinuations that their hostilities against their Scottish neighbours were not of a resolved or desperate nature. They wore, he observes, handkerchiefs on their arms, and letters embroidered on their caps, which he hints enabled them to maintain a collusive correspondence with the Scottish, who bore similar cognizances. He said they might be sometimes observed speaking familiarly to the Scottish prickers, within less than spear's length; and when they saw themselves noticed, they began to charge each other, but so far from serious was their skirmish, that it rather resembled country-men playing at bar, or novices in a fencing-school. Lastly, he affirms that they attended much more to making prisoners than to fighting, so that few brought home less than one captive, and many six or seven. Their captains and gentlemen, this censor admits, are men of good service and approved prowess; but he seems to doubt the fidelity of the northern prickers who served under them.

Yet these men, who might thus be said to bear but dubious allegeance to their country, were, of all others, the most true of faith to whatever they had pledged their individual word. If it happened that any of them broke his troth, he who had sustained the wrong displayed, at the first public meeting upon the Borders, a glove on the point of a lance, and proclaimed him a perjured and mansworn traitor.

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* Cabala.

This was accounted an insult to the whole clan to which the culprit belonged. If his crime was manifest, there were instances of his being put to death by his kinsmen; but if the accusation was unfounded, the stain upon the honour of the clan was accounted equal to the slaughter of one of its members, and, like that, could only be expiated by deadly feud. Under the terrors of this penalty, the degree of trust that might be reposed in the most desperate of the Border outlaws, is described by Robert Constable, in his account of an interview with the banished Earl of Westmoreland and his unfortunate followers. They desired to get back into England, but were unwilling to trust their fortune without sure guides. " I promised," said Constable, " to get them two guides that would not care to steale, and yet they would not bewray any man that trusts in them for all the gold in Scotland or France. They are my guides and outlaws; if they would betray me they might get their pardons, and cause me to be hanged, but I have tried them ere this."*

This strict observance of pledged faith tended much to soften the rigours of war; for when a Borderer made a prisoner, he esteemed it wholly unnecessary to lead him into actual captivity or confinement.. He simply accepted his word to be a true prisoner, and named a time and place where he expected him to come to treat about his ransom. If they were able to agree, a term was usually assigned for the payment, and security given; if not, the prisoner surrendered himself to the discretion of his captor. But where the interest of both parties pointed so strongly towards the necessity of mutual accommodation, it rarely happened that they did not agree upon terms.

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* Sadler's Letters, vol. II.

Thus, even in the encounters of these rude warriors on either side, the nations maintained the character of honour, courage, and generosity assigned to them by Froissart. "Englishmen on the one party, and Scotsmen on the other party, are good men of war; for when they met, there is a hard fight without sparing; there is no hoo (*i. e.* cessation for parley) between them, as long as spears, swords, axes, or daggers will endure; but they lay on each upon other, and when they be well beaten, and that the one party hath obtained the victory, they then glorify so in their deeds of arms, and are so joyful, that such as be taken they shall be ransomed ere they go out of the field; so that shortly each of them is so content with other, that at their departing courteously, they will say, 'God thank you.' But in fighting one with another, there is no play, nor sparing."*

Of the other qualities and habits of the Borderers we are much left to form our own conjectures. That they were a people of some accomplishment, fond of the legends of their own exploits, and of their own rude poetry and music, is proved by the remains still preserved of both. They were skilful antiquaries, according to Roger North, in whatever concerned their own bounds. Lesley gives them the praise of great and artful eloquence when reduced to plead for their lives; also that they were temperate in food and liquors, and rarely tasted those of an intoxicating quality. Their females caught the warlike spirit of the country, and appear often to have mingled in battle. Fair Maiden Lilliard, whose grave is still pointed out upon the field of battle at Ancram-moor, called, from her name, Lilliard's Edge, seems to have been a heroine of this descrip-

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* Berner's Froissart, Edit. 1812. vol. II. p. 396.

tion. And Hollinshed records them at the conflict fought near Naworth, (A.D. 1570) between Leonard Dacres and Lord Hunsdon; the former had in his company "many desperate women, who there gave the adventure of their lives, and fought right stoutly." This is a change in the habits of the other sex which can only be produced by early and daily familiarity with scenes of hazard, blood, and death. The Borderers, however, merited the devoted attachment of their wives, if, as we learn, one principal use of the wealth they obtained by plunder was to bestow it in ornamenting the persons of their partners.

It may be easily supposed, that men living in so rude a state of society, had little religion, however well they might be stored with superstition. They never told their beads, according to Lesley, with such devotion as when they were setting out upon a marauding party, and expected a good booty as the recompense of their devotions. The various religious houses, which the piety or the superstition of an earlier age had founded in these provinces, gradually ceased to overawe, by their sanctity, the spirits of the invaders; and in the history of the mutual incursions of the two hostile nations, we read repeatedly of their being destroyed and laid waste. Thus the administration of religious rites became irregular and unusual in these wild districts. Of this negligence some traces still remain. The churches on the English border are scantily endowed, and many of them are ruinous. In some parishes there is no house for the incumbent to inhabit, and in others no church for divine service. But these are only the scars of ancient wounds; for in former times the condition of these countries, as to spiritual matters, was more extraordinary and lamentable. In the dales of Esk, Euse, and Liddell, there were no churchmen for the ordinary celebration of the rites of the church. A monk from Melrose, called, from the porteous or breviary which he wore in his breast, a *book-a-bosom*, visited these forlorn regions once a-year, and solemnized marriages and baptisms. This is said to have given rise to a custom called by tradition, *hand-fasting*, by which a loving couple, too impatient to wait the tardy arrival of this priest, consented to live as man and wife in the interim. Each had the privilege, without loss of character, to draw back from the engagement, if, upon the arrival of the holy father, they did not think proper to legitimate their cohabitation according to the rites of the church. But the party retreating from the union was obliged to maintain the child, or children, if any had been the fruits of their union.

It would seem that the opposite valleys of Redesdale and Tynedale were better supplied with persons (such as they were) who took upon them the character of churchmen. There is extant a curious pastoral monition of Richard Fox, Bishop of Durham, dated sometime between the years 1490 and 1498, in which, after setting forth the various enormities of theft, robbery, rapine, and depredation committed by the dalesmen of the Reed and Tyne, and the neighbouring district, not only without shame and compunction, but as the ordinary and proper business of their lives, after stating that they were encouraged in these enormities by the king's officers of justice, and patronised either for kindred's or name's sake, or for the lucre of gain, by the powerful and noble of these districts, the prelate proceeds to describe a sort of ghostly comforters and abettors who were found among them, irregular and dissolute churchmen suspended from their holy office for misconduct, or lying under the sentence of excommunication, so ignorant of letters, that they

did not even understand the service of the church which they had recited for years, and with them laymen, never ordained, who yet took upon themselves the sacred character of the priesthood. These men, proceeds the monition, dressed in tattered, foul, and sordid vestments, not only unfit for the ministers of Heaven, but even for decent society among men, presume and take upon them, not only in hallowed and dedicated places, but in such as are profane, interdicted, unholy, and defaced by ruins, to administer the rites and sacraments of the church to the thieves, robbers, murderers, and depredators before mentioned, and that without exhorting them to restitution or repentance, expressly contrary to the rules of the church, and to the great danger of precious souls, and scandal of Christianity. The Bishop instructs his suffragans to direct against the robbers and their abettors, whether spiritual or temporal, his pastoral monition to restitution and repentance, to be followed by the thunders of excommunication in case it were contemned by the offenders. It would seem several of the Borderers had accordingly been excommunicated; for, by a rescript, dated at Norham Castle, 5th September, 1498, the same prelate releases from the spiritual sentence certain persons of the clans of Charleton, Robson, Tod, Hunter, and others, who had professed penitence for their misdeeds, and submitted, in all humility, to his paternal chastisement. The penance annexed to their release from spiritual censures was of a singular kind, but illustrates their ordinary costume and habits of life. They are required to renounce the use of the *jack* and head-piece, and to ride upon no horse which shall exceed, in ordinary estimation, the sum of six shillings and eight pence. Moreover, they are enjoined, when they shall enter any church, chapel, or cemetery in the territory of Redesdale or Tynedale, to lay aside, upon their entrance, every offensive weapon exceeding one cubit in length, and to hold speech with no one while within these hallowed precincts, excepting the curate or ministering priest of the said church or chapel, all under penalty of the greater excommunication. Mr Surtees justly observes, that the reclaiming of these Borderers must be ascribed to the personal influence of this able and worthy prelate; but there is ample reason to believe that no radical cure was wrought either in freebooters at large, or in the manners of those irregular and uncanonical churchmen, who, attending them as Friar Tuck is said to have done upon Robin Hood, partook in their spoils, and mingled with the reliques of barbarism the rites and ceremonies of the Christian church.[*] The injunction of laying aside offensive weapons, and keeping silence in the church and its precincts, was to prevent the sacred place from becoming the scene of those bloody quarrels, which usually occurred whenever or wheresoever the members of clans, between which a deadly feud existed, chanced to meet together. How late the savage customs which rendered such regulations necessary, continued to last among the Northumbrians is evident from some passages in the Life of the truly pious and Christian teacher, Bernard Gilpin, who having a pastoral charge in these wild countries, in the reign of Queen Elizabeth, laboured unremittingly to soften and civilize the yet wilder manners of the inhabitants.

The biographer of this venerable man, after stating the fierce

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[†] See the History of Durham, by Mr Surtees, p. lxii. Also the last edition of the Minstrelsy of the Scottish Border, where the record of the excommunication and release is printed at length, from the communication of that accurate and indefatigable antiquary.

usage of deadly feud which often engaged two clans in much bloodshed, on account of some accidental quarrel, proceeds thus: "It happened that a quarrel of this kind was on foot when Mr Gilpin was at Rothbury, in those parts. During the two or three first days of his preaching, the contending parties observed some decorum, and never appeared at church together; at length, however, they met. One party had been early at church, and just as Mr Gilpin began his sermon, the other entered. They stood not long silent. Inflamed at the sight of each other, they begin to clash their weapons, for they were all armed with javelins and swords, and mutually approach. Awed, however, by the sacredness of the place, the tumult in some degree ceased. Mr Gilpin proceeded, when again the combatants began to brandish their weapons and draw towards each other. As a fray seemed near, Mr Gilpin stepped from the pulpit, went between them, and addressed the leaders, put an end to the quarrel for the present, but could not effect an entire reconciliation. They promised him, however, that, till the sermon was over, they would make no more disturbance. He then went again into the pulpit, and spent the rest of the time in endeavouring to make them ashamed of what they had done. His behaviour and discourse affected them so much, that at his farther entreaty, they promised to forbear all acts of hostility while he continued in the country. And so much respected was he among them, that whosoever was in fear of his enemy, used to resort where Mr Gilpin was, esteeming his presence the best protection.

"One Sunday morning, coming to a church in those parts before the people were assembled, he observed a glove hanging up, and was informed by the sexton that it was meant as a challenge to any one that should take it down. Mr Gilpin ordered the sexton to reach it him; but upon his utterly refusing to touch it, he took it down himself, and put it in his breast. When the people were assembled, he went into the pulpit, and before he concluded his sermon, took occasion to rebuke them severely for these inhuman challenges. 'I hear,' said he, 'that one among you hath hanged up a glove even in this sacred place, threatening to fight any one who taketh it down; see, I have taken it down;' and pulling out the glove, he held it up to the congregation, and then showed them how unsuitable such savage practices were to the profession of Christianity, using such persuasives to mutual love, as he thought would most affect them."*

The venerable preacher had his reward, for even the freebooter who stole his horses, returned them as soon as he understood to whom they belonged, not doubting that the foul fiend would have carried him off bodily, had he wilfully injured Bernard Gilpin. But it was long ere the effects of the northern apostle's precepts brought forth in that rude country fruits meet for repentance.

Leaving the manners of the Borderers, it is now proper to notice the measures of policy adopted for exercising, in some sort, the royal authority in districts which so many circumstances combined to render lawless; and that whether for the protection of each nation against the aggressions of the other during peace, or for repelling more open invasion during the time of war, or for regulating the conduct and appeasing the feuds of the inhabitants amongst themselves.

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* Life of Bernard Gilpin, 1753, p. 178.

As every thing was military upon the Borders, those important duties were intrusted to officers of high rank, holding special commissions from the crown of either country, and entitled wardens, or guardians of the marches. There were sometimes two, sometimes three in number on each side, for the division of the Borders into east, west, and middle marches, did not prevent the middle marches being occasionally put under the charge of the same warden who governed those on the east or west. The kings of Scotland, compelled by circumstances to yield to the great nobles and powerful chiefs whatever boons they chose to exact of them, usually deposited the charge of warden with some nobleman or chieftain who possessed great personal weight and influence in the districts submitted to his jurisdiction. It is needless to point out the impolicy of this conduct, since the chiefs thus invested with high powers and jurisdiction were often the private encouragers of those disorders which it was their business, as wardens, to have suppressed, and hence their authority was only used to oppress their private enemies, while they connived at the misconduct of their own clansmen and allies. But this was the effect of the weakness, rather than of the blindness, of the Scottish sovereigns. Even the timid Albany, regent during the minority of James V., saw the evil, and endeavoured to secure impartial administration of justice on the frontiers, by naming a gallant French knight, Anthony D'Arcy Sieur De La Bastie, to the wardenry of the east marches. But the family of Home being incensed to see the office conferred on a stranger which they were wont to consider as proper to the head of their own house, in defiance of the royal authority, Home of Wedderburn assailed and murdered the warden, cut off his head, knitted it to the saddle-bow by the long locks, and afterwards exposed it upon the battlements of Home Castle. The issue of this experiment was not therefore such as to recommend its repetition. Accordingly, the names of the barons who for the time possessed most influence on the Border, are usually found in the Scottish commissions. The Earls of Douglas almost always added this title to the other marks of their extensive power. The Earls of Angus frequently exercised the authority of warden of one or other division of the marches, and could often excite mutiny and disorder when the rival house of Arran, or any other, was intruded into an office which they held peculiarly their own right. At a later period, the Earls of Home, or Lords of Cessford, were usually wardens of the east march; Earls of Bothwell, or the Lords of Buccleuch and Fairniherst, of the middle, which usually, though not uniformly, comprehended the separate office of keeper of Liddesdale; and the rival families of Maxwell and Johnstone, or the Lords Herries, were wardens of the west march. Yet even when the truncheon of warden was consigned to a baron of extensive power and following on the frontiers, he seems to have thought that the royal commission, added to his own natural authority, was insufficient to overawe the turbulent Borderers, and bonds of alliance and submission were, in many cases, procured from the principal chiefs, agreeing to respect and enforce the royal authority in the person of the warden;* an expedient which only serves to prove how feeble was the influence

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* See a copy of such a bond, granted by Buccleuch and other barons, in support of the authority of Fairnihirst as warden of the middle marches, Appendix, No. VII. Also a complaint of Fairnihirst to the queen against certain persons of the clan of Turnbull, who, in breach of a similar engagement, had assaulted and wounded his men. The mode of redress in such cases was by procedure before the lords of the privy council.

of the crown, and which implied in it this evil, that the chiefs who thus voluntarily agreed to support the imperfect authority of the warden, expected that it should not be over strictly exerted against those under their immediate protection. Neither was it less precarious than impolitic, for such bonds were, among men of a fiery and jealous disposition, apt to be broken through on the slightest occasion.

It was another, and yet more dangerous consequence of lodging the office of warden in the hands of the Border chieftains, that they appear, without any scruple, to have employed it less for the preservation of the public peace, than for inflicting vengeance upon their own private enemies. If the warden was engaged in deadly feud or private war with the chief of another name, he failed not to display against him the royal banner, and to proceed against him as a rebel to the crown, a conduct for which pretexts were seldom wanting. Thus, in the year 1593, Lord Maxwell, then warden of the west marches, assembled the whole strength of that part of the Border, marched against the Lord of Johnstone, and entered Annandale, with displayed banner as the king's lieutenant, with the purpose of utterly erazing and ruining that clan, which had so long rivalled his own in courage and enterprise, if not in numbers and power. The Johnstones, by the assistance of their allies the Scotts, and other friendly clans, gave the Maxwells a severe defeat, in which the warden was struck from his horse, mutilated of his hand, and then slain. And although the king took it hardly, according to Spottiswoode, that his warden, a nobleman bearing his authority, should be thus cut off, yet he found himself unable, in the circumstances of the country, to exact any vengeance for the insult. This is a remarkable instance, among many, of the warden's using the royal name to serve his own private purpose, and of the slight respect in which his authority was held upon such occasions.

The Scottish wardens were allowed by the crown forage and provisions for their retinue, which consisted of a guard of horsemen, by whom they were constantly attended; these were levied from the royal domains on the Borders. They had also a proportion of the "unlaws," or fines and forfeits imposed in their warden courts, and, no doubt, had other modes of converting their authority to their own advantage, besides the opportunities their situation afforded them of extending their power and influence. The abodes of the Scottish wardens were generally their own castles on the frontiers, such as we have described them to be; and the large trees, which are still to be seen in the neighbourhood of these baronial strongholds, served for the ready execution of justice or revenge on such malefactors as they chose to doom to death. There is, or was, a very large ash-tree near the ruins of Cessford Castle, said, by tradition, to have been often used for this purpose.

Until the English monarchy acquired some degree of power and consistency, the northern nobles usually, as in the sister country, extorted from the crown the office of wardenry, which was then held by the potent Earls of Northumberland and Westmoreland, the Lords Clifford, Dacre, and other chiefs of power on the Border. But from the reign of Henry VIII. downward, and more especially after most of the great Northumbrian families were destroyed in the great northern insurrection of 1569-70, a different line of policy was observed. Instead of conferring commissions of wardenry on the great Border families, whose wealth, extensive influence, and remote situ-

ation, already rendered them but too independent of the crown, those offices were bestowed upon men of political and military skill, such as Sir Ralph Sadler, Sir James Crofts, Sir Robert Carey, and others, the immediate dependants of the sovereign himself, who, supported by liberal allowances from the treasury, and by considerable bodies of regular troops,* were not afraid, if the discharge of their office called for it, to give offence even to the most powerful of the provincial nobility.†

For their residence, the warden of the east marches appears often to have resided at Alnwick, although Norham Castle, once belonging to the Bishops of Durham, afterwards to the crown, is recommended both by Lord Wharton and Sir Ralph Sadler‡ as the fittest place for his abode. But the office of warden of the east marches being frequently united with the government of Berwick, that most important frontier town was often the warden's place of abode. Upon the middle marches, the Castle of Harbottell, originally the seat of the Umfravilles, and afterwards, by marriage, that of the Tailbois, being vested in the crown by forfeiture, was judged a commodious and suitable residence for the warden. The government of

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* From a memorial concerning Border service, in the papers of Sir Ralph Sadler, it appears that the allowance of the captain-general of Berwick was twenty shillings per day, and the pay of the captains, soldiers, and others of the garrison in ordinary, amounted to L. 2,400; and when extraordinary forces were stationed there, to more than twice that sum. The warden of the east marches, with his personal attendance of fifteen gentlemen, was allowed L. 16 : 16 : 8 for his weekly charges, and all allowances to inferior officers were upon the same scale.—SADLER'S *State Papers*, Vol. II. p. 276.

† See Sadler's State Papers, Vol. II. p. 97, concerning disputes betwixt him and the Earl of Northumberland.

‡ See Border Laws, p. 344, and Sadler, Vol. II. p. 283.

Carlisle being usually combined with the wardenry of the western marches of England, the strong castle of that town furnished the warden with a suitable residence. Lord Scroope of Bolton, who held both these important offices long, resided there, and made considerable additions to the fortifications without, and accommodations within the castle. But Lord William Howard occupied his baronial castle of Naworth when he had the same commissions.

To ensure a general superintendance of these important offices, a lord-warden-general was sometimes nominated; but this office became less necessary, because, in time of war, there was usually a lieutenant appointed for the management of all military affairs, and during peace the general affairs of the Borders fell under the cognizance of the Lord President of the Council of the North.

The wardens had under them deputy-wardens, and warden-serjeants, (popularly called land-serjeants) upon whose address and activity the quiet of the country much depended. The captains of the various royal garrisons also received orders from them; and the keeper of Tynedale, an unruly district, which required a coercive magistracy of its own, was under the command of the warden of the middle marches.

The duties committed to the charge of the wardens were of a twofold nature, as they regarded the maintenance of law and good order amongst the inhabitants of their jurisdiction themselves, and as they concerned the exterior relations betwixt them and the opposite frontier.

In the first capacity, besides their power of controul and ministerial administration, both as head-stewards of all the crown tenements and manors within their jurisdiction, and as intromitting with

all fines and penalties, their judicial authority was very extensive. They held courts for punishment of high-treason and felony, which the English Border laws classed under the following heads:—I. The aiding and abetting any Scottishman, by communing, appointment, or otherwise, to rob, burn, or steal, within the realm of England. II. The accompanying, personally, any Scottishman, while perpetrating such offences. III. The harbouring, concealing, or affording guidance and protection to him after the fact. IV. The supplying Scottishmen with arms and artillery, as jacks, splents, brigantines, coats of plate, bills, halberds, battle-axes, bows and arrows, spears, darts, guns, as serpentines, half-haggs, harquibusses, currys, cullivers, hand-guns, or daggers, without special license of the lord-warden. V. The selling of bread and corn of any kind, or of dressed leather, iron, or other appurtenances belonging to armour, without special license. VI. The selling of horses, mares, nags, or geldings to Scottishmen, without license as aforesaid. VII. The breach of truce, by killing or assaulting subjects and liege-men of Scotland. VIII. The assaulting any Scottishman having a regular pass or safe-conduct. IX. In time of war the giving tidings to the Scottish of any exploit intended against them by the warden or his officers. X. The conveying coined money, silver or gold, also plate or bullion, into Scotland, above the value of forty shillings at one time. XI. The betraying (in time of war) the counsel of any other Englishman tending to the annoyance of Scotland, in malice to the party, and for his own private advantage. XII. The forging the coin of the realm. XIII. The making appointment and holding communication with Scotchmen, or intermarrying with a Scottish woman, without license of the wardens, and the raising no fray against them as in duty bound. XIV. The receiving of Scottish pilgrims with their property without license of the wardens. XV. The failing to keep the watches appointed for defence of the country. XVI. The neglecting to raise in arms to the fray, or alarm raised by the wardens or watches upon the approach of public danger. XVII. The receiving and harbouring Scottish fugitives exiled from their own country for misdemeanours. XVIII. The having falsely and unjustly *fould* (*i. e.* found true and relevant) the bill of any Scotchman against an Englishman, or the having borne false witness on such matters. XIX. The having interrupted or stopped any Englishman pursuing for recovering of his stolen goods. XX. The dismissing any Scottish offender taken red-hand (*i. e.* in the manner) without special license of the lord-warden. XXI. The paying of black-mail, or protection money, whether to English or Scottish man.

All these were points of indictment in the warden courts; and the number and nature of the prohibitions they imply shew the anxiety of the English government to prevent all intercourse, as far as possible, between the natives of the two kingdoms. Most of these offences, if not all, amounted to march-treason. The accused persons were tried by a jury, and, if found guilty, suffered death by decapitation; but with the marauders of either country, the wardens used much less ceremony, and hanged them frequently, and in great numbers, without any process of law whatsoever. This was a very ordinary consummation, if we can believe a story told of Lord William Howard of Naworth. While busied deeply with his studies, he was suddenly disturbed by an officer who came to ask his commands concerning the disposal of several moss-troopers who had been just made prisoners. Displeased at the interruption, the warden answer-

^ It is also recorded in the Life of Lord Keeper Guilford by his brother Roger North that when his Lordship ~~the Lor~~ held the Assizes at NewCastle a notorious rogue was tried for horse-stealing but escaped by some imperfection of evidence or flaw in the ~~indict~~ indictment. A Scottish who happened to be on the Bench seeing the acquitted with surprise and hearing it regretted on account of the man's bad character stretched out his neck and addressing the judge said "My Lord if you would please to send him to huzz (us) he shall never trouble the country more.

ed heedlessly and angrily, " Hang them, in the devil's name ;" but, when he laid aside his book, his surprise was not little, and his regret considerable, to find that his orders had been literally fulfilled.

The Scottish wardens do not appear to have held warden-courts, doubtless, because the territorial jurisdictions of sheriffdoms, stewartries, baillaries, and so forth, which belonged to the great families by hereditary right, and the privileges of which they jealously watched, would have been narrowed by their doing so. Besides, the Scottish hereditary judges possessed the dangerous and inconvenient power of *repledging*, as their law terms it, that is, reclaiming any accused person from courts of a co-ordinate jurisdiction, to try him by their feudal authority. It is true, the judge exercising this privilege was obliged to give security for doing justice in the premises himself; but whether his object was that of acquittal, or condemnation, his situation gave him easy means of accomplishing either without much risk of challenge. But if the Scottish wardens were more slow to hold formal courts than the English, they were not behind them in the summary execution of those offenders whom they seized upon. The ordinary proverb of Jedburgh Justice, where men were said to be hanged first, and tried afterwards, appears to have taken its rise from these hasty proceedings.*

The pleasure of hunting these outlaws to their fastnesses was, to

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* There is a similar English proverb concerning Lydford:—

> I oft have heard of Lydford law,
> Where in the morn men hang and draw,
> And sit in judgment after.
>
> BROWN'S *Poems.*

some of the warlike barons who held the office of warden, its own best reward. Godscroft says it was so peculiarly suited to the disposition of Archibald, the IXth Earl of Angus, that it might be called his proper element. He used to profess that he had as much delight in hunting a thief as others in chasing a hare; and that it was as natural to him as any other pastime or exercise was to another man. Yet the chase of this Border Nimrod (whose game was man) was by no means uniformly successful; and he was foiled on many occasions by the impracticability of the country, and the cunning of the outlaws who harboured in it.*

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* "He made only one road against the outlawed thieues of the name of Armestrang (most of them) after the king was gone home, who had been present at the casting down of their houses. He pursued them into the Tarrass Moss, which was one of their greatest strengths, and whither no host or companies had ever been known to have followed them before, and in which they did confide much, because of the straightness of the ground. He used great diligence and sufficient industry, but the success was not answerable either to his desire or other men's expectation. Neither did he forget to keep his intention close and secret, acquainting none of the people of that country therewithall, until he was ready to march. Then directing one Jordan, of Applegirth, to go to the other side, whither he knew they behoved to flee, he sent with him one of his especiall followers, whom he knew to be well affected to the service, to see that he did his duty. He himself, with the army, came openly and directly to the place of their abode, that they, fleeing from him, might fall into the hands of Applegirth, and his companie, who were come in sufficient good time, before the army could be seen to that passage which they were sent to keep. But the birds were all flown, and there was nothing left but the empty nest, having (no question) had some inkling and intelligence hereof; but it could not be tried by whom the notice had been given them. In the retreat they shew themselves, and rode about to intercept and catch such as might happen incircumspectly to straggle from the army; and they failed very narrowly to have attrapped William Douglas of Ively, a young gentleman of my lord's family, for which incircumspection he was soundly chide by him, as having thereby hazarded his own person, and his lord's honour."—Godscroft's *History of the House of Douglas*, folio, Edin. p. 430.

[illegible]

[illegible]

The Border marauders had every motive to exert their faculties for the purpose of escape; for, once seized upon, their doom was sharp and short. The mode of punishment was either by hanging, or drowning.* The next tree, or the deepest pool of the nearest stream, was indifferently used on these occasions. Many moss-troopers are said to have been drowned in a deep eddy of the Jed near Jedburgh. And, in fine, the little ceremony used on these occasions added another feature to the reckless and careless character of the Borderers, who were thus accustomed to part with life with as little form as civilized men change their garments.

The wardens had it also in their power to determine many civil questions concerning the right of property violently usurped by oppression, or recovered from the hands of marauders. The mode of application seems to have been by petition. Thus, the complaint of Isabel Wetherel to Sadler, when warden of the middle marches, sets forth, that she had been found entitled to possession of a certain tenement in Bassenden, by order of the Earl of Northumberland, the former warden, and that the bailiff of the liberty still refused to execute the warrant in her favour. Another "poor oratrix," the Widow Fenwick, states in her supplication, that besides certain persons for-

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* Drowning is a very old mode of punishment in Scotland; and in Galloway there were pits of great depth appropriated to that punishment, still called murder-holes, out of which human bones have occasionally been taken in great quantities. This points out the proper interpretation of the right of pit and gallows, (in law Latin, *fossa et furca*) which has, less probably, been supposed the right of imprisoning in the pit or dungeon, and that of hanging. But the meanest baron possessed the right of imprisonment. The real meaning is, the right of inflicting death either by hanging or drowning.

merly named, she now charges some of her neighbours of the town of Wooler, whom before she had been afraid to accuse, with stealing her three cows, and prays relief in the premises. Again, John of Gilrie states, that he had made a bargain with William Archer for twenty bolls of barley, at a certain price; that Archer had only delivered ten of the said bolls, and had arrested the petitioner's horses in payment thereof, instead of implementing his bargain by delivery of the remainder. All these petitions pray for letters of charge to be directed by the warden against the parties complained upon, for answer or redress. They serve to show the complicated and mixed nature of the warden's jurisdiction, which thus seems to have admitted civil suits of a very trifling kind.

But the principal part of the warden's duty respected his transactions in the opposite kingdom in the time both of war and peace. During the time of war, he was captain-general within his wardenry, with full power to call out musters of all the fencible men betwixt the age of sixteen and sixty, duly armed and mounted according to their rank and condition, for defending the territory, or, if necessary, for invading that of the enemy. He directed, or led in person, all hostile enterprizes against the enemy's country; and it was his duty, upon such occasions, to cause to be observed the ancient rules and customs of the marches, which may be thus summed up.

I. Intercourse with the enemy was prohibited. II. He who left his company during the time of the expedition was liable to the punishment of a traitor. III. It was appointed that all should alight and fight on foot, except those commanded by the general to act as cavalry; he who remained on horseback, without such orders, forfeited his spoil and prisoners, two parts to the king, and one to the

general. IV. No man was to disturb those appointed to array the host. V. If a soldier followed the chase on a horse belonging to his comrade, the owner of the horse enjoyed half the booty ; and if he fled upon such horse, it was to be delivered to the sheriff as a waif on his return home, under pain of treason. VI. He that left the host after victory, though for the purpose of securing his prisoner, lost his ransom. If any one slew another's prisoner he was liable to pay his ransom ; or, in failure of his ability to do so, was sentenced to death. In general, it was found to be the use of the Marches that every man might take as many prisoners as he could secure, exchanging tokens with them that they might afterwards know each other. VII. Any one accused of seizing his comrade's prisoner was obliged to find security in the hands of the warden-serjeant. Disputed prisoners were to be placed in the hands of the warden ; and the party found ultimately wrong to be amerced in a fine of ten pounds. VIII. Relates to the evidence in the case of such dispute. He who could bring his own countrymen in evidence, of whatsoever quality, was preferred as the true captor ; failing of this mode of proof, recourse was had to the prisoner's oath. IX. No prisoner of such rank as to lead an hundred men was either to be dismissed upon security or ransomed, for the space of fifteen days, without leave of the warden. X. He who dismounted a prisoner was entitled to half of his ransom. XI. Whosoever detected a traitor was entitled to the reward of one hundred shillings ; whoever aided his escape, suffered the pain of death. XII. Relates to the firing of the beacons in Scotland ; the stewards of Annandale and Kirkcudbright were liable in the fine of one merk for each default in that matter. XIII. He who did not join the array of the country upon the signal of the beacon-lights, or who left it during the continuance of the English invasion without lawful excuse, his goods were forfeited, and his person placed at the warden's will. XIV. In case of any Englishman being taken within Scotland, he was not suffered to depart under any safe conduct save that of the king or warden; and a similar protection was necessary to enable him to return and treat of his ransom. If this was neglected, he became the prisoner of whatever Scotchman happened to seize him. XV. Any Scottishman dismissing his prisoner, when a host was collected either to enter England or defend against invasion, was punished as a traitor. XVI. In the partition of spoil, two portions were allowed to each bowman. XVII. Whoever deserted his commander and comrades, and abode not in the field to the uttermost, his goods were forfeited, and his person liable to the punishment of a traitor. XVIII. Whoever bereft his comrade of horse, spoil, or prisoner, was liable in the pains of treason, if he did not make restitution after the right of property became known to him.

These military regulations were arranged by William Earl of Douglas, by the advice of the most experienced marchmen, in the year 1468.* But it appears that they were adopted by the English

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* The exordium of these regulations is remarkable. It runs thus:—" Be it remembered, that on the 18th day of December, 1468, Earl William Douglas assembled the whole lords, freeholders, and eldest Borderers that best knowledge had, at the College of Linclouden, and there he caused those lords and Borderers bodily to be sworn, the holy Gospel touched, that they justly and truly, after their cunning, should decrete, decern, deliver, and put in order and writing, the statutes, ordinances, and uses of marche that were ordained in Black Archibald of Douglas' days, and Archibald his son's days, in time of warfare; and they came again to him advisedly with these statutes and ordinances which were in time of warfare before. The said Earl William seeing the sta-

with the necessary alterations, for a copy of them is found in the Manuscript of Mr Bell, the accurate and laborious warden-clerk of the western marches of England, in the reign of Queen Elizabeth. At least, they are so well suited to the genius of the country and age, that there can be no doubt that they express the general spirit of the military enactments on both sides of the Border.

We must not omit to state, that as the wardens of the marches had it in charge to conduct the war between the countries, so they had also power of concluding truces with the opposite warden for their own jurisdictions. Such an indenture, entered into between "the noble lords and mighty," Henry Percy, Earl of Northumberland, and Archibald Douglas, Lord of Galloway, at the water of Esk, beside Solway, on the 15th March, 1323-4, not only concludes a truce between their bounds on each side, but declares, "That if any great power of either country shall prepare to invade the other, each of the said lords shall do what they can to hinder it; and if they cannot prevent it, they shall give the other party fifteen days notice, and shall themselves abstain from riding with the host, and shall do all in their power, without fraud or guile, to keep the aggressors out of their bounds. Intimation of the rupture of the truce was to be given by a certain term, at the Chapel of Salom, or Solway. All

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tutes in writing decreed and delivered by the said lords and Borderers, thought them right speedful and profitable to the Borderers; the which statutes, ordinances, and points of warfare he took, and the whole lords and Borderers he caused bodily to be sworn that they should maintain and supply him at their goodly power, to do the law upon those that should break the statutes underwritten. Also the said Earl William, and lords and eldest Borderers, made certain points to be treason in time of warfare to be used, which were no treason before his time, but to be treason in his time, and in all time coming."

prisoners on either side were to be freely delivered. If any single freebooter committed theft in breach of the covenant, he was to be hanged or beheaded; if a company were concerned in the delict, one should be put to death, and the others amerced in double the value of their spoil." This indenture rather resembles a treaty between two independent princes, than an agreement between the crown officers of the west marches of England and Scotland. Something, doubtless, is to be ascribed to the great power of the Percy and the Douglas, who could, unquestionably, make their authority go much farther than chieftains of less weight could have done, though holding the same ostensible commission. Still, however, the powers of the wardens in waging war, or concluding truces, were of an extensive and unlimited nature.

In time of peace, the warden had the more delicate task of at the same time maintaining the amicable relations betwixt the two countries, and of preventing or retaliating the various grievances and encroachments committed by the Borderers of the opposite kingdom upon the frontiers under his rule.

The most constant, and almost unremitted subject of complaint, was the continual incursions of the moss-troopers upon both sides. This species of injury early required the redress of inter-national laws or customs. For example, although the right of the native of the invaded country to protect his property against the robber could not be denied, and although it was equally his inherent privilege to pursue the marauders with such force as he could assemble, and recover the plunder if he could overtake them within the bounds of the kingdom which they had invaded, yet it was a question of national law, how far he was entitled to continue pursuit in an hostile man-

ner into the territory of the sister country, and there to recover his property by force. At the same time, it was not to be expected that the intervention of a small river, or of an imaginary line, should be a protection for the robbers and their booty, against the just resentment of the party injured, while in the very act of hot pursuit. The Border Laws, therefore, allowed the party plundered not only to follow his goods upon the spur, and enter the opposite kingdom for recovery thereof, without licence or safe conduct, but even to do the like, at any time within six days after his sustaining the injury, providing always he went straight to some honest man of good fame inhabiting the Marches which he had thus entered, and declared to him the cause of his coming, inviting him to attend him and witness his conduct. The wardens of either realm, or those duly authorised by them, were entitled to pursue fugitives or offenders into the precincts of the neighbouring realm, by what was called the *hot-trod.* This pursuit was maintained with a lighted piece of turf carried on a spear, with hue and cry, bugle-horn, and blood-hound, that all might be aware of the purpose of the party. If any native of the country thus entered intercepted the party or their blood-hound in such *hot-trod*, he was liable to be billed, or indicted at the next day of truce, and delivered up to the warden whom he had offended. It was, however, recommended to the pursuers of the *hot-trod* to stop at the nearest town of the realm whose frontiers they had thus passed, and give declaration of the purpose of the chase, and require the inhabitants to go along to witness his procedure. If the pursuers did unlawful damage within the opposite realm, they were liable to be delivered to the warden thereof for condign punishment.

But these provisions were only calculated to remedy such evils as befel *de recenti*, since to have sought reparation at their own hand and by their own strength for such as were of older date, would have made the Borders a constant scene of uproar, retaliation, and bloodshed. Some course of justice, therefore, was to be fallen upon, by which justice might be done to those who had sustained wrong from the depredators of the opposite country, by means more regular and less hazardous than the ready measures of forcible retaliation.

The first regulations laid down on this subject were conformable to the ideas of that military age, which referred all matters difficult of instant proof, to the judgment of God in single combat. Eleven knights of Northumberland, and as many of the Scottish east marches, with the Sheriff of Northumberland on the one side, and of Roxburgh and Berwick on the other, met in the 33d of Henry III. anno 1249. These martial formalists made some regulations for recovery of debts due by those of the one kingdom to the other, and for the re-delivery of fugitive bondsmen.* But they unanimously declared that every Scottishman accused of having committed any crime in England, of which he could offer to purge himself by the combat, could only be summoned to answer at fixed places on the marches. Also, that all persons, of whatever rank or degree, dwelling between Totness in Cornwall, and Caithness in Scotland, might be appealed to battle on the marches, excepting only the sovereign, and the Bishops of St Andrews and Dunkeld.† Goods alleged to be

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* It is the Scottish copy of Indenture which exists. That of England must have been *mutatis mutandis*.

† Churchmen of corresponding dignity in England must have been unquestionably admitted to the same privilege.

stolen from England might be sued for by the owner in the court of the Scottish lord within whose bounds they were discovered; but if the accused party denied the charge, there was no other alternative but the combat. Yet, if the accused did not feel bold in his innocence, or determined in his denial, he might quit himself of the charge, without the risk of combat, in the following singular manner. He was to bring the stolen ox, horse, cow, or other animal, to the brink of the river Tweed or Eske, where they form the frontier line, and drive it into the stream. If the animal escaped alive to the other kingdom, he had no further trouble in the matter; but if it was drowned before it reached the middle stream, then he was condemned liable to the plaintiff for its estimable value. Lastly, these experienced men of war decreed, by a sweeping clause, that no inhabitant of either kingdom could prove his property in any goods actually possessed by an inhabitant of the other, unless by the *body of a man*, that is, by entering the lists either personally, or by a delegated champion.

Every dispute between the inhabitants, on either side, was, therefore, decided by personal duel, and even churchmen were bound to combat by proxy. The clergy of England numbered this among the grievances which they reported to the legate Otho, in the year 1237. They state, that by an abuse of a mandate of the kings of England and Scotland, not only simple clerks, but even abbots and priors within the diocese of Carlisle, were, on the challenge of any one of the kingdom of Scotland, compelled to undertake, with lance and sword, and otherwise armed, the combat, which was called *aera*,*

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* *Aera*, or *aerea*, a word of uncertain meaning; and, so far as I know, only occurring

to be fought on the frontiers of the two kingdoms; so that the abbot or prior, of whatsoever order, was obliged to have a champion, and, in case of his defeat, was subjected to the penalty of one overcome in the appeal to God, as in our own time, continues the remonstrance, was experienced by the Prior of Lideley.*

When priests were not excused, the combats among the laity must have been very numerous. But in later times, the appeal to combat was less universally admitted, and the state of confusion and depredation on the Borders increasing, as we have observed, after the usurpation of Scotland by Edward I., rendered it necessary to seek for other modes of checking theft than that by which the true man was compelled to expose his life in combat with the robber. It became, therefore, a principal part of the warden's duty, when that duty was conscientiously performed, during the time of peace to maintain a regular and friendly intercourse with those on the opposite side, both for preventing and punishing all disorders committed by the lawless on either territory. But besides these communications, it was a principal point of their commission, that the wardens on either side should hold days of truce, or of march, as frequently as could be made convenient, in which, with great solemnity, they enquired into and remedied the offences complained of by the subjects of either realm.

The wardens, on these occasions, took the field attended by the

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in this sense in the present passage. It may allude to the area or inclosed space within which the combatants fought. *Aerea*, and *area*, are explained by Du Cange and in the Supplement, as synonimous, and as meaning an inclosed space, neither cultivated nor ploughed. The circular inclosure near Penrith, called King Arthur's Round Table, was probably an area of this kind.

* *Annales Burtonenses*, apud Gale, vol. I. p. 292.

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lords, knights, esquires, and men of name within their jurisdictions, all in their best arms, and well mounted. The two troops paused on the frontiers of both kingdoms, until they had exchanged assurance for observing and keeping the peace from sunrise to sunset. The two wardens then met in great form, mutually embraced each other, and, surrounded by those of the best rank in their Marches, they proceeded to examine the *bills*, or complaints, tendered on either side. If the persons accused were judged guilty, the bills were said to be *filed*, or *fouled*;[*] if the complaint was dismissed, the bill was said to be *cleansed*. Where doubt occurred, the question of cleansing or fouling a bill was tried either by the honour of the wardens, or by a jury of six English and six Scottish gentlemen,[†] mutually chosen, or by a vower-public, that is, a referee belonging to the country of the party accused, and mutually chosen by the plaintiff and the defendant. In some cases, the accused was permitted to exculpate himself by oath, which, terrible as its denunciations were, did not always prevent perjury.[‡] In like manner, the plaintiff, or

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[*] See the form of a bill fouled on William Hall, an English Borderer, at a warden meeting between the Earl of Northumberland, the Earl of Bothwell, and Lord of Cessford, 10th October, 1559, Appendix, No. VIII.

[†] The jurors took the following oath : "You shall clean no bills worthy to be fouled, you shall foul no bills worthy to be cleaned, but shall do that what appeareth with truth, for the maintenance of the peace, and suppressing of attempts. So help you God."—*M.S. of* Mr Bell, *Warden Clerk, quoted in Introduction to* Nicolson's *History of Cumberland and Westmoreland.*

[‡] The following were the terms of this oath for excusing a bill, as it was termed :— "You shall swear by heaven above you, hell beneath you, by your part of paradise, by all that God made in six days and seven nights, and by God himself, you are whart out sackless of art, part, way, witting, ridd, kenning, having, or recetting of any of the goods and cattels named in this bill. So help you God."—Bell's *Manuscript, as above.*

party who preferred the bill, was bound to make oath to the estimated value of his goods.* Perjury, in such cases, was punished by imprisonment and infamy; and if the plaintiff over-rated the goods he had lost, the amount might be taxed by a jury of both nations.

With respect to the offenders against whom bills were presented, it was the duty of the warden to have them in custody, in readiness for their answer; and in case the bills were fouled, he was bound to deliver them up to the opposite warden, by whom they were imprisoned until they had paid a *single and two doubles*, that is to say, treble the value of the estimated goods in the bill. To produce these offenders was generally the most difficult part of the warden's duty. He could not keep them in confinement until the day of truce; for, independently that they were sometimes persons of power and rank, their numbers were too great to be detained in custody. The wardens, therefore, usually took bonds from the chief, kinsmen, or allies of the accused party, binding him or them to enter him prisoner within the iron gate of the warden's castle, or else to make him forthcoming when called for.† He against whom a bill was thrice fouled, was liable to the penalty of death. If the offender endeavoured to rescue himself after being lawfully delivered over to the opposite warden, he was liable to the punishment of death, or otherwise, at the warden's pleasure, as being guilty of a breach of the assurance.

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* The oath of estimation was as follows: "You shall leile price make, and trueth say, what your goods were worth at the time of their taking, to have been bought and sold in a market all at one time, and that you know no other recovery but this. So help you God."—*Ibid.*

† See such an obligation, Appendix, No. IX.

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The extent of the mutual damage sustained by both kingdoms being thus ascertained, a list, in the form of an account-current, was made up by enumerating all the bills fouled on each side, and the value was summed by striking a balance against the country whose depredators had been most active.* It seems probable the extremity of the legal satisfaction was seldom exacted or obtained. The resentment of the depredators and of their kinsmen was dreaded; the common usage took away the natural abhorrence of the crime; plunder was a privilege which each party assumed in their turn; and as it often happened that the same person against whom a bill was fouled for one fact, had himself been a sufferer, and was a plaintiff in a charge preferred against others,† it is probable that some extra-judicial settlement often took the matter out of the warden court. Nay, it frequently happened, when enormities had gone to great extent during any particular time of misrule, that a veil was dropped over the past, and satisfaction exacted from neither party. At other times, when the crowns were determined strictly to maintain the relations of amity with each other, the course of justice was more severely enforced. Men of high rank, the chiefs of clans, and others responsible, by their situation and authority, for the conduct of those under them, were sometimes delivered up to be kept in ward in the opposite kingdom until the misdeeds of their deputies

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* See such an account-current in the Appendix, No. X.

† For example, in the List of Attempts, No. X. of the Appendix, several bills are fouled on the Laird of Mangertoun, chief of the Armstrongs; and he, in return, obtains several bills to be fouled upon English Borderers for similar devastations.

Hanc veniam damus petimusque vicissim.

and dependents were atoned for by payment of the valuation and fines. But it does not appear that the wardens could proceed to attach these persons on their simple authority. Their delivery seems to have followed in consequence of an agreement to that purpose, by special commissioners, vested with full powers from both crowns. To such commissioners also belonged the power of making new laws and enactments on the Border, the wardens being limited by the existing rules of march.

Besides depredations by robbery on each side, the wardens, at their days of truce, were wont to demand and receive satisfaction for other encroachments, such as sowing or pasturing by the natives of one kingdom within the territories of the other, offences subject to be fouled by bill, and punished by mulct, and the more frequent invasion for the purpose of cutting wood in the forests of the opposite frontier, or hunting, hawking, and disporting in the same without license asked or received. These encroachments, which will remind the reader of Chevy Chace, often gave rise to scuffles, and even to bloodshed.*

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* Such an event was prevented by the prudence of Sir Robert Carey. "The next summer after, I fell into a cumbersome trouble, but it was not in the nature of thieves or malefactors. There had been an ancient custom of the Borderers, when they were at quiet, for the opposite Border to send to the warden of the middle march to desire leave that they might come into the Borders of England and hunt with their greyhounds for deer towards the end of summer, which was never denied them. But towards the end of Sir John Foster's government, when he grew very old and weak, they took boldness on them, and without leave asking, would come into England, and hunt at their pleasure, and stay their own time; and when they were a-hunting, their servants would come with carts, and cut down as much wood as every one thought would serve his turn, and carry it away to their houses in Scotland. Sir John's imbecillity and weakness occasioned them to continue this misdemeanour some four or five years together, before he

When the business of the meeting was over, the wardens retired, after taking a courteous leave of each other; and it was a custom of

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left his office. And after my Lord Euers had the office, he was so vexed and troubled with the disorders of the country, as all the time he remained there, he had no leisure to think of so small a business, and to redress it; so that now they began to hold it lawful to come and go at their pleasures without leave asking. The first summer I entered, they did the like. The Armstrongs kept me so on work that I had no time to redress it; but having over-mastered them, and the whole march being brought to a good stay and quietness, the beginning of next summer, I wrote to Ferniherst, the warden over against me, to desire him to acquaint the gentlemen of his march, that I was no way unwilling to hinder them of their accustomed sports to hunt in England as they ever had done, but withal I would not by my default dishonour the queen and myself, to give them more liberty than was fitting. I prayed him, therefore, to let them know, that if they would, according to the ancient custom, send to me for leave, they should have all the contentment I could give them; if otherwise they would continue their wonted course, I would do my best to hinder them.

" Notwithstanding this letter, within a month after, they came and hunted as they used to do without leave, and cut down wood, and carried it away. I wrote again to the warden, and plainly told him, I would not suffer one other affront, but if they came again without leave they should dearly *aby** it. For all this they would not be warned; but, towards the end of the summer they came again to their wonted sports. I had taken order to have present word brought me, which was done. I sent my two deputies with all the speed they could make, and they took along with them such gentlemen as were in their way, with my forty horse, and about one of the clock they came up to them, and set upon them; some hurt was done; but I gave especial orders they should do as little hurt, and shed as little blood, as possibly they could. They observed my command, only they broke all their carts, and took a dozen of the principal gentlemen that were there, and brought them to me at Withrington, where I then lay. I made them welcome, and gave them the best entertainment that I could. They lay in the castle two or three days, and so I sent them home, they assuring me, that they never would hunt there again without leave, which they did truly perform all the time I stayed there; and I many times met them myself, and hunted with them two or three days; and so we continued good neighbours ever after: but the king complained to the queen very grievously of this fact. The queen and council liked very well of what I had done; but, to give the king some satisfaction to content him, my two officers were commanded to the Bishop of

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* Suffer for it.

the march, that, before dismissing the gentlemen who attended them, each warden demanded of the most respectable and experienced Borderers, their opinion of the business of the day, and requested them to say whether the rules of the march had been observed, and justice equally distributed.

When these days of march-truce were held regularly, and justice punctually administered, the Borders were comparatively but little disturbed; and the wardens on both sides were usually instructed, from their several courts, not to insist too particularly on points of mere form or of difficult discussion, but to leave them for discussion by special commissioners.

But although these regulations were perhaps as wise as the case admitted, yet the union of the opposite wardens, so necessary to preserve the peace of the frontier, was always of precarious duration. They were soldiers by profession, of hostile countries, jealous at once of their own honour and that of their nation, surrounded by warlike partizans and dependants, who animated every disagreement into a quarrel, and must therefore, on the whole, have preferred taking satisfaction for any insult at their own hand, and by their own force, than seeking it in a more peaceful manner from the opposite warden.

Sir Robert Carey gives us a singular picture of their conduct towards each other. Being deputy-warden of the east marches, he sent to Sir Robert Kerr of Cessford, the opposite Scottish warden, to ap-

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Durham's, there to remain prisoners during her majesty's pleasure. Within a fortnight I had them out again, and there was no more of this business. The rest of the time I stayed there, it was governed with great quietness."—CAREY'S *Memoirs*. Edit. 1808, p. 110.

point a meeting for regulation of the Border affairs. But Cessford apparently wished to anticipate one part of the affairs to be discussed. Having therefore received Carey's messenger, filled him with drink and put him to bed, he mounted his horse, entered England with an armed attendance, seized a Borderer against whom he alleged some cause of quarrel, and put him to death at his own door. After this exploit, he delivered a civil answer to Sir Robert Carey's servant, agreeing to the proposed interview. It was now the turn of the English warden to be offended; he neglected the appointment without notice to Cessford, leaving him to wait several hours at the place of meeting. The Borderers began to stir on both sides, and raids were made out of Scotland so often as three or four times a-week. The severe measures of Sir Robert Carey, who executed all thieves taken in the manner, or red-hand as it was called, in some degree checked these inroads. At length a noted depredator, called Geordie Bourne, a special favourite of the Lord of Cessford, fell into his hands. The gentlemen of the country entreated him to enter into terms with Sir Robert Kerr for sparing this man's life; but, having visited him in disguise, and learned his habits from his own mouth, Carey resolved that no conditions should save him, and caused him to be executed accordingly before the gates of the castle.*

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* "When all things were quiet," says Sir Robert Carey, "and the watch set at night, after supper, about ten of the clock, I took one of my men's liveries, and put it about me, and took two other of my servants with me in their liveries, and we three, as the warden's men, came to the provost-marshal's where Bourne was, and were let into his chamber. We sat down by him, and told him that we were desirous to see him, because we heard he was stout and valiant, and true to his friend, and that we were sorry our master could not be moved to save his life. He voluntarily of himself said, that he had lived long enough to do so many villanies as he had done, and withal told us, that he had lain with

In revenge of the death of this man, Sir Robert Kerr very nearly surprised a party of Carey's servants at Norham, who must have been cut to pieces, had they not, by their master's command, slept that night in the castle. The dissention between these two officers continued, until, upon such an occasion as we have noticed, p. cix, Cessfurd, along with the Lord of Buccleuch, was appointed to be delivered into England, when, with that sort of generous confidence which qualified the ferocity of the Border character, he chose his enemy, Sir Robert Carey, for his guardian; after which they lived on the most amicable terms with each other.*

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about forty men's wives, what in England what in Scotland; and that he had killed seven Englishmen with his own hands, cruelly murdering them; that he had spent his whole time in whoring, drinking, stealing, and taking deep revenge for slight offences." —*Memoirs*, p. 73.

[*] Such tracts are like a glimpse of sunshine amid the lowering of a storm. Carey relates the circumstances which led to these agreements in the pithy style of Queen Elizabeth's time. "There had been commissioners in Berwick chosen by our Queen and the King of Scots, for the better quieting of the Borders. By their industry they found a great number of malefactors guilty, both in England and Scotland; and they took order that the officers of Scotland should deliver such offenders as were found guilty in their jurisdictions, to the opposite officers in England, to be detained prisoners, till they had made satisfaction for the goods they had taken out of England. The like order was taken with the wardens of England, and days prefixed for the delivery of them all. And in case any of the officers on either side should omit their dutys in not delivering the prisoners at the days and places appointed, that then there should a course be taken by the sovereigns, that what chief officer soever should offend herein, he himself should be delivered and detained, till he had made good what the commissioners had agreed upon.

"The English officers did punctually, at the day and place, deliver their prisoners, and so did most of the officers of Scotland; only the Lord Bocleugh and Sir Robert Car were faulty. They were complained of, and new days appointed for the delivery of their prisoners. Bocleugh was the first that should deliver, and he failing, entered himself prisoner into Berwick, there to remain till those officers under his charge were delivered to free him. He chose for his guardian Sir William Selby, master of the

Even the meetings of truce, appointed for the settlement of grievances betwixt the wardens, were very often converted into scenes of battle and bloodshed. Each warden, being themselves such fiery and martial characters as we have described, came to the place of meeting, attended by his guard of horsemen, and by all the warlike clans of his district, completely armed. Among these must often have been many names betwixt whom deadly feud existed; and, if

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ordnance of Berwick. When Sir Robert Car's day of delivery came, he failed too, and my Lord Hume, by the king's command, was to deliver him prisoner into Berwick upon the like terms, which was performed. Sir Robert Car, contrary to all men's expectations, chose me for his guardian, and home I brought him to my own house after he was delivered to me. I lodged him as well as I could, and took order for his diet, and men to attend on him; and sent him word, that (although by his harsh carriage towards me ever since I had that charge, he could not expect any favour, yet) hearing so much goodness of him, that he never broke his word, if he would give me his hand and credit to be a true prisoner, he should have no guard set upon him, but have free liberty for his friends in Scotland to have ingress and regress to him as oft as he pleased. He took this very kindly at my hands, accepted of my offer, and sent me thanks.

"Some four days passed; all which time his friends came unto him, and he kept his chamber. Then he sent to me and desired me I would come and speak with him, which I did; and after long discourse, charging and recharging one another with wrong and injuries, at last before our parting, we became good friends, with great protestations on his side, never to give me occasion of unkindness again. After our reconciliation, he kept his chamber no longer, but dined and supped with me. I took him abroad with me, at the least thrice a week, a-hunting, and every day we grew better friends. Bocleugh, in a few days after, had his pledges delivered, and was set at liberty; but Sir Carr could not get his, so that I was commanded to carry him to York, and there to deliver him prisoner to the archbishop, which accordingly I did. At our parting, he professed great love unto me for the kind usage I had shown him, and that I should find the effects of it upon his delivery, which he hoped would be shortly.

"Thus we parted; and not long after his pledges were got and brought to York, and he set at liberty. After his return home, I found him as good as his word. We met oft at days of truce, and I had as good justice as I could desire; and so we continued very kind and good friends all the time I stayed in that march, which was not long."—CAREY'S *Memoirs*. Edit. 1808, p. 80.

they had no peculiar cause of animosity, their nations were habitually hostile, and it was the interest of the Borderers to exasperate that national animosity. Add to this, that the principal depredators being present, with their friends and allies, they had every motive to instigate any brawl which could interrupt the course of justice. It was, therefore, often in vain, that all men at these days of truce were discharged from *baughling* (brawling) or reproving with the subjects of the opposite realm, or from disturbing the assurance of peace, by word, deed, or countenance. Where there were so many combustible materials,the slightest spark served to kindle a conflagration.

Accordingly, repeated instances occur of such affrays happening, in which much gentle blood, and frequently that of the wardens themselves, stained the days appointed for the administration of Border justice. Thus, in the year 1511, Sir Robert Kerr of Cessford, warden of the middle marches, while at a march-meeting, was struck through with a lance by the bastard Heron, and dispatched by Starked and Lilburn, two English Borderers; a slaughter, which, amongst other causes of quarrel, gave ground to the war between England and Scotland, terminated by the fatal battle of Flodden.

On a subsequent occasion, when Sir Francis Russell, third son of the second Earl of Bedford, chanced to be slain, the Scots appear to have been aggressors in their turns. Camden gives the following account of a fray which took place in the year 1585:—

" For when Sir John Foster, and Thomas Carre of Fernihurst, wardens of the middle marches betwixt the two kingdoms of England and Scotland, had appointed a meeting on the 27th of June, about certain goods unjustly taken away, and security was given on both sides by oath, according to custom, and proclamation made,

that no man should *harm other, by word, deed, or look,* (as the Borderers speak,) the Scots came to the place of meeting armed in battle array, with ensigns displayed, and drums beating, contrary to custom and beyond expectation, being in number about three thousand, whereas the English were not above three hundred. Scarce were the wardens sat to hear the complaints, when on a sudden, upon an Englishman's being taken pilfering, there arose a tumult, and the Scots discharging a volley of shot, slew Russel, with some others, put the English to flight, and eagerly pursuing them the space of four miles into England, carried off some prisoners. Who was the author of this slaughter was not certainly known. The English laid the fault upon Arran, now chancellor of Scotland, and upon Fernihurst. The queen pressed, both by her letters and commissioners, to have the murderers delivered into her hands, inasmuch as Henry IV., King of England, had formerly delivered up into the hands of James IV., King of Scots, William Heron and seven Englishmen, for killing Robert Carre of Cessford upon a day of meeting; and Morton, the late regent, sent Carmichael, a Scot, into England for killing George Heron. The king protested his own innocency in the matter, and promised to send, not only Fernihurst immediately into England, but the chancellor too, if they could be convicted by clear and lawful proofs to have premeditately infringed the security, or procured the murder. Fenwick, an Englishman, accused Fernihurst of the fact to his face; he avoided it by a flat denial, because the other could produce no Scottishman for a witness. For in these trials on the Borders, according to a certain privilege and custom agreed on amongst the Borderers, none but a Scot is to be admitted for a witness against a Scot, and none but an Englishman against an Englishman; insomuch, that if all the Englishmen which were upon the place had seen the murder committed before their eyes, yet their testimony had been of no value, unless some Scottishman also did witness the same. Nevertheless, Arran was confined to his house, and Fernihurst was committed to custody at Dundee, where afterwards he died: a stout and able warrior, ready for any great attempts and undertakings, and of an immoveable fidelity to the Queen of Scots, and the king her son; having been once or twice turned out of all his lands and fortunes, and banished the sight of his country and children, which yet he endured patiently, and, after so many crosses falling upon him together, perished unshaken and always like himself."*

One of the latest of these affrays has been described with some lively colouring in the rude rhymes of an old Scottish minstrel. The place of meeting was the Reidswair, a spot on the very ridge of a bleak and waste tract of mountains, called the Carter-fells, which divide England from Scotland. The Scottish clans of the middle marches arrived in arms and in attendance upon Sir John Carmichael of Carmichael; and, from the opposite side, the Borderers of Tynedale and Redesdale advanced, with "jack and spear and bended bows," with Sir John Forster, the English warden. Yet the meeting began in mirth and good neighbourhood; and while the wardens proceeded to the business of the day, the armed Borderers of either party engaged in sports, and played at cards or dice, or loitered around the moor. The merchants, or pedlars, erected their temporary booths,

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* Camden's Annalls at the year 1585, in Kennet's History of England, vol. II. p. 505.

and displayed their wares, and the whole had the appearance of a peaceful holiday or rural fair. In the midst of this good humour, the wardens were observed to raise their voices in angry altercation. A bill had been *fouled* upon one Farnstein, an English Borderer, who, according to custom and law of march, ought to have been delivered up to the Scots. The excuses made by Sir John Forster did not satisfy the Scottish warden, who taxed him with partiality. At this the English warden, rising suddenly, and drawing up his person so as to have the full advantage of all his height, contemptuously desired Carmichael to match himself with his equals in birth and quality. These signs of resentment were sufficient hints to the Tynedale Borderers, who immediately shot off a flight of arrows among the Scots. The war-cry and slogan of the different clans then rose on either side; and these ready warriors, immediately starting to their weapons, fought it out manfully. By the opportune arrival of the citizens of Jedburgh, armed with fire-arms, the Scots obtained the victory; Sir George Heron of Chipchase, and some other Englishmen of rank, being slain on the spot, and Sir John Forster himself, with others of his retinue, made prisoners. This affray gave great offence to Elizabeth; and the Regent Morton, stooping before her displeasure, sent Carmichael to answer for his conduct at the court of England, where, however, he was not long detained.

Besides the duties of annoying the hostile frontiers in war, and maintaining amicable relations with them in time of peace, there was a sort of mixed obligation on the wardens, of a nature somewhat delicate; they were expected to avail themselves of their proper strength to retaliate such offences as they could not obtain reparation for from the opposite warden, or contentedly sit down under, without compromising their own honour and that of their country. This mode of compensating injuries by retaliation always added considerably to the discords and inroads upon the Borders, and licensed for the time the enterprises of the most desperate marauders. One or two instances of the manner in which the wardens acted on such occasions, and of the circumstances which gave rise to their appearing in arms, will complete our account of the duties of these guardians of the frontiers.

The Debateable Land (before its final division) was a constant subject of dissension between the opposite wardens of the west marches. To require satisfaction from the English for the inroads of the Borderers inhabiting this tract, or to render satisfaction to them for what the people of the Debateable Land had suffered from the Scottish in return, would have been to acknowledge the district to be a part of England. Lord Maxwell, therefore, in 1550, declared his intention of marching against the men of the Debateable Land, not as Englishmen, but as Scottish rebels, and laying waste their possessions. Lord Dacre, the opposite warden, acted with equal spirit and prudence. He drew out the forces of his march upon the verge of the acknowledged possessions of England, thus affording countenance, but no active assistance, to the men of the Debateable ground. These, a fierce and untractable set of people, chiefly of the clans of Armstrong and Græme, seeing themselves well supported, *pricked* or skirmished with Lord Maxwell on his entering their district, and took one or two of his followers, by which repulse, backed

by the good countenance shewn by the English warden, the expedition of Lord Maxwell was disconcerted. This brief campaign is mentioned in King Edward IVth's Journal.*

Numerous occasions took place, when the warden, on either or both sides, resenting some real or supposed denial of justice, endeavoured to right themselves by *riding*, as it was termed, that is, making incursions on the opposite country. This was at no time more common than in the year 1596, when a singular incident gave rise to a succession of these aggressions, and well nigh occasioned a war between the kingdoms.

In the year 1596, there was a meeting on the borders of Liddesdale betwixt the deputies of the Lord Scroope of Bolton, warden of the west marches, and the Lord of Buccleuch, keeper of Liddesdale. When the business of the day was over, and the meeting broken up, the English chanced to observe a Scottish Borderer, of the clan of Armstrong, called Willie of Kinmont, celebrated for his depredations. He had been in attendance, like other Border riders, upon the Scottish officer, and was now returning home on the north side of the river Liddle. Although he was on Scottish ground, and that the assurance of truce ought to have protected him, the temptation to seize an offender so obnoxious was too great to be resisted. A large body of English horsemen crossed the river, pursued and took him, and lodged him in Carlisle Castle. As Lord Scroope refused to

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* "August 16, 1549. The Earl of Maxwell came down to the North Border with a good power to overthrow the Gremes, who were a certain family that were yielded to me; but the Lord Dacre stood before his face with a good band of men, and so put him from his purpose; and the gentlemen called Gremes skirmished with the said earl, slaying certain of his men."

give Kinmont up, although thus unwarrantably taken prisoner, Buccleuch resolved to set him at liberty by force, and, with a small body of determined followers, he surprised the Castle of Carlisle, and without doing any injury to the garrison, or to the warden, carried off the prisoner. This spirited action was so much admired by the Scottish nation, that even King James, however much afraid of displeasing Elizabeth, and though urged by her with the most violent complaints and threats, hesitated to deliver up the warden who had so well sustained the dignity of his office and the immunities of the kingdom. But this act of reprisal gave rise to many others. Sir Thomas Musgrave rode into Scotland, and made spoil like an ordinary Borderer; and Henry Widdrington laid waste and burned Cavers, belonging to the Sheriff of Teviotdale. Buccleuch's life was said to be the aim of these marauders, and, as it was alleged, with the privity of the Queen of England.* On the other hand, the Lords of Buccleuch and Cessford vexed the English Border by constant and severe incursions, so that nothing was heard of but burning, *hership* (devastation,) and slaughter. In Tynedale, Buccleuch seized upon no less than thirty-six English freebooters, and put them to death without mercy. The wrath of Elizabeth waxed uncontroulable.† "I

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* Rymer's Fœdera, vol. XVI. pp. 307, 308.

† Her instructions to her ambassador, Sir William Bowes, mark at once the state of the marches and the extremity of her majesty's displeasure. They occur in Rymer's Fœdera, vol. XIV. p. 112.

"ELIZABETH R.

"Trusty and welbeloved, We greet you well.

"When you departed, we delivered you our full pleasure how you should, upon your arryval at Carlile, and how you should address yourself to the king upon his approach to the Borders, or upon any difficulties occurring in the treaties, since which time we

^ But though the King with the English succession in his eye was disposed to be prudently submissive but so was not his parliament. The Scottish nobility avowed that if Buccleugh was to go to England they would all go with him for company with such power as they could make and the Lord President told the English Ambassador in open audience that it would be time enough for the Lord of Liddesdale (Buccleuch) to be sent into England when it should please God that the King went there and not sooner.

Upon an understanding however that he was to be brought to no ~~shame~~ harm and his person was to be safe Buccleuch himself consented to go to London to gratify the timorous anxiety of James marvel," are her own royal expressions, " how the king thinks me so base minded as to sit down with such dishonourable treatment. Let him know we will be satisfied, or else"—— Some of James's ancestors would have bid her

Choke in thy threat. We can say *or* as loud.

~~But James judged it more safe to pacify her by surrendering his of-~~ 6

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have received from our wardens nothing but frequent advertisements, both from the east and middle marches, especially how daily they are spoyled and burned by the incursions from the opposite borders; and for more open shewe of injury, Buklugh himself, the king's officer, hath been a fresh ringleader of the same, whereby appeareth how little likelihood there is that such wardens will restrayne their inferiors, or the king himselfe reforme any thing, seing he doth not only tollerat but cherish them, since they were found most faultie, and hath, in lieu of punishment, given some of them newe favors, and left us neglected in the eye of the world, with frutelesse promisses of satisfaction; by expectation whereof our people fynde themselves abandoned to utter ruine and miserie.

" You shall therefor repair to the king, and, by the means of our ambassador, require speedy access, at which time you may plainly declare unto him the generalities above mentioned; and you shall also furnish yourself with an abstract of all the mayne wronges newly done us, and deliver to the king how much it troubleth us to be requyted with nothing but continuall frutes of spoyles and injuries, where we have ever sown continuall care and kyndness; and if it may be deemed that we do less value the estate of those poor creatures who are more remote from us, than of others who daily are in compasse of our eye, surely they shall be deceived; for in our care for their preservation, (over whom God hath constituted us equally the only head and ruler) wee never do admit any inequality or difference of care, either for point of justice to be administered by ourselves, or satisfaction to be procured from them that any way oppress them.

" But we do see that tyme spends on to their loss, that our people are vexed, our commissioners are tyred, and our selve delayed; an therefor we require you, seeing all promises are so little observed, and all references to conventions so partially conducted, to let the king know that we cannot deny the just and pitifull appeals which our dear people make for protection and redress, but will enable them to make these unruly rabble of outlawes and ra know and feel that they shall taste of a sourer neighbourhood than

~~ficers to England, (page~~ cxiv) where, however, ~~they were not long detained~~. ‸

It was not, therefore, until the union of the crowns, that any material alteration took place in the manner or customs of the Borders. Upon that great event, the forces of both countries acting with more uniform good understanding, as now the servants of the same master, suppressed every disorder of consequence. The most intractable Borderers were formed into a body of troops, which Buccleuch conducted to the Belgick wars. The Border counties were disarmed, excepting such weapons as were retained by gentlemen of rank and repute.* And the moss-troopers, who continued to exercise their

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they have done of late, seeing they do nothing but insult upon our toleration of many injuries, whilst we are apt (out of respect to the king only) to quietness."

* Amongst other articles agreed upon betwixt the English and Scottish commissioners for the final pacification of the Borders, 9th April, 1605, after recommending that all deadly feuds should be put to agreement, or those who refused to acquiesce should be detained prisoners, that heavy mulcts and penalties should be inflicted on such Scottishmen and English as broke the peace by any act of violence, and that robbers from either country should be punished with death, there is a clause of the following tenor: "Also, it is agreed that proclamation shall be made, that all inhabiting within Tindale and Riddesdale in Northumberland, Bewcastledale, Wilgavey, the north part of Gilsland, Esk and Leven in Cumberland, East and West Tevidale, Liddesdale, Eskdale, Ewsdale, and Annerdale in Scotland, (saving noblemen and gentlemen unsuspected of felony or theft, and not being of broken clans,) and their household servants dwelling within those several places before recited, shall put away all armour and weapons, as well offensive as defensive, as jacks, spears, lances, swords, daggers, steelcaps, hagbuts, pistols, plate sleeves, and such like; and shall not keep any horse, gelding, or mare, above the price of 50*s.* sterling, or 30*l.* Scots, upon like pain of imprisonment.

"*Item*, That proclamation be made, that none of what calling soever, within the countries lately called the Borders, of either of the kingdoms, shall wear, carry, or bear any pistols, hagbuts, or guns of any sort, but in his majesty's service, upon pain of imprisonment, according to the laws of either kingdom."

, Queen Elizabeth is said by tradition to have asked the Border Chief ~~what had led~~ upon their first interview how he dared so audaciously break the peace of the frontier to which he answered "And it like your Grace I would ye tell what is that ~~can~~ a man dares not do." This was an answer after Elizabeth's own mind who treated Buccleuch with peculiar respect in consequence and assigned him a lodging near the Privy Garden.

former profession, experienced in great numbers the unsparing and severe justice of the Earl of Dunbar.

But though the evil was remedied for the present, the root remained ready to sprout upon the least encouragement. In the civil wars of Charles I., the Borderers resumed their licentious habits, particularly after the war had been transferred to Scotland, and the exploits of the moss-troopers flourish in the diaries and military reports of the time.* In the reign of Charles II. we learn their existence still endured, by the statutes directed against them.† And it is said that

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* In a letter from Cromwell's head-quarters, Edinburgh, October 16, 1650, the exploits of the Borderers in their old profession are alluded to. "My last told you of a letter to be sent to Colonels Kerr and Straughan from hence. Satturday the 26, the commissary-general dispatcht away a trumpet with that letter, as also gave another to the Sheriff of Cumberland, to be speeded away to M. John Scot, bailiff, and B. brother to the Lord of Buccliew, for his demanding restitution upon his tenants, the moss-troopers, for the horses by them stolne the night we quartered in their country, since which, promises hath been made of restitution, and we doubt not to receive it very suddenly, or else to take satisfaction another way ourselves." In the accounts of Monk's campaigns, given in the News Letter of the time, there is frequent mention of the moss-troopers.

† The 13th and 14th Charles II., ch. 3,—18th Charles II., ch. 3 and 29, and 30th Charles II. ch. 1., all proceed upon similar preambles, stating, in substance,—"Whereas a great number of lewd, disorderly, and lawless persons, being thieves and robbers, who are commonly called *moss-troopers*, have successively, for many and sundry years last past, been bred, resided in, and frequented the Borders of the two respective counties of Northumberland and Cumberland, and the most adjacent parts of Scotland; and they, taking the opportunity of the large waste ground, heaths, and mosses, and the many intricate and dangerous ways and by-paths in those parts, do usually, after the most notorious crimes committed by them, escape over from the one kingdom to the other respectively, and so avoid the hand of justice, in regard the offences done and perpetrated in the one kingdom cannot be punished in the other.

"And whereas, since the time of the late unhappy distractions, such offences and offenders as aforesaid have exceedingly more increased and abounded; and the several inhabitants of the said respective counties have been, for divers years last past, necessitated, at their own free and voluntary charge, to maintain several parties of horse for the non-conforming presbyterian preachers were the first who brought this rude generation to any sense of the benefits of religion.* How-

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necessary defence of their persons, families, and goods, and for bringing the offenders to justice." Upon this preamble follow orders for assessing the inhabitants of these disturbed counties in the sums necessary to pay sufficient bands of men for protection of the inhabitants. These acts are still in force.

* This appears from a curious passage in the Life of Richard Cameron, who gave name to the sect of Cameronians. " After he was licensed, they sent him at first to preach in Annandale. He said, How could he go there? He knew not what sort of people they were. But Mr Welch said, Go your way, Ritchie, and set the fire of hell to their tails. He went, and the first day he preached upon that text, *How shall I put thee among the children*, &c. In the application he said, Put you among the children! the offspring of robbers and thieves. Many have heard of Annandale thieves.—Some of them got a merciful cast that day, and told it afterwards, that it was the first field-meeting that ever they attended; and that they went out of curiosity to see how a minister could preach in a tent, and people sit on the ground."—HARRIES' *Scottish Worthies*, p. 361.

Cleland also, the poet of the sect of Cameronians, takes credit for the same conversion, and puts the following verses into the mouth of a prelatist haranguing the Highlanders, and warning them against the inconvenient strictness of the presbyterian preachers:—

If their doctrine there get rooting,
Then farewell theift, the best of booting,
And this ye see is very clear,
Dayly experience makes it appear;
For instance, lately on the Borders,
Where there was nought but theft and murders,
Rapine, cheating, and resetting,
Slight-of-hand—fortunes getting;
Their designation, as ye ken,
Was all along, the *Tacking Men.*
Now rebels more prevails with words,
Then drawgoons does with guns and swords,
So that their bare preaching now,
Makes the rush-bush keep the cow
Better than Scots or English kings
Could do by kilting them with strings;

✱ "Yet the old women" says a former historian in this vicinity "have left some seeds
behind". The churches are in many instances meanly endowed according to his statement
and the assizes not held above once a year by which ~~such factors~~ persons accused
may be detained nearly twelve months in prison without trial". ~~He also remarks~~
The same reverend ~~adds~~ author ~~always~~ also remarks feelingly that there
still remains some species of theft peculiar to the border when a man and woman
steal each other and fly in that direction the kindred sometimes rise and
follow the fray But the parties usually outstrip them pass the March ~~of~~ without
hostile attempt get lovingly married and return home in peace" *

It may be also observed that though two centuries
have past away there is less less intercourse and fewer intermarriages
between English and Scottish families than elsewhere. Formerly
this was much more distinctly observed. And indeed the ~~separate~~
former separation of the two countries ~~which~~ was most plainly
distinguishable in the ~~present~~ time when they had been soldered toge:
ther. The author has been informed by his father that when ~~on~~
during a great ~~interminable~~ lawsuit respecting the right of fishing ~~on~~ salmon on the
river Tweed which affected the ~~rights~~ interest of the proprietors on both side of
the stream beneath the point at which it becomes the Border of Kingdoms there
was a form observed which delicacy and courtesy in duly arising a recollection
on both sides that the countries had once been hostile. Witnesses were alternately
examined on the one side of the river ~~th~~ and off the other and the persons interested
attended ~~to~~ as is usual in such cases. But it was remarkable that ~~when~~ on
the days when the proof took place in Scotland the English gentlemen came all
~~them~~ armed as was usual at that period themselves with their swords & their
numerous servants with pistols at the saddle bow. The Scottish gentlemen on the
altogether contrary came disarmed ~~entirely~~ and with ~~to~~ less even than their usual atten:
dance. The reverse took place when the business was carrying on in England
the Scottish were then armed and the English came without weapons. The late
Mr. Scott could not say whether this was matter of actual compact but rather
believed it arose out of a species of delicacy of feeling which dictated to the
gentry on both sides that the party receiving the visit should show ~~themselves~~
that they neither feared nor harboured any mischievous purpose. The gentle
men dined together but it was a stately formal sort of meeting and the
Squires of Northumberland & Lairds of the Merse never gave way on these
occasions to the somewhat boisterous conviviality which they practised
at home. This though not unworthy of being mentioned was but the
shadow of a shade and there can be little doubt that the improved com
munication by roads ~~made~~ and bridges erected will altogether obliterate
the recollection of the enmity which prevailed on the Borders in former
days.

Foot Note
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& Westmoreland
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ever this may be, there seems little doubt that, until the union of the crowns, the manners of these districts retained a tincture of their former rudeness, and would have relapsed, had occasion offered, into their former ferocity. Since that fortunate æra, all that concerns the military habits, customs, and manners of what were once the frontier counties, fall under the province into which these details may serve to introduce the reader—the study, namely, of BORDER ANTIQUITIES.

> Yea, those that were the greatest rogues,
> Follows them over hills and bogues,
> Crying for mercy and for preaching,
> For they'll now hear no others teaching.
>
> CLELAND'S *Poems*, 1697, p. 30.