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THE
SCOTTS
OF
BUCCLEUCH

Vol. I
By

WILLIAM FRASER

IN TWO VOLUMES.

VOL. I.

EDINBURGH 1878.

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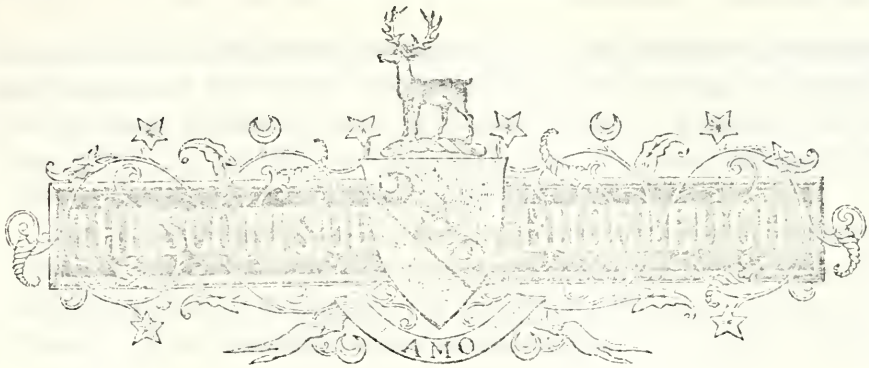
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INTRODUCTION.

THE object of the present work is to set forth the ancient and more important MUNIMENTS OF THE SCOTTS OF BUCCLEUCH, and also to record the personal history of the successive generations of the family as BARONS, EARLS, and DUKES OF BUCCLEUCH, from the earliest known ancestor down to Anna, Duchess of Buccleuch and Monmouth, who died in the year 1732. This has been done in two volumes; the Memoirs composing the first volume, and the Muniments the second. A Memoir of each of the successive inheritors of the Buccleuch domains and dignities is given with as much fulness and detail as existing evidence affords. Owing to the scantiness of materials bearing on the earlier generations of the family, those of the thirteenth century, the history during that period is necessarily brief. But in the fourteenth century the charter evidence becomes more abundant, and from that time the Memoirs are more ample and exhaustive down to the death of Anna, Duchess of Buccleuch and Monmouth. The notices of her descendants and successors are written with less detail.

This work relates almost exclusively to the Scotts of Buccleuch and their special Muniments. No part of it treats of the properties that belong to the Duke of Buccleuch in England, and only a very few of the charters printed

have reference to the estates of Queensberry. The Dukes of Queensberry, now represented by the Duke of Buccleuch, and their Muniments, will form the subject of a separate work. The Muniments of the lordship of Melrose were printed in two quarto volumes in the year 1839, and presented by the Duke of Buccleuch to the members of the Bannatyne Club.

The numerous lands, baronies, and castles now belonging to the Duke of Buccleuch would of themselves form the subjects of interesting histories. But this wide field cannot be entered on in the present work, which, embracing the Memoirs and the Muniments alone, has grown to two large quarto volumes.

ORIGIN OF HISTORICAL HOUSES.

It is often difficult to trace the remote ancestors of our great historical houses. In the absence of authentic documents, ingenious writers have sometimes supplied the want by tradition or invention. When there was a want of evidence regarding the founder of a distinguished house, or when a link was wanting in the chain of descent from him, bards and senachies seldom hesitated to invent a founder and supply a link. Successive writers have perpetuated these inventions until they have eventually been received as genuine history.

When some remarkable man has, by brilliant exploits or otherwise, suddenly raised himself above his fellows and become the "Rudolph of his race," his descendants have usually been content to rest in him as their common ancestor. But in those cases where the rise of the family has been more gradual, the difficulty of finding a distinguished man as the founder of the house has been sometimes obviated by inventing one. Frequently family historians, not being content to confine him to the soil on which his descendants have flourished, have asserted a foreign origin, and Scandinavia, Hungary, Ireland, and even the Isle of Man have been made to yield their kings and princes to fill the place of genuine ancestors.

Modern research has, in many cases, cleared away the fables that surrounded the origin of our historical families. But in the absence of contem-

porary records, or of the works of annalists based on documents and traditions no longer extant, much has still to be left in the old obscurity. The ancient and historical house of Buccleuch can, by genuine documents, be traced back in unbroken line for at least six centuries, and is found at that remote period in possession of part of the extensive lands which it now holds, but beyond that time it becomes involved in the obscurity incident to the history of that early age.

The Scotts of Buccleuch, like several of the other families, received their alliterative appellation. The "Doughty Douglasses," the "Gallant Grahams," the "Gay Gordons," the "Light Lindsays," and the "Bold Buccleuchs," indicate the popular characteristics of these particular families. The Memoirs of the successive Barons of Buccleuch will show that their distinctive epithet was appropriately bestowed.

HISTORIES OF THE SCOTTS: "LAY OF THE LAST MINSTREL."

No comprehensive history of the family of Scott has yet been written. The "Lay of the Last Minstrel," by the greatest dramatic genius of his age and the most illustrious member of the clan in the domain of literature, contains many beautiful allusions to individual members of the family, and many incidents in their history are portrayed in that poem by the hand of a master. But it is not, and, indeed, does not profess to be an exhaustive history of the house. "The conception of the fable," as it has been called, was to describe a particular incident in the history of the Scotts of Buccleuch, that arose out of the unhappy feud between them and the Kerrs in the sixteenth century.¹ Sir Walter Scott edited, in the year 1815, "The Memorie

¹ The original ms. of the "Lay" is not known to be preserved. A copy of the first edition of 1805, containing corrections by the author for the second edition, is in the Royal Library at Windsor. On the fly-leaf Sir Walter has written: "This copy was prepared for the second edition upon the principle of abbreviating the notes, recommended

by the 'Edinburgh Review' in their notice of the Poem. But my friend Mr. Constable would not hear of the proposed abridgment, and so the antiquarian matter was retained. —W. S., 15th June 1821." On the fly-leaf of a copy of the original edition at Abbotsford is written, "Mrs. Scott, from her affectionate son the author."

of the Somervilles," which was written by James, eleventh Lord Somerville. He also edited "Memorials of the Haliburtons," in 1820, a thin quarto of sixty-seven pages, to which a supplement was added four years later. Lockhart says that Sir Walter Scott "delighted above all other books in such as approximated to the character of good family histories." It is to be regretted that one who had a taste for such subjects, and who was the most ready and graceful writer of his age, did not devote his wide knowledge and literary power to a history of his own family in a more comprehensive and elaborate form than the poetic "Lay" and the tabular pedigree of the Scotts, which he compiled with his own hand while yet a young man. Had Sir Walter Scott investigated the history of the Scott family, and adorned their annals with all that wealth of genius which he has thrown around other subjects, an interest would have been given to the family of Scott which no other hand can hope to impart.

THE HISTORY BY WALTER SCOTT OF SACHELLS.

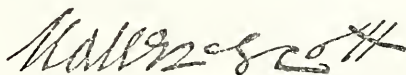
Previous to the time of Sir Walter Scott, another member of the clan, with the same name, wrote a metrical history of the Scotts. This history was published in the year 1688, and was written by Captain Walter Scott of Satchells, as he is usually designated from his being the son of the Laird of Satchells, in the county of Roxburgh. His work is entitled, "A true History of several Noble Families of the right honourable name of Scot in the shires of Roxburgh and Selkirk, and others adjacent, gathered out of ancient Chronicles, Histories, and Traditions of our Fathers." A facsimile of the title-page is here produced. The author of the "True History" was born in the year 1613. He appears to have been the son of Robert Scott of Satchells, a cadet of Scott of Sinton, who received from John Archbishop of Glasgow a charter of the lands of "Satscheillis," in the barony of Lilliesleaf and shire of Roxburgh, which narrates that Robert Scott and his predecessors had possessed the heritage beyond the memory of man. The charter

is dated 10th February 1607, and was confirmed by a Crown charter under the Great Seal, on 14th December 1609.¹ Robert Scott of "Satscheillis" also received a Crown charter under the Great Seal, 24th November 1609, of the lands of Dodbank, in the shire of Selkirk, occupied by him and the late James Scott, his father, and others their predecessors, as old and native rentallers and tenants thereof.² Robert Scott was one of the pensioners of the house of Buccleuch, and he had Southinnig for his service. The property of Satchells now forms part of the estate of Sinton. The house of Satchells was called the White Peel, because it was whitewashed. No part of it now remains.

The family estate of Satchells was so far reduced when his father succeeded to it that young Walter had to be kept at home to herd the few cattle that still remained; but a pastoral life was not congenial to him, and, as he himself says, he "gave them the short cut and left the kine in the corn." He joined the expedition to Holland in the year 1629, where he served in the regiment raised by his chief, Walter, second Lord Scott and first Earl of Buccleuch. When seventy-three years of age, Satchells composed the "True History" of the family of Scot, in which he describes himself as—

"An old soldier and no scholar,
And one that can write name
But just the letters of his name,"³

—a circumstance that lends peculiar interest to the annexed facsimile of his unique signature.



This signature is taken from the original record of an act of cautionry by

¹ Reg. Mag. Sig., Lib. xlvi. No. 124.

² *Ibid.* No. 117.

³ His book is dedicated to John, Lord Yester, grandson of Walter, Earl of Buc-

cleuch. It was printed at Edinburgh in 1688. A second edition appeared in 1776, and a third edition was printed at Hawick in the year 1786. The edition of 1776 is the one quoted in this work.

him on 12th of September 1654, for Robert Scott, son to unquibile Peter Scott in Cowdhome.¹

Satchells, while admitting his want of scholarship, does not acknowledge it to be any disqualification for the work of an historian, and, indeed, he criticises several historians with much freedom when their opinions differ from his own. His industry enabled him to collect many facts that came within his own knowledge, and his record of these is valuable. But his history of the origin and early generations of the Scott family is to be taken with the utmost caution. According to him, the founder of the house of the Scotts of Buccleuch came from Galloway, in the reign of King Kenneth the Third, in the tenth century. The tradition which Satchells relates is said to have been received by him while serving as a soldier. Having occasion to pass to the English side of the Border he became acquainted with a gentleman named Lancelot Scot, who showed him a book said to have been written by Michael Scott, called the Wizard, and informed him that it

“Was never yet read through
Nor never will, for no man dare it do.”²

Satchells himself could not read, so that he had to depend upon his informant, who related to him the contents of manuscript histories concerning the origin of the Scotts :

“But to proceed he wearied not
To shew the original of the Border Scot.
He said that book did let him understand,
How the Scots of Buckleugh gain'd both name and land.”³

This history of the origin of the Scotts, written by Michael Scott of Balwearie in the thirteenth century, as stated by Satchells, would be an interesting and valuable addition to historical literature, were it known to exist. But there is no other reference to such a work, and Satchells may

¹ Records of Sheriff-Court at Jedburgh.

² True History, p. 34. For a brief notice of Sir Michael Scott, see p. xxxiv. of the Introduction.

³ *Ibid.* p. 35.

have introduced the name of Michael Scott to give weight and authority to the narrative. A more learned family historian than Satchells had recourse to a reference to an anonymous manuscript in order to prove the origin of another great Scottish family. Mr. David Hume of Godscroft, in his History of the Houses of Douglas and Angus, claims for the Douglas family an antiquity as distant as the time of Solvathius, King of Scotland, about the year 767, when, he says, the founder of that family performed a notable exploit which gained the favour of the king, who bestowed upon the hero the name of Sholto Douglas. Godscroft adds that his narrative is confirmed by "a certain manuscript of great antiquity, extant in our days, in the hands of one Alexander Macduffe of Tillysaul, who dwelt at Moore alehouse near Strathbogie."¹

The keeper of a public record might be the custodier of a manuscript that would throw light on the early history of the great House of Douglas, but the notion of the humble keeper of a public-house in the wilds of Strathbogie possessing the principal manuscript to prove the origin of the Douglas family, is really too absurd to be gravely set forth by an author of considerable learning in his history of that great house.

FABULOUS FAMILY HISTORIES.

The seventeenth century, in which Godscroft and Satchells wrote their respective histories of the families of Douglas and Scott, was a bad era for family histories. It was not till the following century that a better spirit awoke in authors, prompting them to discard the fabulous. In the middle of last century the Honourable Harry Maule of Kelly, third son of George, second Earl of Panmure, an accomplished historical antiquary, was one of the first to point out and dissipate the fictions of previous writers. He collected materials for the history of his own House of Panmure, and in this work he states—"I have read over a good many histories and genealogies of families in Scotland, some in manuscript, others printed, and have examined

¹ Hume of Godscroft's History, edition of 1644, p. 4.

and compared some of them with what I found in the public Records and in the Chartularies of our Bishopricks and Abbeys, and found many of them stuffed and filled with fables, falsehoods, and errors, and written to flatter the persons now concerned, and so become to doubt of everything contained in them!"¹ In another part of his work, Mr. Harry Maule refers to the fabulous origin of several families of Scotland, and to Hector Boece's History, and the History of the Family of Douglas by Godscroft, which he specially reprobates as full of fables.²

The worthless style of writing family histories so common in the sixteenth and seventeenth centuries was crowned by Sir Thomas Urquhart of Cromartie, in his "True Pedigree and Lineal Descent of the most ancient and honourable Family of the Urquharts in the House of Cromartie, from the creation of the world until the year of God 1652." Sir Thomas Urquhart traces his descent from Adam, without a single break in the long chain, beginning with the year of the world, being the year 1, and having Adam as the first of the "series," down to Sir Thomas himself, who is called the one hundred and fifty-second of the "series" from Adam. When questioned about the accuracy of his published pedigree, he was wont to remark, that the present age would mock that genealogy, the succeeding age would doubt it, and the third would be heavily inclined to believe it.³

But although the seventeenth century was prominent for such histories, the fabulous seems to have been made use of from the earliest ages in accounting for the origin of British families. A ridiculous origin has been ascribed to the great House of Percy in England, like its Douglas rival in Scotland, by the story that King Malcolm the Third (Canmore), at the siege of Alnwick in the year 1093, was attacked by one of the besieged soldiers and

¹ Registrum de Panmure, vol. i. pp. i, ii.

² *Ibid.* p. lxxiii.

³ After the Battle of Worcester, where he fought for the King and was taken prisoner, Sir Thomas Urquhart escaped from the

Tower of London, and went abroad. It is related by the continuator of his genealogy that he died there suddenly in a fit of excessive laughter on being informed by his servant that the king was restored.

mortally pierced with his spear. The soldier received the name of *Pierce-eye* or *Percy*, because he had pierced the eye of Malcolm. The story had too much of the marvellous to be omitted by Hector Boece, who improves it in picturesqueness by the more precise statement that the soldier pierced the left eye of King Malcolm.¹ He appears to have been unaware that the surname of Percy was in use previous to the incident at Alnwick.

The alleged origin of the family of Forbes also affords a good specimen of inventions respecting the founders of families. When King Edward took the castle of Urquhart, he murdered every person in it except the wife of Alexander Bois, the lord of the castle. She was pregnant at the time, and the English had a religious scruple against killing a child before its birth. The child so preserved, in due time proved a boy, and having slain a mighty bear that infested the country, he received the appellation of *For-beast*, which afterwards came to be pronounced *Forbes*.

Martin in his genealogical collections relates that one Salvathius Forbes married Moravilla, daughter of Gregory the Great, King of Scotland, about 870, and that all the Forbeses in Scotland are descended from him. But Nisbet says that Achonacher, an Irishman of quality, slew a monstrous wild boar and from that event took the name of *Forbear*, and that he was the ancestor of the family of Forbes. There is a confusion here of *boars* and *bears* which we, following a remark of Lord Hailes, shall not pretend to unravel.²

TRADITIONS OF SATCHELLS ON THE ORIGIN OF THE SCOTTS.

The substance of the tradition related by Satchells, as to the origin of the Scotts of Buccleuch, is that two gentlemen of Galloway, as the result of a feud, had to leave their native country, and finding their way to Rankilburn, in the royal forest of Ettrick, were hospitably entertained by the keeper of the forest, named Brydön. Finding the two young men accom-

¹ Annals of Scotland, by Lord Hailes, edition of 1797, vol. i. p. 27.

² Annals of Scotland, by Lord Hailes, vol. i. p. 342.

plished in the art of forestry, the ranger retained them in his service. King Kenneth the Third was hunting one day in Ettrick forest with the nobles of his Court, when one of the young Gallowegians, observing the buck passing by Caera Cross hard pressed by the hounds, eagerly followed the chase. At the Rankilburn the stag was brought to bay and turned on the hounds, when one of the young Gallowegians rushing in, seized the buck by the horns.

“ Alive he cast him on his back,
Or any man came there,
And to the Caera-Cross did trot,
Against the hill a mile or mair.”¹

King Kenneth was so pleased with the exploit that, causing the young man to be brought before him, he inquired his name and country, and appointed him Ranger of the Forest of Ettrick, at that time an honourable and important office. He was further rewarded with the gift of the lands of Buecleuch :—

“ And for the buck thou stoutly brought,
To us up that steep heugh,
Thy designation ever shall
Be John Scot in Bueckseleugh.”²

John Scot then informed the King that he had with him a brother named Wat :—

“ Ye are very well met, then, said the King;
He shall be English and ye are Scot,
At Bellanden let him remain,
Fast by the Forrest side.”³

The romantic story of Satchells has passed into a popular Border tale,

¹ True History, p. 37.

² *Ibid.*

³ True History, p. 38. Satchells, in his “little prose” account of the early Kings of Scotland, narrates that “Kenneth the Second, King of Scots, called the Great, conquered the

kingdom of the Picts about the year of grace 839, and joined the kingdom of Picts into the ancient nation of Scotland.” King Kenneth the Third, he says, was son to Malcolm the First, “a brave king and a good justiciar.”— True History, pp. 29, 31.

and the encounter with the buck by John of Galloway is held as an article of belief by many persons of the name of Scott. Imitating the fashion of the age in which he wrote, and yielding to the popular craving for a romantic founder to a great house, Satchells, like a true senachie, knowing the tradition that the Scotts of Scotstoun originally came from Galloway, made it apply to the acquisition of the lands of Buccleuch and Bellenden by the exploit of the killing of the buck. Ignorant of charter evidence, and incapable of reading and weighing legal evidence bearing on the true origin of the Scott family, Satchells overlooks the genuine Scotts of the twelfth century, including "UCHTRED FILIUS SCOT" in the time of King David the First, of whom he appears never to have heard, and whom he never mentions. But he dwells upon John Scot and Walter English, the two alleged Galloway brothers in the time of King Kenneth, who are nowhere heard of but in the legendary pages of the historian himself. For at least two centuries subsequent to the time of King Kenneth the Third, the lands of Buccleuch had not become the property of the family of Scott, and the lands of Bellenden were acquired by the Scotts of Buccleuch only in the year 1415. This appears from the evidence quoted in the first chapter of the *Memoirs*, which shows the acquisition of Buccleuch by Richard Scott, the first Lord of Rankilburn, before the year 1296, and the evidence in the fifth chapter, which proves the acquisition by Robert Scott, fifth Lord of Rankilburn, of the lands of Bellenden in the year 1415. The designation of Scott of Buccleuch did not begin to be used by the family until centuries after the time alleged by Satchells.

The wild buck of Satchells, turning at bay against the hounds of King Kenneth in the Buck Cleugh, recalls the not dissimilar scene said to have been enacted in the forest at Holyrood by the wild hart which pursued good King David the First and "dang" him and his horse to the ground, when he was saved from the fury of the hart by the miraculous intervention of the Holy Cross, which "slaid" in the King's hands as he was seizing the horns of the hart. The King, it is said, in gratitude for his deliverance,

founded the Abbey of Holyrood. On this legendary foundation Lord Hailes remarks, that it has not even the merit of antiquity, for it appears to be a fiction more recent than the days of Boece.¹

Among the many traditional stories in which an exploit with a buck figures, that which relates to the origin of the Mackenzies is probably the most consistent with fact. It is told by Lord Cromartie in his History of the Mackenzies:—"About the time of the granting of the charter of King Alexander, at Kincardine-on-the-Dee, the King was hunting in the forest of Mar. A hart pursued his Majesty, and would probably have injured him if Colin Fitzgerald had not killed the animal with an arrow. For which cause the King granted to Colin a deer or hart's head puissant, bleeding from a wound in the forehead, for his coat armour, supported by two greyhounds; the head in a field azure, which all descending from him have ever since carried."² The "caberfae" or stag's head was borne on the arms of the Mackenzies at an early date, and it is found on the most ancient of their seals.

But the encounters of heroic ancestors were not confined to Bucks. The Somerville Serpent is a good instance of the marvellous traditions of the seventeenth century. In the "Memorie of the Somervilles," written by James, the eleventh Lord of that name, in the year 1679, the author gives a very circumstantial account of his ancestor, John Somerville, killing a great serpent in the time of King William the Lion, a deed that made his fortune and enabled him to found the family. He was king's falconer. The "hydeous monster" is represented as having been three Scots yards in length, and somewhat thicker than an ordinary man's leg, with a head more proportionable to its length than greatness. In form and colour it was like a common muir-adder. Its den was in the side of a hill more than a mile south-east of Linton Church, in the county of Roxburgh. It sallied forth and devoured all sort of bestial, and was the terror of the county, which it made desolate. John Somerville had the temerity to encounter, and the prowess to overcome, the monster by means of a fire-wheel at the top of his lance. He put spurs to

¹ Annals, vol. i. p. 109.

² The Earls of Cromartie, vol. i. p. xvii.

his horse, the fire still increasing, thrust the wheel and almost the third part of his lance directly in the serpent's mouth, "which went doune her throat into her bellie, which he left there, the lance breaking by the rebound of his horse, giving her a deadly wound, who in the pangs of death (some part of her body being within the den), soe great was her strenth that she raised up the whole ground that was above her, and overturned the same to the furthering of her ruin, being partly smothered by the weight thereof."¹ The author of the "Memorie" complains that the tradition of this story has been omitted by the writers of history. But he makes up for the omission in this instance, and in others, as Sir Walter Scott says, by "such prolixity as has seldom been equalled."² The Somerville history was written only two years before the publication of Satchells' True History; and it was edited by Sir Walter Scott in the year 1815. In a note to the story as related by Lord Somerville, Sir Walter contradicts it by the evidence of an ancient sculptured stone in Linton Church, where a knight on horseback is represented charging his lance down the throat of a large four-footed animal, probably a boar or a wolf, but which in no point resembles a serpent. The tradition is thus contradicted by the very evidence which was founded on to prove it. The story, indeed, seems only an echo of the ancient myth of the Boar of Erymanthus.

Allusion has been already made to Sir Walter Scott's delight in good family histories. Mr. Lockhart has given the following graphic account of Sir Walter's satisfaction on receiving a presentation of a copy of the original edition of Satchells' History:—

"His family well remember the delight which he expressed on receiving, in 1818, a copy of this first edition, a small dark quarto of 1688, from his friend Constable. He was breakfasting when the present was delivered, and said, 'This is indeed the resurrection of an old ally. I mind *spelling* these lines.' He read aloud the jingling epistle to his own great-great-grandfather, which like the rest concludes with a broad hint that, as the

¹ Memorie of the Somervilles, vol. i. p. 44.

² The Preface.

author had neither lands nor flocks, 'no estate left except his designation,' the more fortunate kinsman who enjoyed, like Jason of old, a fair share of *fleeces*, might do worse than bestow on him some of King James's *broad pieces*. On rising from table, Sir Walter immediately wrote as follows on the blank leaf opposite to poor Satchells' honest title-page—

“I, Walter Scott of Abbotsford, a poor scholar, no soldier, but a soldier's lover,
In the style of my namesake and kinsman do hereby discover,
That I have written the twenty-four letters twenty-four million times over;
And to every true-born Scott I do wish as many golden pieces,
As ever were hairs in Jason's and Medea's golden fleeces.”

The rarity of the original edition of Satchells is such that the copy now at Abbotsford was the only one Mr. Constable had ever seen.¹ A perfect copy of the original edition of Satchells is in the library of Bowhill, and another in the library of Dalkeith House, where a third copy has also recently been found, wanting the title-page and a few leaves at the beginning.

In the year 1830, Sir Walter Scott presented to the late Mr. Pringle of Whytbank a copy of the second edition of 1776, with this inscription on the fly-leaf:—

“The gift of Walter Scott to his hereditary friend Alexander Pringle,
Esquire of Whitebank.

“Abbotsford, 14th March 1830.”

Along with the book Sir Walter also wrote the following letter:—

MY DEAR ALEXANDER,—I am the enviable possessor of the edition princeps of my namesake Satchells, so I am enabled to beg your acceptance of the reprint of 1776, which is now scarce, and indispensable to your studies. I am very much obliged to you for the remarks on my ancestor, which I wish you would one day complete.

I have an old ballad about the Scotts of Whitslade about the middle of the seventeenth century, and in the hand of the period. It was printed in Hawick Museum by Caw:—

¹ Lockhart's Life of Scott, vol. i. pp. 63, 64.

A TRUE
HISTORY

Of several Honourable Families of the
Right Honourable NAME of

SCOT.

In the Shires of Roxburgh and Selkirk, and
others adjacent.

Gathered out of Ancient Chronicles, Histo-
ries, and Traditions of our Fathers.

BY
Capt. *WALTER SCOT,*
An old Souldier, and no Scholler,
And one that can Write nane,
But just the Letters of his Name.

Edinburgh, Printed by the Heir of *Andrew Anderson,* Printer to
His most Sacred Majesty, City and Colledge, 1688.

I Walter Scott of Abbotsford, a poor scholar, no soldier
In the style of my muse rather than a soldier's lover
That I have written the twenty-four letters twenty-four
And to every true-born Scot I do wish as many golden
As ever were hairs in Samson and Melchior's golden fleece

Bold brethren three of hie degre,
The first of Mars's train,
And two of them for loyalty
Into the field were slain.
At York's great fight, Longmarston hight,
Squire William lost his life ;
And good Squire Walter, he was kild
At Innerkeithen in Fife.
At that great route, Thomas was stout,
Being youngest of the three ;
To the effusion of his blood
He fought for 's Majestie.

The poem is an elegy on the said Squire Thomas. I can let you have a copy if you please.—Always faithfully yours,
WALTER SCOTT.

SIR WALTER SCOTT'S PEDIGREE OF THE SCOTTS.

Sir Walter Scott of Abbotsford, himself a cadet of the Scotts of Raeburn, who were cadets of the Scotts of Sinton and Harden, wrote, with his own hand, a tabular pedigree of the family of Scott of Buccleuch, including the branches of Sinton, Harden, Raeburn, and Scottstarvit. The pedigree was compiled by Sir Walter, when a young man, for his chief, Hugh Scott of Harden, afterwards Lord Polwarth, and that holograph original is now a valued heirloom in the family of Harden. Sir Walter Scott was, by his own confession, unskilled as an artist, and is represented as quite incapable of making any drawing. But in the right-hand corner of his large Scott pedigree there is a fair representation by him of the armorial bearings of the Scotts of Harden in their proper colours. The pedigree measures three feet by four and a half feet, and is too large for insertion here in a complete form, but it is printed in another part of this work, in sections separately tracing the main line of Buccleuch and the branches of Sinton, Harden, Raeburn, and Scottstarvit. It is interesting as the apprentice handiwork of the illustrious author. The basis of his

pedigree of the Scotts of Buccleuch during the first four generations seems to have been the genealogy given by Sir Robert Douglas in his Peerage of Scotland, who had apparently adopted it from Walter Macfarlane of Macfarlane. Sir Walter, however, made considerable additions under each name, as will appear from the following excerpt from his pedigree of the first four generations :—

UCHTRED FITZ SCOTT,

Or Filius Scott, who flourish'd at the Court of King David I., and was witness to two charters granted by him to the Abbeys of Holyroodhouse and Selkirk, dated in the years 1128 and 1130. It is, however, believed that from the days of Kenneth III., the barony of Scotstoun, in Peebles Shire, had been possess'd by the ancestors of this Uchtred, who being descended from Galwegian forefathers were call'd Scots, Galloway being then inhabited by the clan to whom that name properly belonged. See Pinkerton on Scottish Antiquities, and Innes on the Ancient Inhabitants of Scotland.

RICHARD SCOTT,

Who witness'd a charter granted by the Bishop of St. Andrews to the Abbey of Holyroodhouse about the year 1158. He had two sons.

I. RICHARD,

Who married Alicia, daughter of Henry de Molla, with whom he received lands in Roxburghshire, in the reign of Alexander the 1st.

II. SIR MICHAEL,

Who acquired property in Fife, and from whom the Scotts of Balweary and Ancram are descended.

WILLIAM,

Who attended the Court of Alexander 1st., and is witness among other nobles to several of his charters.

A facsimile of the first six generations in the original pedigree is here given. This genealogical tree expands upward, while in the printed copy of the whole, given in this work, it has been printed in the usual form of pedigrees.

A pedigree thus arranged by an illustrious member of the family of Scott who possessed a great love for family history, is certainly entitled to respectful consideration, and we have endeavoured to test its accuracy by references to contemporary charters and other incontestable evidence. The investigations produced the following results as to the first four generations :—

Sir Michael of Muthockstone, a gallant warrior, he was slain fighting valiantly against the English at the Battle of Durham 1346. He left two sons, the eldest of whom carried on the family, the second was an uncle of the Lords of Hardem.

Sir Richard married the daughter and Heiress of Muthockstone of that ilk succeeded to the property of his father-in-law in Lanarkshire - He died about 1320

William who attended the Court of Alexander II. and is witnessed among other nobles to several of his Charters.

Richard who married Alicia daughter of Henry de Mel. ia with whom he received lands in Roxburghshire in the reign of Alexander III.

(F)

Richard Scott who witnessed a charter granted by the Bishop of St. Andrews to the Abbey of Holywoodhouse about the year 1158. He had two sons.

Uchtred, Fitz Scott.

Or Filius Scott, who flourished at the Court of King David I, and was witness to two Charters granted by him to the Abbeys of Holywoodhouse & Helrich dated in the years 1128 & 1130. It is however believed that from the days of Kenneth III, the Marquy of Scotstown in Dunbartonshire had been possessed by the Ancestors of this Uchtred, who being descended from Galwegian forefathers were called Scots, Galloway being then inhabited by the Clan to whom that name properly belonged. See Pinkerton on Scottish Antiquities and Jones on the Ancient Inhabitants of Scotland.

UCHTRED FILIUS SCOTT.

Uchtred, the son of Scot, lived in the reigns of King Alexander the First and King David the First (1106-1153). Of his ancestors there is no certain information, but the tradition exists that they were of Gallowegian origin, and the circumstance that Uchtred was a Galloway name tends to corroborate it. He is named in many documents Uchtred Filius Scot, probably to distinguish him from others of the name of Uchtred, which was then not uncommon.¹

Uchtred Filius Scot was one of the witnesses to an inquest in the year 1116, made by order of David, Prince of Cumbria, afterwards King David the First, with regard to the foundation of the church at Glasgow, the episcopal seat of the district of Cumbria.² The inquest was held either at Traquair or Kirkurd. The Scotts were proprietors of Kirkurd along with Scotstoun from a very early period, and the present representative of the Scotts of Buccleuch is still the owner of Kirkurd. "Vhtredus filius Scott" was also a witness to the foundation charter of the Monastery of Selkirk, granted by Earl David between 1119 and 1124. The charter describes lands in Selkirk and other parts of Scotland, and also in the earldom of Huntingdon.³

RICHARD SCOTT, SON OF UCHTRED FILIUS SCOTT.

The second name in the pedigree by Sir Walter Scott is that of Richard, son of Uchtred Filius Scot. Richard is represented as a witness to a charter by Robert, Bishop of Saint Andrews, to the Abbey of Holyrood, confirming the grant by King David the First. The original charter is not known to exist.

RICHARD SCOTT OF MOLLE.

Richard Scott, or Richard of Molle, is placed third in the pedigree. He is stated to have married Alicia of Molle, in the county of Roxburgh. She

¹ The people of Galloway were sometimes distinguished by the name of Scots; thus the wild Scot of Galloway is an expression to be found in ancient instruments, and is prover-

bial even in our days. *Annals of Scotland*, edition of 1797, vol. i. p. 316, Note.

² *Registrum Glasguensis*, vol. i. p. 7.

³ *Liber de Calehou*, tom. i. p. 4.

was probably a daughter of Anselm of Molle, who possessed extensive lands in that territory, as the lands inherited by her were close to those of Matilda, the daughter of Anselm; and as Richard Scott is designated son of Anselm in various charters, about the year 1190, of lands granted by the latter in favour of the monastery of Kelso.¹ The name of Richard Scott appears in many other charters, among others, as a witness to a charter, granted about the year 1190, by Eschina de Landoniis, for the souls of her "lords"—Walter the Steward and Henry of Molle—in favour of the Abbey of Kelso,² and also to various other charters granted by different persons to the Abbays of Kelso and Melrose.³

Aliz, wife of Richard Scott de Molle, granted to the monks of Kelso a portion of her land (*mee terre*) in the territory of Molle, extending to about eight acres and a rood of arable land. A charter of this same land in the vicinity of Lathladde, was granted at this same time (*circa* 1190) by Richard Scott himself; and also a confirmation of his grant by Richard de Lincoln, who had married Matilda, a daughter of Anselm, and settled down into possession of part of the estate of Molle.⁴ One other Scott appears during this period among the fortunate owners of land in the territory of Molle. About the year 1220, Ailmer Scott de Molle, and Christian his wife, a daughter of Isolda—daughter and co-heiress of Anselm of Molle—conferred on the abbey of Kelso an oxgate of land in Molle, which the parents of Christian had formerly granted. This Ailmer Scott was, beyond question, a near kinsman of Richard Scott; if his son, then Christian was a cousin-german of Ailmer Scott. The land given to the abbey is said to lie beside the land of Richard Scott, who would appear to have been alive at the time of the grant by Ailmer Scott of Molle.⁵ We may here remark that it is by no means improbable

¹ Liber de Calchou, tom. i. p. 17, *et saepe*.

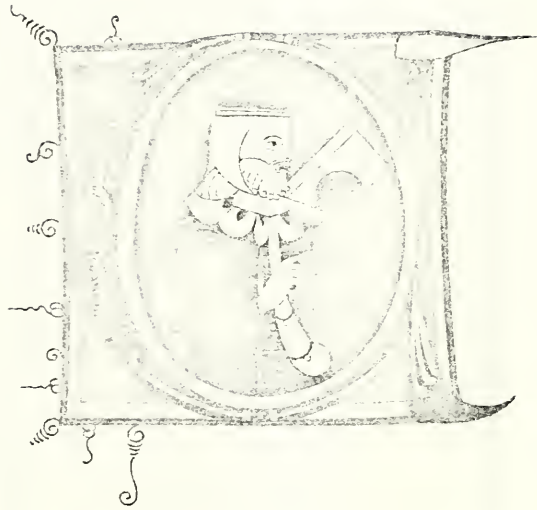
² *Ibid.* p. 114.

³ *Ibid.* tom. i. p. 135, and Munimenta de Melrose, tom. i. pp. 131, 132, 154. The designation "de Molle" was used by several persons who were contemporaneous; and no

family occupies so much space in the cartulary of Kelso as does this great family, which was allied to other noble and even princely houses, among others to the Stewards, the Scotts, and the Avencils.

⁴ *Ibid.* pp. 131, 132, 136.

⁵ *Ibid.* pp. 37, 38.



SIR MICHAEL SCOT.

N. de gra. die scilicet. dñi pñs hominibz voqz tre sue sacz & sacre sctz. ex parte
pñtes & freg. me concessisse. & hie dicit vobz concessisse scilicet pñs. hie
de iuramentis donationem illam pñs pñs alio de sacz. & eundem locz. in
et securitate de sacz de villis. tenent. & hie dicit hie. in fundo & hie dicit pñs
rectal dicit pñs. & cum omibz aliis ad eam velle pñs. vel hie. & quare.
plendie & honorific. & sic dicit pñs. & honorific. & hie dicit. hie dicit.
pñs. & hie dicit. hie dicit. hie dicit. hie dicit. hie dicit. hie dicit. hie dicit.
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that the baptismal name of Walter, favourite and famous in the family of Scott, was derived from their connection with the noble house of Steward.

During the reigns of King William the Lion and his immediate successors, the name of Seotus occurs in many documents. Gilbertus Seoth is witness to a charter, between 1165 and 1177, by Eschina of Molle, wife of Walter the Steward, founder of the Abbey of Paisley, whereby she granted to the prior and monks of Paisley, a carucate of land in the territory of Molle.¹

The origin of the Scotts of Balwearie and Ancrum has been attributed by Sir Walter Scott and the genealogists on whom he depended, to Michael Scott, an alleged brother of Richard Scott of Molle. It is to this Fifeshire family that Michael Scott, the wizard, belonged; a man of whom enough is known to indicate that he was at once an ardent philosopher and a trusted courtier and diplomatist. He was among those sent from Scotland to bring home from Norway the infant Princess Margaret, in 1290;² he appears, with Michael de Wemyss, probably his kinsman, among the magnates appointed to form the Court of Auditors for the adjudication of the Crown of Scotland, at Norham, on the 5th of June 1291;³ and *Dominus Michael Scot—Fyf* appears in a roll of 100 magnates who performed homage to King Edward the First of England.⁴ We have accompanied this notice with a portrait of the ancient wizard of Balwearie, taken from a quaint picture in the Bodleian Library at Oxford, and with the lithograph of a charter of Balwearie by King William the Lion.⁵

WILLIAM SCOTT, SON OF RICHARD OF MOLLE.

The son and successor of Richard Scott of Molle is said to have been William Scott, and Sir James Dalrymple also regards him as the predecessor of the Scotts of Murthockston and Buccleuch.⁶ His name appears as a

¹ *Registrum Monasterii de Passelet*, p. 75.

² *Rymer's Foedera*, vol. ii. p. 1090.

³ *Palgrave's Documents, etc., of Scotland*,
"Illustrations," p. vi.

⁴ *Palgrave's Documents, etc., of Scotland*,
p. 194.

⁵ Printed in the Appendix of Charters, vol. ii.

⁶ *Dalrymple's Historical Collections*, p. 412.

witness to a charter by Walter, grandson of Walter the Steward of Scotland, between 1207 and 1214, granting to the Convent of Syxle an annual rent of three merks. William Scott is also a witness to charters by Walter the Steward to the Abbot and Convent of Paisley, of the churches of Dundonald, Sanquhar, and Auehinleek,¹ and of a charter by Thomas, Prior of Coldingham, to Robert Brun.²

TRADITIONS OF EARLY POSSESSION OF SCOTSTOUN.

Although this pedigree of the first four generations of the Scotts is probably correct, there is no strictly legal evidence of the succession of one generation to another from Uchtred the first to William the fourth. For that reason, and from a scrupulous desire to rest the history of the Scotts of Buccleuch on strictly legal evidence, we have preferred to commence the connected history of the family with Richard Scott in the latter half of the thirteenth century, who was beyond doubt the first Lord of Rankilburn and Buccleuch, in the shire of Selkirk, and whose grandson Robert, fifth Lord of Rankilburn, inherited Scotstoun, in the shire of Peebles, from ancestors whose history is beyond the era of existing evidence.

Sir Walter Scott, agreeing with his namesake Satchells as to the native origin of the family, states that Uchtred was descended from Gallowegian forefathers, who were called Scots, Galloway being then inhabited by that race.

There is another point on which Sir Walter Scott is found in harmony with Satchells, and that, as will afterwards be seen, is of importance in deciding the origin of the Scotts of Buccleuch. Sir Walter states that it is believed that from the days of King Kenneth the Third, Scotstoun had been

¹ Registrum Monasterii de Passelet, pp. 19, 87, 225, 401, 402.

executed in the reign of King Alexander the Second.

² The charter is without date, but was

possessed by the ancestors of Uchtred. Satchells relates it as the tradition of his time, that the Scotts of Buccleuch were descended from the Lairds of Scotstoun, who had their residence at Scotstoun before Richard Scott went to Murthockston on his marriage with the heiress of that estate. In his account of the various residences of the family, he says of Scotstoun Hall :—

“It was called Scotstoun Hall when Buccleuch in it did dwell,
 Unto this time it is called Scotstoun still. . . .
 There’s three towers in it was mounted high,
 And each of them had their own entry.
 A sally door did enter on,
 Which served all three and no man ken’d
 When Buckcleugh at Scotshall kept his house.”

In the district of Scotstoun and Kirkurd, the traditions recorded by Satchells and Sir Walter Scott are still quite distinct. The tenants of the Duke of Buccleuch on his Kirkurd property, who, with their ancestors, have been on the farms for five centuries without any written leases, relate that the Scott family were very early occupiers of Scotstoun and Kirkurd.

THE OATHS OF FEALTY BY SCOTTS IN 1296.

The oaths of fealty by the Barons of Scotland to King Edward the First in the year 1296, throw light on the Scott family of that period. Walter le Scott swore fealty in 1296 for his lands in the county of Peebles.¹ These lands were probably Scotstoun and Kirkurd, which are the oldest known inheritance of the Scotts of Buccleuch, and still form part of the family estates.

¹ Ragman Rolls, p. 144. Among the men of the shire of Roxburgh who submitted to Edward in 1296, is Willelmus Scot.—(Palgrave, Documents, etc., p. 183.) In the end

of the twelfth or in the beginning of the thirteenth century, Adam le Scott held lands in the parish of Linton, which adjoins Kirkurd.—(Regist. Glasg., p. 128.)

It is the same Walter Scott, we presume, or his father of the same name, who along with Sir William de Douglas, Mark de Baliol, and three others, became a "fidejussor" or guarantee for the payment by Sir Walter de Moray of nine merks and a hundred shillings for the support of a chaplain at Osbernistoun, and of another at Glasgow. The agreement was made at Ancrum in the spring of 1253.¹

Richard le Scott of Murthockston swore fealty to King Edward the First on the 28th of August 1296, and the Sheriff of Selkirk was ordered, on the 5th of September thereafter, to restore him to his lands, which were in the King's hands. It is shown in the memoir of Richard le Scott, that these lands must have been Rankilburn, including Buccleuch, as no other lands in the county of Selkirk belonged to the Scotts in the thirteenth century.

Walter le Scott and Richard le Scott, who both made fealty as owners of lands in Peebles and Selkirk shires respectively, may have been brothers-german. Walter le Scott apparently was the elder brother; and Richard, the younger, acquired Murthockston by marriage, and also Rankilburn, with the office of Ranger of Etrick Forest.

TRUE ORIGIN OF THE SURNAME OF SCOTT.

The surname of Scot or Scott, which is obviously derived from the nationality of those who bore it, is certainly of high antiquity, but it is difficult to determine at what time it became fixed in one or more families. There are cases in which the name of "Scotus" is used in charters, and a different territorial designation afterwards adopted as a family surname. A charter, for instance, was granted by King William the Lion between the years 1165-1214 of the lands of Allardyce, in the county of Kincardine. The grantee in the charter is named "Walterus Scotus," and it has been conjectured that the name of Scot was abandoned, the more definite one of

¹ Reg. Glasg., vol. i. pp. 162-4.

Allardyce being adopted by his successors from the lands in their possession.¹ The father of this *Walterus Scotus* bore the same name as his son, and appears frequently in the Cartulary of Arbroath during the reign of King William. He must have been a man of some importance, as he is always presented either as a witness or as a "perambulator" of marches, in the company of men of high rank; indeed, in a charter by Richard de Friuill, of a piece of land by the stream of Bervie to the Abbey of Arbroath, granted about 1180, he takes place as a noble witness in the company of the King, David the King's brother, and William the son of Friskin, head of the house of Moray. He was actively connected for many years with the Abbey of Arbroath, then newly founded by King William, chiefly in supervising the allotment of lands gifted by the wealthier landowners of the Mearns. It would be rash to say that his descendants, one and all, adopted the name of Allardyce, as this fact points the other way,—that in one of the Arbroath charters he is not designated by the indefinite adjectival surname of *Scotus*, but as *Walterus Scott*, as if the appellation had then become a recognised and fixed surname.²

The appellation, however, was borne in those early times by persons of princely rank. David Earl of Huntingdon, brother of King William the Lion, had a son who bore the title of Earl of Huntingdon and the name of John Scot. On the 30th of May 1223, this prince of the blood was, along with many other nobles, invested with the dignity of knighthood in the Castle of Roxburgh, by his cousin, King Alexander the Second; and on the death of his grandfather, Ranulf Earl of Chester, in 1232, he succeeded to this other honour and power. A few years before his elevation to the latter dignity he had married a daughter of Llewellyn King of Wales, who died in the year 1249.³

Another striking example of the wide use of the "cognomentum" of Scot is found in one of the charters of the Abbey of Melrose, where the appellation is assumed by Thomas de Colevill, a man of considerable note in the

¹ Sir James Dalrymple's Historical Collections, p. 411.

² Reg. Vet. de Aberbrothoc, p. 61. Cf. pp. 62, 63, 61, 99, 64, 65, 5.

³ Chronica de Mailros, pp. 141, 143, 150.

reign of King William the Lion. His name occurs in many charters of that date, but nowhere again with the designation he has taken to himself in the one we have mentioned. Under the name of "Thomas de Colevilla cognomento Scot," he grants the land of Keresban, on the Doon in Ayrshire, to the Abbey of Vaudey in Lincolnshire. The witnesses to the charter bear names of alarming Celtic uncouthness, and it is scarcely to be wondered at that in the year 1223 the convent of Vaudey found it dangerous to possess property in a district subject to such commotions as were then frequent in Galloway, and parted with the gift of Thomas de Colevill to the Abbey of Melrose. Thomas had died before this alienation, as he is there spoken of as "of happy memory." How he had obtained the name we can only conjecture, but it is far from being improbable that he had accompanied William the Lion in his unfortunate expedition into England, and had lingered there during the royal captivity, because he afterwards constantly appears as an attendant on the Court of William. A facsimile of the beautiful charter of Colevill Scott is here given, and an engraving of the finely-finished seal, containing a classic head, which contrasts artistically with the rude designs of contemporary Scottish art, is subjoined. The border bears the inscription—"SIGILL. THOME DE COLLEVILLA SCOTTI."



One person who bore the name of Scott played an important part in Scottish history in the twelfth century, his election to the see of St. Andrews having been the cause of the quarrel that led to the excommunication of

King William the Lion by Pope Alexander the Third, and a brief account may be given of the circumstances that caused the rupture between the Scottish monarch and the Court of Rome.

John Scott, Bishop of Dunkeld, named in the year 1200 by the English historians "Joannes Scotus or Scotsman,"¹ is said by Lord Hailes to have been a native of Cheshire, but probably of Scottish parentage; his mother was the sister of Matthew Kynynmount, Bishop of Aberdeen. He was elected Bishop of St. Andrews by the Chapter, but the King, who had destined the see to his chaplain Hugh, heard the news of the election with great indignation, and swore "By the arm of Saint James, while I live, John Scot shall never be Bishop of St. Andrews." He commanded the clergy to consecrate Hugh, and he put him in possession of the revenues of the diocese. John Scott having appealed to Rome, the Pope annulled the appointment of Hugh, and ordered his legate to hear and decide the dispute. Judgment was given in favour of John Scott, who was then consecrated, but immediately afterwards the King banished him from the kingdom. The diocese of St. Andrews was then laid under interdict, and Hugh was excommunicated, but the King would not move from his purpose. Authority was at last delegated by the Pope to Roger, Archbishop of York, and Hugh, Bishop of Durham, empowering them to excommunicate the King, who continued inflexible. Attempts were made to mediate between the opposing powers, but in vain. William banished from the kingdom all who yielded obedience to the bishop-elect. The Pope then wrote directly to the King, threatening that if his mandate were not obeyed, and John Scott installed within twenty days in the see of St. Andrews, the sentence of excommunication would be carried out and the kingdom placed under interdict. These threats were of no avail to move the stubborn will of William; accordingly the sentence of excommunication was pronounced, and the whole kingdom of Scotland laid under interdict. The curious spectacle was now presented of William, who had been compelled during his captivity to submit ignominiously

¹ Keith's Scottish Bishops, p. 76; Chron. de Mailros, pp. 88, 90, 91.

at Falaise to be the liegeman of Henry the Second, and to deliver up for a time the independence of his country in order to procure his liberty, resisting to the utmost the same Pope before whom Henry had bowed in abject submission. At this juncture Pope Alexander died, and his successor, Pope Lucius, adopting a conciliatory policy, despatched emissaries to Scotland to negotiate. A compromise was eventually effected, and both rivals having withdrawn their claims to the Bishopric of St. Andrews, Hugh was appointed to that see, while John Scott was made Bishop of Dunkeld. Pope Lucius sent the golden rose to King William the Lion, as a mark of his favour and friendship.

THE COUNTRY OF THE SCOTTS.

The cradle of the Scotts of Buccleuch was not at Buccleuch, in the county of Selkirk, but at Scotstoun and Kirkurd, in the county of Peebles. Clear evidence of their residence there at an early period is afforded by their having used the Holy Cross Kirk at Peebles as a burial-place. Satchells, after describing Scotstoun Hall, remarks that when Scott of Buccleuch made that mansion his place of residence—

“Then Peebles Church was his burial-place :
In the Cross Kirk there has buried been
Of the Lairds of Buccleuch, either six or seven ;
There can none say but it's two hunder year
Since any of them was buried there.”¹

Exactly two hundred years before Satchells wrote these lines, David Scott of Buccleuch, who died at Rankilburn in 1492, left instructions in his will that his body should be buried in the Church of the Holy Cross at Peebles ; so that, long after the Scotts had ceased to live at Scotstoun, there was a desire to be buried with their ancestors, a circumstance which confirms the statement of Satchells that the Cross Kirk of Peebles had been the burial-place of the

¹ Satchells' True History, p. 44.

family for several generations. That was their earliest known burial-place, and we have no record as to the remains of any member of the family having been interred there after the death of David Scott in 1492. It was disused when the family removed to other residences from their ancient home at Scotstoun. While this was their principal mansion, they used the Church of the Holy Cross; but afterwards, when they resided chiefly at Buccleuch, the Church of Rankilburn became their burial-place, and Satchells records that

“My guid-sir Satchells, I heard him declare,
There was nine Lairds of Buckeleugh buried there.”¹

On acquiring Branxholm, the Church of St Mary at Hawick became their place of sepulture, as their new mansion was situated in that parish; and when the barony of Dalkeith was purchased by Francis, second Earl of Buccleuch, and the Castle of Dalkeith was made one of the principal residences of the Buccleuch family, the Church of Dalkeith became, as it has since continued to be, their principal place of burial.

Buccleuch and Murthockston were acquired subsequently to the possessions in the county of Peebles, although at very early dates. Afterwards the proper country of the Scotts was that which lay between the rivers Teviot and Yarrow. On the Ale Water, above Riddell, the centre of their domain in Ettrick, and on Borthwick Water, the land was chiefly owned by them, and they had also the greater part of Upper Teviotdale, on the north of the Teviot, with several possessions on the Yarrow and a footing in Eskdalemoor. By the expulsion of the Maxwells from Eskdale and of the Beatties from Ewsdale, the Scotts acquired many lands in these two districts, and on the forfeiture of Francis Stuart, Earl of Bothwell, they came into possession of wide domains in Liddesdale.

The great family of Avenel appear in the twelfth century as the principal owners of Eskdale. Prior to the year 1174, Robert Avenel confirmed to the monks of Melrose his land of “Eschedale,” including Tumløher and Weid-

¹ True History, p. 41.

kerroc, "Esche" being the way in which the two streams of Esk are spelt in the ancient charter. This charter is one of unusual interest, not so much from the completeness with which the boundaries are marked out, although that is quite important, as from the peculiar rights of hunting reserved by the donor for himself and his heirs. These lands had been previously bestowed by Avenel on the Abbey during the reign of King Malcolm the Maiden, but it was only prudent that on the accession of King William a gift of so great value should be confirmed both by the original owner and by the sovereign. Of the series of charters of Eskdale executed in favour of the monks of Melrose, we here present two beautiful specimens in facsimile, the one being a renunciation by Robert Avenel, and Gervase Avenel his son, of the four merks which the Abbey had been accustomed to render for their Eskdale lands, and the other a confirmation by King William of the land of Eskdale, given to the Abbey by the munificence of the Avenels.

It is a remarkable fact that, while the Scotts were proprietors of Rankilburn, the family of Inglis were owners of Branxholm. Scott and Inglis subsequently exchanged Murdieston and Branxholm, and about the same time there existed, not far from Inglis and Scott of Branxholm, Ireland of that Ilk, in the barony of Wilton and shire of Roxburgh;—properties within a short distance of each other thus representing, in the names of their respective owners, the three national names of Scotland, England, and Ireland.

RANKILBURN AND BUCCLEUCH.

The Glen of the Rankilburn from its head to its junction with the river Ettrick at Cacarabank is about seven miles in length. The burn takes its rise in a loch on the farm of Ropeslawshiel, now in the parish of Ettrick, and the Wolfeleugh Head is situated a short way to the east of the loch out of which the Rankilburn rises. The Glen is a wild hilly district, having cleughs or ravines on each side. In former times it had many more inhabitants than now. Along the banks of the burn the foundations of houses can still be traced in many places. The portion of the Glen which was above the Church

of Buccleuch or Rankilburn had been much more thickly peopled than the lower portion. Within the recollection of persons still living, thirteen cottars' houses were inhabited about a quarter of a mile to the west of Old Rankilburn or Buccleuch Manor-house. These cottages were situated on the small burn that runs into the Rankilburn from the west, and on the farm of Wester Buccleuch.

The site of the former Manor-house of Rankilburn or Buccleuch is very appropriate for a residence. The old mansion stood on a rising ground at the junction of the Rankilburn and the Buccleuch burn. To the north and south of the site, on either side of the burn, are haughs or level grounds for meadow hay. These are surrounded on every side by high sloping green hills. Part of the present farm-house of Easter Buccleuch, which was built about the year 1832, and particularly the west end, stands on the site of the foundations of the old mansion. These foundations were extensive, and were trenched out to enlarge the garden in front of the present farm-house of Easter Buccleuch.

The farm of Wester Buccleuch is situated on the south-west bank of the Rankilburn. It contains about one thousand four hundred acres of good pastoral land for sheep, but there is only one acre under corn crop.

The farm of Easter Buccleuch lies on the north-east side of the Rankilburn, and on this farm the original Buccleuch—a small cleuch—is situated. The farm of Easter Buccleuch includes the lands known as Gair and Ropeslawshiel, as appears from an old plan of the lands in Ettrick Forest, which belonged to Anna, Duchess of Buccleuch.

In the will of Sir Walter Scott of Buccleuch, made on the 18th of November 1574, there is entered as part of his personal estate six two-year old stots pasturing upon the lands of Buccleuch, price of each forty shillings; and also eighteen score and fifteen hoggs pasturing upon Buccleuch, estimated at £10 the score.

The burn which runs down the Buccleuch is called the Clearburn, and has its rise in the Clearburn loch, near the outshiel of Deloraine.

The Buck Cleugh is a deep ravine down which the Clearburn, or the Buccleuch burn, as it is sometimes called, flows into the Rankilburn. At the spot where one tradition says the buck was caught, the cleugh is about one hundred feet deep. The banks are very bald, the red earth appearing without any verdure. The ravine of the Buccleuch is about half a mile long, and the burn flows for about a mile.

Near the head of the cleugh there are evident traces of a mill-lade, which ran for about a quarter of a mile from east to west, from a place called the "mill dam" to another point at a fall above the site of the old mill, on a small corner of land in a bend of the Buccleuch burn. The ground reputed to have been the site of the mill has still every appearance of containing the foundations of buildings. Many sheltered places on the adjoining hills show that they had at one time been cultivated for corn crops, and there were tilled fields not far from the mill. The Clear Loch would always supply water even in the drought of summer.

A little bleak hill or law bounds the Buccleuch on the south side, and there is a large bleak law adjoining the smaller one on the south.

The church and churchyard of Rankilburn or Buccleuch were situated at the confluence of the Rankilburn and the Kirkburn, being on the west side of the former and on the south side of the latter. The church was situated about five miles from the river Ettrick, and was quite close to the two burns, and surrounded by the churchyard. On one occasion, in recent times, the Rankilburn washed away the banks below the church, and many human bones were exposed till the banks were covered. No interments now take place in the churchyard. On the east side of the Rankilburn, about a quarter of a mile further up, is the Priestburn, and opposite the church is the Kirkhill. The tradition in the district is that the Scotts of Buccleuch were buried in the churchyard of Rankilburn, and that the last Scott buried there lies within three yards of the east door of the church. Thirty years ago the foundations of the church could be distinctly traced, but they are no longer visible.

Satchells relates that in the year 1556 Walter Scott, called the good Lord

of Buckleugh, was curious to see the tombstones of his ancestors in the kirk in the forest of Rankilburn. The most part of the wall was then standing; the font-stone was within the kirk, and a cross before the door. The rubbish and earth being cleared away, the stones were swept clean, and the Lord of Buckleugh and many of his friends came to see them. They found one stone that had the ancient coat-of-arms upon it—two crests¹ and a mullet borne on a counter-scarf, with a hunting-horn in the field, supported with a hart of grace and a hart of leice, *alias* a hound and a buck, and a buck's head torn from the crest. On some of the stones there was a representation, taken to be a hand and sword, while others of them had a sword and a lance all along the stone.²

In the summer of the year 1801, Sir Walter Scott paid a visit to the Ettrick Shepherd, and on that occasion the two poets set out together, along with three other persons, to explore the ground where these interesting relics had been discovered by the "good Lord of Buccleuch." The result of the search has been narrated by Hogg with some liveliness and humour:—"We found no remains of either tower or fortalice, save an old chapel and churchyard, and a mill and mill-dam, where corn never grew, but where, as old Satchells very appropriately says,

'Had heather-bells been corn of the best,
The Buccleuch mill would have had a noble grist.'

. . . Besides having been mentioned by Satchells, there was a remaining tradition in the country that there was a font-stone of blue marble, out of which the ancient heirs of Buccleuch were baptised, covered up among the ruins of the old church. Mr. Scott was curious to see if we could discover it; but on going among the ruins we found the rubbish at the spot, where the altar was known to have been, dug out to the foundation, we knew not by whom, but no font had been found. As there appeared to have been a kind of recess in the eastern gable, we fell a-turning over some loose stones,

¹ Crescents.

² Satchells' True History, pp. 42, 43.

to see if the font was not concealed there, when we came to one-half of a small pot, encrusted thick with rust. Mr. Scott's eye brightened, and he swore it was an ancient consecrated helmet. Laidlaw, however, scratching it minutely out, found it covered with a layer of pitch inside, and then said, 'Ay, the truth is, sir, it is neither mair nor less than a piece of a tar pat that some o' the farmers hae been buisting their sheep out o' i' the auld kirk langsynne.' Sir Walter's shaggy eyebrows dipped deep over his eyes, and suppressing a smile, he turned and strode away as fast as he could, saying that we had just ridden all the way to see that there was nothing to *be* seen."¹

TRUE ORIGIN OF THE NAME BUCK-CLEUGH.

In a wild mountainous region like Rankilburn, cleughs or ravines abound. Cleugh, the Anglo-Saxon *clough*, means a fissure or opening in a height, a glen or valley, narrowed by close and steep acclivities on either side. Cleugh occurs as a compound in thirty-two names of places in Selkirkshire.² *Buck* is prefixed from the connection of the cleugh with the amusement of the chase, so common in Ettrick Forest and on the lands adjoining. Other names of similar import, and similarly derived, were given to other lands in the same district, such as Wolfcleugh, Doeclough, Harecleugh, Boarhope, Cattleburn, Catheugh, Todhaugh, Brockholes, and Harewood.

Wolves appear to have been common in the north of England as well as in the south of Scotland. Prudhoe Castle, now the property of the Percys, was granted by William the Conqueror to Robert with the Beard, an ancestor of the Umfravilles, to be held for the service of defending that district from wolves and the King's enemies, with the sword which the King wore at his side when he entered Northumberland, and which he bestowed on Robert.

The origin of names of places in Selkirkshire is in many instances readily accounted for by tradition and the peculiar features of the scenery; and the

¹ Hogg's Memoir of his own Life.

² Caledonia, vol. ii. Part II. pp. 966, 971.

name of Buckcleugh may have been applied to the ravine in Rankilburn from the deep cleugh being the resort of bucks, even before Ettrick was erected into a royal forest by King Alexander the Second.

Earl David, when he founded the Abbey of Selkirk, before the year 1124, gave to the monks the land of Selkirk, with the tenth of the skins of the harts and the hinds which his hounds should take in the forest.

When King Edward the First obtained sovereign power over the forest of Ettrick in 1291, he made liberal grants of the beasts and timber to his supporters. The King ordered Simon Fraser, then keeper of the forest, to deliver to William Fraser, Bishop of St. Andrews, thirty harts; to the Bishop of Glasgow, twenty harts; and to many others he also gave liberal supplies of harts, as appears from his Precepts in the *Rotuli Scotie*.

Lindsay of Pitscottie records that King James the Fifth, in one of the huntings in Ettrick Forest, slew eighteen score of harts.

In the old song of the outlaw Murray, we have a description of the Forest:—

“Ettrick Forest is a fair forest,
In it grows many a semelie trie;
The hart, the hynd, the doe, the roe,
And of a' beastes great plentie.”

According to the tradition of the district, the “semelie” trees of Ettrick Forest were in early times so thickly planted, that a person could have walked from the head of Ettrick to within four miles of Selkirk, in a clear sunny day, without ever seeing the sun. The Forest of Ettrick was first given to a subject when King Robert the Bruce rewarded his steady supporter Sir James Douglas with a grant of it about the year 1322. The Douglas family were lords of Ettrick Forest till their forfeiture in 1455, when it was annexed to the Crown and became once more a hunting-ground of the Scottish sovereigns.¹

¹ The Forest was granted to Margaret, Queen of King James the Fourth, as part of her dowry.

THE BUCCLEUCH MUNIMENTS.

Like the charter-chests of other Border Houses, those of Buccleuch have suffered many vicissitudes. Although there is no special account of the destruction of the early Scott charters, we cannot doubt that valuable portions of them were lost by fires and the other calamities incident to Border warfare, while the remaining muniments have narrowly escaped final loss.

The manor-house of Buccleuch, with the whole of its contents, was wilfully burned in the year 1494; the Castle of Branxholm was burned by the Earl of Northumberland in 1532, and Newark Castle by Lord Gray in the year 1550. The walls of Branxholm were shattered by the army of the Earl of Sussex in 1570.

Seven years later, in September 1577, there was prepared by Mr. Thomas Weston, advocate, "Ane Inventare of Walter Scot of Branxholme's evidentis. With the takis, titillis, and rychtis of all his heritaigis, bayth auld and new, takis, stedingis, rowmes, and possessiounes quhatsumevir." This title is comprehensive, but the inventory itself is unfortunately disappointing, although it does contain descriptions of charters that are now lost. It is obvious that the more ancient documents had previously been lost, as there must have been earlier writs of the lauds of Scotstoun and Kirkurd, Rankilburn and Buccleuch, than those specified in the inventory of Mr. Thomas Weston.

During the minority of Francis, Earl of Buccleuch, "a great charter-chest with iron work" was made for his Lordship's charters, at a cost of £200 (Scots), as appears from the receipt of John Scott, wright, burgess of Edinburgh, dated penult March 1639.¹

During the civil war in the seventeenth century, the writs were removed for security to the fortress on the Bass Rock, where they remained till the year 1652, when they were taken to Sheriffhall House—Dalkeith Castle being then occupied by the English Commissioners.

On the marriage of Lady Margaret Leslie, Dowager Countess of Buccleuch,

¹ Receipt in Buccleuch Charter-chest.

and the Earl of Wemyss, the charter-chests were placed in a chamber in Edinburgh, from which they had to be hastily removed on two occasions on account of fire.

At the time of the insurrection in the west in 1666, when the insurgents marched on Edinburgh and were defeated in the fight at Rullion Green, and on account of the presence of a Dutch squadron in Leith Roads, the charter-chests were placed for security in Edinburgh Castle. On being brought back to the town they were stored in a wooden building, but an extensive fire which happened about the year 1675, showed the necessity of removing them to a place of greater safety. A few years afterwards they were placed in the custody of the Earl of Wemyss and taken to Wemyss Castle in Fife, where they remained until after the death of the Earl in 1680, when they were brought once more to Edinburgh. When the Parliament Close was rebuilt with stone, rooms were taken there for Mr. Scrymgeour, the General Receiver for the Buccleuch estates, and the writs were placed in his charge. Here they encountered their greatest danger. Fire broke out during the night in the year 1700, destroying the whole of the south and east sides of the Parliament Close, including Scrymgeour's house, and the writs narrowly escaped entire destruction. A contemporary writer describes "with what difficulty they were preserved—such as were preserved—the fire breaking out in the night, most people in bed, and a confusion in town. . . . They gathered together peapers and boxes that were in that great confusion scattered." They were removed to a place of temporary accommodation, but we are informed that once more "actually ane fyre fell out in the Luckenbooths just over against it." George, Earl of Melville, who was commissioner for the Buccleuch estates, and had taken lodgings in the same stair, strenuously exerted himself to save the muniments, and his hand and arm were so severely burnt, that he suffered for a long time afterwards. Writing to Lord Craighall, many years after the occurrence, he says, "I am obliged to make use of a borrowed hand when I can have it, wanting the use of mine ouu for a long time."

Until a safe place could be found in which to store them, the writs were a second time deposited in Edinburgh Castle. When the Castle of Dalkeith was reconstructed by the Duchess of Buccleuch, about the year 1703, a charter-room was formed of a part of the south-west side, at the top of the old castle, and in that room the Buccleuch muniments have been kept since that time.

The custody of the charter-chests—which then contained only the writs of the lands—was so arranged during the time of the Duchess Anna, that no one of the tutors could obtain access to their contents. The keys of the two hanging locks were intrusted to the care of Sir John Scott of Scotstarvit; and the keys of the chests having been placed in the shuttle of a cabinet in the chambers of Patrick Scott of Langshaw, the law-agent of the family, the key of the shuttle was then given to Sir William Scott of Harden. The commissioners having decided, in the year 1674, that the writs should be inspected and compared with the old inventory, issued instructions to that effect. A memorial was then presented to them, containing the result of the inspection; and they resolved that a new inventory should be constructed, including all the new writs and patents of honour. That inventory was compiled in the year 1679, under the care of George, Earl of Melville, and it has ever since formed the working inventory in reference to the feudal muniments of the family.

Separate inventories of letters and miscellaneous papers were made in the years 1690-1695, by Mr. David Scrymgeour. These describe a large number of letters from Lady Margaret Leslie, Countess of Wemyss,—one bundle alone containing one hundred and sixty letters,—and many from Lord and Lady Melville. The inventory shows that there had also existed letters from Lords Stair, Dalhousie, Stormonth, Nithsdale, Wemyss, Carnwath, Dundee (Graham of Claverhouse), Catheart, Tarras, Semple, Cardross, Tweeddale, Lauderdale, Annandale, and the Archbishop of Glasgow. These letters would have thrown light on many matters connected with the Buccleuch family, and with the stirring times of the Revolution; and in particular the numerous letters from Lady Margaret Leslie must have contained many interesting

details about her daughter the Duchess of Buccleuch and Monmouth, that would have made her Memoir more complete. Repeated searches have from time to time been made in the Buccleuch Charter-room for these letters, but without success, and it seems probable that they were destroyed in the fire of 1700. There appears to have been only time to secure the more important documents contained in the charter-chests, and the greater number of letters and miscellaneous papers, which were in presses and cabinets, in all probability perished in the flames.

CASTLES AND MANSIONS OF THE SCOTTS OF BUCCLEUCH.

SCOTSTOUN HALL, IN TWEEDDALE.

The earliest known residence of the Scotts of Buccleuch was Scotstoun Hall, or Scotts Hall, in Peeblesshire. No vestige of this stronghold now exists, and no description has been preserved except the traditional account given by Walter Scott of Satchells, to which reference has already been made. He says:—

“It was called Scotstoun Hall when Buccleuch in it did dwell.

There’s three towers in it was mounted high,
And each of them had their own entry.”

In the present mansion-house of Scotstoun, Tobias Smollett, the eminent novelist, while residing there with his sister, whose husband was the owner, made notes for his “Humphrey Clinker.” One of the rooms is still called “Smollett’s Study.”

Castle Craig, the residence of Sir William Henry Gibson Carmichael, is situated about two hundred yards to the south of the former house of Kirkurd, in the parish of that name. The site of the original mansion-house of Kirkurd is about a hundred yards from the second house of Kirkurd. It was possessed for a considerable period of time by the family of Geddes of Kirkurd and Rachan. They acquired, in the year 1406, half the lands

of Ledyurde, and on 18th February 1407 a charter of confirmation was granted to John of Geddes, by Robert Scott of Rankilburn as lord superior of the barony of Kirkurd.

MURTHOCKSTON, NOW MURDIESTON, IN CLYDESDALE.

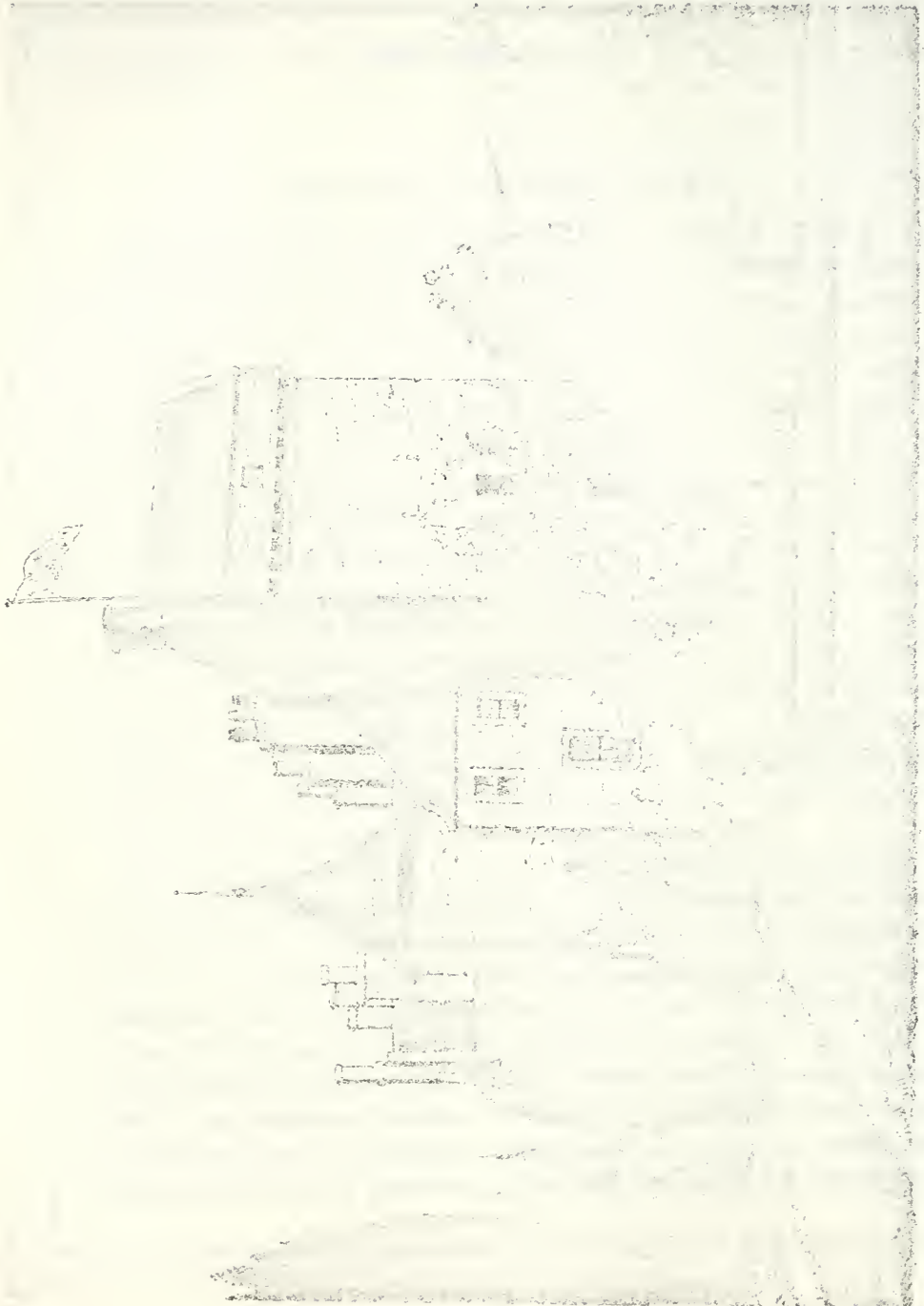
The mansion-house of Murthockston was situated in the barony of Bothwell and county of Lanark. The site of the ancient manor-place may have been where the modern building now stands, as the walls of the lower portion of the present mansion are very ancient and of great strength.

The south, or back portion, had been originally a square tower of two stories, with arched vaults below.

BUCCLEUCH, IN RANKILBURN AND FOREST OF ETRICK.

The manor-house of Buccleuch, which was situated on a rising ground at the junction of the Buccleuch and Rankil Burns, has already been described. Like other Border mansions, it did not escape the ravages incident to Border warfare. In the year 1494 it suffered considerable damage from a raid by Simon Routlage in the Trowis, and Matthew his son and their accomplices, who, after removing the cattle, horses, and sheep, plundered the mansion and set it on fire. In the judicial proceedings against the invaders, it is called the place and manor of Bukleuch. It continued to be the principal residence of the Scotts until they acquired the barony of Branxholm.

About the year 1832 the foundations of the ancient castle of Buccleuch were cleared out. An old spur, an old bridle-bit, and several other articles were found in the high mound that marked the site of the ancient manor. The stones of the house had been carried off from time to time to build houses for the farmers and shepherds of the neighbourhood.



BRANXHOLM HALL, IN TEVIOTDALE.

This ancient castle is about three miles to the west of Hawick. It occupies a position of considerable strength on the steep bank of the Teviot, a hundred yards to the north of the river, and has a fine southern exposure. It originally consisted of a quadrangle or court, with a turret at each corner. The "Nebsy Tower" alone remains. Another of the towers was named "Tenty-fit Tower." About a mile and a half to the west of Branxholm there is a wooded hill, called the Castlehill. In the memory of persons still living, the castle of Branxholm and other two houses were the only dwellings above Hawick that were slated, all the others being thatched with straw. The lands of Branxholm formed part of the barony of Hawick, which was an ancient possession of the Douglasses. One of the earliest notices of Branxholm is to be found in the reign of King Robert the Bruce, when a portion of it, consisting of seven pounds and six pennies of the lands, was held by Walter Comyn, and about the same time the remainder was granted to Henry de Baliol. The lands were subsequently possessed by the family of Inglis, from whom they passed, by exchange for Murthockston, into the hands of the Scotts of Buccleuch, with whose name Branxholm Castle will always be closely associated.

When Sir Walter Scott, in the year 1446, exchanged his lands of Murthockston, in Lanarkshire, for the remaining portion of Branxholm—his father having acquired half of these lands in the year 1420—the Castle of Branxholm became his principal residence. From its situation so near the Border, Branxholm Castle frequently suffered from the inroads of the English. In the year 1532 the lands of Sir Walter Scott were devastated by the Earl of Northumberland, and the Castle burnt. Twenty years afterwards, during a raid of an extensive character conducted by Sir Ralph Eure and Sir Brian Latoun, when the Buccleuch estates suffered severely, an attack was made on the Tower of Branxholm. The invaders burnt the Barmekyn—

a strong enclosure near, or attached to, the Castle for the protection of cattle—and carried away an immense booty, including six hundred oxen and as many sheep. No mention is made of injury done to the Tower, but from the quantity of “insight gear” which the invaders are said to have carried away, it would seem that they had gained access to the interior. The Castle was again an object of attack by the English under the Earl of Sussex, in 1570. Buccleuch anticipated the threatened attack by setting fire to the Castle; but this partial destruction did not satisfy the English commander, and the walls were by his orders blown asunder with gunpowder. The Castle is described by Lord Hunsdon, in a letter to Cecil, as “a very strong place, and well set, and very pleasant gardens and orchards about it.” After its total demolition in 1570, the erection of a new castle was commenced on the same site in the succeeding year by the grandson of Sir Walter above mentioned, but he did not live to see its completion. The work, however, was continued by his widow, Lady Margaret Douglas, and was finished in the year 1576, two years after her husband’s death. Two stones, bearing the arms of Buccleuch and Douglas, are still on the walls of the Castle, and they record the commencement and completion of the work by Sir Walter Scott and the Lady Margaret Douglas. No part of this building now remains except the old square tower of five stories, which is popularly called “Nebsy.” To that tower has been added a long modern building of three stories. The under stories consist of the old arched vaults. Branxholm town is situated half a mile to the north of the Castle, and now consists of only four or five houses. The Chapelhill is also about half a mile to the north of the Castle: the churchyard is a large mound. The district of Branxholm was formerly closely wooded. The father of the late Mr. William Grieve, of Branxholm Park, whose family have been long connected with Branxholm, back even to the time of Lady Margaret Douglas, Lady Buccleuch in 1570, often told his son that a man could ride on a white horse a distance of four or five miles, from Todshawhaugh to the Castlehill, two miles above the new mill, without any person seeing the horse, because of the closeness of the foliage.

Much of the wood was cut down by direction of Francis, second Duke of Buccleuch, who was reputed to have possessed the same habits of profuseness as his great-grandfather, King Charles the Second, and required the money derived from the sale of the timber.

Sir Walter Scott makes the Minstrel place the scene of his Lay at Branxholm Tower, where—

“ Knight and page and household squire,
Loiter'd through the lofty hall,
Or crowded round the ample fire :
The stag-hounds, weary with the chase,
Lay stretch'd upon the rushy floor,
And urged, in dreams, the forest race,
From Teviot-stone to Eskdale-moor.”

The architectural portion of the title-page of this work is taken from a drawing of the principal door of the castle, with the quaint inscription which surmounts it.

THE BLACK TOWER OF HAWICK.

This tower is situated in the town of Hawick, and is now known as the Tower Hotel. It is a large square building, situated close by the river Slitrig, which is said to have been in former times drawn round the tower by a moat. It was the only house in Hawick that escaped the ravages of the Earl of Sussex in 1570. The tower was also called Drumlanrig Castle.¹ It was the ancient residence of the Douglasses of Drumlanrig as Barons of Hawick, before they sold the barony to the Scotts of Buccleuch, after which the tower became the occasional residence of the latter family. Anna, Duchess of Buccleuch and Monmouth, when she visited Scotland, spent some time at the tower. Sir Walter Scott relates in the *Border Antiquities* that persons were then alive who remembered the state or elevated chair and canopy which the Duchess, who took the rank of a princess of the blood, was wont

¹ Statistical Account, vol. iii. p. 388.

to occupy on solemn occasions. It is further stated in the Antiquities that the Tower, having become the principal inn of Hawick, was of late years possessed by a lineal descendant of Johnie Armstrong of Gilnockie, who, instead of his ancestor's perilous marauding achievements, levied contributions upon the public in the humbler character of landlord of the Tower Hotel.¹

HERMITAGE CASTLE, IN LIDDESDALE.

This famous castle was founded by Walter Comyn, Earl of Monteith, about the year 1244. The dale of the Liddle was then the property of the English family of Soulis, who had possessed it from the time of King David the First. The history of the Soulis family is closely connected with Liddesdale till the time of King Robert the Bruce, who, on the forfeiture of Soulis, granted Liddesdale to Sir John Graham of Abercorn. His heiress, Mary Graham, carried it to her husband, William Douglas, the Knight of Liddesdale. The subsequent history of Liddesdale and Hermitage is closely associated with the Douglas family, until it passed from them to the Earls of Bothwell in exchange for Bothwell on the Clyde. The Buccleuch family acquired Liddesdale and Hermitage after the forfeiture of the Earl of Bothwell, as fully explained in the Memoir of the first Lord Scott of Buccleuch.

Although the Castle of the Hermitage was never used by the Scotts of Buccleuch as a place of residence, it was frequently occupied by them in virtue of their office of governors of the castle and keepers of Liddesdale, of which territory it became the chief stronghold after Soulis Castle—the original fortalice of the Lords of Liddesdale—had been abandoned. The castle stands in a position of great natural strength on the banks of the Hermitage water, and it was further secured by a deep fosse, which enclosed it on the east, west, and north, and also by extensive earthworks. Surrounded by wild morasses and mountains, the grim towers, with their

¹ Border Antiquities, vol. i. p. 201.



few and narrow windows, and their walls pierced with loop-holes, add additional gloom to the desolate and cheerless region in which they stand. The interior of the castle is now a complete ruin. The Scotts have been associated with the Hermitage and Liddesdale, as governors and proprietors, from the fifteenth century. In the year 1470, David Scott of Buccleuch received from Archibald, fifth Earl of Angus, a gift of the governorship of the Hermitage; and his son David, who married a sister of the Earl, was afterwards appointed governor of the castle and keeper of Liddesdale. Subsequent barons of Buccleuch occasionally held the same office in conjunction with that of Warden of the Middle Marches, offices that demanded great energy and entailed harassing duties, as the district under their sway contained the most turbulent and irrepressible of the Borderers. On the forfeiture of Francis Stuart, Earl of Bothwell, in 1594, the lordship of Liddesdale, with Hermitage Castle, which he then held, was granted to the Duke of Lennox, from whom Sir Walter Scott, afterwards Lord Scott of Buccleuch, acquired it by purchase. It has since remained in the possession of the Buccleuch family.

LANGHOLM TOWER.

The Tower of Langholm or Langhope, now in ruins, probably dates from the early portion of the sixteenth century. From what now remains, it appears to have measured from east to west a little more than thirty feet, and from north to south fifty-six feet; the walls being five feet and a half in thickness. Although not to be compared with the old Douglas stronghold of Hermitage, or even with the neighbouring castle of the Lindsays in Wauchopedale, it was still a place of importance, as from its situation it commanded three Border passes, those by Eskdale-muir, Ewesdores, and Wauchopedale. Traces of earthworks still exist in the neighbourhood of the Tower, and it has been conjectured that these were constructed during its occupation by the English in the protectorate of the Duke of Somerset, but of this there does not appear to exist any evidence.

The Tower of Langholm, according to a tradition, was built by a brother

of Johnie Armstrong of Gilnockie, and the name of this Border family frequently appears in the history of the fortress. The lands of Langholm were granted by Robert Lord Maxwell to John Armstrong, on the 2d November 1525, but were resigned to the granter on the 18th February 1528-9; and it was here that the Laird of Gilnockie reviewed his gallant troops before proceeding on his ill-starred expedition to Carlanrig in 1530. Near the Tower was the Turner-holm (Tournament-holm), which was perhaps the ground referred to in the ballad :—

“ They ran their horse in the Langholme howm,
 And brak their spears wi’ meikle main ;
 The ladies lukit frae their loft windows—
 God bring our men weel hame again ! ”

Johnie Armstrong, we are told, “ keepit ye castell of Langhame,”¹ and it is probable that this seat of the famous marauder was visited by King James the Fifth after the execution of the Armstrongs, as Lindsay of Pitcottie mentions the king’s hunting at St. Marylaws, Carlanrig Chapel, Ewisdoores, and Langhope, although it must be borne in mind that there was also a forest of Langhope in the county of Selkirk. In October 1534, a broken gun was ordered to be brought from the Langholm to Edinburgh, for the purpose of being melted.²

The Tower was seized in 1544 by the Armstrongs of Liddesdale, who captured four prisoners, and carried away the furnishings.³ After the fatal defeat of the Scots army at Solway Moss, Lord Maxwell, who had been captured in that engagement, suffered a year’s imprisonment in England; and during his absence the Tower had been “ thiftuislie taken by a Scottis tratour ” and handed over to the English. In 1546 the Estates demanded its restoration to the Scottish Queen,⁴ and it was taken from the English in the following year. In April 1547 the garrison consisted of forty light horsemen,⁵ but it would appear to have been reduced to the number of sixteen,

¹ Anderson’s mss., Advocates’ Library.

³ Letter of 27th October, Haynes’ State Papers.

² Pitcairn, vol. i. Part i. p. 284.

⁴ Acts, vol. ii. p. 473.

⁵ Letter from Thomas Lord Wharton to the Protector and Council, 7th April 1547.

exclusive of the captain, at the time of its capture by the Scottish army towards the end of July. A gallant and prudent defence was made by the holders of the Tower; for finding it impossible to guard themselves by earth-works from the approach of an enemy, owing to the stony nature of the ground, they resolved to destroy the lower portion of the building, and by thus isolating the highest floor offer resistance till they were attacked by cannon. The Governor assembled his army at Peebles on the 20th of July, and marched to Langholm Castle, capturing it, however, only after three or four days' siege, and not before seven cannon-shots had been directed against the walls.¹

The keepership of Langholm was apparently assigned to the Warden of the West Marches, but the office was generally placed by him in the hands of a deputy. For instance, in 1562, Sir John Maxwell of Terregles delivered the keeping of Langholm to Christopher Armstrong of Barnaglies, son of Gilnockie;² and twenty years later we find Robert Maxwell, natural brother of Lord Maxwell, filling the post of deputy,³ and also acting as "Captain of Langholm" in 1590, apparently a distinct office, in virtue of which he was bound to resist the riding of the English borderers.⁴

When Lord Maxwell was deprived of the Wardenship, and the office was given to the Laird of Johnstone, his hereditary enemy, the Tower of Langholm seems to have been neglected. In 1580, Maxwell approached the Council with a petition for the delivery of the fortress into his hands, as otherwise it was open to the seizure of the "thieves" of either realm; and the Council ordered Johnstone to surrender it to Maxwell before the 20th September, with the reservation that Maxwell's servants should keep it "ready patent" to Johnstone when he might require it for the better discharge of his duties.⁵ In this very month the Armstrongs attacked the Tower, and destroyed the barns, corn, etc.⁶

¹ *Eure to the Protector*, 29th June 1547; *Pitscottie*; *Anderson's MSS.*, Advocates' Library.

² *Book of Carlawerock*.

³ *MS. Laws of Marches*, Record Office.

⁴ *Archaeologia*, vol. xxii.

⁵ *Privy Council Records*, ms., 9th September 1580.

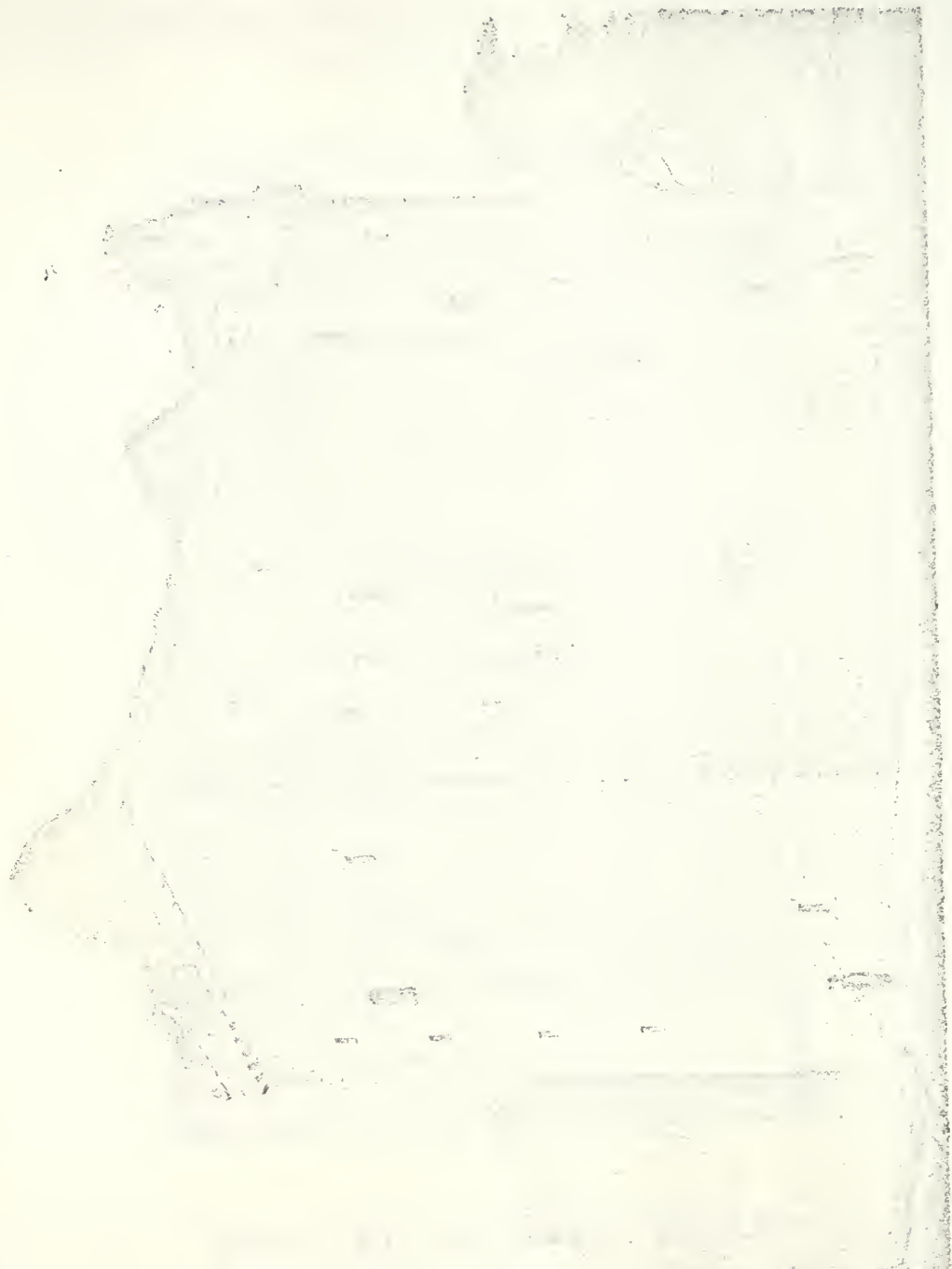
⁶ *Pitcairn*, vol. i. Part II. pp. 450-2.

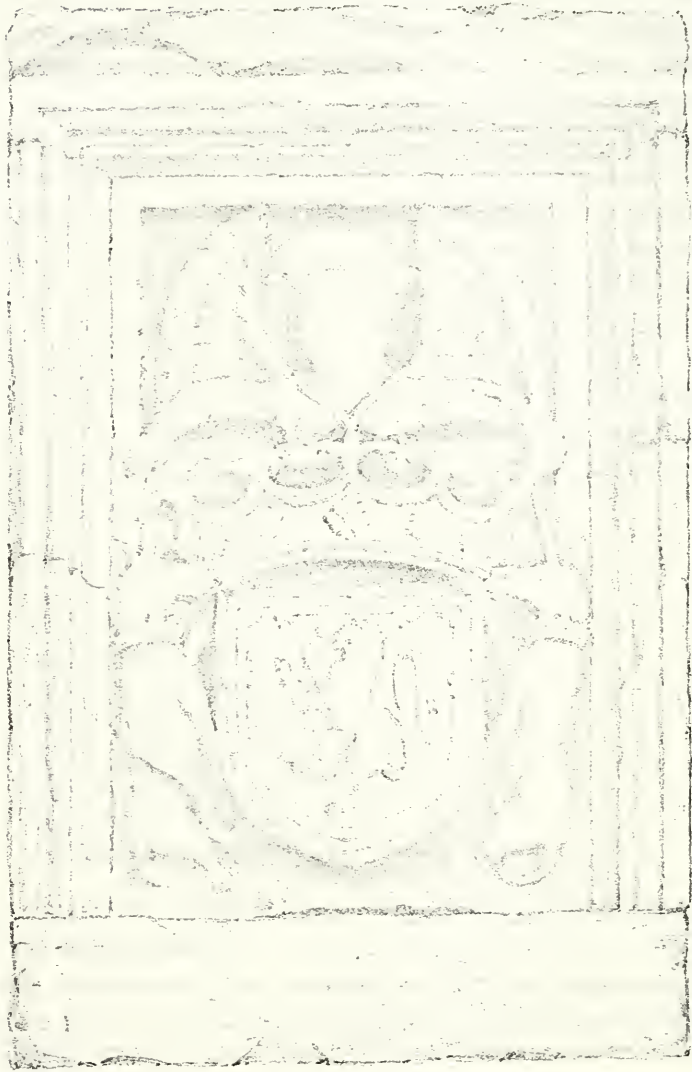
Langholm was acquired by the first Earl of Buccleuch from the Earl of Nithsdale, and it has since been the property of the Buccleuch family. The ancient historic tower was demolished in 1725, to furnish materials for the building of a "fine bow" in the middle of the Langholm, on the north side of the Esk; and afterwards the new house of Langholm, under the name of Langholm Lodge, became a residence of the Duke of Buccleuch.

NEWARK CASTLE, IN YARROW,

Stands amid picturesque scenery on the banks of the poetic stream of Yarrow, about two miles from its junction with the Ettrick, and a short distance from the site of Auldwarke, a former castle, of which no portion now remains. In the *Border Antiquities* there is a drawing of the exterior of Newark Castle, and another of the interior. The original name of Newark was *Cathmurlie*. The Royal Castle of Newark was built in the fifteenth century, when the Forest of Ettrick formed a hunting-ground for the monarchs of Scotland, and sometime before the year 1423, as it is then called the "New Werk" in a charter by Archibald, Earl of Douglas.¹ The barons of Buccleuch were captains of the Castle of Newark at an early date; and when Margaret, queen of King James the Fourth, came to take possession of her jointure lands in the Forest, in which the castle stood, Sir Walter Scott would not permit her to enter until he received the royal warrant. In the year 1543, during the regency of Arran, he and his heirs-male by Janet Betoun were appointed captains and keepers of the Castle of Newark, and his grandson was confirmed in the office by Queen Mary in the year 1565. The castle did not escape the ravages of the English. In the year 1548 it was besieged by Lord Grey, who burned the town, and carried off a large booty, including three thousand sheep and four hundred cattle; and in the autumn of the same year the castle itself was burned by Lord Grey. Newark was used as a residence by Walter, first Earl of Buccleuch,

¹ Reg. Mag. Sig., Lib. ii. p. 60.





ROYAL ARMS ON NEWARK CASTLE.

and several of his children were born there; but after the death of his countess, Lady Mary Hay, and during his continued absence in Holland, where he took an active part in the War of Independence, his children were placed under the care of his sister, Lady Margaret Scott, Lady Ross, at Melville. The estate of Dalkeith having been purchased during the minority of Francis, second Earl of Buccleuch, the Castle of Dalkeith then became the residence of the family, in place of Branxhohn and Newark. It is stated by Mr. Chalmers in his *Caledonia*, and by Sir Walter Scott in the *Border Antiquities*,¹ that Anna Duchess of Buccleuch was born in Newark Castle. But both statements are inaccurate. The Duchess was born in Dundee, as is fully shown in her *Memoir*. This stronghold of the Scotts of Buccleuch was occupied by the invading army under Cromwell, in the year 1650, after the defeat of the Scots at Dunbar. The Castle of Newark was chosen by Sir Walter Scott as the spot where the aged Minstrel recites his Lay before Anna, Duchess of Buccleuch and Monmouth :—

“He pass’d where Newark’s stately tower
Looks out from Yarrow’s birchen bower :
The Minstrel gazed with wishful eye—
No humbler resting-place was nigh,
With hesitating step at last,
The embattled portal-arch he pass’d,
Whose ponderous grate and massy bar
Had oft roll’d back the tide of war,
But never closed the iron door
Against the desolate and poor.”

Newark is now a ruin. It had been a place of great strength, as is shown by the massive walls, four stories high. An armorial stone in the west gable bears the royal arms of Scotland—a lion rampant, with two unicorns as supporters of the shield, which is surmounted by an open antique crown, held by a demi-angel winged.

¹ Vol. i. p. 66.

DALKEITH CASTLE

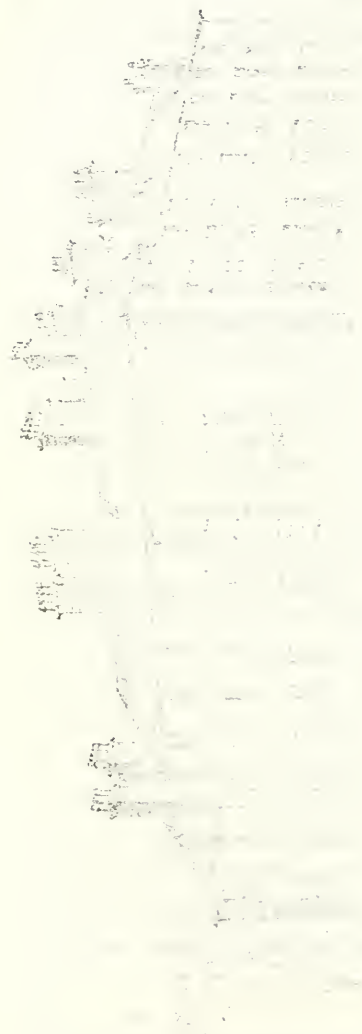
Was originally a fortalice of the family of Graham, from whom it passed by marriage into the hands of William Douglas, Lord of Liddesdale, celebrated as the Flower of Chivalry. During the Douglas rebellion in the fifteenth century, the Lord of Dalkeith fought on behalf of his brother-in-law, King James the Second, against his chief, the Earl of Douglas, and the castle was then besieged with great determination, but without success. The Lord of Dalkeith, in reward for his faithful adherence to the King, was created Earl of Morton in 1458. The castle continued in the possession of the Douglasses—with the exception of a brief period from the forfeiture of the Regent Morton till shortly after the reversal of his attainder—until the middle of the seventeenth century, when the lordship of Dalkeith was purchased by Francis, second Earl of Buccleuch. During the Commonwealth, the castle was taken possession of by the English Commissioners, and was subsequently the residence of General Mounck, when he had the charge of the infant Mary, Countess of Buccleuch. One of the bedrooms is known as Mounck's, and another of the rooms is traditionally known as the one in which he planned the restoration of King Charles the Second.

The castle was entirely reconstructed about the year 1705, by Anna, Duchess of Buccleuch and Monmouth, who said that she was extravagant in new marble work to show her respect for her old castle. The marble work is still entire, and the great hanging stair leading from the ground floor to the gallery is particularly graceful and much admired. After the alterations made by the Duchess, the castle was occasionally called the Palace of Dalkeith, but it is now known as Dalkeith House. Although considerable portions of the old building still remain, the alteration then made was so great, that no resemblance can now be traced to the ancient stronghold of the Douglasses or the "Lion's Den" of Regent Morton. The present mansion is pleasantly situated about half a mile above the junction of the North and South Esk.



DALKEITH HOUSE.

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Dalkeith was often in former days the resort of royalty, and in our own day the pleasant association has been renewed. In 1503, the Princess Margaret Tudor arrived at Dalkeith, in her progress from England to join her husband, King James the Fourth. "Queen Margaret's Gate," near Newbattle Abbey, still points out the way by which the Queen approached Dalkeith along the old road and the beautiful old bridge over the Esk below the Abbey, commonly called the "Maiden Bridge," from the fact of the Princess having passed along it when she was a bride. Cardinal Betoun was imprisoned in the Castle of Dalkeith for opposing the proposed marriage of Queen Mary, then a year old, to her infant cousin, Edward Prince of Wales. Here King James the Sixth stayed several days in the year 1579, and here in June 1633, his son, King Charles the First, was magnificently entertained by William, Earl of Morton. On his way back to England from Edinburgh after his coronation, King Charles ended his first day's journey at Dalkeith. Having formed a very favourable opinion of the castle and barony of Dalkeith, he made an arrangement with the Earl of Morton to purchase them from his lordship, intending to convert the grounds, consisting of about 8000 acres, into a great deer park. The lordship was surrendered to the Earl of Traquair, as Lord High Treasurer, on behalf of the King, and the Earl took up his residence at the castle. But the troubles of Charles soon ensuing, the purchase was never completed, and the Earl of Morton afterwards sold Dalkeith to Francis, second Earl of Buccleuch. On his visit to Scotland in 1822, King George the Fourth had the mansion-house of Dalkeith placed at his disposal by the young Duke of Buccleuch and his guardians. A notice of his Majesty's occupation of Dalkeith House will be given in the Memoir of the present Duke of Buccleuch. Twenty years later, when the niece of King George the Fourth, Her Majesty the Queen, first came to Scotland with the Prince Consort, they honoured the Duke and Duchess of Buccleuch with a visit at Dalkeith, where they occupied the rooms that had been set apart for King George the Fourth.

THE SCOTTS OF HARDEN.

Of the many branches of the Scotts of Buccleuch, one of the most ancient, as well as the most influential and historical, is that of the Scotts of Harden, who are descended from the Scotts of Sinton,¹ and are now represented by Walter-Hugh Hepburne-Scott of Harden, Lord Polwarth. The Scotts of Balwearie could boast of their famous wizard, Sir Michael Scott, and the Scotts of Harden can also claim their great wizard, Sir Walter Scott. Between the Scotts of Buccleuch and the Scotts of Harden there was always a close alliance in matters of Border interest. At the famous rescue of "Kimmont Will" from Carlisle Castle in 1596, the Laird of Harden formed one of the gallant band engaged in that perilous exploit. The ballad of "Jamie Telfer of the Fair Dodhead," alludes to the reliance which Buccleuch placed on Harden when the latter was performing the duties imposed by him as Warden of the Marches :—

"Warn Wat o' Harden and his sons
Wi' them will Borthwick water ride,
Warn Goldielands and Allanhauch
And Gilmanseleuch and Comonside."

In the seventeenth century the relations between the Scotts of Buccleuch and Harden became still more intimate, and culminated in the romantic marriage of the young Countess of Buccleuch with Walter Scott, a scion of the house of Harden. This marriage forms an interesting chapter in the history of the respective houses of Buccleuch and Harden, and the true story will be found in the sixteenth chapter of this work.

The romantic situation of the old mansion-house of Harden could not fail to attract the special notice of Leyden in his poetic description of Teviotdale, and he hit off the scene with great felicity in the following lines :—

¹ The old mansion-house of Sinton having been burned down, the present house was built by Alexander Scott of Sinton in 1776. Part of an ancient stone of the former man-

sion, now in the present house, bears this inscription: "George Scot in Sinton, and Margaret Edmoston his spous, zer of God 1570. The Heart." . . .

“Where Bortha hoarse, that loads the meads with sand,
 Rolls her red tide to Teviot’s western strand,
 Through slaty hills whose sides are shagged with thorn,
 Where springs, in scattered tufts, the dark-green corn,
 Towers wood-girt Harden far above the vale ;
 And clouds of ravens o’er the turrets sail.
 A hardy race, who never shrunk from war,
 The SCOTT, to rival realms a mighty bar,
 Here fixed his mountain-home—a wide domain,
 And rich the soil, had purple heath been grain ;
 But what the niggard ground of wealth denied,
 From fields more blest his fearless arm supplied.”¹

The habits of several of the heads of the family of Harden were quite as romantic as the situation of their castle. Robert Scott of Stirkschaws, second son of Walter Scott of Sinton, was the first Scott of Harden, having acquired this estate from Alexander Lord Home in 1501. The second son of Robert Scott was William Scott, known by the sobriquet of Boltfoot. He was the second Scott of Harden. His grandson was the renowned Walter Scott of Harden, commonly called “Auld Wat,” whose deeds have been celebrated in Border ballads. Many of these ballads are ascribed to a minstrel who had been taken captive when a child in a Border raid, and rescued by Mary Scott, “The Flower of Yarrow;” the beautiful bride of Walter Scott of Harden :—

“His are the strains whose wandering echoes thrill
 The shepherd lingering on the twilight hill,
 When evening brings the merry folding hours
 And sun-eyed daisies close their winking flowers.
 He lived o’er Yarrow’s Flower to shed the tear,
 To strew the holly leaves o’er Harden’s bier ;
 But none was found above the minstrel’s tomb,
 Emblem of peace, to bid the daisy bloom.
 He, nameless as the race from which he sprung,
 Saved other names, and left his own unsung.”²

¹ Scenes of Infancy, by Dr. John Leyden, ed. 1875, p. 9.

² *Ibid.* p. 10.

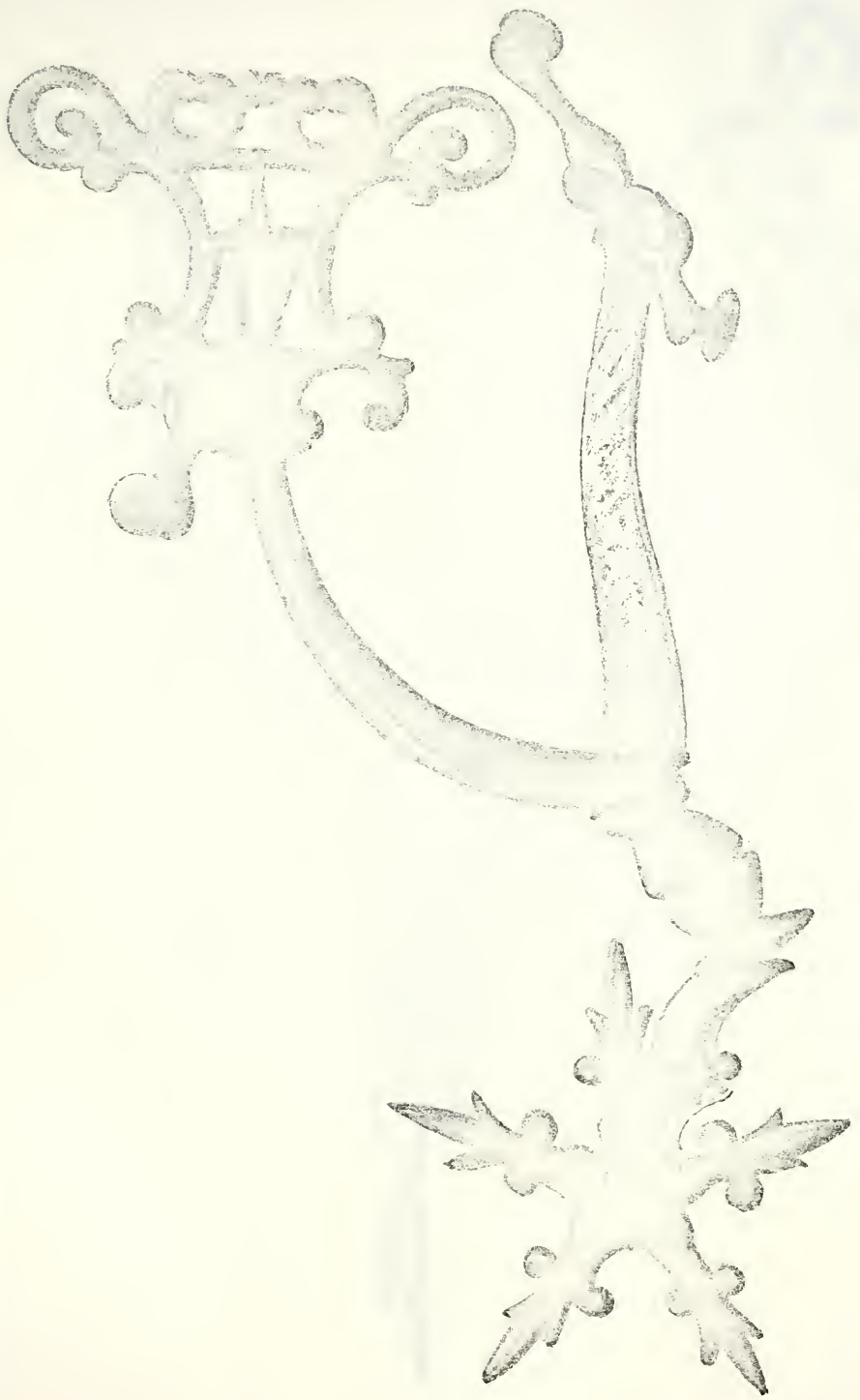
In those turbulent times, when the cattle and flocks of the Scottish Border chief were liable to be swept off in a night, reprisals were of course made on the English Border. It is said that when the last bullock was consumed at Harden, Mary, the Flower of Yarrow, placed on the table a clean pair of spurs, a significant hint that the larder was to be replenished from the herds of Northumberland. The identical spurs are now in the possession of Lord Polwarth, and an engraving of these romantic relics is here given.

“ And loud, and loud in Harden tower
The quaigh gaed round wi’ meikle glee;
For the English beef was brought in bower,
And the English ale flow’d merrilie.

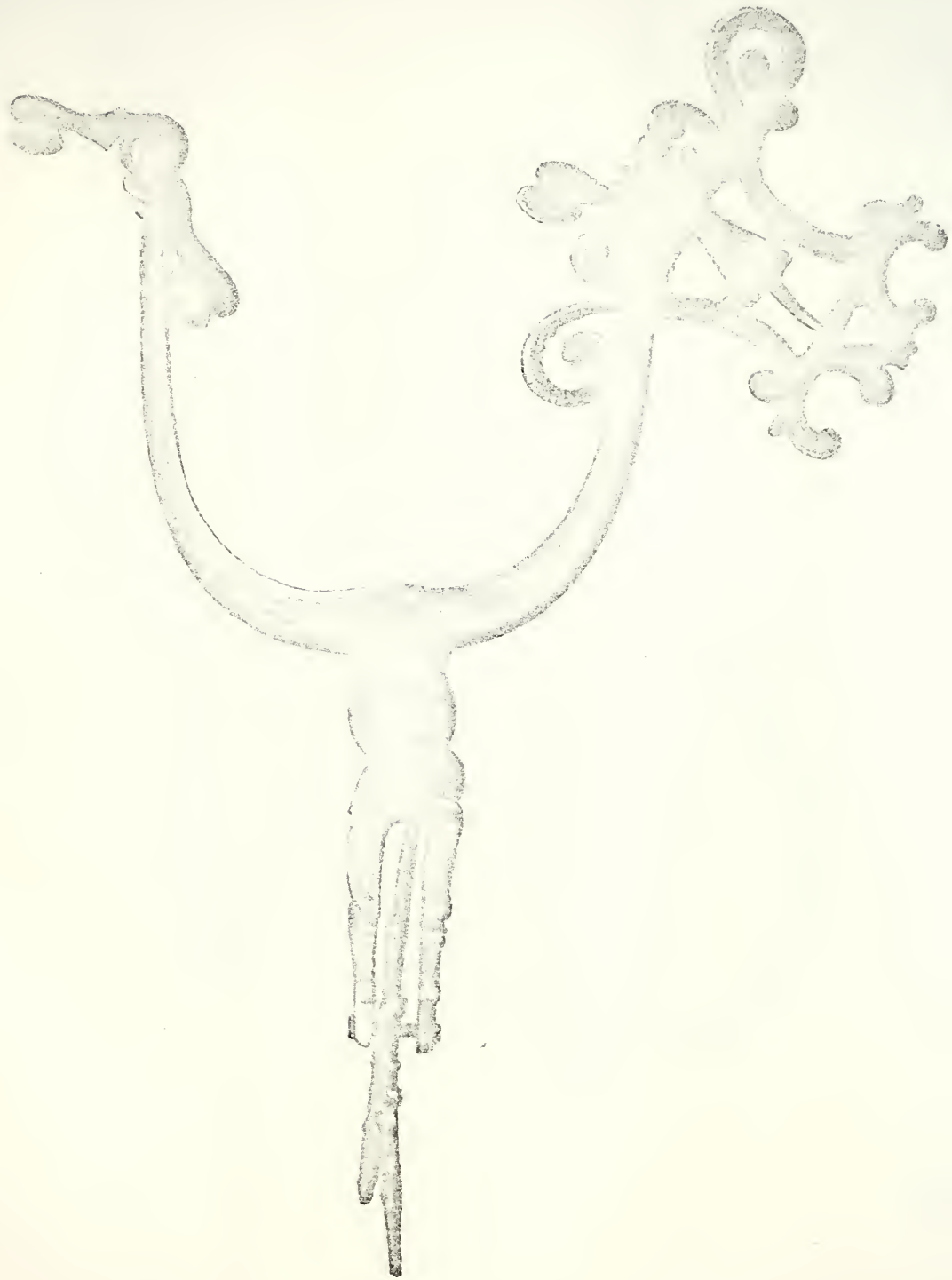
They ate, they laugh’d, they sang and quaff’d
Till nought on board was seen,
When knight and squire were boune to dine,
But a spur of silver sheen.”¹

Sir Walter Scott relates that, “upon one occasion when the village herd was driving out the cattle to pasture, the old Laird heard him call loudly to drive out Harden’s cow. ‘Harden’s cow!’ echoed the affronted chief, ‘Is it come to that pass? By my faith they shall soon say Harden’s *kye* (cows).’ Accordingly he sounded his bugle, set out with his followers, and next day returned with *a bow of kye* and a *bassen’d* (brindled) bull. On his return with his gallant prey he passed a very large haystack. It occurred to the provident Laird that this would be extremely convenient to fodder his new stock of cattle, but as no means of transporting it were obvious, he was fain to take leave of it with the apostrophe now become proverbial, ‘*By my saul had ye but fower feet ye should not stand lang there.*’ In short, as Froissart says of a similar class of feudal robbers, nothing came amiss to them that was not *too heavy or too hot.*”

¹ The Reiver’s Wedding, Lockhart’s Life of Scott, vol. i. p. 354.



THE HARDEN SPURS



FOR THE FEAST OF THE SPURS



The bugle horn here mentioned by Sir Walter Scott is still one of the heirlooms of Harden, and an illustration of the interesting relic, the surface of which is completely covered with initials, cut or burned into the horn, is here given.

“He took a bugle frae his side,
With names carved o’er and o’er,
Full many a chief of meikle pride,
That Border bugle bore.

He blew a note baith sharp and hie
Till rock and water rang around,
Three score of moss-troopers and three
Have mounted at that bugle sound.”¹

Auld Wat’s bugle-horn is often referred to—

“Fra the hills which sae aft at the peeping o’ morn
Ha’ rung to the blast o’ my gude bugle horn.”²

In his autobiography Sir Walter Scott says, “Every Scottishman has a pedigree. It is a national prerogative as unalienable as his pride and his poverty. My birth was neither distinguished nor sordid. According to the prejudices of my country, it was esteemed *gentle*, as I was connected, though remotely, with ancient families, both by my father’s and mother’s side. My father’s grandfather was Walter Scott, well known in Teviotdale by the surname of *Bearlie*. He was the second son of Walter Scott, first Laird of Raeburn, who was third son of Sir William Scott and the grandson of Walter Scott, commonly called in tradition *Auld Watt* of Harden. I am, therefore, lineally descended from that ancient chieftain, whose name I have made to ring in many a ditty, and from his fair dame the Flower of Yarrow, no bad genealogy for a Border minstrel.”³

¹ The Reiver’s Wedding, Lockhart’s Life of Scott, vol. i. p. 354.

² Wat o’ Harden’s Ghost, Poem at Mertoun.

³ Lockhart’s Life of Scott, vol. i. p. 3.

THE FLOWER OF YARROW.

As might be supposed, many traditions are told of Auld Wat and his beautiful wife, the Flower of Yarrow. According to the "Border Memories," he married Mary Scott, daughter of John or Philip Scott of Dryhope.¹ By their marriage-contract the father-in-law was bound to find Scott of Harden in horse meat and man's meat at his tower of Dryhope for a year and a day. But five barons pledged themselves that at the expiry of that period the son-in-law should remove without attempting to continue in possession by force. Harden on his part agreed to give Dryhope the profits of the first Michaelmas moon—a curious illustration of the unsettled character of the age.²

The peculiarity of these alleged ante-nuptial conditions induced us to examine the original contract for the marriage. It bears date at Selkirk, the 21st of March 1576, and the parties to it are Walter Scott of Harden, and John Scott in Dryhope for his daughter Marion Scott. Walter and Marion become bound to celebrate their marriage before Lammas then next; and Walter obliges himself to infest Marion in liferent in the lands of Mabynew, as a part of Harden. The father of Marion Scott becomes bound to pay to Harden four hundred merks Scots, at the terms specified, the balance being to be paid "at the said Walter and Marion's passing to their awin hous." For observing the contract faithfully, the parties to the contract obliged them by the faith and truth in their bodies, and by the "ostentioun" of their right hands.³

These are the principal provisions of the contract, and it will be seen how much tradition has added to them about the meat for man and horse, the five guaranteeing barons, and the profits of the Michaelmas moon. We regret to be obliged to explode these pleasant fables, but where they are so plainly demonstrated to be fictions they should not be continued in genuine history.

¹ Dryhope Tower, now in ruins, was a square tower, near St. Mary's Loch, three stories high, on a rocky eminence above the west bank of Dryhope burn. The tower is arched inside. The walls are of great thickness.

² Border Memories, by Walter Riddell Carre, 1876, p. 75.

³ Original Contract of Marriage in Lord Polwarth's Charter-room.

MUCKLE-MOUTHED MEG A MYTH.

The traditions connected with the marriage of Auld Wat are eclipsed in their romance by those relating to the marriage of his eldest son, which have been frequently narrated. Captured, it is said, in a skirmish with the followers of Sir Gideon Murray of Elibank, he was offered the choice of death on the "doom-tree," or marriage with the plainest of Sir Gideon's three daughters, who was known as "Muckle-mouthed Meg." He chose the latter alternative. In his life of Sir Walter Scott, Mr. Lockhart has introduced the story of that marriage. He says, "The young and handsome heir of Harden, engaging in a foray upon the lands of Sir Gideon Murray of Elibank, treasurer-depute of Scotland, was overpowered by that baron's retainers, and carried in shackles to his castle, now a heap of ruins, on the banks of the Tweed. Elibank's 'doom-tree' extended its broad arms close to the gates of his fortress, and the indignant laird was on the point of desiring his prisoner to say a last prayer, when his more considerate dame interposed milder counsels, suggesting that the culprit was born to a good estate, and that they had three unmarried daughters. Young Harden, not, it is said, without hesitation, agreed to save his life by taking the plainest of the three off their hands; and the contract of marriage, executed instantly on the parchment of a drum, is still in the charter-chest of his noble representative."¹

Sir Walter Scott's own account of the marriage of his ancestor, the young heir of Harden, is still more graphic. Writing to Miss Seward from Edinburgh on June 29, 1802, Sir Walter says, "I have some thoughts of attempting a Border ballad in the comic manner, but I almost despair of bringing it well out. A certain Sir William Scott, from whom I am descended, was ill-advised enough to plunder the estate of Sir Gideon Murray of Elibank, ancestor to the present Lord Elibank. The marauder was defeated, seized, and brought in fetters to the castle of Elibank, upon the Tweed. The Lady Murray (agreeably to the custom of all ladies in ancient tales) was seated on

¹ Lockhart's Life of Scott, vol. i. p. 68.

the battlements, and descried the return of her husband with his prisoners. She immediately inquired what he meant to do with the young Knight of Harden, which was the *petit titre* of Sir William Scott. 'Hang the robber, assuredly,' was the answer of Sir Gideon. 'What,' answered the lady, 'hang the handsome young knight of Harden when I have three ill-favoured daughters unmarried! No, no, Sir Gideon, we'll force him to marry our Meg.' Now tradition says that Meg Murray was the ugliest woman in the four counties, and that she was called, in the homely dialect of the time, *Meikle-mouthed Meg* (I will not affront you by an explanation). Sir Gideon, like a good husband and tender father, entered into his wife's sentiments, and preferred to Sir William the alternative of becoming his son-in-law, or decorating with his carcase the *kindly* gallows of Elibank. The lady was so very ugly, that Sir William, the handsomest man of his time, positively refused the honour of her hand. Three days were allowed him to make up his mind, and it was not until he found one end of a rope made fast to his neck and the other knitted to a sturdy oak bough that his resolution gave way, and he preferred an ugly wife to the literal noose. It is said they were afterwards a very happy couple. She had a curious hand at pickling the beef which he stole; and marauder as he was, he had little reason to dread being twitted by the pawky gowk."¹

In the following month Sir Walter writes to Miss Seward that the ballad of The Reiver's Wedding is not yet written; and Mr. Lockhart states that it never was completed, but that he had found two copies of its commencement. He printed what seems to have been the second one. He explains that Sir Walter meant to mingle with Sir William's capture Auld Wat's foray of the Bassened Bull, and the Feast of Spurs; and that for some unknown reason, Lochwood Castle, the ancient fortress of the Johnstones in Annandale, was substituted for the real locality of his ancestor's Drunhead Wedding Contract.

A similar account of the marriage of Sir William Scott and Meg Murray is also given by Sir Walter Scott in the *Border Antiquities*.²

¹ Lockhart's *Life of Scott*, vol. i. p. 349.

² Page 155.

The Reiver's Wedding, a poem by Sir Walter Scott, is printed in his *Life by Lockhart*, but is too lengthy for insertion here. A spirited poem on the same subject, which, as far as I am aware, has never been printed, may here be appropriately introduced. The authoress was Lady Louisa Stuart, daughter of John Earl of Bute, the Prime Minister, who was a very accomplished lady, and wrote clever letters to many correspondents.

UGLY MEG, OR THE ROBBER'S WEDDING.

- | | |
|--|---|
| <p>1.
Peace to these worthy days of old,
Cast in our modern teeth so oft,
When Man was, as befits him, bold,
And Woman, as she should be, soft.</p> | <p>7.
Well! thus while stage and press declaim,
By pulpit on a Sunday backed,
Suppose we start some other game,
And rummage record-chests for fact.</p> |
| <p>2.
Those virtuous, upright, simple days,
When lucre—despicable thing—
Made never youth his finger raise,
Or fair, put hers in wedding ring.</p> | <p>8.
What says the bard, whose witching song
Comes glowing with such vivid fires
As make the coldest of us long
To warraie like our gallant sires?</p> |
| <p>3.
Then worth was all that Parents weighed,
And Damsels listened not to lies;
And suitors wished a lovely maid
To bring no dowry but her eyes.</p> | <p>9.
'Tis thus he says—but says in prose,
While only gladd'ning social hours—
The Cumbrian bugle loudly blows,
The chief returns with all his powers.</p> |
| <p>4.
Then blessed was marriage, could it choose
When genuine Love, not crabb'd Law,
Towering above all sordid views,
The contract came alone to draw,</p> | <p>10.
That blast bespeaks not rout or fear,
'Tis triumph's animating tone;
It scarcely meets the lady's ear,
When up she's to the rampart flown.</p> |
| <p>5.
Without one syllable of these,
Devised by Satan for our sins—
Entail and jointure and trustees,
And separate purses for—for pins.</p> | <p>11.
By this her lord has reach'd the moat,
Shouts for the bridge and quits his steed.
"What luck?" she asks; "by all I note
Saint George was with you at your need."</p> |
| <p>6.
Then wives accepted as a boon
What husbands' bounty loved to shower,
And widows broke their hearts too soon
To need the comforts of a dower.</p> | <p>12.
"None better, dame, might man desire;
We've chased the Borderers past their bounds.
Ta'en for us herds and goodly hire—
Rich payment for our ravaged grounds.</p> |

13.

"'Tis true the blue-caps showed us sport,
And breathful many a brave man's veins ;
But see you gallant, mark his port,
'Tis Scott of Harden in our chains."

14.

"Then be the Virgin praised," she said,
"This day shall chronicles record.
Now, hark ye, ere the feast we spread,
What will you do with Harden's Lord?"

15.

"Do!" cries the Baron, fierce,
"Do with a cut-throat and a thief?
The country's dread, the Border's curse,
Do with him? let his prayers be brief."

16.

"Here chuse me some convenient tree,
And hang him high ere break of day."
"Nay, that they shall not do," quoth she,
"Hang Harden's Knight—hang you they may."

17.

Oh, sweetness of the gentle sex
Melting with pity, lenient still,
And loveliest when its pleading checks
Bloodthirsty man's inhuman will.

18.

"So!" the mild fair resumed, and placed
Her arms akinbo as she spake,
"Here's thrifty doings—war and waste
And brew the more the less you bake."

19.

"Hang Harden's chief! a precious jest,
A bachelor comely, young, and rich ;
You! with three maiden daughters blest,
Ill favoured as the nightmare each."

20.

"Unbind his hands and fetch a friar—
I sleep not till the thing be done ;
He takes his choice, and I acquire
The Knight of Harden for my son."

21.

"Mass! though a woman, thou hast wit,"
The Baron said, and weighed the case,
"Yet sweetheart, an I must submit,
No chusing—that were too much grace."

22.

"For Moll and Maudlin they may win
Some Christian husband, bad or good ;
But ugly Meg would frighten sin,
And Harden weds her by the Rood."

23.

"Black Ralph, thou hast a penman's fame,
Write articles on yonder drum,
When see thou bar the bridegroom's claim
To all I have, or have to come."

24.

"No portion—but if Meg survives
He jointures her in all his lands ;
So now pluck off the prisoner's gyves,
And, Father Topas, join their hands."

25.

"Stay, leave me thus for ever bound,"
The captive in a panic cried,
"Or make me turn a mill-wheel round,
Ere you Hobgoblin be my bride."

26.

"Hold," quoth the Father, "choice is just,
Prefer the gallows and do well,
A rope on Harden will, I trust,
Keep Meg from leading apes in hell."

27.

The priests now sung the parting hymn,
The noose was slipp'd beneath his head,
Ah! fair is life, though Meg be grim,
"Stop, stop," he roars, "I'll wink and wed."

28.

Thus wooed they in the good old days ;
And, pitying reader, though you stare,
The last, the sweetest minstrel says,
These lived and died a loving pair.

Here again fiction has been more busy than in the case of the marriage of Auld Wat and the Flower of Yarrow. The accomplished Lockhart, with all his training in law and distinction in literature, has seriously described the marriage of young Harden and Meg Murray as the Drumhead Wedding Contract, and states that the marriage-contract was instantly executed on the parchment of a drum.¹ Whether by that description Mr. Lockhart means that the contract of marriage was actually written on the parchment of a drum in the great hurry of the moment and for lack of paper to engross the contract in ordinary form, or only that the drumhead served as a kind of table on which to place the proper contract for signature, the facts are against either theory.

The marriage of young Harden and Agnes Murray, not Margaret, or Meg as in tradition, instead of being a hurried business, was arranged very leisurely, and with great care, calmness, and deliberation, by all the parties interested, including the two principals, the bridegroom and the bride, and the parents on either side. This appears plainly from the contracts of marriage, which are still preserved in the Charter-room of Lord Polwarth, the lineal representative and descendant of the happy partners in this fable-invested marriage. Contrary to all romance, the preliminaries for the marriage were unusually formal, and were prolonged for many months. Instead of one contract, as is usual in such cases, there were two separate and successive contracts, made at an interval of several months before the marriage was finally arranged.

The first contract bears date at Edinburgh, 18th February 1611. The parties to it are Walter and William Scott, elder and younger of Harden, on the one part, and Sir Gideon Murray of Elibank, knight, for himself and Agnes Murray his eldest daughter, on the other part. Young Harden and Agnes Murray agree to solemnise the holy bond of matrimony in the face of Christ's Kirk, as God's Word doth allow, betwixt the date of the contract and the first day of May then next—that is, within two months and a half after the date of the contract. Walter Scott binds himself to infest his son and

¹ *Life of Scott*, vol. i. pp. 68, 353.

his promised spouse and the longest liver of them, in conjunct fee, and the heirs-male of the marriage, whom failing, the heirs-male of William Scott in any other marriage, in the lauds of Harden and other lands belonging to Walter and William Scott. Owing to the limitation to heirs-male, and the exclusion of the daughters of the marriage from succeeding to the lands, special money provisions are made in favour of any daughters to be born of the marriage. This was the usual form of contracts of marriage at this period, in cases where the estates were provided to heirs-male, to the exclusion of female heirs.

Sir Gideon Murray became bound to pay to William Scott, younger of Harden, the sum of seven thousand merks, good and usual money of Scotland, as tocher with his daughter, which was a much larger tocher than William Scott's own beautiful mother, the Flower of Yarrow, brought to her husband. Walter Scott reserved the liferent of the lands of Harden and other lands.

Agnes Murray, at the date of that contract, was under age, and she became bound to execute certain deeds in reference to the marriage arrangements on her attaining twenty-one years of age.

The contract is subscribed by Sir Gideon Murray, William Scott, and "Agnes Morraye," all good signatures. But as Auld Wat of Harden could not write, his subscription is thus given, "Walter Scott of Harden, with my hand at the pen, led be the notaris vnderwritten at my command, becaus I can not wryt." Two notaries attest the hand-led signature of the old hero of Harden, along with several Murray and Scott witnesses, who were all able to subscribe their own names.

So formal and elaborate are the provisions, conditions, and arrangements in that contract, and so long is the description of the numerous lands contained in it, that it occupies a roll of seven feet, the whole of which is closely engrossed with small writing from head to foot.¹ The contract of marriage of Auld Wat with the Flower of Yarrow was very short, extending in length to about one foot.

¹ Original Contract in Lord Polwarth's Charter-room.

For some reason not apparent from the contract, the marriage of William Scott and Agnes Murray was not celebrated on the 1st of May 1611, as had been provided by the deed of the 18th of February. Another contract was made at the Provost's Place of Creichtoun, on the 14th of July 1611, in terms similar to those of the original contract, with the new provision that young Harden and Agnes Murray promise to solemnise and complete the holy band of matrimony in face of Christ's Kirk as God's Word does allow, betwixt the date of that second contract and the 1st day of August following. This shows that no marriage had previously taken place. The second contract contains the same limitation of the lands of Harden to the heirs-male of the marriage, the provisions to any daughters to be born, who were excluded from succession to the lands, the tocher of seven thousand merks Scots to be paid by Sir Gideon Murray, and the deeds to be made when his daughter attained to twenty-one years. The second contract is also subscribed by Sir Gideon Murray, William Scott, and "Agnes Morray," and by notarial attestation for Auld Wat, because he could not write.¹

The anxiously deliberate and careful preliminary arrangements for the marriage, as disclosed by these successive contracts, contradict the popular tradition as to the circumstances attending this wedding. Instead of being hurried on at a moment's notice, it was delayed and put off from time to time, and guarded with as formal and elaborate contracts as ever were written for the regulation of the rights and provisions of the parties directly interested; and instead of an ill-favoured, penniless bride, we have a youthful maiden who brings to her husband a handsome tocher of 7000 merks.

Tradition, as we have seen, took liberties with the terms of the contract of marriage of Auld Wat and the lovely Flower of Yarrow, and tradition has taken still further liberties with the arrangements for the marriage of their son and his perhaps less comely bride. Muckle-mouthed Meg Murray must henceforth be considered as a myth, although it is no very easy task to eradi-

¹ Original Contract in Lord Polwarth's Charter-room.

cate fables that have been fixed for generations, and finally stereotyped by the genius of a literary artist. Lockhart says that all Meg's descendants have inherited something of her characteristic feature, and that Sir Walter Scott was certainly no exception to the rule.¹ The late Lord Polwarth told the author of this work that on one occasion he sat opposite the Ettrick Shepherd at an agricultural dinner. Hogg looked hard and long at his Lordship, who at last asked him his reason. The poet answered that he was "just looking to see if ye had the feemly mou."

The eldest son of the marriage of William Scott and Agnes Murray succeeded to the Harden estates, and the second son became Sir Gideon Scott of Highchester, who figures prominently in the memoir of Mary, Countess of Buccleuch,—his son, Lord Tarras, having married the Countess. Another son, Walter Scott, was the ancestor of the Scotts of Raeburn and Abbotsford, as shown in the genealogical table of Sir Walter Scott.

MRS. HARRIET SCOTT OF HARDEN, BARONESS POLWARTH.

This lady was the wife of Hugh Scott of Harden, who became Lord Polwarth. She was a daughter of Hans Maurice, Count de Brühl, and Alicia Maria, Countess Dowager of Egremont, his wife. The Count was Saxon Ambassador at the Court of Great Britain. When residing at Sandy Knowe, a farm on the estate of Mertoun, belonging to Mr. Scott of Harden, Sir Walter Scott, then a young man, attracted the notice of this accomplished lady, who discovered his genius and greatly assisted him in early life. A warm and intimate friendship continued between them, and to her he was much indebted for assistance in the production of his earlier poems, more especially of his translations from the German. "When I first saw Sir Walter," she writes to Mr. Lockhart, "he was about four or five-and-twenty, but looked much younger. He seemed bashful and awkward, but there were

¹ Life of Scott, vol. i. p. 350.

from the first such gleams of superior sense and spirit in his conversation, that I was hardly surprised when, after our acquaintance had ripened a little, I felt myself to be talking with a man of genius. He was most modest about himself, and showed his little pieces apparently without any consciousness that they could possess any claim on particular attention. Nothing so easy and good-humoured as the way in which he received any hints I might offer, when he seemed to be tampering with the King's English. I remember particularly how he laughed at himself, when I made him take notice that 'the little two dogs' in some of his lines did not please an English ear accustomed to 'the two little dogs.'"¹

Mrs. Scott of Harden was a very discriminating collector of fugitive pieces of poetry and cuttings from newspapers, and she arranged these into four folio volumes now in the Harden library. These volumes contain several poems holograph of Sir Walter Scott, bearing the early dates of 1796, 1803, and 1806. As a specimen of these collections in poetry and prose, the following may be given:—

"Mildew'd o'er with dust and damp,
Torn with teeth of Master Camp,
Orlando Furioso goes
From Walter Scott to William Rose."

"The above lines were written extempore by Sir Walter Scott in an old book which Mr. W. Rose asked him to take in his chaise."²

Among the manuscripts preserved in these volumes is the following:—

ANECDOTE OF THE LATE LORD MANSFIELD, LORD CHIEF-JUSTICE.

When Lord Mansfield, then Mr. Murray, was a very young lawyer, he had been pleading in the morning, and at night sup'd out, and did not return to his chambers till two o'clock in the morning, and there found a coach waiting at the

¹ Life of Scott, vol. i. p. 248.

² Lady Polwarth's Collections, vol. ii. p. 305.

door, in which his servant told him there was a lady who had waited there from six o'clock in the evening till that time, and although he had repeatedly asked her to go into the house, she had always refused; that he (the servant) was sure she was some great lady, because she *swore*. Mr. Murray, astonished at all this, asked the lady to come in, who came and told him her object was to give him a retaining fee, in case she should ever have a law-suit; that she had heard him plead in the morning, and had resolved to secure him against ever pleading against her; that she thought his talents so great that he might attain the highest offices in the State; that if he thought £500 too little, she would give him any sum. Mr. M., who had never been possessed of £5 which he could call his own, accepted the £500 with amazement. She also gave him a piece of advice, which was never again to sup out, and then told him that she was Sarah, Duchess of Marlborough, and went away.

This scene made so strong an impression on Mr. Murray's mind, that from that hour he resolved never again to sup out, and kept his resolution, applied strongly to business, and in a great measure attributed his subsequent rise to that visit from so singular a personage.

This was told to me by a person to whom Lord Mansfield told it.

HARRIET SCOTT, 1814.

P.S.—It was £1000 which the Duchess of Marlborough gave to Lord Mansfield, and which he at first refused, and she then told him that he need have no scruples, that she could afford it, and told him who she was.

A number of the letters which Sir Walter Scott wrote to Mrs. Harriet Scott of Harden are still preserved. They contain many touches characteristic of the writer. In sending Mrs. Scott a copy of one of his works, he writes, "Accept Don Roderic, and let charity, which hides a multitude of sins, throw a corner of his mantle over the poetical blunders of the doughty Spaniard."

When the claim of Mr. Scott of Harden to the Polwarth peerage was understood to be drawing to a successful issue, and when a baronetcy was about to be conferred on Sir Walter, he wrote to Mrs. Scott:—"I shall soon have to wish you joy of a step of honour higher than you had, and I am very

happy to think that when I am to get a *petit titre* myself, the due distance and proportion will still continue in appearance as it must always have done in reality, between my chief and myself. How do you do, my Lady Polwarth? I thank you, Sir Walter. It is right to accustom one's-self to dignities by times."

Harriet Lady Polwarth died on the 19th of August 1853. Her son, Henry Francis Hepburne Scott of Harden and Humbie, fifth Baron Polwarth, was respected as a nobleman of exemplary worth. Lord Polwarth was born on 1st January 1800. He married, on 11th November 1835, Georgina Baillie, daughter of George Baillie of Jerviswoode, sister of George Earl of Haddington. Lady Polwarth died at Nice, on 2d April 1859, leaving two sons and three daughters. Lord Polwarth was a representative Peer of Scotland for many years, and he also held the office of Lord-Lieutenant and Sheriff-Principal of the county of Selkirk. He died on the 16th of August 1867, leaving behind him, throughout the south of Scotland, a wide and deep regret for his loss. He had for upwards of forty years been one of the most constant and zealous among the Commissioners of Supply for the county of Roxburgh, and at the annual meeting of the Commissioners held a few weeks after his death, the assembly, which was the largest that had met for many years, showed their respect for his memory by recording in their minute-book an expression of their sense of the loss the county had sustained. In speaking to the motion, his Grace the Duke of Buccleuch bore the following testimony to the high character of Lord Polwarth:—"It is needless for me to speak of the high estimation in which Lord Polwarth was held by all who had the honour of his acquaintance. For upwards of forty years he was one of the most indefatigable, most useful, and most attentive members of the various bodies connected with the county, and spared neither time nor trouble in the discharge of his manifold duties. His fine character as a gentleman stood as high as it was possible for any man's character to stand. For my own part, I feel that I have lost in Lord Polwarth one of my oldest and most

steadfast friends, for whom I have always entertained the most affectionate regard."

A similar testimony to his high worth is afforded by the fact that at his death all the members of the battalion of the Roxburgh and Selkirk Rifle Volunteers, of which his Lordship had been Lieutenant-Colonel from 1861 till the time of his death, were desired to wear the usual mourning for a month, as a mark of respect for his Lordship's memory. Although his Lordship's family had wished his funeral to be strictly private, Major Sir George Douglas, the commanding officer, issued a battalion order that three representatives of each company should be present at the funeral, which took place at Mertoun, on Saturday, the 24th of August 1867. The battalion order condoled with the rifle volunteers on the heavy loss they had sustained by the death of their lieutenant-colonel, whose high and influential position, well-known ability and experience, natural kindness of disposition, and, above all, his high and honourable character had so admirably fitted him for the command and the duties which he had so ably and efficiently performed. It added to the sorrow which they felt for his death that it occurred when he was looking forward to appearing at the head of the battalion on the auspicious occasion of its assembling to receive the sovereign to whom he was so loyally attached.

Lord Polwarth was succeeded by his eldest son, Walter-Hugh Hepburne-Scott, Baron Polwarth, who was born on 30th November 1838, and married his cousin-german, Lady Mary Gordon, eldest daughter of George fifth Earl of Aberdeen. Like his father, the present Lord has taken much interest in the business of the counties in which his estates are situated, and he has been for some time convener of the county of Roxburgh. His Lordship has lately been appointed to the office, formerly held by his father, of Lord-Lieutenant and Sheriff-principal of Selkirkshire.

The present work having expanded into two large volumes, while dealing only with the history of the main line of the Scotts of Buccleuch, and including their charters and correspondence, a detailed account of the families that have branched off from the parent stem could not be given. The large pedigree which was arranged by Sir Walter Scott, with his own hand, for his chief of Harden, and which has been already described, includes a portion only of the main line of Buccleuch, the Harden branch, and a few other branches with which Sir Walter was himself connected. These pedigrees are all printed at the end of this volume, without any alteration beyond that of arrangement, and with a few additions in the later generations of the Harden line, which were incorporated by Harriet Lady Polwarth in the original manuscript.

On the failure of the direct male line of Buccleuch on the death of Francis second Earl in 1651, it seems to have been uncertain on whom the male representation of the family devolved. Sir Walter Scott in his pedigree awarded the honour of male chiefship to Sir John Scott of Scotstarvet, author of the well-known work with the alliterative title of "Staggering State of the Scots Statesmen." Sir Walter represented Sir John Scott as being descended from Robert Scott of Allanhaugh, second son of Sir David Scott of Buccleuch, who died in 1491; and Sir Walter further sets forth that on the death of General John Scott, the last of the male line of Scotstarvet, the chieftainship reverted to Scott of Harden, as representing the second son of Sir Michael Scott of Murthockston, who was killed at the battle of Durham in 1346.

Another branch which has been supposed to be close to the representation of the male line, is that of the Scotts of Thirlestane, in Ettrick, which, like other branches of the Scott family, has its full share of romance. The story of the "Heir of Thirlestane," who was presumed to have been poisoned by his stepmother, has a painful interest; and to that crime was attributed all the misery and poverty that subsequently befell her unfortunate but innocent offspring. By a family arrangement entered into in the seventeenth

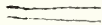
century between Sir John Scott of Thirlestane and his cousin, Patrick Scott of Tanlawhill, a younger son of the Thirlestane family, the latter obtained possession of the estate of Thirlestane in trust or wadset for his cousin Sir John. Patrick was the son of Walter Scott, who was killed by John Scott of Tushielaw in the combat celebrated in the beautiful ballad, "The Dowie Dens o' Yarrow." The descendants of Sir John, representing the elder line, became known as the Scotts of Davington, and the descendants of Patrick of Tanlawhill, although a younger line, took the designation of Thirlestane. The Scotts of Davington, who were numerous for a time, dropped into poverty and obscurity, and were so scattered over different parts of the country, at Canonbie, Moffat, Binks, and other places, that it would be difficult to trace their representatives. In the year 1835, William Scott, who then resided at Lennoxton, near Langton, in Cumberland, claimed to be the heir-male of the Scotts of Thirlestane. He served in the 90th Regiment from 1794 to 1817. He wrote in 1835 that he had no lawful son, and that his line would probably become extinct in his nephew, who had no children.

But while the main line of Thirlestane has thus dwindled into obscurity, the younger line has flourished into distinction. Patrick Scott of Tanlawhill, who obtained Thirlestane as before mentioned, was father of Sir Francis Scott of Thirlestane, who was created a Baronet in 1666. In 1673 he married Lady Henrietta Kerr, sixth daughter of William third Earl of Lothian. The eldest son of that marriage was Sir William Scott of Thirlestane, an accomplished scholar and poet, and the reputed author of the favourite ballad, "Fye, let us a' to the bridal." He was the last of the family of Thirlestane who retained the name of Scott. He married, in the year 1699, ELIZABETH, only surviving child of Margaret Baroness Napier and her husband John Brisbane, only son of Matthew Brisbane, a writer in Edinburgh. Margaret Lady Napier survived her daughter Elizabeth, who died in the year 1705, and on the death of her ladyship in the following year, she was succeeded by her grandson, Francis Scott of Thirlestane, who thereupon became fifth Lord Napier. He was the great-great-grandfather of Francis the

The Eve

Ch.

~~London~~



The Baron of
The spur
Without stop or
That leads

I

He went not with
Hartwell's
He went not
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present and ninth Lord Napier, to whom was granted, in 1872, the additional dignity of *BARON ETRICK*, in recognition of the services rendered by his Lordship in his capacity of Ambassador to various States, and in the administration of Indian affairs. His Lordship has since used the title of Lord Napier and Ettrick.

The generous manner in which the Harden collections have been placed at my disposal, both by the late Lord Polwarth and his son the present Lord, has been already alluded to. Contributions from other collections have also to be acknowledged. The numerous and valuable letters of Anna Duchess of Buccleuch and Monmouth, addressed to her respective correspondents, the Earls of Cromartie, Leven, Melville, and Wemyss, which form part of the Muniments of the representatives of these families, have been liberally placed at my service by her Grace the Duchess of Sutherland and Countess of Cromartie, the Lady Elizabeth Leslie Melville Cartwright of Melville, and Mr. Erskine Wemyss of Wemyss. To Lady Elizabeth Cartwright this work is further indebted for her permission to engrave the portrait of her ancestress, Lady Margaret Leslie, Countess of Buccleuch, from the original at Melville.

The Marquis of Lothian has also allowed me to inspect his large collections of Border Correspondence. With the permission of his Lordship, a holograph letter of the first Lord Scott of Buccleuch is printed and lithographed in this work. An interesting Scott discovery was lately made at Newbattle, in a small parcel of modern ballads, printed on one side of separate slips of paper, tied together and labelled thus:—"Miscellaneous Papers, printed, etc., chiefly poetry: of little importance." The parcel was handed to me by Lord Lothian, who had just taken it out of the charter-room, and on examination it was found to contain the original draft of Sir Walter Scott's famous Border ballad, "The Eve of Saint John." It is holograph of Sir Walter, contains fifty stanzas, and extends over twenty-five pages of quarto paper. The ballad is scored throughout with numerous alterations. Sir

Walter had taken great care in its composition : several of the stanzas have been cancelled, and others substituted. The poet considerably altered even the new verses, and in some cases changed them entirely. A facsimile of the first page of the ballad is here given.

In his life of Scott, Lockhart gives the following account of "The Eve of Saint John :"—"The next of these compositions was, I believe, the Eve of Saint John, in which Scott repeoples the tower of Smailholm, the awe-inspiring haunt of his infancy; and here he touches, for the first time, the one superstition which can still be appealed to with full and perfect effect,—the only one which lingers in minds long since weaned from all sympathy with the machinery of witches and goblins. And surely this mystery was never touched with more thrilling skill than in that noble ballad. It is the first of his original pieces, too, in which he uses the measure of his own favourite minstrels; a measure which the monotony of mediocrity had long and successfully been labouring to degrade, but in itself adequate to the expression of the highest thoughts as well as the gentlest emotions, and capable, in fit hands, of as rich a variety of music as any other of modern times. This was written at Mertoun House in the autumn of 1799. Some dilapidations had taken place in the tower of Smailholm, and Harden, being informed of the fact, and entreated with needless earnestness by his kinsman to arrest the hand of the spoiler, requested playfully a ballad, of which Smailholm should be the scene, as the price of his assent."

The ballad was published in the year 1800, at Kelso, in quarto; titles two leaves, and eleven pages. Previous to the recent discovery at Newbattle, the original manuscript was not known to exist. No mention is made of it in the descriptive catalogue of the Scott Centenary Exhibition in 1871, in which are traced all the original manuscripts then known to exist, of the prose and poetic works of Sir Walter.

Lord Lothian is very accurately acquainted with the valuable historical manuscripts in his venerable abbey. The original charter by King David the First to the Monks of Newbattle, dated in the year 1140, is in excellent

condition, and very carefully preserved. The large collection of Border correspondence at Newbattle has been arranged with much care. But his Lordship was not aware, till the recent discovery, that he was the fortunate possessor of the author's manuscript of "The Eve of Saint John."

Another Marquis, the late venerable Marquis of Tweeddale, permitted me to inspect his charter repositories, on different occasions, in connection with this work. His ancestor, the first Marquis, married Lady Jean Scott, sister of Francis second Earl of Buccleuch. After the death of Mary Countess of Buccleuch in 1661, her aunt, Lady Tweeddale, became the heir-presumptive to Lady Anna Scott, Countess of Buccleuch; and there seems from the first to have been a jealousy lest the two families of Buccleuch and Tweeddale should become united. When heirs to the house of Buccleuch were increasing, the Duchess Anna, in intimating the birth of another grandchild, remarked, with that peculiar touch of humour which is conspicuous in her correspondence, that it was "to comfort her friend Tweeddale." The present Marquis of Tweeddale has very readily allowed the portraits of Walter and Francis, first and second Earls of Buccleuch, which are at Yester, to be engraved as illustrations for this work.

The Countess of Rothes allowed me to inspect her muniments at Leslie House, and to quote several of them relating to Lady Margaret Leslie, who, as the mother of Mary Countess of Buccleuch and her sister Anna Duchess of Buccleuch and Monmouth, figures prominently in the memoirs of these ladies. Through three successive marriages, Lady Margaret Leslie was the ancestress of the noble houses of Leven, Buccleuch, and Wemyss.

The late Earl of Rosslyn also allowed a facsimile to be made of an entry in the journal or diary of John Paterson, Archbishop of Glasgow, which is preserved at Dysart House. The journal contains a statement of the marriage of King Charles the Second and the mother of the Duke of Monmouth.

In the course of this work many visits had to be made by me to the Charter-room at Dalkeith. From first to last I was greatly aided in my

researches there by Mr. Steuart, his Grace's secretary, who has been unwearied in his assistance. In a letter, dated 17th September 1768, from Mr. Archibald Campbell, W.S., Edinburgh, who was then law-agent of Henry Duke of Buccleuch, to Mr. Adam Smith, Mr. Campbell reports the result of a search which he had made in the Charter-room at Dalkeith for ancient papers connected with the Scotts of Thirlestane. Mr. Campbell's search was unsuccessful, and he assigns as a reason that "the Charter-room at Dalkeith is in such disorder that you may almost as soon find a pin in a bundle of straw as a particular paper in that room." During the century and more which has elapsed since Mr. Campbell's time, the Charter-room continued very much in the same state as that described by him, and that description will give some idea of the labour attending an exhaustive exploration of such a vast repository. The printing of the more important of the muniments, and the arrangement of the originals into volumes, all with complete indexes, will now make the contents of the Charter-room generally known, and render the originals readily accessible for consultation. The "disorder of the Charter-room" is thus remedied, and the printing of the charters will preserve the terms of them to all future time, even should any accident injure or destroy the originals. This good work is due to the enlightened liberality of his Grace the Duke of Buccleuch, who, in the midst of such a long, active, and philanthropic life as has been described in his memoir in this volume, has not forgotten to raise from the muniments of his family an enduring monument to the energy and virtue of his noble ancestors.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
25th November 1878.



HISTORY OF THE FAMILY.

CHAPTER FIRST.

I.—RICHARD SCOTT, FIRST LORD OF RANKILBURN AND MURTHOCKSTON. *Circa* 1265-1320.

HE MARRIED THE HEIRESS OF MURTHOCKSTON.

RICHARD SCOTT of Rankilburn and Murthockston is the first regarding whom there exists certain evidence that he was an ancestor of the Scotts of Buccleuch.

The lands of Murthockston, which were acquired by Richard Scott through his marriage with the heiress of that estate, are situated in the barony of Bothwell, in the county of Lanark. He was subsequently known as Richard Scott of Murthockston, afterwards Murdieston, and for several generations his descendants retained that designation until the lands of Murthockston were exchanged in 1446 for the half of the lands of Branxholm in Teviotdale, the other half of which had been acquired by Robert Scott in the year 1420.

Satchells in his History states that Richard Scott, previous to his marriage with the heiress of Murthockston, resided at Scotstoun Hall, in the county of Peebles, and that subsequent to that event he removed to Murthockston:—

“Scott’s Hall he left standing alone,
And went to live at Mordistoun;
And there a brave house he did rear,
Which to this time it doth appear.”¹

This subject is fully stated in the Introduction to this work.

¹ Satchells’ History of the Name of Scot, p. 44.

According to Sir Walter Scott it was not till after this time that the Scotts assumed into their arms the bend of Murdieston, disposing thereon their own crescent and stars. Alluding to one of the members of the Harden branch of the Scotts, he says:—

“ An aged Knight, to danger steel’d,
With many a moss-trooper, came on:
The stars and crescent graced his shield,
Without the bend of Murdieston.”¹

In the year 1700, the armorial bearings of Sir William Scott of Harden, as representative of the ancient family of Scott of Sinton, were matriculated by the Lyon-King-of-Arms, without the bend, as stated by Sir Walter Scott. But the earlier seals of the Scotts of Sinton and Harden bear the bend, crescents, and star in the same way as the Scotts of Buccleuch. These early seals thus raise doubt about the alleged bend of Murdieston.

The Scotts continued to be Barons of Murthockston till the reign of King James the Second, when Sir Walter Scott made an excambion of his lands of Murthockston and Hartwood, with Thomas Inglis of Manor, in the county of Peebles, for the second half of the lands of Brankishame, Goldylands, Quhitelaw, Quhiterigs, Todschawhil, and Todschawhauch, all in Teviotdale in the county of Roxburgh.²

The name of Richard Scott seldom occurs in the history of the troublous times during which he lived.

In the year 1296, when King Edward the First with a large army overran the greater part of the kingdom of Scotland, gathering in a harvest of homage from persons of all ranks, Richard Scott was among the number of those who submitted, and, on the 28th August 1296, he took the oath of fealty,³ which was in the following terms:—

I shall be true and loyal, and I will keep faith and loyalty to the King of England, and to his heirs, of life and of members, and of earthly honour, against

¹ Lay of the Last Minstrel, canto iv.

² Vol. ii. p. 33 of this work.

³ Ragman Rolls, p. 125, in which he is named “Richard Le Scot de Murthoxton.”

all persons who may live or die, and never will I bear arms for any one, nor will I give advice or aid against him nor against his heirs in any case which can happen, and I will truly acknowledge and truly perform the services which belong to the tenements which I claim to hold of him. So may God and the saints help me. In witness whereof we have caused these letters-patent to be made and sealed with our seals.

The name of Richard Scott of Murthockston is found amongst many others in the Ragman Rolls, which contain the names of those who made submission to King Edward.¹ The exaction of such oaths formed part of the policy of the time when the country was at the mercy of the English king, when there had as yet arisen no leader around whom the patriotic Scots could rally, and their scattered bands thus united could make effectual resistance to the overwhelming army of Edward.

The ceremony of doing homage seems to have been considered by those who performed it as an enforced oath, which they would be justified in treating as no longer binding when a fit opportunity presented itself for a successful and profitable violation of their promise. And in thus acting they had the authority and example of the clergy. During the contest against Edward, the oaths broken by the clergy were far in excess of those broken by laymen. Lamberton, Bishop of St. Andrews, took the oath of fealty several times, and Wisheart, Bishop of Glasgow, not fewer than six times. Both of those eminent prelates remained eventually on the patriotic side.²

As a consequence of Richard Scott having sworn fealty to King Edward the First, the Sheriff of Selkirk was ordered, on the 5th September 1296, to restore

¹ "When every one," says Chalmers, "was required to swear fealty to Edward I. in 1296, we see only three persons (in Selkirkshire) who submitted to his will: Richard the vicar of Selkirk town, and John de Craik, and Cristine de Greenhead, 'del comite de Selkirk.'—(Prynne, iii. 660-62.) From those intimations we may perceive that there was not any person of consequence in Selkirkshire during those distressful times."—(Caledonia,

vol. ii. p. 981.) But to the three persons named must be added Richard Scott of Murthockston, whose oath was probably taken in the county of Lanark. The name of Ricardus Scotus appears without any territorial designation in an undated roll of magnates who submitted to Edward the First.—Palgrave, Historical Documents, vol. i. p. 197.

² Palgrave, Historical Documents, vol. i. p. clxii, *et seq.*

to him his lands and rights, which were then in the hands of King Edward, and in which he was reinstated on being received into his Majesty's peace.¹

The lands so restored were not those of Murthockston, which were situated in the county of Lanark. They were in the county of Selkirk, and we may conclude, almost with certainty, that Rankilburn and Buccleuch were the lands referred to in the warrant.

The whole, or nearly the whole, of the Forest of Ettrick, in which the lands of Rankilburn and Buccleuch were situated, comprehending the Forests of Selkirk and Traquair, called the "Forest of Selkirk," "Ettrick Forest," or simply "The Forest," was originally in the hands of the Crown.

It is difficult to determine what were the precise limits of these royal domains. The earliest existing writs do not supply any definite boundary, as they refer to and define the marches of only limited portions of land within or adjacent to the Forest. That the Gala formed its north-eastern boundary may be inferred from a comparison of existing charters.

A charter given by King David the First, about the middle of the twelfth century, afterwards confirmed successively by King Malcolm the Fourth, King William the Lion, King David the Second, and King Robert the Second, grants to the Monastery of Melrose all the easements, pasture, and wood in the Forest of Selkirk and Traquair, included within certain specified boundaries. The

¹ *Rotuli Scotiæ*, vol. i. p. 29.

The following is a translation of the warrant, which is in Latin:—

The King to the Sheriff of . . . greeting. Whereas, . . . holding immediately of us in chief, has come into our peace and made oath of fealty to us, we charge you that incontinent ye restore and deliver to the said . . . all his lands and tenements in our hands that are in your bailliary which he so holds of us, and in which he was seized when he was received into our peace; together with the grain then being on the lands and tenements: except castles and fortalices,

with the pertinents, if any be, which it is our will shall be retained in our hand. So that he renders to us the services thence due and wont. Retaining in our hand all the lands and tenements which were seized in our hands before he was come into our peace.

In presence of the King, at Berwick-on-Tweed, 5th September 1296.

Similar letters were sent to the sheriffs of the different counties as warrants for restitution of the lands of those who had submitted to King Edward.

lands are described as lying between the Gala and the Leader on the west and east, and between the Tweed and the borders of Lauderdale on the south and north. From the twelfth to the fourteenth centuries, the lands between the Gala and the Leader formed the subject of frequent disputes between the monks of Melrose and the Earls of March. The documents connected with these disputes show that during the periods to which they refer, excepting, perhaps, the reign of King David the First, the Gala was the north-eastern boundary of the Forest, nor does it appear to have subsequently extended farther in that direction.¹

The south-east and southern boundary of the Forest is not so easily determined; but there is reason to conclude that it was the river Ettrick from near its source to its confluence with the Tweed, the latter forming the continuation of the boundary to the mouth of the Gala. At some points in the course of the river Ettrick, the Forest, no doubt, extended beyond the right bank of that river. The boundaries seem, however, to have varied at different periods, and at one time appear to have nearly corresponded with the county of Selkirk, but excluding the burgh of Selkirk and the eastern portion of the county.

In those days, when so strong a passion for the chase existed among kings and nobles, the office of king's forester or ranger in a forest so extensive as that of Ettrick was a position of considerable importance. Sometimes the office was in the hands of one person, and at other times the forest was divided into wards. Each ward had its "currou" or ranger, and the districts under their charge corresponded with the valleys of the Tweed, the Ettrick, and the Yarrow. Each of these rangers had a forest "stead" appropriated to his use. In a setting of the forest lands, made at Peebles in 1484 by the Earl of Angus and other commissioners, the following entry occurs:—"Timis one stead in the hands of John Murray of Touchadam (for the ward of Yarrow); Caerabank one stead in the hands of William Scott (for the ward of Ettrick); and Redhead one stead in the hands of James Hoppringill (for the ward of Tweed)."²

¹ *Origines Parochiales*, vol. i. p. 241.

² *Ibid.* p. 246.

In the year 1235 the office of king's forester or ranger was held by Nigel Heriz,—the ancestor of the Lords Herries of Terregies,—and he seems to have also held the Rankilburn, which included the Easter and Wester Buccleuchs.

In a charter by King Alexander the Second, dated at Selkirk on 21st February, in the twenty-second year of his reign, 1236, he grants and confirms to the Abbey of Melrose lands in the upper part of Ettrick and Yarrow, described as his whole waste contained within the marches therein written. These marches, as described in the charter, show that the lands of Buccleuch, now known as the Easter and Wester Buccleuchs, were at that time possessed by Nigel de Heriz, the king's forester, as a part of his lands of Rankilburn. The whole of the King's "waste" granted to the monastery was contained within the following boundaries, namely :—From the river Ettrick, ascending by the rivulet of Tima as far as the marches of Nigel de Heriz, thence ascending the water-course between Ettrick and Glenkery to the borders of Eskdale, and thence westward as far as the mountain called Vuhende. From that point the boundaries are continued to the head of Cophraweriscleuch and the greater lake,¹ and from thence by sundry places therein specified to the river Ettrick, and ascending along the course of that river as far as Timamouth.²

According to this charter, the boundaries of the lands granted to the Abbey of Melrose are described as beginning at the confluence of the Tima with the Ettrick, and ascending the former of these streams to the point where the lands of Nigel de Heriz lie, thence passing westward along the water-course between the lands of Ettrick and Glenkery to the borders of Eskdale. It follows from this description that the lands of Nigel Heriz, which were on the east of the Tima, could be none other than those of Rankilburn, including the Buccleuchs and Glenkery, which last the monks of Melrose afterwards acquired for Bellenden.

The name of "N. de Heris, Forestar," also appears in a precept of King

¹ Obviously St. Mary's Loch.

² Munimenta de Melros, vol. ii. p. 666.

Alexander the Second, in which he is instructed to "extend" and value the pasturage of Lethanhope.¹

The office of king's forester was held in 1291 by Simon Fraser, who possessed much property and considerable power in the reign of King Alexander the Third in the shire of Peebles, of which he was sheriff. On the 12th of June in the same year he had sworn fealty to Edward the First at Berwick.² Simon Fraser died in 1291, and King Edward the First, in January 1291-2, committed the keeping of the forest of Selkirk and Traquair to William, son of John Cumyn; and on 6th May 1292 he appointed Thomas de Burnham to be keeper of the Selkirk Forest, with the demesne lands belonging thereto.³ In 1293 Alexander de Synton is mentioned as Sheriff of Selkirk—an office occasionally combined with that of Keeper of the Forest—under the same monarch.⁴

Assuming that the lands referred to in the warrant of King Edward the First in 1296, to which Richard Scott was to be restored after taking his oath of fealty, were those of Rankilburn, including Buccleuch, they must have come into his possession soon after the Herries family ceased to be rangers of Ettrick Forest, that is, soon after the year 1249. But owing to the possession by the Scotts of Rankilburn of the estate of Murthockston, from which they took their territorial designation, it was only at the comparatively late date of 1398 that Walter Scott adopted the designation of Murdieston and Rankilburn, and his son and successor, Robert Scott, was styled Lord of Rankilburn in the deed of excambion, in 1415, of Glenkery as a part of that property. In that excambion Rankilburn is treated as an hereditary possession of the Scotts, and not as a property recently acquired.

It has been seen that when Richard Scott swore fealty to King Edward the First, he was reinstated in his lands in the county of Selkirk.⁵ There

¹ Cartulary of Neubottle, p. 90.

² Rymer's *Fœdera*, vol. ii. p. 567.

³ Chalmers' *Caledonia*, vol. ii. p. 931.

⁴ *Origines Parochiales*, vol. i. p. 246.

⁵ He is designated in the warrant for restitution "*Ricardus Scot of Murthoxton*," holding lands in the county of Selkirk.

can be no doubt that these were the lands of Rankilburn and Buccleuch, and it is probable that they were held by him as ranger of the king's forest. They would be assigned to the new ranger as they had been to his predecessor, as being attached to the office, and, as in similar cases, the lands, although not originally held under a feudal title, would eventually become an hereditary possession. It is certain that at a later period the office of ranger was held by the family of Scott.

The lands of Rankilburn and Buccleuch, dating their acquisition from the thirteenth century, are among the oldest territorial possessions of the family. A description of the Rankilburn, including the lands of Buccleuch, is given in the Introduction.

Rankilburn was the earlier name given to the lands now called Buccleuch Easter and Wester. Buccleuch was originally only a part of the lands of Rankilburn, but in course of time the name of Rankilburn disappeared from the plans and rentals, and that of Buccleuch was substituted, owing, no doubt, to the mansion-house of the owner of Rankilburn having been erected at Buccleuch. Rankilburn was probably the name given to the lands at the date of the charter of 1235, to which reference has been made.

Robert Scott, the great-great-grandson of Richard Scott of Murthockston, in 1415, is styled "Lord of Rankilburn;" and Sir Walter Scott, the son of that Robert Scott, is the first who is designated "Lord of Buccleuch," in 1431. David Scott, the son of Sir Walter, received a charter from King James the Third, in 1488, erecting Branxholm, Rankilburn, Kirkurd, and other lands into the free barony of Branxholm, without mentioning the name of the lands of Buccleuch, which were included under the larger description of Rankilburn; and the designation of "Scott of Branxholm" was thenceforward generally used, down to the time of the creation of Sir Walter Scott of Branxholm as Lord Scott of Buccleuch, when the designation of Buccleuch was adopted.

The choice of the small "cleugh" as a designation, instead of the larger estate of Rankilburn, of which it is only a small part, was probably owing to the

mansion-house having been built on Buccleuch, and the owner having come to be called Lord of Buccleuch, just as in the same way the new acquisition of Branxholm led for a time to the territorial designation of Branxholm being taken by several of the barons of Buccleuch, from their residence at Branxholm.

Before the Reformation, the parish of Rankilburn was an independent parish and rectory within the diocese of Glasgow. It was afterwards for a time included in the parish of Yarrow, but in 1650 it was again disjoined, and united, civilly and ecclesiastically, to the parish of Ettrick.

The parish of Rankilburn comprehended the lands between the Rankilburn and the Tima, and also extended at some points on both sides of those streams. By a charter of excambion executed between Robert Scott, Lord of Rankilburn, and the Abbot and monks of the Monastery of Melrose in 1415, the lands and tithes of Glenkery were exchanged for those of Bellenden, the tithes of the latter being appropriated to the parish church of Rankilburn.

It is not known at what time the church of Rankilburn was built. It was probably of very ancient date, although it may not have had the origin attributed to it by Satchells, who states that it was built by the founder of the family in the reign of King Kenneth the Third. Satchells states that the burying-ground was still in use in his time :—

“The house’s ground-work yet is to be seen,
 And at that church I many times have been ;
 A burial place it yet keeps out
 For any poor folk that lies round about.
 To the paroch church it’s long six mile,
 Therefore they bury yet to save travel ;
 My Guid-sir Satchels, I heard him declare
 There was nine Lairds of Buckcleugh buried there.”¹

The manor-house of Buccleuch has long since been levelled to the ground. The foundations were excavated some years ago and distinctly traced.

¹ Satchells’ History of the Name of Scot, p. 41.

Reference is made to the mansion in a decree of the Lords of Council, dated 25th June 1494, which decerns two persons, both named William Douglas, to content and pay to Walter Scott of Buccleuch, grandson of umquhile David Scott, for certain goods "spuilzeit, distroyit, and taken be Simon Routlage in the Trowis, and Matthew Routlage, his son, and ther compliceis, fra the said umquhile David and his tenentis, and as to the avale of the saidis goodis, and the dampnage and scaithis sustenit be the birnying of the place and manor of Bukeleuch," alleged to extend to 1000 merks.¹

There also existed a mill on the Buccleuch burn. Satchells states that it was used

"To grind dogs'-bran, though there grew no corn.
All the corn I have seen there in a year
Was scarce the sowing of six firlots of bear;
And for neighbours to come with good will,
There was no corn to grind into that mill.
If heather-tops had been meal of the best,
Then Buckeleugh mill had gotten a noble grist."²

Although that was the case in Satchells' time, the condition of Buccleuch would be very different when it was the principal residence of the family. Rents would then, to a large extent, be paid in kind, and there would always be a considerable storage of grain at the manor-house.

An account of the appearance of the district, and of the ruins of the ancient church, has been given in the Introduction.

The Christian name of Richard Scott, like that of his son Michael Scott, was not continued by the Scotts of Buccleuch, and, with the exception of Richard Scott of Molle, who was also an early member of the Scott family, this is the only instance in which it occurs.

Richard Scott of Rankilburn, Buccleuch, and Murthockston died about the year 1320, and was succeeded by his son, Sir Michael Scott.

¹ *Acta Dominorum Concilii*, p. 338.

² Satchells' *History of the Name of Scot*, p. 42.

CHAPTER SECOND.

II.—SIR MICHAEL SCOTT, KNIGHT,

SECOND LORD OF RANKILBURN AND MURTHOCKSTON. 1320-1346.

SIR MICHAEL SCOTT succeeded his father, Richard Scott, as proprietor of Rankilburn and Murthockston, about the year 1320. The Christian name of Michael had probably been bestowed on him from his alleged great-granduncle, Michael Scott, who was the ancestor of the Scotts of Balwearie. In the line of Balwearie, the name of Michael was common, and one who bore it was the famous Michael Scott, who, on account of his learning, was called the Wizard. But in the line of Buccleuch the name of Michael appears to have been unpopular, as this is the only instance in which it is known to have been given.

Sir Michael Scott had probably little time or opportunity to enjoy the sports which his forest estates afforded. He lived during the reign of King Robert the Bruce, and took an active part in the disastrous transactions which followed the death of that monarch.

On the 6th of April 1320, which was about the time of the succession of Sir Michael Scott to his father Richard, the famous letter to Pope John XXII. was adopted by the Parliament which met at Arbroath. This remarkable document shows the spirit of independence which the barons of Scotland had derived from the brave King Robert the Bruce, and it displays a marked contrast to the fealty so generally enforced during the preceding reign.

The letter to the Pope commences with a brief reference to the antiquity of the Scots nation, with its "uninterrupted succession of 113 kings." It then relates the ravages of King Edward, and his attempts to destroy the

liberties of Scotland, until they were at last rescued under the leadership of King Robert, to whom the Scots were resolved to adhere. "But, after all," it proceeds, "if this prince shall leave these principles he hath so nobly pursued, and consent that we, or our kingdom, be subjected to the king or people of England, we will immediately endeavour to expel him as our enemy, and as the subverter of his own and our rights, and will make another king, who will defend our liberties; for so long as there shall but one hundred of us remain alive, we will never give consent to subject ourselves to the dominion of the English. For it is not glory, it is not riches, neither is it honour, but it is liberty alone that we contend and fight for, which no honest man will lose but with his life." His Holiness is then besought to "admonish and exhort the King of England" to suffer them to live in peace. "But if your Holiness shall be too credulous of the English misrepresentations, and not give firm credit to what we have said, nor desist to favour the English to our destruction, we must believe that the Most High will lay to your charge all the blood, loss of souls, and other calamities that shall follow on either hand betwixt us and them."

From the patriotic part which this Lord of Murthockston played in the subsequent troubles of Scotland, in which he ultimately sacrificed his life, it cannot be doubted that he actively approved of this spirited remonstrance to the Pope. The result of it was an admonition to King Edward, which produced a cessation of the war for about two years, when Edward again invaded Scotland. The Scots retired on his approach beyond the Forth, and the English army, to escape starvation, were forced to return. It was during this retreat that they are charged with having destroyed the Abbeys of Holyrood, Dryburgh, and Melrose.

In the pursuit of Edward's army and the invasion of England which immediately followed, it is more than likely that this Baron of Murthockston took part; and also in the subsequent invasion under Randolph and Douglas in 1327. That he was actively engaged in the various battles of the War of Independence, is evident from the fact that he had the honour of knighthood

conferred on him some time previous to the battle of Halidon Hill in 1333, at which he was present.

On the death of King Robert the Bruce in 1329, Sir Michael Scott of Murthockston supported the cause of his successor, King David the Second, in the troublous times that followed; and fought in opposition to Edward Baliol, who, taking advantage of the minority of the King,—he being only eight years of age on his accession,—and making use of the various elements of discord which were let loose after the death of King Robert the Bruce, resolved to lay claim to the throne as his rightful inheritance. Supported by a number of the barons who, holding estates in both countries, had fought on the English side, and consequently lost their Scotch lands, Edward Baliol landed in Fifeshire in August 1332 with an army of between three and four thousand men. The Scots army were encamped at Dupplin, in Strathearn, under Donald Earl of Mar, who had recently been appointed regent on the death of the previous regent, Randolph Earl of Moray. But they were totally routed in a nocturnal attack, against which no provision had been made, and Edward Baliol was shortly afterwards crowned at Scone. His triumph had only a brief duration.

The civil war was now complicated by the breaking of the Treaty of Northampton, and an English army laid siege to Berwick, which was then in possession of the Scots. The Scots army attempted a diversion by resorting to their old tactics, and made a raid into England, but were not successful in inducing the English to raise the siege of Berwick. According to a practice, not uncommon in the warfare of those times, it had been agreed that the town and castle of Berwick were to be given up unless relieved before a certain fixed time. The Scots army recrossed the Tweed and found the English army posted at Halidon Hill, on the west of the town, protected by a morass which the Scots attempted to cross. This proceeding placed them at the mercy of the formidable English bowmen, the result being the almost total extermination of the Scots army.

Sir Michael Scott was in the division of the army commanded by Archi-

bald Douglas, Lord of Galloway, with the Earls of Lennox and Carrick, and was among the fortunate few who escaped the dreadful slaughter of that disastrous day.

In the list of the names of those who were present at the battle of Halidon, Sir Michael Scott is placed among the knights, not with the batchelours or new-dubbed knights, so that he must have gained his knighthood some time previous to the battle—probably in the campaign which preceded the unfortunate battle of Dupplin.¹

Sir Michael, along with the patriotic men who had determined not to submit to the government of a king who was a vassal of the King of England, only awaited a favourable opportunity to again declare their independence. Under Andrew Murray of Bothwell, William Douglas, Lord of Liddesdale, and other able captains, the whole of Scotland was again freed from the domination of the English, and the castles of Stirling, Edinburgh, and Roxburgh once more wrested from their hands.

On the return of King David from his long exile, and while King Edward was occupied with the French war, it was determined to invade England, and a large army was assembled for that purpose. Sir Michael Scott of Murthockston accompanied the young King in this campaign, and lost his life in the cause which he had so faithfully supported.

The Archbishop of York, with the assistance of Henry Percy and Sir

¹ Barnes, History of Edward III., p. 78, quoting the ms. Vet. Ang. in Bibl. c.c.c.c. 224, says:—"In the fourth ward of the army of Scotland were these lords,—Archibald Douglas, with his banner, the Earl of Lenox, Alexander Bruce, Earl of Fife, John Campbell, reputed Earl of Athol, Robert Sterenlow, William Vipount, Robert Lawether, John Lindsay, Alexander Graham, Patrick Prollisworth (Polwarth), David Wimes, *Michael Scott*, Thomas Bois, Roger Mortimer, William Amphrville, Thomas Vaux, William Landis (Landales), with 30 Batchelours," etc. This

list of the division under the command of Douglas differs somewhat from that of Knighton, who gives the name of "W. Scott." Lord Hailes, who follows Knighton's List (Annals, vol. iii. p. 92), says:—"Perhaps it should be M., i.e. Michael (instead of W. for William) Scott of Murthockstone, now Murdieston, ancestor of the Duke of Buccleuch." That Lord Hailes was correct in this surmise, is proved not only from the ms. quoted by Barnes, but by the subsequent appearance of the name of "S' Michael Scott" among the list of the slain at the battle of Durham.

Ralph Neville, speedily gathered together the whole strength of the north of England, and so well concealed their movements that the Scots army were unaware of their approach until the intelligence was brought by the fugitives of a body of troops which had advanced under Douglas, and had been surprised and defeated. The Scots army were in three divisions, one of which was commanded by the King in person. The battle took place near Durham, on the 17th October 1346, and was obstinately contested; but at length the deadly effect of the English arrows decided the day, and the Scots were completely defeated. The King, with a number of barons and knights, was taken prisoner.

Among the names of the many Scots gentry who were killed at the battle of Durham, or Neville's Cross, we find that of Sir Michael Scott of Murthockston.¹

Beyond the few and slight references to the warfare in which this second Baron of Murthockston was engaged, there is nothing known of his personal history. The name of his wife has not been ascertained. He was succeeded in the estates of Murthockston, Rankilburn and Buccleuch by his son Robert Scott, who also inherited the lands of Kirkurd, in Peeblesshire.

¹ Barnes, p. 382.

CHAPTER THIRD.

III.—ROBERT SCOTT, THIRD LORD OF RANKILBURN
AND MURTHOCKSTON. 1346-1389.

ON the death of his father, Sir Michael, at the battle of Durham, Robert Scott succeeded to the estates of Murthockston, Rankilburn, and Buccleuch. With this Baron we attain the certainty which is afforded by charter evidence. Besides his border lands and the Lanarkshire acquisition by marriage, he held the lands of Kirkurd, in Peeblesshire. By charter of King Robert the Second, dated 7th December 1389, which is noticed more fully in the succeeding chapter, Walter Scott, as son and heir of Robert Scott, then deceased, received a grant and confirmation of the superiority of the barony of Kirkurd, which had been long in the possession of the family of Scott.¹

According to the tradition recorded by Satchells and Sir Walter Scott, the lands of Scotstoun and Kirkurd were possessed by the family of Scott as early as the days of Kenneth the Third. But that tradition is now incapable of being instructed by strictly legal evidence. There is evidence, however, that these lands were in possession of the Scotts at a very early period. Thus about the year 1240, Christian, the daughter of Sir Adam Fitz-Gilbert, made a donation of her lands of Inglistou, with all its rights, to the Chapel of St. Mary in the same land, reserving only to the men of Blyth, with their cattle, the easements near the marches beside the water, which they were wont to have in the days of Adam the Scot and William the Bald, of good memory.² The water referred to is evidently the Tarth Water, which runs through Inglistou and Kirkurd, and seems, at one

¹ Vol. ii. of this work, p. 15.

² Origines Parochiales, vol. i. p. 189.

part of its course, to have formed the boundary between these lands. As shown in the Introduction, Walter le Scot, in the year 1296, swore fealty to King Edward the First for lands in the shire of Peebles,¹ which were, no doubt, those of Scotstoun and Kirkurd, and he may have been a descendant of Adam le Scot just mentioned, but of this no evidence has been found.

The charter of 1389 by King Robert the Second shows that in the fourteenth century the lands of Scotstoun and Kirkurd were held by the Scotts of Rankilburn and Murthockston. Robert Scott, the father of the grantee in the charter, and from whom these lands were then inherited, succeeded his father, Sir Michael Scott, in the year 1346, and the lands may have come into the possession of Robert Scott at or near that date. This would bring the succession to the Peeblesshire lands within fifty years of the time when they were held by the Walter le Scot who swore fealty in the year 1296, and who may have been an elder brother of Richard Scott of Rankilburn and Murthockston. It seems probable, therefore, that the line of Walter le Scot had failed, and that the Scotstoun and Kirkurd possessions passed to the nearest heir, Robert Scott, great-grandson of Richard Scott, the founder of the separate house of Rankilburn. The son of Robert Scott, who succeeded him in Rankilburn and Kirkurd, was named Walter Scott. The fact of his bearing the same christian name as the Lord of Kirkurd above mentioned, to whose lands he succeeded, makes it still more evident that there was a tie of kindred between the two families of Rankilburn and Peebles. And this agrees with the tradition extant in the time of Satchells, who says :—

“The barony of Eward was Buckleugh’s share,
And yet they are superior.
Over Eward and Nether Eward was in the barony,
With Kirk-Eward, Lady Eward, and Loch Eward, all three,
These towns most sweet, surround a pleasant hill,
And Scotstoun hall doth join unto them still.
It was in Kirk Eward parish then,
But now it’s in the paroch of Lintoun;

¹ Ragman Rolls, p. 144.

There is three towers in it was mounted high,
 And each of them had their own entry.
 A sally-door did enter on
 Which served all three, and no man kend
 When Buckleugh at Scots-hall kept his house.
 Then Peebles Church was his burial-place ;
 In the Cross-Kirk there has buried been,
 Of the Lairds of Buckleugh, either six or seven.”¹

Even after the time to which Satchells here refers, the Scotts of Buccleuch continued to use the burial-place at the Cross-Kirk of Peebles. David Scott of Buccleuch, who died at Rankilburn in 1492, left instructions in his will that his body was to be buried in the Church of the Holy Cross at Peebles.²

Robert Scott lived after the death of his father for the long period of forty years. Of his personal history, however, little is known. Whether he carried on the warlike policy of his father, which was continued by his successors, there is no record or tradition to show. Indeed there was, subsequent to the battle of Durham, little active warfare on the part of the Scots for a long period. The capture of the king and the heavy ransom which had to be paid on his release after a long captivity, together with the occupation of the south of Scotland by the English after the battle of Durham, had caused a lull in Scottish affairs which continued for a considerable time, so that even if Robert Scott had inherited the warlike habits of his father, he would have had little opportunity for their display. He died near the date of the battle of Otterburn in 1388, which makes it not improbable that he may have been one of the Scots who fell with the Earl of Douglas in that victorious conflict. This Baron certainly died before the 7th December 1389, as the charter of that date, in favour of his son, states that he was Robert Scott then deceased.

¹ Satchells' History of the Name of Scot, p. 44.

² Vol. ii. of this work, p. 92.

CHAPTER FOURTH.

IV.—SIR WALTER SCOTT, FOURTH LORD OF RANKILBURN AND MURTHOCKSTON. *Circa 1389-1402.*

SIR WALTER SCOTT succeeded his father, Robert Scott, before the 7th December of the year 1389. As son and heir of Robert Scott, Sir Walter obtained from King Robert the Second, with consent of his eldest son, John, Earl of Carrick, Steward of Scotland, a charter, dated 7th December 1389, of the superiority of the barony of Kirkurd, and five merks worth of land in that barony, in the shire of Peebles, to be held by him and his heirs of the king, and his heirs in feu and heritage, for payment of a silver penny in name of blench farm at Whitsunday yearly at Peebles, if asked only.¹ From the terms of that charter it appears that the barony of Kirkurd formerly belonged to Robert Scott, the father of Sir Walter Scott, as the latter obtained the charter of the superiority as son and heir of Robert Scott. Although the charters of Kirkurd anterior to that by King Robert the Second are lost, and the precise period of the acquisition of Kirkurd and the other Peebles-shire estates of the Buccleuch family cannot now be ascertained, these properties, which still belong to the Duke of Buccleuch, were amongst the earliest acquired possessions of the Scott family, earlier even than Rankilburn and Buccleuch; and for many generations the descendants of this Sir Walter Scott of Kirkurd frequently adopted the territorial designation of Scott of Kirkurd.

By a letter of King Robert the Second, dated at Edinburgh, 20th February, in the seventeenth year of his reign (1387)—that is, nearly three years

¹ Vol. ii. of this work, p. 15.

previous to the date of the charter above described—the lands of Kirkurd, which formed part of the barony of Dalkeith, the property of Sir James of Douglas of Dalkeith, knight, which the king, his brother-in-law, had granted to him under the Great Seal, were, along with the other lands included in that barony, excepted from the administration and intrusions of the king's justiciars, sheriffs, and other officers.¹

Part of the lands of Kirkurd, in the parish of Kirkurd, belonged to the family of Cockburn of Henderland, who were formerly of considerable importance in the shire of Peebles, and intermarried with their neighbours, the Scotts of Kirkurd. John of Craik received from Edward of Cockburn, in marriage, the half of the barony of Urde, and a boundary charter thereof was granted to him by King Robert the First.²

In the year 1379 a charter was granted by King Robert the Second to Peter of Cokburne, the son and heir of Peter of Cokburne, of the lands of Henriland (Henderland), and the lands in the township of Bothill, and the lands of Kyrkhurde, in the township of the same.³

These grants to Sir James Douglas and to the Cockburns were of parts of the lands of Kirkurd, while the charter to Sir Walter Scott contained the superiority of the barony of Kirkurd. His descendants have continued to be the overlords of the lands of Kirkurd, as well as proprietors of portions of the property or *dominium utile*. The lands of Kirkurd, both those belonging to the Duke of Buccleuch and Sir William Henry Gibson Carmichael of Castle Craig, are intermixed and are still runrig, that is, alternate rigs belong to each owner.

In 1398 Walter Scott of Murdieston and Rankilburn was one of the Border Barons who were bound to keep the peace of the Borders. He is also mentioned as the owner of a large tract of country lying chiefly between the

¹ Vol. ii. of this work, p. 14.

² Robertson's Index, p. 24.

³ Registrum Magni Sigilli, p. 163, No. 11. Henderland is upon the side of the Loch of St. Mary. On a tombstone found in

the ruins about the middle of last century were sculptured a cross and sword with the legend—"Here lyes Perys of Cokburne and his wyfe Marjory."—(Origines Parochiales, vol. i. p. 223.)

Rankilburn on the east and the Tima water on the west, but partly extending both east and west beyond both.¹

Like his grandfather, Sir Michael Scott, this Walter was also a brave knight, who took an active part both in the civil and military affairs of his country, and like him fell in defence of its liberties.

From the exposed condition of his estate of Rankilburn and others on the Scottish Borders, and from the disturbed state of the country, it was the interest of Sir Walter to promote measures for the maintenance of friendly relations between Scotland and England, and for the preservation of tranquillity on the Borders. Efforts to that end were made in the year 1398. In the month of March a convention was held at Haldane, or, as it is popularly called, Haudenstank, in the parish of Sproustoun and shire of Roxburgh, and in the month of October of the same year a second meeting took place, at which the King of England and the King of Scotland were represented by commissioners. Amongst the Articles agreed on was the following:—That in regard a great many Scotsmen born had settled themselves on the marches of England, and had sworn fealty to the Crown of England; and in the like manner a great many Englishmen born had settled themselves on the marches of Scotland, and had sworn fealty to the Crown of Scotland, and that both these were notoriously known to be the principal authors of all the disturbances that happened in those parts, it was ordained that the Scotsmen born should remove to the south side of the river Tyne, and the English as far north as the town of Edinburgh.

The wardens of the marches became bound to fulfil the stipulations of this convention—Sir Henry Percy for the marches of England, and the Earl of March for the marches of Scotland. The “borowis” or cautioners on the Scots side were Sir Richard Rutherford, Sir William Stewart, Thomas Turnbull, Robert Lawder, and “Walter Scott, borowis for the Erlis boundis of Douglas of the mydil marche.”²

¹ *Origines Parochiales Scotiæ*, vol. i. pp. 243 and 265, quoting Rymer, vol. viii. p. 54; Fordun, vol. ii. p. 434, and Lib. xiv. c. 14.

² Rymer's *Fœdera*, vol. viii. p. 54.

This settlement had, however, but a short duration, and during the disturbances in England, consequent on the deposition of Richard the Second and the accession of Henry the Fourth, the Scottish borderers invaded England, destroyed the castle of Wark, and laid waste the surrounding country. On the subsequent invasion of England by Archibald, fourth Earl of Douglas, which resulted in the battle of Homildon, Sir Walter Scott was one of the brave border barons who were killed on that disastrous field.¹

Douglas had, besides his own levies, a considerable force sent by Robert, Duke of Albany, under the Duke's eldest son, Murdoch; and with the forces under the Earls of Angus and Moray, his army numbered about ten thousand men. The Earl of Northumberland, with his son, Henry Percy, the renowned Hotspur, and the Earl of March, who now adhered to the English party, collected a numerous army, and awaited the return of the Scots. Douglas took a strong position at Homildon Hill, in Northumberland. It is said that Percy was about to lead his men up the hill to attack the Scots, but was dissuaded from doing so by the Earl of March, who advised him to send a shower of arrows among the enemy. This advice was followed, and with fatal effect; and, as at the previous battle at Halidon Hill, the contest was decided by the English bowmen. An attempt was made by Swinton, one of the most valiant of the knights, to retrieve the fortunes of the day, but he was only followed in his charge by about a hundred men. The remainder of the Scots army was thrown into confusion by the continuous flight of arrows, and completely routed.

The name of the wife of Sir Walter has not been ascertained. He was succeeded in Murthockston, Rankilburn, Buccleuch, Kirkurd, etc., by his son.

¹ Pinkerton's History, vol. i. pp. 72-74.

CHAPTER FIFTH.

V.—ROBERT SCOTT, FIFTH LORD OF RANKILBURN AND
MURTHOCKSTON. 1402-1426.

ON the death of his father, Sir Walter Scott, at Homildon, Robert Scott became proprietor of the family estates of Rankilburn, including Buccleuch, and also of Murthockston and Kirkurd.

Under the designation of Lord of Murthoustoun, and of the barony of Kirkurd, Robert Scott confirmed by a charter, dated at Murthoustoun, 18th February 1406-7, a charter of alienation, therein transcribed and dated July 1406, granted by Thomas Fraser, proprietor of half of the lands of Ledyurde, son and heir of the deceased Marjory of Farle, to John of Geddes, of half of all the lands of Ledyurde, lying within the barony of Kirkurde and sheriffdom of Peebles, to be held *a se* of Robert Scott, lord superior of the barony of Kirkurde, by rendering at Whitsunday and Martinmas to the said lord superior and his heirs the services due and wont only.¹

As Lord of Rankilburn, Robert Scott exchanged the lands of Glenkery, being a portion of his lands of Rankilburn, for the lands of Bellenden, then held by the monks of Melrose, the granter reserving right to fish and hunt on Glenkery. The original instrument of excambion forms part of the great collection of charters of the Abbey of Melrose. These charters were acquired through the purchase of the lordship and Abbey of Melrose by a descendant of this Lord of Rankilburn, Anna Duchess of Buccleuch and Monmouth. The present representative of the Duchess was the first who obtained possession of the collection of Melrose charters, and his Grace printed

¹ Original charter at Castle Craig. The seal of Robert Scott is still appended and entire: A bend charged with two crescents, and on the upper part of the bend a mullet, which is repeated in the sinister chief point.

them in two quarto volumes, which were presented to the members of the Bannatyne Club in the year 1837. The charter of excambion between Robert Scott and the monks of Melrose is in Latin, and the following is a translation : —“ At the Monastery of Melrose, 28th May 1415, Robert Scot, Lord of Rankelburne, with the consent of Walter Scot, his son and heir, granted, and by the title of permutation delivered and confirmed this donation, grant, and permutation, by the present writing, to God and the blessed Mary of the Monastery of Melrose, and to the monks there serving God, and who will serve Him for ever, all his lands of Wynzhope westward of the water of Temay, which are called Glenkery, lying within the shire of Selkirk, between the said monks' lands of Mighope on the one side, and the lands of Etteriek on the other; and the lands of Dalgles on the west, descending a certain rivulet to the water of Temay, and beyond the said water, ascending the boundary between Wynzhope and the lands of Dalgles on the east side of the foresaid water of Temay, as far as a certain ditch surrounding twelve acres of meadow (which he also gave to the said monks) northwards; and again descending westwards to the said water of Temay, and thence descending the same to the marches of the lands of Mighope above mentioned, to be held and had by the foresaid monks and their monastery, with the same twelve acres of meadow, the granter reserving to himself and his heirs liberty of fishing and hunting within the lands of Glenkery : Also, for the lands of Bellenden, lying within the shire of Selkirk, with the pertuents given to me and my heirs in exchange for the lands of Glenkery, reserving also the liberty of fishing and hunting to the same monks and their assignees, one or several, at their pleasure for ever, in the lands of Bellenden, with the pertuents. I also promise, for me and my heirs and assignees, and by these presents grant, that all and sundry the tithes of the lands of Glenkery, with the pertuents, and the twelve acres of meadow before mentioned may, from the date of these presents, as well present as future, be appropriated for ever, and paid to the Monastery of Melrose before written, at the times due and wont for paying tithes, as the evidences made thereupon more fully testify, for all and sundry the tithes of the lands

of Bellenden, in the mole and form before touched upon, to be appropriated for ever and paid to the parochial church of Rankilburn, according to the mutual consent of the above-mentioned monks and of the rector of the said church," the Bishop of Glasgow, with his chapter, consenting to and confirming it. Among the witnesses was Archibald Douglas, Sheriff of Teviotdale.¹

That excambion was confirmed by Peter Cockburn of Henderland, as superior of the lands of Glenkery, in the following terms:—At Melrose, 18th June 1415, Peter of Kokburne, Lord of Henryland, having seen and inspected certain charters or letters of permutation of the lands of Glenkery, and twelve acres of meadow held of him, with the lands of Bellyndene, between a reverend father in Christ, Lord David, Abbot of the Monastery of Melrose, and the Convent of the same, on the one part, and a noble man, Robert Scot, Lord of Rankilburn, on the other, for ever, not rased nor abolished, nor in any part suspected: he approved and ratified the permutation of the said lands of Glenkery and twelve acres of meadow, and the foresaid letters and charters, in all their points and articles, made thereupon for him and his heirs for ever.²

The lands of Bellenden which were thus acquired by this Lord of Rankilburn from the Abbot of Melrose became the place of rendezvous of the Scotts of Buccleuch when they were preparing for battles or border raids. Bellenden was considered a convenient spot for the gathering of the clan from Ettrick, Kirkurd, and Murthockston.

“ Whiitslade the Hawk, and Headshaw came,
And warriors more than I may name;
From Yarrow-cleugh to Hindhaugh-swair,
From Woodhouselie to Chester-glen,
Troop'd man and horse, and bow and spear,
Their gathering word was Bellenden.”³

¹ Original Charter amongst the Melrose Charters. Printed in Liber de Melros, vol. ii. p. 547.

² Original Charter amongst the Melrose Charters. Printed in Liber de Melros, vol. ii. p. 550.

³ Lay of the Last Minstrel, Canto iv. Satchells makes use of the word in the first part of his History, which he names “Watt's Bellanden,” or gathering of the Scotts.

The Bellenden banner is still preserved amongst the trophies of the Buccleuch family. It bears the stars and crescents, with a stag trippant, surmounted by an Earl's coronet, and the words "A. BELLENDAINE" on a field azure. This was probably the standard of Earl Walter, mentioned by Sir James Balfour as having been carried at the funeral of the Earl in 1634, and would no doubt be copied from the more ancient banner, which had been borne in many a border fray.¹ It was displayed on a more peaceful occasion in the year 1815, rendered memorable by a poetical contest between Sir Walter Scott and James Hogg, the Ettrick Shepherd, who produced odes on the "lifting of the banner," which will be found in a future chapter.

The notice of the church of Rankilburn in the instrument of permutation in 1415 is perhaps the earliest mention of that church, which was comprehended in the diocese of Glasgow. It is not mentioned in Baimond's Roll, or in any of the earlier charters. In 1453, in a roll of Bachelors entered in the newly-founded University of Glasgow, we find "Dominus Jacobus Spottiswood, rector ecclesie de Rankelburn." At the period of the Reformation it had so far declined, both civilly and ecclesiastically, that it was united at different times with one or more of the old parishes, and although thus under charge of a minister, was not considered as requiring the services of a reader.² In the *Libellus Taxationum*, the rectory is valued at £6, 13s. 4d.

Besides Bellenden, this Lord of Rankilburn also acquired the half of the lands of Branxholm, and other lands in the barony of Hawick. These lands, along with the other half of Branxholm, acquired by his son, Sir Walter Scott, in the next generation, were erected into a barony, and became one of the principal residences of the Buccleuch family.

The acquisition of the first half of Branxholm was made from John Inglis, lord of Menar, who by a charter, dated at the church of Menar on 31st January 1420, granted to Robert Scott, Lord of Murthockston, the half of the lands of Branxholm, namely, from the rivulet of Branxholm to the water of

¹ Heraldic Tracts, p. 109.

² Books of Assignations, quoted in *Origines Parochiales Scotiæ*, vol. i. p. 265.

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THE BUCKINGHAM BANNER

Borthwick, and as the water of the Teviot runs, with the lands and houses of Steyl, and the half of the broad meadow towards the lands of Steyl, with the half of the meadow of Lonnhyll, and the lands of Holstruther, on the west side of the Syke, running down from the Kirkland; the half the lands of Meyrle, and the two land cottages on the west side of the said rivulet of Branchemell, in the barony of Hawick, in the shire of Roxburgh. The lands were to be held by Robert Scott and his heirs of the granter and his heirs, in feu and heritage for ever, for payment yearly in the church of Hawick, on the Feast of the Assumption of the Virgin Mary, of a silver penny in name of blench farm, if asked only, for all other service.¹

The lands of Borthwick, which formerly belonged to the Monastery of Melrose, were in the possession of the predecessors of Robert Scott. At Edinburgh, on 4th July 1410, the lands of "Borthwick and Thoft Cotys" were resigned by Robert Scott into the hands of Robert, Duke of Albany, Governor of Scotland, who granted them to Sir William of Borthwick, to be held by him "as freely as the foresaid Robert Scot or his predecessors held the lands with the pertinents of the king and his predecessors."²

Among the last affairs transacted by Robert Scott was his resignation, in the year 1426, of the lands of Lempidlaw in favour of his son and heir, Walter Scott, who was then designated "Armiger." On 2d July in that year, Walter Scott obtained, on the resignation of his father, a charter of these lands, with the tenants and tenandries thereof, in the regality of Sprouston and shire of Roxburgh, from Archibald, fifth Earl of Douglas, the superior, for his service rendered and to be rendered to the granter, to be held by him and his heirs in feu and heritage for ever, for payment yearly of one penny of silver at the feast of St. John the Baptist in name of blench farm, if asked only. It is dated at the manor of Edibredeschelis. Among the witnesses were James, afterwards seventh Earl of Douglas, the granter's uncle, Sir John Cockburn of Ormiston, and Alexander de Moravia of Cranstoun.³

¹ Vol. ii. of this work, p. 22.

² Registrum Magui Sigilli, p. 246, No. 7.

³ Vol. ii. of this work, p. 24.

Whether Robert Scott was the first of his family who acquired the lands of Lempidlaw, or inherited them from his ancestors, does not appear. They still form a portion of the Buccleuch estates.

By a retour of his son Walter as heir to him in the lands of Elerig, in the barony of Hawick, dated 27th February 1426-7, we learn that Robert Scott died eight days before Martinmas preceding.

Robert Scott was succeeded in the estates of Rankilburn, Buccleuch, Murthockston, and others, by his son, Sir Walter Scott.

He had also a son named Stephen, who obtained from John Burel of Ekfurd, burgess of Edinburgh, a charter, dated at Edinburgh 14th April 1448, of the granter's lands of the Burellands, in the barony of Ekfurd, in the shire of Roxburgh, for a certain sum of money paid to the granter in his great and urgent necessity by Stephen Scott, to be held from the granter and his heirs of the Lord Baron of Ekfurd and his heirs in feu and heritage for ever, for rendering annually to the Lord Baron and his heirs one silver penny at the feast of Pentecost, in name of blench farm.¹

These lands were, on the same day, resigned by Burel into the hands of the king as lord superior, who, on the 18th of the same month, confirmed the grant to Stephen Scott of the Burellands, to be held of the Crown in feu and heritage for ever.²

Stephen Scott, in an instrument of transumpt dated 15th August 1445, is styled "of Castlelaw." He acted as procurator for his brother, Walter Scott of Buccleuch, Knight.³

Among the Buccleuch muniments there are several charters and other documents connected with Stephen Scott of Muirhouse, and his son and grandson. He lived about the time of Stephen Scott of Castlelaw, and may have been the same, but there is no certain evidence to identify them. The writs referred to are printed in the second volume of this work. Stephen Scott of Muirhouse, on 5th March 1462, resigned in favour of Robert Mure of Rowallan the lands of Dridane, Colmanside, and Over Harwood, in the

¹ Vol. ii. of this work, p. 37.

² *Ibid.* p. 38.

³ *Ibid.* p. 18.

barony of Hawick.¹ On 2d March 1505, George Scott, grandson of Stephen, appeared in the Sheriff-Court at Edinburgh in reference to a brieve or inquest by which he claimed the lands of Murehouse. He was opposed by Patrick, Earl of Bothwell, who alleged that Robert Scott, the father of George, did not die seised as of fee in the said lands, and also disputed the claim on account of certain irregularities.²

By an Act of Privy Council dated 16th January 1508, John Mure, grandson of Robert Mure of Rowallan, is ordained to grant warrandice to George Scott, and make free to him heritably the lands of Dridane, etc., which had been sold to Stephen Scott, his grandfather.³ On 7th January 1510, George Scott of Quhammys granted a discharge to John Mure for the sum of forty pounds and 14 merks Scots for the warrandice of the foresaid lands, which sums George Scott had obtained against him before the Lords of Council.⁴

¹ Vol. ii. of this work, p. 59.

² *Ibid.* p. 107.

³ *Ibid.* p. 115.

⁴ *Ibid.* p. 121.

Robert Scott Sns De Bunkilbryne.



CHAPTER SIXTH.

VI.—SIR WALTER SCOTT, KNIGHT,

THE SIXTH AND LAST BARON OF MURTHOCKSTON, AND FIRST DESIGNATED
LORD OF BUCCLEUCH.

1426-1469.

MARGARET COCKBURN OF HENDERLAND, HIS WIFE.

ON the death of Robert Scott, in 1426, he was succeeded by his eldest son, Walter Scott, who was the first of the family formally styled "Lord of the Buccleuch;" and that designation, first applied to him, was generally adopted by his successors. He possessed the family estates for the long period of forty-three years, and was successful in adding many new estates to the old.

Besides adding largely to his territorial possessions, Sir Walter Scott added to the renown of the family for great prudence, devoted loyalty, and distinguished courage. These qualities were all well tried in the many struggles which took place in the reigns of the first, second, and third James, and particularly in the rebellions of the Earls of Douglas. It will be seen that Sir Walter Scott took a very prominent and successful part in counteracting the powerful Earls, and that for these services he was rewarded by grants of many lands by his sovereigns.

One of the earliest exploits of this Lord of Buccleuch was the capture of Gilbert Rutherford, a noted reiver, who had annoyed the border land in the reign of King James the First. During the long captivity of James in England, many parts of Scotland suffered from the absence of the sovereign, and none perhaps more so than the Borders. A special object of the king,

after his return to his kingdom, was to give security to life and property, and encouragement to industry and the arts of peace, by the enforcement of the laws. He succeeded in a great measure in accomplishing these designs. "The people," says Bower, the continuator of Fordun, "then sat in the opulence of peace, secure from ravages, elate in heart, and tranquil in mind; because the monarch had wisely expelled quarrels and rapine from the State, had appeased discord and reconciled enmity."¹

As a reward for his intrepid and effective services in furthering these important objects, and particularly in the capture of Gilbert of Rutherford, Sir Walter Scott obtained from King James the First a grant of the Mains of Eckfurd, in the shire of Roxburgh. But the king was prevented from completing the grant by his assassination in the Dominican Monastery at Perth, in the forty-fourth year of his age and the thirty-first of his nominal reign, though only the thirteenth of the actual exercise of his regal power.

King James the Second, the only son of King James the First, was born in October 1430, and succeeded his father, 21st February 1436-7, when little more than six years of age. Instead of being crowned at Scone, he was, for greater security, and also to avoid the locality of his father's death, conveyed from the Castle of Edinburgh to the Abbey of Holyroodhouse, where he was crowned with great magnificence and rejoicing, on 25th March following, by the Parliament which had been called in his name a month after the murder of his father.²

The reward which the late king had promised to Sir Walter Scott for his services was bestowed by King James the Second, who promptly completed the grant of his father of the lands of Eckfurde, by a charter under the Great Seal, dated at Stirling, on the 3d of May 1437, in the first year of his reign.³

The Manor of Eckfurde included the East and West Mains called Woddon.

¹ Bower, p. 510.

² Acts of the Parliaments of Scotland, vol. ii. p. 31.

³ Vol. ii. of this work, p. 30.

In that charter Sir Walter Scott is styled Knight, a title which had been conferred on him between the 13th March 1436, when he is named and designated "Walter Scott of the Bukeluche,"¹ and the 3d of May following. It is probable that at the coronation of King James the Second the honour of knighthood, as was customary on such occasions, was conferred on a number of persons of consideration, and that Walter Scott of Buccleuch was one of those who were then knighted.

Passing over for the present many of the dealings of Sir Walter Scott with his territorial possessions, which may be postponed to the sequel of this memoir, his acquisition of Branxholm may here be explained.

After long experience of the Borders, from his having possessed his Buccleuch estates for upwards of twenty years, far from tiring of them Sir Walter Scott was glad of an opportunity of extending his Border possessions. For this object an opportunity soon occurred. He was proprietor of Murthockston, as inherited from his ancestors. He was also proprietor of one half of the lands of Branxholm, which had been acquired by his father. One of the neighbours of Sir Walter Scott at his barony of Kirkurd, in Peeblesshire, Thomas Inglis of Manor, was proprietor of the other half of Branxholm, and complained to Sir Walter Scott of the depredations committed on his lands of Branxholm by the frequent incursions of the English Borderers. Scott offered to exchange with him his lands of Murthockston for Branxholm, if Inglis thought that would improve his position. The offer was accepted. When the bargain was completed, Scott made the significant remark that "the Cumberland cattle were as good as those of Teviotdale." This exchange of lands, and the traditionary reasons which induced it, were quite characteristic of the courageous qualities of Sir Walter Scott. His ancestors, as well as himself and his descendants, nurtured on the Borders, acquired a spirit of daring and adventure which was frequently of service to the State, and by which they were enabled successfully to hold their own against the English.

¹ Vol. ii. of this work, p. 30.

The exchange was made in the year 1446. On 23d July of that year, Sir Walter obtained from Thomas Inglis a charter of the lands of Brankishane, Todschawhil, and Todschawhauch, Goldylandis, Quhitlaw, and Quhite-ryg, with a fourth part of the lands of Overharwode, in the barony of Hawick, in the shire of Roxburgh, in exchange for the lands of Murthoustoun and Hertwod, in the barony of Bothwell, in the shire of Lanark: to be held—with the superiority of certain lands of Kirkton belonging to the granter—from the granter, of the Lord Baron of Hawick, in feu and heritage for ever, for rendering annually the service use and wont.¹

William, eighth Earl of Douglas and fifth Duke of Touraine, was the feudal superior of the lands of Branxholm, as part of his barony of Hawick, and he confirmed the excambion by a charter of the same date as the charter of excambion now quoted.²

A relationship of kindred between this Lord of Buceleuch and his cousin, Sir William Crichton of that Ilk, Knight, led to a political connection between them which had important results for both the knightly cousins. Crichton became the head of a powerful faction in the State.

In the reign of King James the First, Crichton's name for the first time appears among the barons who met that King at Durham in 1424, on his return from his long captivity in England.³ He was honoured with knight-hood on the coronation of that monarch in the same year. Two years afterwards he was one of the commissioners who negotiated a treaty with Eric, King of Denmark, and on his return he was made one of the King's Privy Council, and Master of the Household.

In acknowledgment of the services which Sir Walter Scott rendered to him, and to secure their continuance, Crichton conferred upon him solid advantages. For his homage and service rendered and to be rendered in his lifetime, Crichton granted to Sir Walter Scott, who is designated "Valtero Scot de la Bukcluche," a charter, dated at the Castle of Edinburgh, 13th March 1436, of the lands of Grymslaw, in the shire of Roxburgh, held in

¹ Vol. ii. of this work, p. 33.

² *Ibid.* p. 34.

³ Rymer's *Fœdera*, vol. x. p. 309.

chief of the barony of Creichtoun, in the shire of Edinburgh, to be held of the granter for rendering yearly a suit of court at his head court, held next after Pasch (Easter) at the chief place of the barony of Creichtoun, with wards and reliefs when they occur, only.¹

But Crichton, from the engrossment of other affairs and becoming soon involved in trouble, did not grant a precept for infefting Sir Walter Scott in these lands till three years after the date of the charter. Between the date of the charter and the date of the precept, the honour of knighthood was conferred on Sir Walter Scott, and in the precept he is styled knight. The precept is dated at Edinburgh, 7th March 1439. The seal of arms of Crichton is still appended to that precept, and an engraving is given of it in this work. It is remarkable as having a single supporter, a lady attired in a flowing dress.²

At the commencement of the reign of King James the Second, efforts were made by those intrusted with the administration of public affairs to secure peace between Scotland and England. To accomplish this object, commissioners were appointed to proceed to England to meet with those appointed by Henry the Sixth of England; and they negotiated matters so successfully that, by a truce, concluded 31st March 1438, at London, not only was the truce already in existence maintained, but it was to continue in force for nine years longer, commencing from the 1st of May 1438, and to last till the 1st of May 1447. Sir Walter Scott, knight, was one of the conservators of the truce on the part of Scotland, being associated with Archibald Duke of Touraine and Earl of Douglas, the Earls of Angus and Crawford, the Lords Gordon, Dirleton, Somerville, Herries, Carlaverock, Montgomery, Crichton, Hales, Sir Archibald Douglas, Sheriff of Teviotdale, and Sir Thomas Kilpatrick.³

Soon after another congress was appointed to be held for fixing the limits or marches of the two kingdoms, and the conservators were the same as those now named.⁴

¹ Vol. ii. of this work, p. 30.

² *Ibid.* p. 32.

³ *Rotuli Scotiæ*, vol. ii. p. 310^a.

⁴ *Rymer's Fœdera*, vol. x. p. 695.

During the struggle with the powerful house of Douglas, which culminated in its destruction, Sir Walter Scott loyally supported the cause of the King; and as his efforts had an important influence on the future of the house of Buccleuch, a brief sketch may here be given of the position of the opposing parties in Scotland during the time in which Sir Walter flourished.

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Peace had been secured with England, but the intrigues of Sir William Crichton, the Chancellor, and Sir Alexander Livingstone, for the possession of the person of the young king, produced a state of anarchy in Scotland which continued during the minority of King James the Second. The Queen, after the murder of her husband, took refuge with her child in the Castle of Edinburgh; but becoming distrustful of Crichton, who was then Governor of the Castle, she, by a clever stratagem, succeeded in conveying the young king to Stirling Castle, which was then in the hands of Livingstone. An arrangement was subsequently made between the two rivals, by which the guardianship of the king was intrusted to Livingstone, while Crichton retained the office of Chancellor. The Chancellor, however, was not content to share his power with Livingstone, and made overtures to Archibald, fifth Earl of Douglas and Duke of Touraine, which were haughtily repelled. The answer of Douglas was that "the Governour and Chancellor were both alike false, covetous, and ambitious; that their contentions were not of vertue, or for the good of the country, but only for their own particuler quarrels and private commodity, in which contention it was no great matter which of them overcame, and if both should perish, the country were the better."¹

Whatever truth there may have been in this reply, it was certainly indiscreet, for its effect was to unite together the interests of the Chancellor and Livingstone, who made every effort to crush the House of Douglas, which was then at the height of its power. Earl Archibald died in 1438, but the vengeance of the Chancellor fell on his son and successor, who, with his

¹ Godscroft's History of the House of Douglas, p. 142.

brother, was treacherously beheaded in Edinburgh Castle, where he had gone by invitation to visit the young king. The Douglas estates were not at that time forfeited, but their unity was broken by the unentailed estates falling to Margaret, the sister of the murdered Earl. The estates were subsequently reunited by the marriage of Margaret with her cousin, William, the eighth Earl of Douglas, and afterwards to his brother and successor, James.

The fate of William, the eighth Earl, was no less tragic than that of his consins. Induced to a personal conference with the king at Stirling Castle, and, it is said, guaranteed by a safe-conduct subscribed by the king and several of the nobles, he was there slain by the hand of King James.¹ This murder was perpetrated in a room in Stirling Castle called the Douglas Room, and had more the appearance of having been done in a momentary impulse than by premeditation. James Douglas, the brother of the murdered Earl, then publicly defied the king, by a writing nailed to the door of the Parliament House at Edinburgh, and collected a large army, stated by the chroniclers to have numbered forty thousand men. The cause of the House of Stewart was then in great jeopardy, but the king in this crisis acted with much vigour, and with a large army besieged the Earl's Castle of Inveravon, and rased it to the ground. Marching through Clydesdale, he laid waste the Douglas and Hamilton estates in his progress, and afterwards besieged the Castle of Abercorn, which was one of the Douglas strongholds. The Earl marched with his army to relieve the castle, and a battle between the two forces appeared inevitable, but the defection of Hamilton and others of his followers so reduced the army of Douglas that he could no longer attempt an engagement with his adversary. The remnant of his army was dispersed, and the Earl made his escape into England. The Earl of Angus, who repre-

¹ His brother James "schew all the seles at the corss on ane letter, with the handis subscrivit. And tuke the letter and band it on ane burd, and cuplit it till ane horse tale

and gart draw it thro the towne."—[MS. Chronicle of John Asloane, in Auchinleck Library.]

sented the Red Douglasses, had been appointed leader of the royal army, and the siege of Abercorn was renewed in the spring when the castle was taken.¹

The brothers of the Earl of Douglas having gathered together a number of their followers, were encountered on the 1st May 1455 by a formidable body of Borderers, headed by Sir Walter Scott of Buccleuch and his eldest son, David Scott, at Arkinholm, now Langholm, on the river Esk, opposite Wauchop-Kirk. A desperate conflict ensued, in which the Douglasses were completely defeated. This engagement may be said to have given the finishing blow to the House of Douglas. Archibald, Earl of Moray, one of the younger brothers of the Earl of Douglas, was killed in the action, and his head being cut off, was sent to the king, who was then at the siege of Abercorn. Hugh, Earl of Ormond, another brother of Douglas, was made prisoner, condemned, and executed. Balveny, the youngest brother of Douglas, made his escape into England, but was afterwards captured and beheaded. The instrument containing the names of his captors, and providing for the distribution of the reward, will be found in the second volume of this work. It contains the names of several Scotts, and is witnessed by Sir Walter Scott of Kirkurd, knight.²

In the Parliament which was held in June 1455, James, Earl of Douglas, and his heirs were declared forfeited, and in August following the lordship of Ettrick Forest, with all bounds pertaining thereto, was perpetually annexed to the Crown. Sentence of forfeiture was also pronounced on the Earl's mother, Beatrix, on his brother Archibald, Earl of Moray, who had fallen in battle, and on his brother, John Douglas of Balveny. The forfeiture of

¹ The bastions of Abercorn, which guarded the castle on the north, or side next the estuary of the Forth, are still preserved. But only the site of the ancient castle of Abercorn can now be traced in the grounds to the west of Hopetoun House, and about two hundred yards from the bastions. The

Cornie Burn joins the Medhop Burn a few hundred yards before they fall into the Forth. The junction of the Cornie and Medhop burns forms Abercorn, the name of the parish and castle from whence the Peccage titles of Earl, Marquis, and Duke of Abercorn are derived.

² Vol. ii. of this work, pp. 63, 64.

Hugh, Earl of Ormond, is not mentioned, as being necessarily involved in his condemnation and public execution for treason.¹

Sir Walter Scott of Buccleuch and his eldest son, David Scott, who had contributed so much to the victory gained over the Douglasses at Arkinholm, were rewarded by the king for their distinguished services. His Majesty granted a charter, dated at Stirling, 10th September 1455, to David Scott, son and heir of Sir Walter Scott of Kirkurd, knight, of his lands of Quhytchestir, in the barony of Hawick and shire of Roxburgh, with the annualrents belonging to the king, by reason, as stated in the charter, of the forfeiture, for crimes wickedly and traitorously committed against us, by the late John of St. Michael, our traitor, as in our full Parliament held at Edinburgh by the three Estates of our kingdom was declared and judged: to be held of the Crown, for rendering the services due and wont. The charter specially narrates that it was granted for the faithful services of our beloved friends, Walter Scot of Kirkurd, knight, and David Scot, his son and heir-apparent, rendered to us in the victory obtained by them against our traitors, the late Archibald, formerly Earl of Moray, and the late Hugh of Douglas, his brother, formerly Earl of Ormond, in the killing of the said Archibald and the capture of the said Hugh in their traitorous actions wickedly perpetrated against our royal Majesty, and for other meritorious deeds and services rendered in many ways, and to be rendered to us by the said Walter and his son David.²

It was now that Sir Walter Scott of Buccleuch and his son David, on the fall of the Douglasses, rose so high in favour with the king that they got several of the lands of the Douglasses as the reward of their valour against them at the battle of Arkinholm. Gradually the family acquired much of the lands of the forests of Ettrick and Selkirk, which the Douglasses had so long possessed, and thus became great landed barons, though they did not attain to the peerage till the reign of King James the Sixth, in the year 1606.

¹ Acts of the Parliaments of Scotland, vol. ii. p. 42, etc.

² Vol. ii. of this work, p. 53.

On 22d February 1458-9, Sir Walter Scott of Kirkurd obtained a charter of lauds in the barony of Crawfordjohn, "for being present in the conflict of Arkinholme, at the killing and capture of the rebels, the late Archibald and Hugh of Douglas, formerly Earls of Moray and Ormond."¹

King James the Second met his death by the bursting of one of his own guns at the siege of Roxburgh in 1460, in the twenty-ninth year of his age and the twenty-first of his reign, and was succeeded by his eldest son, James the Third, a child of only eight years of age.

The services which Sir Walter Scott and his son David had rendered to the late monarch, especially in overthrowing the power of the Douglasses, were not forgotten under the new reign. Sir Walter obtained, under the Great Seal, 27th January 1463-4, a remission of the payment of certain sums of money which he had bound himself to pay to the officers of the Crown for certain persons.² This grant bears that it was made for the faithful and laudable service rendered by the grantee to the king, and especially in the expulsion of the traitor James of Douglas and his accomplices.

Still continuing the rewards for the services against the family of Douglas, David Scott, son of Sir Walter, obtained the lands of Branxholm, erected into a free barony, to be called the barony of Branxholm. On 5th December 1463, in the Castle of Edinburgh, Sir Walter resigned into the hands of King James the Third his lands of Branxholm, in the barony of Hawick, in the shire of Roxburgh, also the six pound lands of Langtown, the lands of Leapatlaw, the lands of Elrig, Rankilburn, and the lands of the barony of Kirkurd, in the shire of Peebles. And in like manner his son and heir, David Scott, resigned into the hands of the king his lands of the barony of Ekkurd and the lands of Qulhitchester, in the shire of Roxburgh. These resignations were made in order that the lands might be erected into a free barony, to be called the barony of Branxholm. Upon the resignations the king gave to David Scott and his heirs, according to the tenor of a Crown charter to be made to him thereupon, the foresaid lands of the barony

¹ Registrum Magni Sigilli, vol. v. No. 46.

² Vol. ii. of this work, p. 63.

of Braxhelm: the reddendo was the rendering annually to the Crown, for the twenty-four merk lands and barony of Braxhelm, one red rose as blench farm, at the feast of St. John the Baptist, at the head message of the same, and performing, in respect of the other lands, the services due and wont. The freeholding of all the said lands was reserved to Sir Walter Scott during his lifetime, and a third part thereof to Margaret, his spouse.¹

On the 7th of the same month King James the Third granted a charter of confirmation to David Scott, confirming and erecting the lands now mentioned into the barony of Braxholm. The charter bears that it was granted for the faithful and laudable service rendered in many ways to our late progenitor, and to us in our tender age, by our beloved knight, Walter Scott of Kirkurd, and David Scott, his son and heir-apparent, as well in the invasion as in the expulsion of our rebels, James of Douglas and his brothers.²

From that time till the reign of King James the Sixth, the designations of Kirkurd, Braxholm, and Buccleuch were occasionally used indifferently by the proprietors of these estates as their territorial designations—the designation of Kirkurd gradually giving place to that of Braxholm, and the latter being finally superseded by that of Buccleuch.³

Sir Walter Scott frequently acted as a conservator of the truces between Scotland and England. He had been appointed, as already stated, a conservator of the truce concluded in 1438. He was also a conservator of the truce concluded at Durham, 15th November 1449, between commissioners of King Henry the Sixth of England and commissioners of King James the Second of Scotland, which was to be prolonged to no certain term, as had been done before, but only so long as either of the kings chose to observe it, with the provision that whichever king should think fit to renew the war, was to be bound to inform the other king of his intentions one hundred and eighty days beforehand. Among the others associated with him were the Earls of Douglas,

¹ Vol. ii. of this work, p. 60.

² *Ibid.* p. 61.

³ Acts of the Parliaments of Scotland, vol. ii. pp. 84, 132. Acta Auditorum, pp. 46, 74, 83, 153.

Angus, Ross, Moray, and Crawford; the Barons of Crichton, Sinclair, Somerville, Maxwell, Montgomery, Gray, Hepburn of Hales, and James Crichton, etc.¹ The treaty was ratified by the King of England, 20th April 1450, and by the King of Scotland on 9th June thereafter. He was also a conservator of the truces between the Kings of England and Scotland in 1451, 1453, 1457, and 1459-60, on the part of the King of Scotland.²

During his long tenure of the family estates, Sir Walter Scott entered into many transactions regarding them, some of which may now be noticed, in addition to those already mentioned.

He was retoured by special service at Etibredeseheles, 27th February 1426, as heir of his father, Robert Scott, in the lands of Elerig, in the barony of Hawick and shire of Roxburgh. These lands were valued at ten merks yearly, and the same in time of peace, and were held in chief of the baron of Hawick for paying of one penny at the feast of St. John the Baptist, in name of blench farm, if asked. They had been in the hands of the superior for eight days before the feast of Martinmas bypast, through the death of Robert Scott.³

Under the designation of Walter Scott, Lord of Murthoustoun, he obtained a grant and confirmation from James of Langlands, lord of that Ilk, of the lands of Hepe, in the barony of Wiltoun and shire of Roxburgh, to be held of the granter as freely as Robert of Hepe, the former lord, held them before his resignation thereof. Upon all this Walter Scott took a public instrument, at the Cemetery of St. Mary's Church of Hawick, 5th May 1431.⁴

On the 9th of the same month of May, Walter Scott was infested in the lands of Hepe by James Langlands of that Ilk, to be held of him for rendering the service due and wont. Letters of that date, by Archibald of Douglas, Lord of Cavers and Sheriff of Teviotdale, Alexander of Murray of Cranston, John Scott, Stephen Scott, and others, attest that they were present and witnessed the infestment. In the letters Walter Scott is designated "Lord of the Bucceluche."⁵

¹ *Rotuli Scotiæ*, vol. ii. p. 341^a.

² *Ibid.* pp. 353^a, 367^a, 383^a, 398^a.

³ Vol. ii. of this work, p. 25.

⁴ *Ibid.* p. 28.

⁵ *Ibid.* p. 28.

Under the designation of Walter Scott of Buccleuch, he received a letter of reversion, dated Peebles, 16th May 1431, from John Thome of Bencale, burgess of Edinburgh, of two annualrents of £2, 6s. 8d., from the lands of John of Vache of Ledivrd (Ladyurde), and of £2, 6s. 8d. out of the lands of John of Ghedes (Geddes) of Ledivrd, in the barony of Kirkeurde and shire of Peebles, upon payment to the granter or his heirs, by Walter Scott or his heirs, in the Church of the Holy Cross of Peebles, on the high altar thereof, of £100, with £4, 13s. 4d. for the annualrent of the year following the payment thereof. The letter is sealed with the seal of the granter.¹

The superiority of the barony of Kirkurd, which was granted by King Robert the Second in 1389 to his grandfather, Sir Walter, as heir of his father, Robert Scott, was inherited by this Sir Walter, and it included the superiority of the lands of Ladyurd.

An instrument, under the seal of seven men of substance, dated 22d July 1434, bears that they and many others were present as witnesses in the Chapel of St. Mary, built by John of Geddes, within the parish kirk of Peebles, when, of his own free will, he resigned the lands of the half of Ladyurd into the hands of Walter Scott, Lord of Morthouystoun, his overlord, who then gave the lands to William of Geddes, and charged his baron bailie to pass to the soil and give him infestment.²

On the 26th of the same month William of Geddes was infested, in terms of a letter-patent, and sealed with the seal of Walter Scott, Lord of Morthouyston and Baron of Kirkurd.³ Among the witnesses to the instrument of sasine are John de Wach of Ladyhurd, Simon of Denau of Scottstoun, and Thomas of Woode, perpetual vicar of Kyrkhurd.⁴

The tenandry of land commonly called Cusingisland, being on the north part of the town of Brankishame, and belonging to Margaret Cusing, it was

¹ Vol. ii. of this work, p. 29.

² Title-deeds of Kirkurd and Ladyurd.

³ William Geddes was succeeded by his eldest son, John, who, dying before 7th

October 1455, was succeeded by his brother William. [Instrument of sasine of that date. Title-deeds of Kirkurd and Ladyurd, at Castle Craig.]

⁴ Castle Craig writs.

evidently very desirable that Sir Walter Scott of Buccleuch should acquire it for consolidating his newly-acquired property of Branxholm. He therefore purchased Cusingland from the owner, Margaret Cusin, who, with consent of her husband and of Robert Scot, her son and heir, granted, on the payment of the purchase price, a charter, dated at Edinburgh, 19th April 1447, of that land, to be held from her of the lord-superior; and in terms of a letter from her, Sir Walter was infefted in these lands on 7th August 1447, by her son, Robert Scot. Among the witnesses present were Stephen Scot, armiger, lord of Castellaw, brother of Sir Walter Scott, and William Scot, presbyter, perpetual vicar of Westerker.¹

On 1st February 1448-9, Sir Walter Scott was infefted in the land of Birkwod, commonly called an oxgate of land, and also in the land of Burnflat, in the presence of Stephen Scot of Castellaw, Adam Scot, Walter Scot, and Richard Scot.² On 28th February 1450, he obtained from King James the Second a charter of the lands of Eckfurd, in the shire of Roxburgh, for his homage and services rendered, and to be rendered, to the granter, to be held of the Crown;³ and on 10th June 1451, he obtained from the same monarch a charter of the same lands, which he had resigned into the king's hands for new infeftment.⁴

Sir Walter Scott was one of the inquest who, at Jedburgh, on 6th October 1456, retoured William Douglas as heir of his father, William Douglas, knight, in the barony of Hawick, in the shire of Roxburgh, which was held of the Earl of Douglas for payment of one arrow in the church of Hawick, on the day of the Assumption of the Virgin Mary, in name of blench farm, if asked only.⁵

On 20th June 1451, in exchange for the lands of Hepe, Sir Walter Scott obtained those of Mysintoun, in the barony of Wiltoun, in the shire of Roxburgh, from John of Langlands, lord of half of the barony of Wiltoun, by a charter of excambion of that date, at the church of Wiltoun. In the charter the lands of Mysintoun are described as lying between the lands of

¹ Vol. ii. of this work, p. 36. ² *Ibid.* p. 39. ³ *Ibid.* p. 42. ⁴ *Ibid.* p. 42. ⁵ *Ibid.* p. 41.

Borthwick on the east, those of Cheshelme on the south, those of Duallyrig and of the lands of Belindene on the north parts. The reddendo is the payment yearly of a red rose or sixpence Scots, if asked, in name of blench farm, at the feast of St. John the Baptist.¹ On 31st December 1453, Sir Walter Scott of Kirkurd obtained a charter of excambion from James of Langlandis, superior of the freeholding of half of the barony of Wiltoun, the granter's freeholding of the town of Milsaintoun, in the barony of Wiltoun, in the shire of Roxburgh, in return for the said Walter's freeholding of Hepe Wester, in the said barony of Wyltoun and shire of Roxburgh.² On the same day, according to the tenor of this charter, Walter Scott of Kirkurd, knight, was infefted in the freeholding of the town of Milsaintoun, at the capital message of the lands of the town of Milsaintoun. Among the witnesses was Robert Scot, son and heir of Stephen Scot of Muirhouse.³

On 10th April 1453, Sir Walter Scott of Kirkurd, knight, resigned into the hands of King James the Second, at the castle of Stirling, the lands of the barony of Ekfurd, in the shire of Roxburgh, for new infeftment in favour of his son David. The resignation being made, the lands were delivered to David Scott, son and heir-apparent of Sir Walter Scott, by the king. According to the tenor of a charter from the king to David Scott made thereupon, the freeholding of the lands of the barony was reserved to Sir Walter during his lifetime.

On 16th April 1453, at Stirling, a charter, following on the preceding resignation, was granted by King James the Second to David Scott, son and heir-apparent of Sir Walter Scott of Kirkurd, knight, of the whole lands of the barony of Ekfurd, in the shire of Roxburgh. The lands were to be held by the grantee and his heirs of the Crown, for rendering annually three suits at the three head courts of the shire of Roxburgh.⁴ In May following, David Scott was infefted in the lands of the barony of Eckfurd.⁵

Sir Walter Scott, styled of Kirkurd, was a member of the Parliament

¹ Vol. ii. of this work, p. 43.

² *Ibid.* p. 49.

³ *Ibid.* p. 51.

⁴ *Ibid.* p. 48.

⁵ *Ibid.* p. 49, note.

which met at Edinburgh on the 11th of October 1464, in the reign of King James the Third, then in the twelfth year of his age. Andrew, Lord Avondale, was Chancellor, and represented the king in that Parliament.¹

Sir Walter Scott married Margaret Cockburn of Henderland, in the county of Peebles, by whom he had three sons.

1. David Scott, who succeeded him.
2. James Scott, designated of Kirkurd.²

3. Alexander Scott, who died previous to 21st May 1488. He had two sons, Walter and Adam, who were both named in the Crown charter of the barony of Branxholm, which was obtained by his brother, David Scott, on 21st May 1488, in which Alexander is named as then deceased.

Sir Walter Scott died before 9th February 1469, as appears from a gift made by Archibald, Earl of Angus, to his son, David Scott, then designated of Buccleuch, of the governorship of Hermitage Castle.³

¹ Acts of the Parliaments of Scotland, vol. ii. p. 84.

² James Scott, designated of Kirkurd and Hassendean, left descendants in the families of Hassendean, Burnhead, etc. Neither James Scott nor any of his descendants are included in the entail of Branxholm, which was made by David Scott, and confirmed by the Crown

on 21st May 1488. The sons of Alexander Scott are named in that entail, and also other Scotts more remote in degree; and that exclusion of James Scott of Kirkurd raises a doubt of his being a full brother of David Scott, who made the entail.

³ Vol. ii. of this work, p. 67.



CHAPTER SEVENTH.

VII.—DAVID SCOTT OF BUCCLEUCH, BRANXHOLM,
AND KIRKURD.

1468-1492.

DAVID SCOTT, who was probably born about the year 1430, succeeded his father, Sir Walter Scott of Buccleuch, before 9th February 1469-70. In a gift of that date from Archibald, Earl of Angus and Lord of Douglas, of the keeping and governorship of the Castle of Hermitage for nineteen years, he is designated David Scott of Buccleuch.¹

During the lifetime of his father, David Scott was designated of Eckfurd. He is so styled in a notarial instrument, dated 2d November 1456, which he obtained at his request, recording the attestation of Sir Walter Scott, knight, Lord of Kirkurd, his father, sitting in judgment in his principal court of Branxholm, that he had given sasine to the late John of St. Michael of the lands of Qwitchester.²

David Scott, who is designated of Kirkurd, was a member of the Parliament which assembled at Edinburgh, in April 1481, to provide for the defence of the kingdom against Edward the Fourth of England, who was making preparations for the invasion of Scotland. By this Parliament all the lieges were commanded to be ready on eight days' warning, or sooner if required, armed to attend the king. Directions were also given as to the arms; that the soldier's spear should not be less than five ells and a half long, and axemen, who had neither spear nor bow, were commanded to provide themselves with a wooden or leather targe, according to a pattern to be shown by the sheriffs of the respective counties.³

¹ Vol. ii. of this work, p. 67.

² *Ibid.* pp. 55, 56.

³ Acts of the Parliaments of Scotland, vol. ii. p. 132.

David Scott, then styled "Dominus de Buccleuch," was also among the barons present at the Parliament held at Edinburgh in October 1487.¹

Both David Scott and his father had been closely associated in war and politics with George, fourth Earl of Angus, who commanded the royal forces during the rebellion of James, Earl of Douglas, and his brothers, the Earls of Moray and Ormond, and the Lord of Balveny. On the suppression of the rebellion, the lands and lordship of Douglas were granted, by a charter under the great seal, to the Earl of Angus, who was next heir-male. The Scotts of Buccleuch had also added greatly to their wealth and importance, as a consequence of the services which they had rendered during the contest with Douglas.

With the family of the Earl of Angus they were to become still more closely connected by the marriage of David Scott, younger of Buccleuch, the eldest surviving son of David Scott of Buccleuch, with the Lady Jane Douglas, daughter of George, fourth Earl of Angus, and sister of Archibald the fifth Earl, named Bell-the-Cat. The marriage-contract, which is quoted in the succeeding chapter, shows the close friendship which subsisted between the two families, provision being made that if David should die, his next younger brother was to marry Lady Jane Douglas, and so on in regular succession of the brothers; and that if Lady Jane should die, David was to obtain in marriage the next daughter of the Earl of Angus, till a marriage was completed. The insecurity of possessions in the Border lands is shown in the provision for payment of part of the dowry, that "gif throw were of Inglismen the said David Scott can nocht hafe the fermys of Lidalsdale and Eusdale at the termys of Witsunday and Martymes zerly, the forsaied Lord of Angus and his moder bindis and assignis thare landis of Jedworth Forest to be raisit be the said David Scot."²

As a consequence of the arrangement made in the contract of marriage, David Scott and his son David obtained from Archibald, Earl of Angus, a

¹ Acts of the Parliaments of Scotland, vol. ii. p. 175.

² Vol. ii. of this work, p. 71.

gift, dated 17th April 1472, of the governorship of the Castle of the Hermitage for seventeen years, after Whitsunday following. The Earl also granted them the lands which William of Douglas and his son Archibald, sheriffs, had for keeping the castle, without revocation.¹

On the same date, as provided in the contract, they also received from Archibald, Earl of Angus, Lord of Douglas and of the regalities of Liddesdale, Eusdale, and Eskdale, an appointment, conjunctly and severally, to be bailies of his lordships of Liddesdale, Eusdale, and Eskdale, for the term of seventeen years, with the power of letting the granter's lands, raising his rents, holding courts, punishing trespassers, and other powers belonging to the office.²

The office of bailliary of these districts was one of great responsibility and importance. Scotland was then at peace with England; but it was always important to preserve order and tranquillity on the Borders, and the mutual incursions of the Borderers on both sides frequently threatened to interrupt peaceful relations between the two kingdoms.

David Scott the younger was one of the witnesses to a charter granted by Robert Scott of Haining to his cousin, Thomas Middlemas, of the lands of Greviston and Gillishauch, in the county of Peebles. The charter is dated on the 21st December 1476, and David Scott, as one of the witnesses to it, is designated son and heir-apparent of David Scott of Branxholm.³ This is the latest notice which has been found of David Scott the younger. It would appear that he lived only a few years after his marriage with Lady Jane Douglas.

As governor of Hermitage Castle, David Scott of Kirkurd was commanded to repair and put in a condition of defence the fortress of which he was the keeper, similar orders having been given to the governors of the other fortresses on the Border and on the east coast. He also enlarged and strengthened the castle of Branxholm. This castle is the principal scene of Sir Walter Scott's poem, "The Lay of the Last Minstrel." In the Hermitage

¹ Vol. ii. of this work, p. 72.

² *Ibid.* p. 73.

³ Original charter, No. 21 of Traquair Writs, at Traquair.

Castle a garrison of one hundred men was placed, under the command of the Laird of Lamingtoun.¹

Although there was so close a connection between the Earl of Angus and the Scotts of Buccleuch, they acted in opposition to each other in the dissensions with which the latter part of the reign of King James the Third was filled.

The causes which led to the wide-spread discontent among the nobles are not very clearly made out. The king's opponents charge him with raising obscure and unworthy men to positions of influence in the Government, and with making them his advisers in affairs of State. On Cochrane, an architect, his principal favourite, he lavished wealth and honours, and it is said bestowed on him part of the landed earldom of Mar, forfeited since the death of the king's brother. Historians have even asserted that Cochrane actually received from the king the ancient title of Earl of Mar. But of this there is no evidence whatever.² Cochrane is also said to have instigated the king to debase the coinage, thereby causing much misery and distress in the country. On the other hand, it has been urged that the king's tastes were too refined for the men whom he had to rule: that he encouraged and rewarded the study of music and art, pursuits then held in contempt by a rude and turbulent nobility.

However this may have been, the disaffected nobles determined to remove the king's favourites; and at Lauder, where the Scottish army had arrived on its march to meet the Duke of Gloucester, occurred the famous scene so well known in history, in which the Earl of Angus earned for himself the sobriquet of Bell-the-Cat.

After accomplishing the destruction of Cochrane and the other favourites, the army was disbanded, and the king was conveyed a prisoner to Edinburgh.

The barons engaged in that transaction were never cordially reconciled to the king, and some years afterwards they engaged his eldest son, the Prince

¹ *Origines Parochiales*, vol. i. p. 361.

² *Proceedings in the Mar Peerage Case in the House of Lords, 1868-1873.*

and Steward of Scotland, afterwards King James the Fourth, in a conspiracy, the object of which was to dethrone his father and place the prince himself on the throne.

What part David Scott took in the enterprize at Lauder is not known; but in subsequent events both he and his son, Robert Scott, are found among the party who supported the cause of the king.

In the Parliament which met in October 1487, of which, as already stated, David Scott was a member, an attempt was made to reconcile the opposing factions. But the king and those who supported him, too confident in their strength, opposed the proposal. Several enactments were passed which were evidently aimed at the rebellious barons, and convinced them that the king would endeavour to crush them by extreme measures. The Parliament was prorogued until the 11th January following.

But in the meantime the barons had not been idle. They had arranged various meeting-places for their followers, and put their castles in a state of defence.

The Parliament having again assembled, the king proceeded to adopt decided measures; and in the severity of the Acts passed the disaffected barons saw that they must either submit to be destroyed, or raise the standard of civil war. The cause of the king was strongest in the north, and to that quarter he proceeded, and succeeded in raising a considerable army, with which he advanced against the rebels.

David Scott of Buccleuch had supported the royal cause in Parliament, but he was too far advanced in years to take the field. His son Robert, however, followed by a considerable number of his retainers and friends, joined the king's army, and acquitted himself in such a manner as specially to secure the notice of the king and to receive substantial proofs of his approval.

The two armies met near the castle of Blackness, on the Forth, a few miles to the west of Abercorn, the scene of the conflict with the Douglasses in the previous reign. But nothing further than a severe skirmish took place

at Blackness; and negotiations having been opened, they resulted in a reconciliation for the time.

The king afterwards proceeded to reward those who had supported him. Like others honourably mentioned in the contest at Blackness, the services of Robert Scott were acknowledged and rewarded by the king. The charters by which the services of these respective chieftains were acknowledged are all dated in the month of May 1488.

The services of the Scotts of Buccleuch are specially recorded in a charter which was soon after granted by King James the Third in favour of David Scott of Branxholm, which proceeded on his resignation.¹ This charter bears date at Edinburgh, 21st May 1488, and it regrants to David Scott and his heirs therein mentioned, the lands of the barony of Branxelme, and the lands of Ekfurd, in the shire of Roxburgh, and the lands of Langtoun, Lempetlaw, Rankilburn, and the lauds of the barony of Kirkurd, in the shire of Peebles, all which lands were united, annexed, and incorporated by the king into one free barony, for ever to be called the barony of Branxelme. In the charter it is expressly stated that it was granted by the king for the faithful and well-deserving services rendered to his Majesty by his beloved squire, David Scott of Branxelme, in times past, in divers ways, and for the faithful and gratuitous service rendered in many ways to the king by Robert Scott, son of the said David, and his servants and friends under the royal standard at the battle-field at Blackness, in the defence of the royal person and Crown, and for service to be rendered in time to come.²

The lands and barony were to be held by David Scott, and the heirs-male of his body; whom failing, by Walter Scott, grandson of David, and the lawful heirs-male of his body; whom failing, by Robert Scott, son of the said David, and the lawful heirs-male of his body; whom failing, by Walter Scott, son of the deceased Alexander Scott, brother of David Scott, and the lawful

¹ He appointed his son Robert his procurator, to make the resignation by a letter of procuratory, dated at Eckfurd, 8th No-

vember 1487. Vol. ii. of this work, p. 89.

² Vol. ii. of this work, p. 89.

heirs-male of his body ; whom also failing, by Adam Scott, brother-german of Walter Scott, and the lawful heirs-male of his body ; whom failing, by Walter Scott of Quhitehauch, and the lawful heirs-male of his body ; whom all failing, by the lawful and nearest heirs whomsoever of David Scott of Branxholm, to be held of the Crown in feu and heritage for ever, for paying annually, for the twenty-four merk land of the barony of Branxholm, one red rose at the feast of St. John the Baptist, in name of blench farm, if asked only, and rendering annually for the remaining lands the rights and services due and wont.

Even before his succession to his father, Walter, David Scott acquired lands in several counties ; and after his succession, he obtained from the Crown new grants of the old lands of the family. Thus, as son and heir-apparent of Walter Scott of Kirkurd, knight, he obtained, on 14th March 1451-2, from King James the Second, a charter of the twenty-pound land of Drumcours, in the shire of Linlithgow, to be held of the Crown for three suits, to be rendered annually by the grantee and his heirs in the three head courts of that shire.¹ The charter bears to be granted for the faithful service rendered, and to be rendered, by David Scott to the king, and it is dated at Stirling.

David Scott, son and heir of Sir Walter Scott of Kirkurd, knight, purchased from John of Irelandys of that ilk his lands commonly called Irelandis landis, in the barony of Wiltoun, in the shire of Roxburgh, for a certain sum of money paid to the seller in his urgent and known necessity, with which he held himself well contented and wholly paid. Upon this the purchaser received from the seller a charter of the lands, dated at Wiltoun, 30th April 1454, to be held of Henry of Wardlaw, superior of the half of the barony of Wiltoun, from the granter, in feu and heritage for ever, for rendering one pound of cucumber and one pair of spurs at the feast of Pentecost, on the ground of the lands, if asked only, in name of blench farm.²

¹ Vol. ii. of this work, p. 44.

² *Ibid.* p. 52.

In the year 1482, David Scott acquired the lands of Mangerton, in the territory and lordship of Liddesdale, which belonged to Thomas Armstrong of Mangerton. On 2d November that year Armstrong appointed procurators for resigning the lands into the hands of Archibald, Earl of Angus, his superior thereof, as Lord of Liddesdale, in favour of David Scot of Branxhelme. Among the witnesses are Robert Scot, Adam Scot, and William Scot, rector of Sowdon.¹

On the 12th of the same month, David Scot of Branxhelme received from Archibald, Earl of Angus, a charter of the lands of Mangerton, to be held for the services due and wont.² A precept was addressed by the Earl, of the same date, to his bailies, Robert Scot, Walter Scot, John Gledstanis, and John Turnbull, to infest David Scot in the lands of Mangerton.³

David Scott of Branxholme, and Robert, his son, obtained from the superior and monks of the Abbey of Melrose a grant, dated 24th April 1484, appointing them conjunctly and severally bailies of their lands of Melrossland, and of the lands of Ettrick, Rodonow, Esdale, Ringwodfeld, and of the lands of East Teviotdale, belonging to the Abbey, and of all other lands of which David Scott was previously bailie for five years, with the usual powers to set the lands, to inbring the mails and farms to the profit and utility of the Abbey, to hold courts, to punish transgressors, to uplift and to raise amerciements, etc.⁴

When drawing near the close of his active life, and within a few weeks of his death, this Lord of Buccleuch made his last will and testament at his house of Buccleuch, on the 9th of February 1491-2, before witnesses, William Scott, rector of Sowdoun, John Scott, rector of Rankilburn, and others. The inventory of his goods, consisting of sheep, oxen, cows, growing crop, etc., amounted to £740. The debts owing to him by John Scott, his son, the Countess of Rothes, and others, were £13, 16s. 8d., and the debts which he owed were £337. By his testament he left his soul to the omnipotent God, and to the blessed Virgin Mary, and to the whole celestial assembly, and his

¹ Vol. ii. of this work. p. 77.

² *Ibid.* p. 79.

³ *Ibid.* p. 80.

⁴ *Ibid.* p. 82.

body to be buried in the Church of the Holy Cross at Peebles.¹ He left a donation to the fabric of the Church of St. Kentigern, and to the Churches of Hawick, Rankilburn, and St. Mary of the Forest, and 36 merks 8d. to a suitable priest to pray for the welfare of his soul : the priest was to be chosen by William Scott, rector of Sowdoun. He left to Robert Scott, his son, £40, and to Walter Scott, his grandson, £10 and eleven oxen. He also constituted Walter Scott his apparent heir, and Robert Scott, his son, tutors to William Turnbull, Lord of Mynto. He appointed Robert Scott, his son, to be tutor to Walter Scott; and the residue of all his goods he put in disposition of his executors, whom he constituted, namely, Walter Scott, his grandson, Robert Scott, his son, and Walter Scott of Howpaslait.²

David Scott of Buccleuch and Branxholm died in the month of March following, as appears from the retour of his grandson and successor, Walter Scott, dated 6th November 1492, as heir of his grandfather.³

He had four sons and three daughters.⁴

1. Walter was the eldest born son. Before 28th June 1465 he was contracted in marriage to Katherine Lindsay, daughter of John Lindsay of Covington, in the county of Lanark. Walter Scott was not then of lawful age for marriage, and it was provided that if he should die before completing marriage, another son of David Scott should marry a daughter of John Lindsay of Covington, if a son and a daughter remained to the parents.⁵ Walter Scott was living on the 9th of February 1469, on which date a gift was made by the Earl of Angus, in which he is designated son and apparent heir of David Scott of Buccleuch.⁶ But Walter Scott was dead, without issue, before the year 1471, when his next brother, David, was the heir-apparent of his father. The proposed marriage with the

¹ This confirms the tradition of Satchells that the Cross Church of Peebles was the original burying-place of the family. Even when dying at Rankilburn, where there was a cemetery connected with the church, David Scott appointed his remains to be interred at Peebles amongst his ancestors.

² Vol. ii. of this work, p. 92.

³ *Ibid.* p. 95.

⁴ The name of his wife is not known. It is said by the Peerage writers that he married a daughter of Thomas Lord Somerville, but this is a mistake. All the daughters of that Lord Somerville were married before his death in 1434. [Memorie of the Somervills, vol. i. p. 170.]

⁵ Vol. ii. of this work, p. 66.

⁶ *Ibid.* p. 67.

Lindsay lady appears never to have been celebrated; and the Earl of Angus seems to have had an eye on the young Lord of Buccleuch for his sister. On the death of Walter Scott, the eldest son, Angus took care that David Scott should be married to his sister, Lady Jane Douglas, as is fully explained in the succeeding memoir of David.

2. David, who predeceased his father between 1476 and 1484, leaving a son, as shown in the succeeding memoir.

3. Robert of Alanhaugh, in the county of Roxburgh, who received a charter from his father of the lands of Whitechester, in the same county, in the year 1483. From him the Scotts of Scotstarvit claim to be descended. They are now represented in the female line by His Grace the Duke of Portland, through the marriage of his father, William, fourth Duke, with Henrietta Scott, eldest daughter and co-heir of General John Scott of Balcomie, in the county of Fife. His Grace quarters the arms of Scott on a bend azure, a star of six points between two crescents, or, within a bordure engrailed.

Robert Scott, son of David Scott of Buccleuch, obtained a charter from Sir Thomas Turnbull of Greenwood and Lyne, of the lands of Greenwood and Lyne, in the shire of Roxburgh, and was infefted in these lands on the 22d December 1488.¹ He died between 1490 and 1492.

4. William, the fourth son of David Scott of Kirkurd, is mentioned as next to Robert Scott in the marriage-contract between his brother David and Lady Jane Douglas, dated 24th February 1471-2.² He was witness to a charter by Robert Scott of Haining, 21st December 1476.³ But as William Scott is not named as one of the heirs of provision in the Crown charter of the barony of Branxholm, dated 21st May 1488, while remoter heirs are named, it is obvious that he had predeceased without leaving issue.⁴

David Scott of Buccleuch had three daughters.

1. Janet, the eldest, married Sir James Douglas, son and apparent heir of Sir William Douglas of Drumlanrig, and from that marriage the present Duke of Buccleuch, as Duke of Queensberry, is descended. Sir James was retoured heir to his father on 19th October 1484.

¹ Vol. ii. of this work, pp. 91, 92.

² *Ibid.* p. 71.

³ Original Charter, No. 21 of Traquair Writs, at Traquair.

⁴ In the will of David Scott of Buccleuch, made on 9th February 1491, amongst his creditors is enumerated "Johannes Scote eius filius xv nobilia." [Vol. ii. p. 93.]

The marriage-contract is dated 5th November 1470, and stipulates that David Scott shall pay, in name of "tocher," the sum of 500 merks; William of Douglas undertaking to infest his son James and Janet his spouse in twenty pounds worth of his lands in the baronies of Hawick and Drumlanrig.¹ By letters, dated 5th November 1470, David Scott of Buccleuch bound himself to pay to William of Douglas of Drumlanrig 200 merks Scots, in case he or his heirs should fail to make the lands of Quhitechester to be holden of the said William and his heirs.²

By letters of the same date. William of Douglas of Drumlanrig bound himself to David Scott of Buccleuch in various matters connected with the marriage of his son James Douglas and Janet Scott.³

2. Margaret, married James Haig of Bemerside, in the county of Berwick, and had issue. Margaret Scott was the wife of James Haig of Bemerside on 14th February 1489.⁴ The Haigs are a very ancient race, of whom their neighbour at Earlston, Thomas the Rymer, predicted—

"Whate'er betide, whate'er betide,
There will aye be Haigs at Bemerside."

3. The third daughter, whose christian name we have not discovered, married John Lindsay, son and apparent heir of John Lindsay of Cowbantoun, now Covington, in the county of Lanark.⁵

¹ Original Contract at Drumlanrig.

² Vol. ii. of this work, p. 68.

³ *Ibid.* p. 69.

⁴ Reg. Mag. Sig., Lib. xii No. 123.

⁵ Vol. ii. of this work, p. 74.



CHAPTER EIGHTH.

VIII.—DAVID SCOTT, YOUNGER OF BUCCLEUCH.

Circa 1450-1484.

LADY JANE DOUGLAS (OF ANGUS), HIS WIFE.

DAVID SCOTT was the second born son of David Scott of Buccleuch.

The elder brother of this David Scott was Walter Scott, who having predeceased him, young and unmarried, David Scott became the heir-apparent of his father, David Scott, in the Buccleuch estates. He was probably born in the year 1450.

In the end of the year 1472, this David Scott married Lady Jane Douglas, daughter of George, fourth Earl of Angus. Lady Jane Douglas was the sister of Archibald, fifth Earl of Angus. The contract for that marriage is dated at Edinburgh on 24th February 1471. George, Earl of Angus, the father of Lady Jane Douglas, being then dead, the contracting parties are his son, Archibald, fifth Earl of Angus, afterwards Chancellor of Scotland—commonly known in history as Bell-the-Cat—on behalf of his sister, Lady Jane Douglas; Elizabeth (Sibbald), Countess of Angus, mother of Lady Jane; and James, Lord Hamilton, on the one part; and David Scott of Buccleuch, on the other part: David Scott the younger becomes bound to marry Jane of Douglas, sister to the Earl of Angus. Should he die before the marriage was completed, Robert Scott, the second son of David Scott of Buccleuch, was to marry the Lady Jane Douglas. If Robert Scott failed, William Scott, the third son, was to marry her; and failing William Scott, each other son in succession was to complete the said marriage. Should Lady Jane Douglas die before the marriage was completed, David Scott, her

promised husband, became bound to marry Elizabeth of Douglas, her sister: and so on, each brother to David Scott, being heir to him, was to marry one of the sisters of the Earl of Angus, until a marriage was completed.

David Scott of Buccleuch was to give in joint infeftment to David Scott, his son, and to Lady Jane Douglas, the lands of Drifysdale, for which David Scott, the son, should have in tocher 600 merks Scots, of which sum David Scott discharged 200 merks to the Earl of Angus, his mother, and Lord Hamilton, and the remaining 400 merks were to be paid as specified in the contract.

David Scott of Buccleuch, and his son, David Scott, younger, were also to be provided in the bailiary of Liddesdale, Eusdale, and Eskdale, with the keeping of the house of the Hermitage for thirteen years. As keepers, they were to have the lands surrounding the castle, which had been held by William of Douglas and his son Archibald, sheriffs, the former keepers of the castle. David Scott and his son David bound themselves in manrent and service to the Earl of Angus, during the time that either of them had the bailiary of the lordships of Liddesdale, Eusdale, and Eskdale, and the keeping of the Hermitage. The Earl was to have free entrance into and issue from the Hermitage as often as he pleased, and to make residence with many, or few, as long as he pleased, without obstruction or demand. In like manner, the Earl bound himself to David Scott and his son David to maintain, supply, and defend them in all actions, causes, and quarrels, lawful and honest, as his letters of maintenance thereupon import.¹

The marriage of David Scott, younger, and Lady Jane Douglas was probably celebrated soon after the date of the contract, as in terms of it he obtained, on 17th April 1472, jointly with his father, the gift of the governorship of the castle of the Hermitage for seventeen years. He was also, in conjunction with his father, appointed by the Earl of Angus, by a deed of the same date, bailie of the Earl's lordships of Liddesdale, Eusdale, and Eskdale, for seventeen years.²

¹ Vol. ii. of this work, p. 71.

² *Ibid.* p. 72.

The terms of the contract of marriage show the importance which was attached by the great Earl of Angus to an alliance with the Buccleuch family. If the young Lord of Buccleuch should die before the celebration of the intended marriage with Lady Jane Douglas, it was carefully arranged that his brothers in succession should marry the lady, till a marriage was effected. It was also provided that if she should die, her sister, Lady Elizabeth, should take her place as the wife of the young Scott of Buccleuch.

Such arrangements on the part of the influential Earl of Angus, who had come into the place, position, and power of the former Earls of Douglas, show the position which the family of Scott of Buccleuch had acquired as large landed proprietors, and as influential barons on the Scottish Border.

During the wars in which his father and grandfather acted so prominent parts in the reign of King James the Second, this David Scott could only have been in childhood, and unable to take any part in these conflicts.

Before the unhappy civil war which occurred between King James the Third and his subjects, David Scott appears to have died. Although the exact date of his death has not been ascertained, it is certain that it occurred before the 21st May 1488, on which date his father, David Scott, obtained a Crown charter of the barony of Branxholm, in which Walter Scott is named as the nearest heir of David Scott, then of Buccleuch.

That Walter Scott was the only known son of the marriage of David Scott, younger, and Lady Jane Douglas. The young heir-apparent of Buccleuch, David Scott, had thus died before the occurrence of the fatal battle of Sauchieburn. His life being thus short and uneventful, there is very little known of his personal history, beyond the few facts regarding his marriage now recorded.

CHAPTER NINTH.

IX.—SIR WALTER SCOTT, KNIGHT, OF BUCCLEUCH, BRANX-
HOLM, AND KIRKURD, 1492-1504.

ELIZABETH KERR OF CESSFORD, HIS WIFE.

THIS Walter Scott was the only known issue of the marriage of David Scott, younger of Buccleuch, and Lady Jane Douglas, daughter of the Earl of Angus.

His father, David Scott, younger of Buccleuch, having predeceased his father, Sir Walter, on the death of David Scott, his grandfather, in March 1492, succeeded to him in the Buccleuch estates.

Like his father, this Lord of Buccleuch died while he was a young man, and he only possessed the estates for about twelve years. There does not appear to have been anything remarkable in his career. Neither the history of Scotland, nor of the Borders during that period, which is passed over slightly by our historians, affords much that is important or exciting. From the date of his father's marriage-contract in 1471, this Lord of Buccleuch could not have been more than thirty or thirty-two years of age at the time of his death in 1504.

Having possessed the Buccleuch estates for so short a period, and having died so young, there is little known of his personal history. The family papers afford only a few notices of him, and these may be noted here.

Sir Walter Scott of Branxholm, as one of the executors of David Scott, his grandfather, made an assignation, on 22d May 1492, at Peebles, in the hall of the mansion of Gilbert Williamson, to Robert Scott, of all the moveable goods belonging to David Scott, committing full power to Robert Scott

to dispose of them at pleasure ; and Robert Scott bound himself to pay all the debts contained in the testament of David Scott.¹

Sir Walter Scott was retoured heir of his grandfather, David Scott of Branxholm, at Jedburgh, 6th November 1492, in the half of the lands of Branxholm, and in the lands of Quhitechester, Lempatlaw, Eylrig, Rankilburn, Mylsintoun, in the barony of Branxholm and shire of Roxburgh, and in the lands of Kirkurd, in the shire of Peebles, annexed to the barony of Branxholm.

The retour bears that the half lands of Branxholm were then waste, and in time of peace were valued at twenty-four merks Scots yearly. The lands of Quhitechester, Lempatlaw, and Rankilburn, were also waste and in time of peace were valued at £20 each yearly. Those of Eylrig were also waste, and in time of peace were valued at £10 Scots yearly. The lands of Mylsinton were then waste, and in time of peace were valued at ten merks Scots yearly. Those of Kirkurd were valued at £20 Scots yearly, and the same in time of peace. All these lands were held of the king in chief by blench farm, and were in the hands of the king, as the lord-superior, by the death of David Scott of Branxholm, who died in the month of March preceding.²

All the lands specified in this retour, with the exception of Kirkurd, are said to be waste, and their value in time of peace only is given, which shows a sad state of the border lands in the shires of Roxburgh and Selkirk. It is clear that at this period, and previously, depredations had been committed on the lands of Buccleuch in these shires, though the real cause of so wide-spread desolation of such extensive lands does not appear in the history of the Borders. The two neighbouring nations of Scotland and England had been in conflict, and the adjacent lands had no doubt been despoiled.

Walter Scott of Branxholm was one of the inquest by which Alexander Erskine, on 11th April 1494, was retoured as heir to his father, Thomas Lord Erskine, in the lands of Syntoun and office of Sheriff of Selkirk. Various

¹ Vol. ii. of this work, p. 95.

² *Ibid.* pp. 95-97.

others of the family of Scott were on the same inquest, namely, Walter Scott of Hepe, Adam Scott of Herdmanstoun, Robert Scott of Hanyu (Haining), and James Scott of Hassinden.¹

Walter Scott of Buccleuch, as nevo (grandson) and heir of the deceased David Scott of Buccleuch, obtained, on 25th June 1494, a decret by the Lords of Council in his favour, in reference to the theft and plunder of his grandfather's property by certain depredators on the Borders. Simon Routlage in the Prowis, and Mathew Routlage, his son, and their complices, had taken from and despoiled David Scott and his tenants of five horses and mares, forty kye and oxen, forty sheep, household plenishing to the value of £40, two chalders of victual, 30 salt martis, 80 stones of cheese and butter, and two oxen. The depredators were summoned to appear before the Justice Air of Jedburgh, and William of Douglas of Hornyshole became surety for the satisfaction of the injured party. As to the avail of the spoliation and damage sustained by the burning of the place and manor of Buccleuch, as contained in the summons, the Lords assigned to Walter Scott the 11th day of October then next, to prove the avail of the goods, and the damage alleged to extend to 1000 merks, and that the party be warned to hear them sworn.²

These proceedings furnish a specimen of the lawless state of the Borders in the end of the fifteenth century. Extensive thefts and robberies were but too common, and these frequently gave rise to deadly encounters between the robbers and those whom they robbed, in attempting to save their property.

At the date of these proceedings in 1494, the manor-place of Buccleuch was occupied by the Knight of Buccleuch. It continued to be one of the principal residences of the family for many years afterwards. But their removal from Murthoekston to Branxholm gradually superseded the mansion of Buccleuch as the principal Border residence of the family.

The few notices of this Lord of Buccleuch which occur subsequently in the family writs relate chiefly to property transactions. His lands of

¹ Vol. ii. of this work, p. 97.

² Acta Dominorum Concilii, p. 338.

Grymslaw, in the shire of Roxburgh, were held of Patrick, Earl of Bothwell, as the feudal superior; and a precept from that Earl for infesting him in these lands is dated 5th October 1500.¹

On the 31st of the same month, upon a precept from King James the Fourth, he was infested as heir of his grandfather, David Scott of Branxholm, in the half of the lands of Branxholm, the lands of Ekfurd, the six-pound lands of Langtoun, in the barony of Branxholm and shire of Roxburgh. The king's precept required that security should be taken for 168 merks of the farms of the half lands of Branxholm, £140 of the farms of the lands of Ekfurd, and £42 of the farms of the lands of Langtoun, all which had been in the hands of the Crown for seven years by reason of ward.²

On 26th November 1500, Robert Scott of Allanhauch resigned into the hands of Walter Scott of Branxholm, as lord-superior, his husband lands of the town of Quhitchester, in the barony of Branxholm and shire of Roxburgh, to remain with Walter and his heirs in security of 100 merks Scots, due by Robert Scott to Alexander Cokburn of Ormiston Hall. A notarial instrument on this resignation was made in the Cemetery of the Collegiate Church of St. Giles, Edinburgh.³

The name of Sir Walter Scott of Buccleuch appears in connection with the marriage of King James the Fourth with the Princess Margaret, daughter of Henry the Seventh of England, which, after much negotiation, was concluded upon by the Commissioners of both kingdoms at the Royal Palace of Richmond, on 4th January 1502-3. He was a witness to the infestment of Queen Margaret in her jointure lands of the Forest under her marriage-contract, at the place of Galashiels, in June 1503. The queen was infested in these lands by John Murray of Fawlahill, Sheriff of Selkirk, at that time usurper of the office.⁴ It had been agreed upon by the Commissioners of both kingdoms that the Princess, before the 1st July 1503, should be infested in all the lands, castles, and other possessions usually held by the queen-

¹ Vol. ii. of this work, p. 102.

² *Ibid.* p. 103.

³ Vol. ii. of this work, p. 104.

⁴ Rymer's *Fœdera*, vol. xiii. pp. 73, 74.

dowagers of Scotland; and if these should be found insufficient to yield a yearly revenue of £2000 sterling, or £6000 Scots, King James should assign other lands to her to make up the deficiency.

Sir Walter Scott married Elizabeth Kerr, daughter of Walter Kerr of Cessford, widow of Philip Rutherford, son and heir-apparent of James Rutherford of that Ilk, by whom he had two sons, Sir Walter Scott, who succeeded him, and William Scott of Whitehope. This William Scott obtained a charter of the lands of Whitehope from James Douglas of Drumlanrig, on the 17th of July 1515. He appears to have died without issue within seven or eight years after that date, as his brother, Sir Walter, was heir to him in 1523.

Sir Walter Scott died before 15th April 1504, as appears from the precept of that date by Patrick, Earl of Bothwell, for infesting Walter Scott, as heir to his father Sir Walter Scott, in the lands of Roberthill, Mantorig, and Turnur.¹

Elizabeth Kerr survived her husband for the long period of forty-four years, that is till 19th October 1548, when she met a cruel fate in her residence, the tower of Catslack, in Yarrow, having been burned to death in the course of the persistent incursions by the English on the possessions of her son.²

¹ Vol. ii. of this work, p. 106.

² *Ibid.* p. 187.

CHAPTER TENTH.

X.—SIR WALTER SCOTT, KNIGHT, OF BUCCLEUCH.

SUCCEEDED IN 1504. KILLED BY THE KERRS IN 1552.

ELIZABETH CARMICHAEL (OF HYNDFORD), HIS FIRST WIFE.

JANET KERR (OF FERNIHIRST), HIS SECOND WIFE.

JANET BETOUN (OF CREICH), HIS THIRD WIFE.

SIR WALTER SCOTT succeeded his father, of the same name, on the death of the latter in the year 1504.¹ For nearly half a century this Knight of Buccleuch held the family estates, and being a man of an active, enterprising, and fearless character, he was engaged during that period in many perilous adventures. Satchells describes him as a man—

“That durst have shewn his face
“To him that was as stout as Hercules.”²

He led a body of his retainers at two great battles, Flodden and Pinkie, and on other occasions rendered important military services to his sovereign. He had the credit of being an inveterate enemy of England, and, as a border chieftain, he often made raids into that kingdom, as his own lands and tenants frequently suffered from the marauding incursions of the English borderers.

Although Sir Walter Scott possessed the Buccleuch estates for nearly fifty years, being the longest period of possession of any of the family previous to his time, he might have continued much longer in possession if

¹ Vol. ii. of this work, p. 106.

² History of the Name of Scot, p. 48.

he had been allowed to die a natural death. But after escaping the perils of several pitched battles and many minor conflicts, he met with a violent death at the hands of another great border race, the Kerrs of Cessford, ancestors of the Duke of Roxburghe, assisted by their kindred the Kerrs of Fernihirst, another great border house, the ancestors of the Marquis of Lothian.

Occupying for such a length of time so prominent a position as this Baron of Buccleuch did, it is remarkable that there is not preserved a single letter written by him, nor a single letter written to him. The entire loss of letters addressed to him may be accounted for by the flames kindled by the English invaders, under the Earl of Northumberland, in 1532, which consumed the Castle of Branxholm; and by the destruction of his property at a later date. The correspondence of this Sir Walter Scott being entirely wanting for instructing his personal history, it can only be obtained indirectly from the public correspondence of the period, in so far as it relates to him.

At the time of Sir Walter's succession to his father, he was in minority, and his affairs were managed by his kinsman, Walter Scott of Howpaslot, who was appointed to the office of tutor by his father, Sir Walter Scott of Buccleuch.

The first and greatest battle in which this bold Borderer was engaged, about nine years after his succession, was the fatal field of Flodden. He was probably knighted at that battle, as he thenceforth figures as a knight. The battle was fought on 9th September 1513. In August preceding, King James the Fourth, having resolved to support his ally, Louis the Twelfth of France, against King Henry the Eighth of England, summoned all who could bear arms to meet him at the Borough Muir, near Edinburgh. From the popularity of the king an army assembled, stated by the chroniclers to have been not less than 100,000 men. But in consequence of the imprudent delays of the king, and other circumstances, this numerous army gradually became reduced by desertions to about 30,000, which contained a disproportionate number of lords and gentlemen. This was the number which encountered the English army under the Earl of Surrey. After an obstinate

and sanguinary contest for three hours, the Scots were totally defeated, with the loss of their King, thirteen Earls, thirteen Lords, five eldest sons of Peers, about fifty gentlemen and chiefs of families, and of common soldiers about 10,000 men. The loss of the English, though they gained the victory, was also great.

Sir Walter Scott escaped the fate of so many of his countrymen on that fatal day. But the list of the slain included not a few of his clan, among whom was his kinsman, Sir Alexander Scott of Hassenden. Satchells, in enumerating the Scotts of Hassenden among the cadets of the House of Buccleuch, does not omit honourably to record the fall of this cadet at a battle which spread lamentation and mourning throughout the whole land of Scotland.

“ From the family of Buckeleuch,
 There has sprung many a man,
 Four hundred years ago ;
 Hassinden he was one,
 Descended of that line, and still he doth remain,
 And evident’s speaks truth, the same the truth proclaims
 Though chronicles be lost from many a family,
 These characters that remain the truth they let us see,
 Sir Alexander Scot of Hassinden was knight,
 With good King James the Fourth, he was killed at Flowdon fight.
 From Hassinden did spring before that time
 The families of Wall, Delorain, and Haining.”¹

King James the Fifth, who was born on 10th April 1512, was little more than a year old at the time of his father’s death. A long minority gave ample scope for State intrigue; and it was during this period that two factions, the French and the English, arose in Scotland, which continued to disturb the kingdom more or less till it was united with England under one monarch. About the 15th October 1513, a Parliament met at Perth; the coronation of the king was celebrated, and it was agreed that the Queen-

¹ History of the Name of Scot, p. 40.

Dowager, Margaret, should hold the reins of Government till the appointment of a Regent by a future Parliament. John, Duke of Albany (the son of Alexander, who was banished by his brother, King James the Third), who was next heir to the crown of Scotland, failing the offspring of his cousin, King James the Fourth, was invited to assume the regency. Albany arrived at Dumbarton 18th May 1515. At a Parliament assembled at Edinburgh on 12th July, after being restored to his honours and estates, he was invested with the regency, and proclaimed Protector and Governor of Scotland.

Sir Walter Scott supported the interests, and acquired the favour, of John, Duke of Albany, the Regent, by the importance of his services.

On 23d September 1516, the Regent promised, in his own name and in that of the king, to grant to Sir Walter Scott of Branxholm, for his good, true, and faithful service done to the king and the regent, and for the welfare of the realm, a new investment under the Great Seal, in the best form, whenever he pleased, in all his lands and heritages held immediately of the Crown, with creation and annexation thereof in baronies.¹

Owing, perhaps, to his minority, and the troubles consequent on the death of King James the Fourth at Flodden, several years elapsed before Sir Walter Scott was retoured as heir to his father in the family estates. At length, on the 27th of October 1517, Sir Walter was retoured heir to his father, Sir Walter, in the lands of Buccleuch, Rankilburn, the half of the lands of Branxholm, the whole lands of Quhitchester, Lempetlaw, Elryg, all which are then said to be waste and their values in time of peace given; in the six husband lands of Grimislaw called Porter's Lands, the lands of Heefurd, the six pound lands of Langtoun, in the eight husband lands in Grimislaw, in the shire of Roxburgh, and in the barony of Branxholm by annexation, which are not said to be waste, but their respective values then and in time of peace are given as the same. All these lands were held in chief of the king, except the eight husband lands of Grimislaw, which were held of Patrick, Earl of Bothwell; and they had been in the hands of the

¹ Vol. ii. of this work, p. 131.

lord-superior for fourteen years through the decease of Sir Walter Scott of Branxholm,—his heir, Sir Walter Scott, Knight, not having prosecuted his right during these years.¹

In those semi-barbarous times, when deeds of violence and spoliation were common, it was important for religious houses to be protected by a strong hand, and it was customary for the heads of these establishments to intrust the administration of their lands and baronies to a powerful feudal neighbouring chieftain. In this way also they were saved from being brought into direct collision with their vassals and others in the territories which belonged to them.

Sir Walter Scott of Buccleuch was resident in the neighbourhood of several of the lands belonging to the abbot and convent of Melrose, and from the number of retainers and others whom he could bring into the field, he was enabled to afford personal protection to that abbey from the inroads of the English, or the English borderers, to which it was particularly liable. He had, besides, rendered to it at different times important services. In consideration of the services then rendered by him, which are described as “divers diligent labours and travails which he and his kin and friends had undergone for the good of the abbey,” he was appointed by Robert, the abbot, and the convent of Melrose, on 20th December 1519, bailie of all the abbey lands called Melrose lands, except Kylesmure and their lands in Carrick and Nithsdale, for nineteen years, with all the powers and privileges belonging to that office.²

The management of the abbey lands was thus delegated to a powerful baron. But the abbot was careful to protect the tenants, and to secure good government on the part of the depute. By an obligation of the same date, Sir Walter Scott became bound to the abbot and convent not to attempt to usurp or to set any lands belonging to the abbey, and not to eject or put in any tenant or servant in their lands without the special command of the abbot and convent, nor to raise or use any new custom or service upon their tenants, except such as former bailies had done, nor take, waste, nor

¹ Vol. ii. of this work, pp. 131-133.

² *Ibid.* p. 133.

destroy the woods of the abbot and convent, nor fish in their waters without special licence, etc.¹

The office of bailie of Melrose was soon after made hereditary in Sir Walter Scott, and the farms of the abbey's lands of Northhouse and Thirstane were granted for the fee of the office.² The appointment was confirmed by Lawrence, Bishop of Preneste, by a charter given at St. Peter's at Rome, under the seal of the office of the Penitentiary, 17th May 1525. The Officials in the dioceses are thereby charged not to permit Sir Walter Scott to be molested by any persons, whether ecclesiastics or laymen, in the enjoyment of his office.³

After the death of King James the Fourth, Margaret, the Queen-Dowager, was, by the Parliament which met in July 1514, temporarily invested with the regency. But by her sudden and imprudent marriage with the Earl of Angus she forfeited her office of Regent in terms of the will of the late king, and by the law of the kingdom. Her power in the State was thus greatly weakened, though the course of events and her constant intrigues contributed to restore her to power.

Sir Walter Scott of Buccleuch, who was a supporter of the Duke of Albany and the French faction, became involved in a dispute with the Queen-Dowager in connection with the lands in Ettrick Forest, which were settled on her as a jointure. He was charged with retaining part of her dower arising from this source. The Earl of Arran, in a letter to Dacre, dated 18th October 1524, writes that the Queen-Dowager's influence had been so small that Scott of Buccleuch had long retained part of her dower, worth 4000 merks a year. For this reason, after she had gained the ascendancy over her infant son, she committed Sir Walter Scott and Kerr of Cessford prisoners to Edinburgh Castle. But both of them were too powerful for the Government to keep them long in prison.⁴

¹ Vol. ii. of this work, p. 135.

² *Ibid.* p. 142.

³ *Ibid.* p. 143.

⁴ Rymer's *Fœdera*, tom. xiii. p. 63.
Chalmers' *Caledonia*, vol. ii. pp. 985, 986.

Queen Margaret, in a letter to the Duke of Norfolk, dated 11th October [1524],¹ while informing him of her having imprisoned the Laird of Buccleuch, gives as the reason that he and Ker of Cessford, from the feud that existed between them, were the principal cause of the disorder and disorganisation that prevailed on the borders. Buccleuch she represented as being specially to blame, and as notorious for the encouragement he gave to thieves who plundered the English borders. After referring to the obstruction to good rule upon the borders, through the inveterate feud between the Laird of Cessford and the Laird of Buccleuch, and the slaughter in consequence, she adds :—

“Wherefore I thought best to put them both in the Castle of Edinburgh, until that they find a way how the borders may be well ruled, seeing it is in their hands to do and they will, and not to let them break the borders for their evil will among themselves. And herein I pray you send me your mind, my Lord, as ye think best that I do ; for I assure you that thir men may do great evil, and specially the Laird of Buccleuch ; and that for my part I have found, for he hath holden from me 4000 merks yearly, since the field which is my conjunct infestment. . . . Since that the Laird of Cessford and the Laird of Buccleuch was put in the Castle of Edinburgh, the Earl of Lennox hath past his way without license, and in despite, and thinketh to make the break that he may, and to solicit other Lords to take his part ; for the said Laird of Buccleuch was his man, and did the greatest evils that might be done, and took part plainly with thieves, as is well known.”²

Norfolk, in a letter to Wolsey, dated 14th September [1524], says :—

“I shall write to her [Queen Margaret] as pleasantly as I can, so as I have done at all times, as will appear by the copies of my letters, and shall advise her eftsones to keep the king her son at Edinburgh, and if she can by any good means, her honour saved, reconcile the Earl of Lennox ; and to detain the Lord of Buccleuch and the Lord of Cessford, unto the time she may have sure pledges of them for observing of justice upon the borders.”³

¹ The date of the month is probably a mistake, it being evident from Norfolk's letter of the 4th of September that this is the queen's letter which he received on that day.

² State Papers, Henry VIII., part iv. pp. 129, 130, 133.

³ *Ibid.* p. 136.

Norfolk was quite as ready to "break the borders" as Buccleuch, and much of the disturbance of that time was due to King Henry's policy of inciting the English borderers to make inroads into Scotland. In the previous year a raid was made into Scotland from all parts of the Marches, Norfolk promising the king to "lett slippe secretlie them of Tindaill and Riddisaill for th' annoyance of Scotlande—God sende them all goode spede!" The Earl of Surrey, in a letter to Wolsey, describes the result, "that Sir Rauf Fenwyke on hys quarter and Sir William Heron on hys quarter have made two very good roodes, and have gotten much insight gear, catall, horse, and prisoners, and here returned without los."¹ The retaliation by Buccleuch was not undeserved.

Soon after, Buccleuch effected his escape from the Castle of Edinburgh. Norfolk, in a letter to Wolsey, dated Newcastle, 16th October [1524], in mentioning this fact, speaks of him in such a manner as to show that his power as a chieftain was so great in Liddesdale, that he would be a formidable opponent even to the Government should it there appear against him. "And now the Lord of Buccleuch being escaped, I believe the said Earl of Arran (whom Norfolk describes as 'the light unwise Earl of Arran') shall not dare come in Lydersdale; and my Lord Dacre is of like opinion, as your Grace may perceive by his letter sent to me."²

In the year 1524, Queen Margaret, almost immediately after the departure of the Duke of Albany, the Regent, for France, obtained an Act of Council, declaring that the King, though only ten years of age, had assumed the administration of public affairs. Her object was that the supreme power in the State should be in her own hands. But she again weakened her power in the State by her love intrigues. Having become alienated from the Earl of Angus, from whom she desired to be divorced, she fell in love with Henry Stewart, second son of Andrew, third Lord Avandale, whom she appointed Treasurer in 1524, and married in the following year, after

¹ Charlton's North Tyndale, p. 4.

² State Papers, Henry VIII., part iv. p. 183.

obtaining a divorce from the Earl of Angus. The queen was nearly as fickle with her husbands as her brother, King Henry the Eighth, with his wives. She thus alienated from her many of the nobility, among whom was the Earl of Lennox, who now joined with the Earl of Angus, though Angus was the head of the English faction in Scotland. Lennox was besides deeply indignant at her imprisonment of Sir Walter Scott of Buccleuch, his friend and ally.

Sir Walter Scott was closely associated with the Earls of Angus and Lennox in opposition to Queen Margaret and the party by which she was supported. Shortly after his escape from the Castle of Edinburgh, he and these Earls, with the Master of Kilmaurs and other gentlemen, "upon Wednesday last," says Magnus in a letter to Wolsey, dated 26th November [1524], "about four o'clock in the morning, came suddenly over the walls of Edinburgh, opened the gates, and entered with 400 men." They caused proclamation to be made at the Cross near the Church of Saint Giles that they had come as the king's faithful subjects to serve him, intending to do hurt or displeasure to no one, and commanded that all their company should pay well and punctually for everything that they took. The two Earls then appeared before the Lords of Council, and complained that sundry commands, which proceeded from such as were hostile to them, had been given to them by the king upon pain of treason, contrary to their deserts, and stated that the cause of their coming was to declare their minds to the Lords of Council without doing any further displeasure to any person. The Council appointed two of their number, the Bishop of Aberdeen and the Abbot of Cambuskenneth, to visit the queen at the Abbey; and at the request of the Lords, Magnus, the English ambassador at the Court of Scotland, and other Englishmen of the embassy, accompanied them. They were not favourably received. The Earls of Angus and Lennox continued in the town till four o'clock in the afternoon, when at the king's command they left it and proceeded to Dalkeith. Immediately after their departure, the queen with the young king, her son, went in the evening by torch-light from the Abbey to the Castle, where she continued.¹

¹ State Papers, Henry VIII., vol. iv. pp. 256-258.

Although Sir Walter Scott was now associated with the Earl of Angus, the head of the English faction in Scotland, he did not take this position from any friendly feeling towards England, but solely in reference to the state of parties otherwise in Scotland. His former hostile feeling towards the English was not considered by the Government to be in the least abated. That this was the case, is shown by a letter from Magnus to Wolsey, dated at Edinburgh, 24th January [1524-5], advising that if the king or Wolsey directed to Scotland any letters relating to unity and concord between the two kingdoms, care should be taken at their coming towards the borders, and especially within Scotland, for getting them safely conveyed. "For," says he, "I have warning from the good Priors of Coldstream that watch would be laid for taking of the post with our letters coming or going. I know not by whose occasion: I suspect, and so do others, the Lord of Buccleuch, who hath no favour to England, as I am informed. I purpose to send forth feigned letters, to the intent the matter may be proved."¹

Towards the end of the year 1524 and the beginning of the year 1525, great differences existed between Queen Margaret and several of the Lords relating to the preservation of the king's person, his education and good government in his tender years, the rule and due administration of justice, and the establishment of peace between Scotland and England. Parties at this time may be stated thus:—On the side of the queen were the Earls of Arran, Moray, Eglinton, and Cassillis. Opposed to the queen were James Betoun, Archbishop of St. Andrews, Gavin, Bishop of Aberdeen, John, Prior of St. Andrews, and other Bishops; the Earls of Angus, Lennox, Argyll; Sir Walter Scott of Buccleuch, and other Barons. Against these Lords and Barons the Council issued a proclamation, stating that the king, with the advice of the Parliament, had assumed the government, and that the keeping of his person until his perfect age was committed to the queen. It further states that the king had written letters to James, Archbishop of St. Andrews, Gavin, Bishop of Aberdeen, and John, Prior of St. Andrews,

¹ State Papers, Henry VIII., vol. iv. p. 304.

desiring them to come to him to the town of Edinburgh to give their best advice to him and his mother, and the Lords of Council, on sundry weighty matters, but that the Bishops and Prior had contemptuously disobeyed these letters. It further states that they had made attempts against his Majesty's estate and authority in holding treasonable meetings in St. Andrews and other places, with Archibald, Earl of Angus, John, Earl of Lennox, Walter Scott of Branxholm, knight, and others, and had lately drawn to their perverse and treasonable opinion Colin, Earl of Argyll, with divers other great men, tending to the utter destruction of the royal estate and authority, and to the usurping thereof to themselves and their complices. It therefore commands his Majesty's sheriff of Edinburgh and his deputies, and his Majesty's sheriffs in other parts, to charge, by open proclamation, his Majesty's lieges that none of them ride or go in manner of convocation or gathering in company with the Bishops and Prior, or any of them, nor to convene with them or any of them at meetings, nor with Colin, Earl of Argyll, as long as he remains in the corrupt, perverse, and treasonable opinion of the Bishops and Prior, under the pain of losing life, lands, and goods.¹

The Lords opposed to Queen Margaret convened at Stirling on 6th February 1524-5, and many messages passed between the queen and them for putting an end to their differences. The queen would have had the Lords who professed to be of her party to repress the other party by force, but this they declined to do. The Earls of Arran, Moray, Eglinton, and Cassillis, the Lord Maxwell, Dan Carre of Cessford, and Mark Carr,² went into the castle to the king and queen, each of them taking one or two servants at the most. The city gates were then opened by the authorities, and soon after midnight the Earls of Angus and Lennox entered into Edinburgh with 600 or 700 men.

The Earl of Angus having been made Warden of the East and Middle Marches of Scotland, Sir Walter Scott of Buccleuch was not less prompt than

¹ State Papers, Henry VIII., vol. iv. pp. 315, 316.

² Magnus, in a letter to Wolsey, dated at Edinburgh, 22d February 1524-5, refers to

the great variance of Mark and Dan Carre, Lord of Cessford, with the Lord of Buccleuch, their near kinsman. (State Papers, Henry VIII., vol. iv. p. 330.)

the Border chiefs of other families of rank or distinction in offering to the Earl his service. Magnus, in a letter to Wolsey, dated at Edinburgh, the last day of March 1525-6, after stating the Earl's appointment to be warden, says:—"Here have been before my Lord Chancellor and the said Earl, the Lord Hooome, the Lord of Buccleuch, all the Carres, and other landed and hedesmen of the said Marches, and are bounden for themselves, their servants and tenants, to keep good rule upon the Borders, as well within England as Scotland, and to attend upon the said Earl when he shall call upon them."¹

The Scotts who compeared before the Lords were represented by Walter Scott of Buccleuch, Walter Scott of Synton, Robert Scott of Allanhauch, Adam Scott in Tushilaw, and Robert Scott, Tutor of Howpaslot. They bound themselves to assist the Earl of Angus "for the forthputting of all Liddisdale menne, Eskdale and Ewisdale, their wives and bairns, now dwelling within the bounds of Tevidale, Ettrick Forest, and bounds adjacent thereto, and hold them furth of the same in time to come."²

The inhabitants of Liddesdale, Eskdale, Ewisdale, and the debateable land, of whom the Armstrongs were the most powerful, were an ever-recurring source of trouble to the Borders on both sides. On the English side the Tyndale and Redesdale men were the most intractable. In the years 1524 and 1525 the arm of the church was had recourse to, on both sides of the Border; and the Archbishop of Glasgow and the Bishop of Durliam almost simultaneously launched the terrors of excommunication, chiefly against Liddesdale and Tyndale, and laid their churches under interdict. The borderers gave no heed to the cursing, and William Frankelyn, writing to Wolsey in 1524, informs the Cardinal that all the churches of Tyndale had been interdicted "which the thieves there temerariouly disobeyed, and caused a Scots frere (friar), the sayd interdiction notwithstanding, to mynistrer them theyre communion of his faeion; and one Ector Charlton, one of there capeteynes, resaved the parsons dewties and served them all of wyne."³

¹ State Papers, Henry VIII., vol. iv. p. 353.

² Pitcairn's Criminal Trials, vol. i. pp.

³ Charlton's North Tyndale, p. 5.

The clans who inhabited these districts were strengthened by a number of "broken men," nominally Scots or English, but frequently changing sides as they found it to their interest, and were as troublesome to their friends as to their enemies. Sometimes they coalesced, and on one occasion several of the Armstrongs, together with Tyndale men, having been committed to ward in the castle of Newcastle, Sir William Lisle, assisted by the Armstrongs, rode to Newcastle, broke open the prison, and set free their friends. Lisle sought refuge on the Scottish side of the Border, and collecting together the broken men of both countries, assumed a kind of leadership, and was for a considerable time a source of much trouble to the wardens on both sides. He was eventually so hard pressed that the Earl of Northumberland reports to Wolsey that in his way "coming from the High Mass there came William Lisle, Humphrey Lisle, William Charlton, and their adherents, in all the number of eighteen persons, in their linnen clothes, and halters about their necks, kneeling upon their knees, in very humble and lowly manner submitted themselves to the king's highness mercy." Lisle and his accomplices were afterwards executed, with the exception of his son Humphrey, who emitted a long confession, with a formidable list of the crimes committed by the band.¹ The Earl of Northumberland, in a letter to Wolsey, states that "Nich Lysle confessed at his death that they were supported by Angus, Bothwell, and Maxwell." Angus, on the other hand, asserts in letters to Henry the Eighth and Wolsey, that he did his utmost to deprive the Lisles of all support in Scotland, otherwise they might have avoided subjection to Henry's officers.²

Complaints by the English wardens of the wardenship of Angus were not uncommon; of his refusal to give redress, and of his being ruled only by Mark Ker and the Lord of Buccleuch, who were notorious enemies of the English. Magnus, who communicated this information to the Chancellor of Scotland, begs that the truce may be kept as it was before the wardenship of Angus, since whose time many a poor man had been ruined.³

¹ State Papers, Foreign and Domestic, Henry VIII., vol. iv. part II. p. 1470, etc.

² *Ibid.* pp. 1743, 1813, 1817.

³ Letter, dated Berwick, 11th February [1526], in Letters and Papers, Foreign and Domestic, in the reign of Henry VIII., vol. iv. p. 889.

In the Parliament of July 1525, a Council was chosen to attend the king and to govern the realm, consisting of the Archbishops of St. Andrews and Glasgow, the Bishops of Aberdeen and Dunblane, the Earls of Angus, Arran, Argyll, and Lennox. The queen was to be constant president of the Council. These Lords were to be in attendance on the king by rotation; and in January 1525-6, when it was the duty of the Earl of Arran to attend the king, Buccleuch, with a large body of men, consisting chiefly of Scotts, Kerrs, Turnbulls, and others, was concerned in an attempt against that Earl, who was firmly attached to the cause of Queen Margaret.

For this attempt, letters of pardon, dated at Edinburgh, 9th May 1526, were granted by King James the Fifth under the Privy Seal, with advice of his Lords of Council, in favour of Sir Walter Scott of Branxholm, Knight, and more than one hundred and fifty others. Pardon is granted for their treasonable art and part of the convocation of the king's lieges, and coming "in feir of weir" in company with George, Lord Home, David Home of Wedderburn, and other rebels to Edinburgh, and thence to Stirling, against James, Earl of Arran, then his Majesty's lieutenant; and for all other crimes whatsoever committed by them in time past, the crime of treason against his Majesty's own person being alone excepted. The letters were to continue in full force for nineteen years.¹

In July 1525, a serious breach of the peace in the town of Edinburgh was committed by Sir Walter Scott, in company with William, Master of Glencairn, Ninian Crichtoun of Ballibucht, and John Dunbar of Mochrum. But in consideration of the good and thankful service done and to be done by them to the king and the Government, they obtained letters of remission, dated 20th July 1525, from the Council, for the breach of the peace and crime committed by them. These letters were, however, granted to them upon condition that they should come to the granters and offer to submit themselves to punishment in order to repress murmurs among the people and

¹ Vol. ii. of this work. p. 145.

among strangers, and for "stanching" the common woes of the realm. They were to be put to no further punishment, except that they were to pass to the places of Craigmillar, Niddry, Edmonstoun, Restahrig, or Brunstoun, where they were to remain not as prisoners, nor were the lairds of these places to receive them in that manner, but for silencing the murmurs of the people, and to show that they obeyed the Lords.¹

Sir Walter Scott again appears as the opponent of the Earl of Angus: so quickly do we find the actors on the stage in those times changing sides. In the year 1526, King James went to Jedburgh to hold a Justiciary Court. The court having met, many complaints of reiff, slaughter, and oppression were made. It is alleged that so corrupt was the administration of justice, that without bribes little justice could be obtained, and that many of the kin, friends, and servants of the Earl of Angus, who, with the rest of the Douglasses, ruled as they pleased, had sentences unjustly passed in their favour, to the dissatisfaction of the King and the other Lords, who desired justice to be impartially administered. Inpatient of their assumption and arbitrary exercise of power, the king, by a secret letter, written with his own hand, to Sir Walter Scott, besought him to come with his kin and friends and all the forces he could muster, to Melrose, in order to intercept his Majesty returning to Edinburgh, and emancipate him from the power of the Douglasses. This letter the king sent secretly by one of his own servants. Delighted in being honoured with such a commission from his sovereign, and intent upon its execution, Sir Walter Scott assembled all his kin and friends, and whomsoever he could prevail upon to join him, to the number of six hundred spears of Liddesdale and Annandale, and rode with them to Melrose, where the king was to spend the night on his way to Edinburgh.

Soon after Lord Home, the Lairds of Cessford and Fernihirst, had taken leave of the king, Buccleuch with his company appeared in sight in battle array, and boldly advanced to attempt the liberation of the king from the control of Angus. But the latter and his friends, on discovering that it was

¹ Vol. ii. of this work, p. 145.

Buccleuch and his followers, advanced to fight them. "Sir," said the Earl of Angus to the king, "yon is Buccleuch, and thieves of Annandale with him, to unbeset your grace from the gate. I avow to God they shall either fight or flee; and ye shall tarry here on this knowe, and my brother George with you, with any other company you please; and I shall pass you thieves off the ground, and red the gate unto your grace, or else die for it." The king, as desired, remained where he was, attended by George Douglas, the Earl of Lennox, Lord Erskine, and other lords. But all the others marched with the Earl of Angus against Buccleuch, who encountered them in a field near Melrose. The victory at first was uncertain, but Lord Home having heard how matters stood, returned with haste to the king, accompanied with the Lairds of Cessford and Fernihirst, with four-score spears, and made so vigorous an attack on the lap and wing of Buccleuch's men, that Buccleuch and his friends were repulsed and fled. They were furiously pursued, especially by the Lairds of Fernihirst and Cessford; but when, at the foot of a path, the Laird of Cessford was slain by the stroke of a spear, by one Eliot, a servant to Buccleuch, the pursuit ceased. Buccleuch lost eighty of his men. This conflict took place on 25th July 1526, at Darwick, on the Tweed, at the bridge above Melrose.¹

This exploit of the Lord of Buccleuch was celebrated in Latin verse by a contemporary writer, Mr. John Johnston, a colleague of Andrew Melville, and Professor in the University of St. Andrews, in his "*Heroes ex omni Historia Scotica lectissimi.*"²

¹ Tradition has preserved several names, taken from the different incidents of the fight, as the Charge-Law, where Buccleuch drew up his men for the onset; the Skirmish Hill, where the battle was fought; and Turnagain, a small eminence where the beaten party rallied, and where Sir Andrew Kerr of Cessford fell as he headed the pursuit.

(*Border Antiquities*, by Sir Walter Scott, vol. ii. Appendix No. II., p. xiv.)

² Printed in 1603. Johnston is the author of a number of other works, now all of considerable rarity. He was held in high esteem by the most eminent of his contemporaries, not only for his literary attainments, but for his honourable character.

“VALTERIUS SCOTUS BALCLUCHIUS

Egregio suscepto facinore libertate Regis, ac aliis rebus gestis clarus, sub
JACOBO V. Anno Christi 1526.”

“Intentata aliis nullique audita priorum
Audet, nec pavidum morsve, metusve quatit,
Libertatem aliis soliti transcribere Reges ;
Subreptam hanc Regi restituisse paras,
Si vincis, quanta O succedunt prœmia dextræ !
Sin victus, falsas spes jace, pone animam.
Hostica vis nocuit : stant altæ robora mentis
Atque decus. Vincet, Rege probante, fides.
Insita queis animis virtus, quosque acrior ardor
Obsidet, obscuris nox premat an tenebris !”

Which may be thus translated :—

WALTER SCOTT OF BUCCLEUCH

Distinguished for his famous enterprise to set the King at liberty, and other
exploits. A.D. 1526.

He dares do that which ev'n his ancestors,
So brave and fearless, would have shunned. Unknowu
To him is fear. On death he looks with calm
Untroubled eye. For when the king hath lost
The freedom 'twas his wont to give, thou art
With ardour keen and ready hand prepar'd
To give thy life that so he may be free.
And if thou conquerest, O ! how great reward.
But if o'erwhelming force shall master thee,
And if thy noble life be sacrificed,
The strength and honour of thy lofty mind
Remain unharm'd. For, those whose souls are fill'd
With courage and with honour, can the gloom
Of darkness ne'er o'erwhelm.

The unhappy slaughter of Cessford, which occurred in this conflict, caused
a standing feud between the Scotts and Kerrs, which, after being continued

for many years, ultimately culminated in the cruel retaliating slaughter of Buccleuch by the Kerrs, in the manner related in the sequel of this Memoir.

The Earl of Angus returned exultant at the victory, and proceeded with the king to Melrose, where they remained all night. On the morning of the following day he set out for Edinburgh with the king, who was much depressed at the slaughter of Cessford, and of many other gentlemen and yeomen who were slain by Buccleuch, to the number of nearly a hundred, fighting in defence of their sovereign, and through the private letter which he had written to Buccleuch.¹ For this enterprise a summons of treason was raised against Buccleuch and others by the Earl of Angus. But he was ultimately acquitted, as afterwards shown.

The defeat of Buccleuch near Melrose was followed by a more powerful but unsuccessful effort, made by the Earl of Lennox, to accomplish the same object. Having raised an army of 12,000 men, he set out from Stirling and marched towards Edinburgh to liberate the king. Undaunted by his former defeat and the proceedings against him for treason, and knowing the real desire of the king to be liberated from Angus, Buccleuch, with many of his followers who had escaped at Melrose, joined with Lennox. At the river Avon, about a mile to the west of the town of Lullithgow, Lennox was encountered, 4th September 1526, by the troops of his uncle, the Earl of Arran, which were supported by a body of men led by Angus. Lennox was completely routed, with considerable loss, and he himself was among the slain.²

Friendly relations between Buccleuch and Angus must now be understood as having terminated. Buccleuch had shown himself abundantly earnest and energetic on behalf of the emancipation of his sovereign, but he had incurred by these two attempts the deep resentment of Angus.

By the Parliament held at Edinburgh, 12th November 1526, Buccleuch was more graciously dealt with than some others. Sir Christopher Daere, writing to Lord Daere on 2d December 1526, enumerates the lands which

¹ Lindsay of Pittscottie's *History of Scot-land*, edit. Edin. 1778, pp. 209-212.

² *The Lennox*, by William Fraser, vol. i. p. 359.

had been forfeited after the defeat of Lennox, and states that "The Laird of Buccleuch has a respect and not forfeited, and will get his peace, and was at Linlithgow, both Sunday, Monday, and Tuesday last, which is great displeasure to the Carres."¹

Yet so long as the Earl of Angus had power, Buccleuch had in him an enemy of whom he had good reason to be afraid. Notwithstanding the respect of the king which Buccleuch possessed, he was compelled to leave the kingdom and remove to France. He was required to find cautioners, binding themselves under a penalty of £10,000 Scots, that he would not return to Scotland without the king's licence.²

Meanwhile the friends of Sir Walter were indefatigable in their endeavours to obtain a pardon for him for his attempts in favour of the king, and permission for him to return from France, where he had taken shelter from the vengeance of Angus. Nor did the king forget the well-intended, though ineffectual, efforts of Sir Walter to liberate him from the thralldom of the Douglasses. His anxiety to shield Buccleuch from any evil consequences resulting from the unsuccessful attempt at Melrose is shown by the letters of respite, continuing the calling of the summons of treason from time to time. The letters contain a protection, under the king's signature, to Buccleuch and his friends, forbidding any one, under penalty of treason, to molest them.³ This course of proceeding continued until the 3d December 1527, when a remission was granted by King James, with advice of the Lords of his Council, to Sir Walter Scott of Braunholm, and others, for their treasonable art and part "of arraying of fields and battles at Melrose, and beside Linlithgow," against the authority of the king, who was there personally present with his banner displayed, and for all other offences committed by them in time past.⁴

In the same year the king appointed Sir Walter principal "copper," or cupbearer, with all the fees and duties pertaining to the office, and power to

¹ State Papers, Henry VIII., vol. iv. p. 461.

² Buccleuch Charter-room.

³ Vol. ii. of this work, p. 150.

⁴ Vol. ii. of this work, p. 149.

appoint deputies. The letter of appointment states that for "certane resonable caussis" he could not at that time enter on his duties.¹ The king was anxious to befriend him, but could not openly employ him near his person so long as Angus remained in power.

A pardon by the king passed the Great Seal on the 10th of February following, in favour of Sir Walter, for all crimes prior to that date, and granting permission to him to return out of his hiding in France. His cautioners were also thereby exonerated of the sum of £10,000 Scots, for which they stood enacted in the Books of Council.²

The autumn of the previous year was marked by the termination of a feud which had existed between Sir Walter Scott and James Murray of Falahill, and which, like similar feuds, had produced spoliation and slaughter. On 14th October 1527, a contract of agreement was made between Sir Walter Scott and James Murray of Falahill, whereby the former agreed to pay 500 merks Scots to the latter for slaughter and spoliation of the Hangandschaw; and James Murray agreed to give up all apprising of the lands of Kirkurd, and to deliver the charter and sasine to Sir Walter Scott immediately after security was found for payment. Both parties also agreed to take part in each other's honest, good, and lawful quarrels.³ Again, on 2d August 1528, James Murray of Falahill bound himself to deliver to Sir Walter Scott all charters and other writs made to him of the apprising of the lands of Kirkurd, and to resign into the king's hands, in favour of Sir Walter, the whole of the lands, within forty days, under a penalty of 500 merks Scots.⁴

The tight grasp which Angus held of the king, which defied Lennox and Buccleuch, was at length to be broken. When in his seventeenth year, King James escaped from Falkland Palace to Stirling Castle, on 23d May 1528, and thus liberated himself from the power of the Douglases.

The first act of the king on reaching Stirling was to summon the Council, and to issue a proclamation forbidding any Lord or follower of the house of

¹ Buccleuch Charter-room.

² Vol. ii. of this work, p. 150.

³ Vol. ii. of this work, p. 148.

⁴ *Ibid.* p. 152.

Douglas to approach within six miles of the Court, under pain of treason. The Council was attended by the Earls of Arran,¹ Argyll, Eglinton, and Murray, with the Lords Evandale, Sinclair, Maxwell, and Montgomerie. Angus himself, and George Douglas, his brother, on learning the flight of the king, hastened to Stirling with a few followers. They had not proceeded far on their way when they were met by a herald, who read to them the Act which prohibited their approach to Court under the pain of treason. They hesitated for a moment, but convinced of the danger of their position, that if they advanced they would be guilty of treason, and their lives and estates be at the mercy of the Crown, and impressed with such penalties bristling before them, they turned and rode back to Linlithgow.

The power of Angus having been overthrown, a formidable opponent, not only to the full and effective pardon of Sir Walter Scott of Buccleuch, but to his ample vindication for his attempt at Melrose to rescue the king, was removed. On 6th July [1528], a declaration was made by King James, bearing that Sir Walter Scott of Buccleuch, in appearing at the head of his followers at Melrose, had only followed the instructions of the king and the Earls of Angus, Lennox, and other Lords, who had commanded him and others to muster their followers.²

Buccleuch was not only pardoned by the king, but he was made one of his chief advisers in opposition to the Earl of Angus, who was then in England. The opinion formed by the Government of King Henry the Eighth of Buccleuch, as a counsellor of King James, may be seen in a letter from Thomas Magnus and others, to Cardinal Wolsey, dated 14th November [1528]. These English Statesmen, in obedience to letters from King Henry and Cardinal Wolsey, interposed on behalf of the Earl of Angus, at their meeting at Berwick with the Commissioners of Scotland. The Scottish Commissioners informed them that no part of their commission had any reference whatever to that Earl; but knowing some part of their master's counsel, they

¹ On 23th July 1528, a bond of maurent was executed between Buccleuch and Arran. (Original at Hamilton.)

² Vol. ii. of this work, p. 151.

expressed their surprise that the king of England should so largely labour on behalf of, and so greatly favour, that person whom their master reputed as his rebel. Henry's ambassadors expressed their opinion that it was right for them thus to mediate on behalf of the Earl, considering that if the King of Scots in his youth should so vigorously persecute the nobles of his realm, for no higher cause than yet appeared, it would tend to his own destruction. "Considering," adds Magnus, "he is totally and at the least much more ruled and advised by thieves and murderers than by the noblemen of his realm. And at this point we remembered some of the said young king's counsellors, that is, to wit, Sir James Hamilton, who did slay the Earl of Lennox; the Sheriff of Ayr, who also did slay the Earl of Cassillis; the Lord of Buccleuch, who was cause of the death of Dan Carre, Warden of the East Marches of Scotland; and the Lord Maxwell, chief maintainer of all offenders, murderers, thieves, and others, daily procuring and seeking ways and occasions to the breach and rupture of the peace between both the realms; by means of which misruled persons, and of Harry Stewart, now married to the Queen of Scots, the Earl of Angus is attainted, as consequently, by all likelihood, shall be other noblemen of Scotland, for want of good counsellors about the young king, to his own no little danger, jeopardy, and peril."¹

Lord Daere, in a letter to Wolsey, dated 18th July 1528, similarly writes:—"The king is ruled and advised by the queen, Henry Stew[art], now her husband, the Lord Maxwell, and the Laird of Buccleuch, chief maintainers of all misguided men on the borders of Scotland, together with the Sheriff of Ayr, that slew the Earl of Cassilis, and now bedfellow to the said king, with such like other murderers and misguided persons, which are now best cherished and [most] in favour with the king and queen. I see no likelihood or appearance [of] any stay or good order to be had within Scotland for the causes aforesaid."²

The Parliament held at Edinburgh, 5th September 1528, as well as the king, absolved Buccleuch from the charge of treason imputed to him for his

¹ State Papers, Henry VIII., vol. iv. pp. 523-526.

² *Ibid.* p. 502.

action at Melrose. In the Act it is declared that the accusation and crime imputed to him through his convocation and gathering made at Melrose that he came against his Grace was not true, and that he and his people came there at that time by his Majesty's special command, and at the command of Archibald, Earl of Angus, John, Earl of Lennox, and other Lords who were with his Majesty at Jedburgh at the time, to do him service, and for no other cause, and that therefore he was innocent of the crimes imputed to him, and of the summons of treason raised against him, and all points contained therein.¹ This Act was ratified by King James, 24th May 1529.²

Justice was thus rendered to Buccleuch by his sovereign. The tables were turned upon Angus, and his fate became that which he had endeavoured to inflict on Buccleuch. Whilst the latter was absolved from treason in his proceedings against Angus, the fate of the Earl himself was very different. He was attainted upon seven articles, two of the chief being that he had confederated with England, and had kept the king two years against his will and the laws of Scotland. He was attainted not by the assent of the whole Parliament, as was the custom, but by one Archbishop, four Bishops, one Prior, four Earls, and one Baron, and other great Lords,³ specially chosen by the king, and they gave verdict and forfeiture against him.⁴

Angus retreated to Coldingham, on the borders of his estates, in the Merse, and there he indited letters to Cardinal Wolsey and others having influence with the King of England, soliciting the king's protection to him. The letters of Angus assume his innocence, and he describes the proceedings against him as oppressive and cruel even to the death. He does not spare Buccleuch as one of his enemies. In a letter to Henry the Eighth, dated at Coldingham, on 10th September 1528, Angus writes that a "pretendit dome" has been given against him and his friends, though he never committed the

¹ Vol. ii. of this work, p. 158.

² Acts of the Parliaments of Scotland, vol. ii. p. 339.

³ These were the Archbishop of Glasgow, the Bishops of Dunkeld, Aberdeen, Galloway,

and Dunblane, and the Prior of St. Andrews, the Earls of Argyll, Arran, Eglinton, Moray, and Lord Maxwell. (State Papers, Henry VIII., vol. iv. p. 513.)

⁴ State Papers, Henry VIII., vol. iv. p. 509.

crimes imputed to him, as Henry will learn by a friend of his, whom he will send after one part of this business is done. He hopes the Earl of Northumberland will be instructed to receive him in England, and cause the borderers to ride with him when he commands them.¹ In a letter to the Earl of Northumberland, Lieutenant and Warden of the English Marches, dated Coldingham, 11th September 1528, he says that by the solicitation of his enemies, Argyll, Arran, and Maxwell, Sir James Hamilton, Sheriff of Ayr, the Lairds of Buccleuch and Kerr, the king has forfeited his lands, and is proceeding to pursue him and his friends to the death. In a letter to Wolsey, from Coldingham, of the same date, he thanks him for his letters to the king and himself, and for his "greit humanite, faith, and kyndnes." The King of Scots, abused by perverse counsel of "evil disposit personis," is led on "wraungusly" against him and his friends. As an "innocent and saikles man," he requests that England will give no credit to his adversaries, and that Wolsey will write to the Earl of Northumberland to give him refuge in England, as his enemies will besiege his houses, and pursue him to the death.²

Wolsey, in a letter to King Henry VIII., in reference to the same events, dated at "Your Manor of Richmout, 27th September" [1528], thus writes:—

"This day be arrived new letters, as well from the Earl of Angus as other, whereby it appeareth that the same Earl, by means of his adversaries, is attained in a Parliament for that purpose assembled and convoked in Scotland, and not only his lands declared confiscated, but also one of his strongest places besieged [Tantallon], and he himself remaining in the mershe country for surite and preservation of his person, in such wise as the Lords Bothwell, Buccleuch. and other that were broken men, now resumed unto favour, the Borders lie open, to the no little danger of your subjects and people, if speedy remedy be not provided; and the said Earl, who hath so well endeavoured himself to entertain amity between these two realms, like to be cast away, if by some good means the same be not foreseen in time."³

¹ Letters and Papers, Foreign and Domestic, Henry VIII., vol. iv. part II. p. 2046.

² *Ibid.* p. 2046.

³ State Papers, Henry VIII., vol. i. p. 327.

From the high favour with which Sir Walter Scott was regarded by King James, he had no inconsiderable influence with the king when interposing with him on behalf of others. In letters of pardon, dated 12th July 1528, granted by the king in favour of William Turnbull, frank-tenementar of Mynto, Robert Scott, tutor of Howpaslot, Robert Scott of Alanhauch, and William Scott of Hassindene, of certain crimes of treason and lese-majesty committed by them, of which they had been convicted, it is expressly stated that they were granted for the good, true, and thankful service done to his Majesty by Sir Walter Scott of Branxholm, knight, their chief, and for the same reason his Majesty remitted to them the escheat of their moveable goods, belonging to him by reason of the said forfeiture.¹

In the time of King James the Fifth, the Borders were afflicted with many formidable “broken men” as they were called. Among these, William Cockburn of Henderland, in the county of Peebles, was conspicuous. Representing an ancient race, he forgot his obligations to society, and committed many crimes. The king sought the assistance of Buccleuch in apprehending Cockburn and bringing him to justice. In the warrant from the king to Buccleuch, he is authorised to apprehend and bring to justice William Cockburn of Henderland, who, it is stated, daily reset and assisted thieves, traitors, and breakers of the realm, and was fugitive from the laws, so that he could not be apprehended by the officers of justice, that he might be punished according to his demerits, and also to seize upon all his moveable goods wherever they could be found, and to escheat them to his Majesty’s use.² A curious reward was paid in the same year by the Lord High Treasurer “to the Laird of Buckeleugh for the taking of Penman, two elne and half of cloth of silver, price elne, ix. li. Summa, xxij li. x s.”³

The fate of Cockburn was soon after sealed. At the Parliament held in the Tolbooth of Edinburgh, 16th May 1529, at which the king was present, Cockburn, and Adam Scott of Tushilaw, in the forest of Ettrick, who was

¹ Vol. ii. of this work, p. 155.

² *Ibid.* p. 160.

³ Pitcairn’s Criminal Trials, vol. i. pt. i. p. 273.

named "King of Thieves," were accused of theft, of receiving and maintaining thieves, of slaughters and other crimes; and being convicted, they were beheaded, and their heads set over the Tolbooth of Edinburgh.¹

Attempts had been made in the previous year to check the disorders of Liddesdale, and a treaty with that object was concluded at Berwick in December 1528, by commissioners from both countries. The treaty provides that if redress be not made for all attempts committed by the men of Liddesdale by the 11th day of January, or within forty days then next after following, "then and in that case it shall be lawful to the King's Grace of England to command his Wardens by letters of marke, with power to invade the inhabitants of Liddesdail to their slaughter, burning, hereschip, robbing, reiffing, despoilzeing, and destructioun, and so to continue the same at his Grace's pleasure till the attempts be fully satisfied." The Hermitage was exempted from siege, and no lands were to be appropriated. On the other hand, if the English Warden did not make redress for all "attempts" committed by the men of Leven between the water of Leven, Kerrisop, and Liddesdale, then it should be lawful for the Scots King to issue letters of marke against that district.²

The amount of destruction caused by these bold marauders may be judged of by the confession—or rather the boast—of Sym Armstrong, at his interview with Sir Ralph Fenwick, the English Deputy Warden, as reported in a letter by the Earl of Northumberland to Brian Tuke, the Treasurer. The Earl writes, that "upon the takyng of Quyntyn Armestrange, and the havying of him in durance, Sym Armestrange, otherwise called Sym the Larde, cam to Sir Raaf Fenwik, my deputie of Tyndale, and desired hym to bring hym, that he might speke with me or my counsaill for reformacioun of justice, for in the realme of Scotland he never loake to have justice kepit, saying that hymselfe and hys attendants have laid waste in said realme 60 myles, and laide downe 30 parish churches, and that there is no one in the realme of Scotland dar remedy the same. Ande whatsoever the commissioners of

¹ Holinshed's Chronicles, vol. v. p. 508.

² Rymer's Fœdera. vol. xiv. p. 276.

Scotland should conclude at this diet on their parte anent Liddesdail, ther should not con article be performed." "I caused Sym to mak such articles as he wolde be bounden unto, the which I send unto you."¹

At the same Parliament, Buccleuch and other principal men on the Borders, including the Earl of Bothwell, Lords Maxwell and Home, Mark Kerr of Fernihirst, and the Laird of Johnstone, were arrested and warded in the Castle of Edinburgh.² These border chieftains, it was said, had not used sufficient means to repress, if they had not encouraged, the disorders on the borders during the time that Angus had usurped the Government. The design of their arrest and imprisonment, therefore, was to prevent them from opposing the king, who was about to undertake an expedition into Ewisdale and Teviotdale, for punishing the border thieves, and restoring to tranquillity these distracted portions of his dominions. Two days after, most of the prisoners were sent to other prisons. But in the course of a few months all of them were liberated, upon their giving pledges for their allegiance.

King James had in the previous year written to his uncle, King Henry the Eighth, proposing to lead an expedition to settle the Borders, and he now marched at the head of 8000 men, and executed without mercy the chief leaders of the marauders. The celebrated Johnnie Armstrong of Gilnockie, who had compelled many on the English borders to pay him black mail or protection money, and a great number of his accomplices, were hanged upon the nearest trees.³ By these vigorous proceedings, which inspired a salutary terror, quiet and security were produced for some time on both sides of the Marches.

Archibald, Earl of Angus, having by the Parliament been declared a traitor, and his lauds forfeited, they were nominally divided among those nobles and others to whom King James owed his success in emancipating himself from

¹ Letters and Papers, Foreign and Domestic, Henry VIII., vol. iv. part ii. p. 2205, No. 5055.

wood gives April 1530 as the date : History. vol. i. p. 100.

³ The Book of Carlaverock, vol. i. pp. 181, 182. Sir Walter Scott's Border Antiquities. vol. ii. Introduction, p. lxxii.

² Diurnal of Occurrents, p. 13. Calder-

the power of Angus. Sir Walter Scott of Buccleuch, as we have seen, was energetic on behalf of the liberty of the king, and he shared in the division of Angus' estates, "for his good, true, and thankful service done to his sovereign." King James, by a signature, dated September 1529, ordained a charter to be made under the great seal, to Sir Walter Scott of Branxholm, knight, of all the lands in the lordship of Jedburgh Forest which belonged to Archibald, sometime Earl of Angus, and were appraised to his Majesty for castle wards due to him, to be held of the king by Sir Walter Scott and his heirs.¹

Portions of the lands of the Earl of Angus were also given to Lord Bothwell, Lord Maxwell, the Sheriff of Ayr, and others.

By the friendly offices of influential parties, efforts were made at different times to compose the deadly feud between the clans of the Scotts and the Kerrs, which was productive of great calamity to the border districts. These efforts were so far successful, that Sir Walter Scott, who was now a widower, by the death of his first wife, Elizabeth Carmichael, married Janet Ker, daughter of Andrew Ker of Fernihirst, relict of George Turnbull of Bedrule. Their contract of marriage is dated at Edinburgh, January 1530. Sir Walter became bound to marry Janet Ker, and to give her in liferent, and to the heirs-male of the marriage, heritably, whom failing, to return to Sir Walter and his heirs whomsoever, all his proper lands of the lordship of Jedburgh Forest, except the tenandries and advowson of the kirk thereof, to be held of Sir Walter and his heirs in free bench. As the parties were related to each other within the forbidden degrees of affinity and consanguinity, Sir Walter and Andrew Ker became bound to obtain a dispensation from Rome at their joint expense. Andrew Ker bound himself to cause Janet, his daughter, to give and deliver to Sir Walter Scott, in name of tocher, at the completing of the marriage, all goods, corns, cattle, insight, and all other goods whatsoever then pertaining to her and in her possession, except the heirship of the heir of Bedrule, and should make the same free to Sir Walter Scott, with her

¹ Vol. ii. of this work, p. 159. State Papers, Henry VIII., vol. iv. p. 513.

third of the lands and lordship of Bedrule, and of all other lands pertaining to her by reason of teree through the decease of George Turnbull, her spouse, so that Sir Walter Scott might dispone thereon at his pleasure. Andrew Ker and his heirs further became bound to relieve Sir Walter Scott of the children of Janet Ker of their portion of goods pertaining to them through the decease of their father, after the tenor of their father's testament. Andrew Ker and John Ker, his son, were to occupy the place of Bedrule, with the two parts of the lordship thereof, for the time of the ward, according to the tenor of the king's gift, without any molestation on the part of Sir Walter Scott and Janet Ker, or his heirs. Should Sir Walter die before the completing of the marriage in face of the holy kirk, Andrew Ker bound himself to cause her resign and give over the property of the lands and lordship of Jedburgh Forest to the heirs of Sir Walter, and to deliver to them all charters and other writs made and delivered to her thereupon. The penalty for failing to fulfil the terms of the contract was 1500 merks.¹

Following out the pacific policy of reconciling the Scotts and the Kerrs, a bond was entered into on 15th March 1529-30, between the leaders of these two clans, to perform or cause to be performed a pilgrimage to the four principal places of devotion in Scotland—Scone, Dundee, Paisley, and Melrose—to pray for the souls of such of the other party as had fallen in the battle of Melrose.² This bond and the other measures produced a temporary cessation of hostilities. But unhappily the peace was not permanent between the two clans, for in the year 1552, as we shall afterwards see, Sir Walter Scott was murdered in the streets of Edinburgh by the Kerrs, in revenge for the death of the Laird of Cessford in the conflict at Melrose, twenty-seven years previously.

Although the king had lately made an example of the more notorious of the Armstrongs, several of them still remained powerful for mischief. In the year 1531 Sir Walter Scott was made prisoner by Simon Armstrong, called

¹ Vol. ii. of this work, p. 162.

² Border Minstrelsy. Appendix to Introduction, vol. i. Appendix No. IV. p. clx.

“the Laird,” and Clement Crosar, two formidable borderers, who, in company with a party of English whom they had brought into the kingdom, had committed depredations, and burned Little Newtown. Complaints of these outrages were made to the English Government. It was reported to King Henry the Eighth and his Council, by an ambassador of King James the Fifth, that when “King James was settling with his Lords of Council at Peplis for reformation of the said matters, according to King Henry’s desire, certain Englishmen of Lillesland and Tyndale, under the rule of the said Earl and Lord Daeres, to the number of 500 men, accompanied with his rebels of Lyddesdale, burnt in Teviotdale, and took the Lord of Buccleuch, being under sureties, and other his friends, which as the Earl [of Northumberland] wrote, he had commanded the contrary.” To this Henry the Eighth instructed his herald-at-arms to say, that as to the riding of the king’s subjects, in the company of the Scots, at the taking of the Lord of Buccleuch, the king’s grace had not been advertised of any such thing. But if such could be proved, he was determined to give redress, and for that purpose had appointed commissioners, and if the Earl of Northumberland should be found culpable, order should be taken to reform the abuses of which they complained.¹

The border leaders before mentioned, Simon Armstrong and Clement Crosar, having submitted to King James, he granted to them a remission, dated 26th January 1531-2, for the treasonable burning of Little Newtown, and treasonable taking of Sir Walter Scot, in company with Englishmen, and inbringing of them within the realm, and for action and crime that might follow thereupon, and for all other actions and crimes whatsoever committed by them, or either of them, in time past, treason against our Sovereign Lord’s person alone excepted.²

After a long interval the queen-dowager again comes upon the scene in connection with Buccleuch. In June 1532 the queen held a court on her jointure lands of the Forest of Ettrick, at the Castle of Newark. From his misunderstanding with the Queen, Sir Walter Scott was apprehensive that her

¹ State Papers, Henry VIII., vol. iv. p. 588.

² Vol. ii. of this work, p. 164.

visit might cause him trouble, and he refused to give her the keys of Newark Castle. Lord Daere, in a letter to King Henry the Eighth, from Nawarde, 16th June [1532], writes:—"The Queen's Grace of Scotland came down to the Castle of Newark for the keeping of a forest court of Ettrick of her conjunct feoffament, and demanded of the Laird of Buccleuch the keys of the said castle, who would in no wise deliver the same unto her Grace, unto such time as he knew the king's pleasure. And so her Grace did send a complaint upon him to the king, and thereupon the king commanded him to deliver them unto her Grace. And so she hath delivered the said keys to the Lord of Meffen. There is in company with her Grace sixty horsemen and twenty-four runners of foot."¹

In the beginning of the winter of the year 1532, the comparative peace and security which for some time had existed on the borders were again interrupted, and several pillaging expeditions were made both by the Scotch and the English into each other's territories. From certain satirical expressions which Buccleuch had used against King Henry the Eighth, he became still more obnoxious to the English; and the Earl of Northumberland, in October 1532, with 1500 men, ravaged and plundered his lands, and burnt Branxholm Castle, but failed in his principal object, which was to kill or take him prisoner. In retaliation Sir Walter Scott, with other border chieftains, made a formidable incursion into England, laid waste large portions of English territory by fire and sword, baffling and defeating the English, and returned home laden with booty. The particulars of the raid are narrated in a letter to the Earl of Northumberland:—

"Upon Wednesday, the 20th November 1532, before day, the Scots, being assembled to the number of 3000 men, did come secret upon the close night, and cast off their foray to the number of 300 men, and took up a town called Rosse. and laid their bushement in the edge of Cheviot. After which so done, and the bushement and foray met, they did cast off two other forays about 12 of the clock of the day light upon the said Wednesday; and the one foray did run down the water

¹ State Papers, Henry VIII., vol. iv. p. 608.

of Bremysch, and there took up four towns called Inggrein, Reveyley, Brandon, and Fawdon; and the other foray came to the water of Aylle, and there took up two towns called Ryle and Prendewyke, which towns stand at the utter part of your Highness Middle Marches towards Scotland. And either of their said forays was to the number of 200 men. Upon which hearing, the country arose with part of your Graces garrisons, who scrymaged with the same forays, and pursuing them unto Oswald Ford and Parish Stable, being four miles within the several ground of England, did not only perceive two great bushements laid, but also did see openly three standards displayed, as to say, the Laird of Cessford, the Laird of Buccleuch, and the Laird of Fernihurst. And perceiving the numbers to be so great that they were not able to counter with the same, for their appearance was no less unto them in number than 5000 men; nevertheless I know as well by Englishmen as Scotsmen, that their state was no less than 3000 men, and their captains were the Laird of Cessford, being Warden of the inheritance of the Middle March, the Laird of Buccleuch, John Carre, son and heir to Dand Ker of Farnyhirst, Mark Care, with all the hedesmen of the Forrest of Etrick, with all Teviotdale on horseback and foot, 400 tried men from the west part of the Merse, and all the inhabitants of the Forest of Jedworth, and all the best tried men of Moorehowsland and Lawtherdale, under the Lord Buccleuch. And so your Highness subjects seeing them no party, durst not enterprise with them. Whereupon they most contemptuously had into Scotland divers prisoners, with great number of horse, nolt, and sheep."¹

Similar hostile incursions were made by the English borderers upon Scotland. King James, in a letter to King Henry the Eighth, dated Edinburgh, 20th November 1532, complains of the Earl of Northumberland and his borderers, who, with the Douglasses, had committed notorious crimes by burning of church lands and corn, and murdering and burning of Scotchmen in the silence of night. He requests redress, and sends Thomas Scott fully instructed in the matter.² Clifford, in a letter to King Henry the Eighth, dated 9th February 1533, informs him of a foray which, with the Earl of

¹ State Papers, Henry VIII., vol. iv. pp. 625, 626.

² Calendar of State Papers, vol. i. p. 30.

Angus, he made on the Scottish borders on 7th of that month. There was an intermediate foray into Buccleuch's country.¹

The great power wielded by Buccleuch and the other border chieftains, and the anxiety which their restless and resolute spirit caused to the English Government, appear from the letters of the English Ambassadors. Magnus and three others, in a letter to Henry the Eighth, dated at Newcastle, 26th July 1533, after expressing their opinion that the house of Cawe Mylnes, as

"The Scots did take much to stomach the keeping of it from them," could not be kept from them if they intended to have it, since it was not able to keep 16 persons, add:—"Also the Scots at all times be in such a readiness, as we be informed both by George Douglas and other having experience and intelligence in that behalf, that with the assembling and meeting of five gentlemen, that is to wit, the Lord Hooime and Alexander Hooime for the Marse, the Lord Buccleuch, Dan Carre of Farnherste, and Mark Carre for Teviotdale and those parties, five thousand men may suddenly be made, without proclamations, to be at Cawe Mylne within 24 hours, specially at this time of the year; not to be resisted with the power of Northumberland, but with great aid of the Bishoprick of Duresme, and other places, which will not be levied and assembled to come to the Borders in four or five days."²

A remarkable illustration is afforded of the grievous state of insecurity to life and property on the borders at this time, from an enumeration of the crimes in which Robert Scott of Allanehauch was accused of being art and part, and for which he was summoned to compare and answer before the Justiciary Court, to be held in the Town Hall of Jedburgh, on 19th April 1535. It was found on trial by an assize that he was innocent of all the crimes charged against him in the indictment. But that the crimes specified

¹ The particulars of this foray are detailed in a letter from Lawson to Cromwell, 5th February (Chapter House Miscellaneous Letters, vol. xx. p. 153), and in an undated letter from Northumberland to Henry VIII., catalogued as of 1536 (Caligula, B. vii. leaf

222), and published as of its true date 1533, in the Notes to the first Canto of "The Lay of the Last Minstrel" (State Papers, Henry VIII., vol. iv. p. 633.)

² State Papers, Henry VIII., vol. iv. part iv. p. 656.

had been committed, though not by him, is undoubted. The crimes mentioned in the indictment are the inbringing of thieves and traitors from Liddesdale to the town of Mydlem, also very extensive thefts of horses, cattle, sheep, etc., from numerous towns enumerated; also murders, robberies, mutilations, etc., burning of towns, the traitorous bringing in of Englishmen into Scotland, and many other crimes.

Robert Scot of Allanchauch having appeared before Archibald, Earl of Argyll, Justice-General of Scotland, in the Justiciary Court held in the Town Hall of Jedburgh, utterly denied, in the face of the Court, the whole of the charges as calumnious; and after trial by a condign assize, he was found entirely innocent thereof. Attestation to this effect was given by the Justice-General, under the seal of the Justiciary Office, 19th April 1535.¹

Notwithstanding the acknowledged and partially rewarded assistance which King James had received from Buccleuch in tranquillising the Borders, the standing feuds between the rival clans were often productive of much disturbance. The king, in following out his policy as to the Borders, found it necessary to take steps against Buccleuch and other border chieftains.

Buccleuch was warded in the Castle of Edinburgh, the Laird of Johnstone and Mark Ker in Dundee, with many other gentlemen of the Borders. From the time of the arrest and imprisonment of these leading men, who had contributed so much to the reiff and depredations that were there committed, great tranquillity was preserved for a long period; "Wherethrough," says Robert Lindsay of Pitscottie, "the king had great profit, for he had ten thousand sheep going in the Ettrick Forest in keeping by Andrew Bell, who made the king as good count of them as if they had gone in the bounds of Fife."²

Buccleuch was accused of having given assistance to Lord Dacre, Sir Cristell Dacre, Englishmen, and their accomplices, at the time of the burning of Cavers and Denholm. This assistance, if he rendered it at all, may have

¹ Vol. ii. of this work, pp. 165, 166.

² History of Scotland, p. 237.

been given in prosecution of his feud with the Kerrs. It could hardly be from any sympathy with the English, to whom his uniform course of action was determined hostility. Being summoned to answer to this charge before the Justiciary Court at Jedburgh, he appeared on the 19th of April 1535, and placed himself at his Majesty's will for fear of his life. The king, on considering all the circumstances of the case, judged that Sir Walter deserved no further punishment than to be put in ward for a certain time, at his Majesty's pleasure. By the orders of the king he was committed to prison. In the notes to the "Lay of the Last Minstrel," it is said that he was then imprisoned and forfeited for levying war against the Kerrs, but this is a mistake. The summons mentions only the assistance he rendered to Lord Daere and the others on the occasion specified.

King James, before his death, relented in regard to Sir Walter Scott, and calling to remembrance the true, good, and faithful service rendered to him by Sir Walter against his old enemies of England, and also his innocence, relaxed him from ward, and ordained that he should be restored to the same estate that he was in before the accusation, Sir Walter submitting to his will for the alleged crime.¹ Lord William Howard and William Barlo, Bishop of St. Davids, in a letter to King Henry the Eighth, from Edinburgh, 13th May [1536], write that the Laird of Buccleuch and Mark Ker, the Laird of Cessford, were out of prison, and restored again to the Borders.²

In the year 1540, Sir Walter having been accused of causing disturbances on the Borders instead of prosecuting their tranquillity, was again imprisoned. He obtained a letter in his favour from King James the Fifth, dated 12th June 1540, granting him, "now being in our ward in our will, for certane crimes," full power to pursue certain actions on his own behalf in the Courts of Law.³

The restoration ordered by King James was confirmed by the first

¹ Vol. ii. of this work, p. 184. The Acts of the Parliaments of Scotland, vol. ii. p. 414.

² State Papers, Henry VIII., vol. v. pp. 47, 48.

³ Vol. ii. of this work, p. 169.

Parliament of Queen Mary, James, Earl of Arran, being Regent, when Sir Walter Scott was restored to all his lands, offices, heritages, honours, and dignities.¹ This Act was ratified by the Parliament held 12th December 1543, and by Queen Mary, with advice and consent of her tutor, James, Earl of Arran, protector and governor of the realm, 30th April 1545.²

To satisfy the Government, Sir Walter appeared before the Lords of Privy Council, and gave in certain offers relating to the preservation of good order on the borders, subscribed with his hand, which he bound himself to observe.

He offered to cause Teviotdale, so far as belonging to him, in time coming, to be as peaceable and obedient to the king and his laws as any part of Lothian. He further offered that should Lord Maxwell not take the rule of Eskdale, Ewisdale, and Waukhopdale, he would engage to cause the same good rule to be kept by the inhabitants of these districts in time coming as he had offered to maintain in Teviotdale, or to ride as often as charged with Lord Maxwell or any other having the king's authority. He again offered, should such be his Majesty's pleasure, to let Lord Bothwell go to the Hermitage and to remain there for fifteen days, and if the clans and surname of Liddesdale should enter pledges to Bothwell for their peaceable behaviour, he trusted the king would be satisfied; and if the surnames and clans should be obstinate and not enter their pledges, he would ride with Lord Bothwell at the king's command, or with any other whom the king should appoint, with all his followers, and this he would do during the Lord Bothwell's absence from the country, as often as he should command, until the borders were pacified.

These offers were favourably considered by the king and the Lords of Council, and Malcolm Lord Fleming, Robert Charteris of Anisfield, and Ninian Creichton of Belliboche, having become surety for Sir Walter in the sum of 10,000 merks for his fulfilling these offers, the king consented that Buecleuch should be set at freedom from his ward on entering two of his

¹ Vol. ii. of this work, p. 183. Acts of the Parliaments of Scotland, vol. ii. p. 414.

² Acts of the Parliaments of Scotland, vol. ii. p. 433.

friends, such as should be specified by his Majesty, to remain as pledges in ward.¹

In August 1541 Sir Walter was sent to Elgin, in the diocese of Moray, by King James on an important mission, the nature of which is not specified in the appointment. He arrived there on the 16th of that month.²

King James the Fifth died 13th December 1542, in the thirty-first year of his age and the thirtieth of his reign, leaving an only daughter, Queen Mary, an infant of only six days, who succeeded to the Crown.

On 28th November, a fortnight before the death of the king, he had written to Buccleuch requiring him to proceed to Edinburgh without delay on some special business, the nature of which is not known, but which, the letter states, could only be settled by a personal interview with the sovereign.³

After the death of the king, Archibald, Earl of Angus, and his brother, Sir George Douglas, were hopeful that they would again acquire in Scotland much of the power which they had lost, and, at the same time, the restoration of their lands which had been forfeited. Early in January 1542-3 they left Carlisle for Scotland, with the view of urging on the Scottish Council a favourite scheme formed by Henry the Eighth after the death of King James the Fifth, that of the marriage of the infant Queen Mary to his son Edward, Prince of Wales. The arrival of Angus and his brother in Scotland was, as may be easily understood, far from being agreeable to Buccleuch, on account of their former feud. It appears that Buccleuch had threatened to chase Angus out of Scotland again as he had done before. Sir John Dudley, Viscount Lisle, one of the Wardens of the English Marches, writing to the Duke of Suffolk, the king's lieutenant in the north, from Berwick, 2d February, says, "I had done writing this letter, one of my espiales came out of Scotland. . . . This espial showed me that the Laird of Buccleuch sent the Earl of Angus word that he was once at the chasing of him out of Scotland, and that he trusteth to be at the same again. Of this I have no other word, but

¹ Vol. ii. of this work, p. 169.

² *Ibid.* p. 178.

³ Buccleuch Charter-room.

by this espiell only, but surely the appearance of a commotion or dissension is great."¹

Buccleuch was of the party, headed by Cardinal Betoun, who were opposed to a matrimonial alliance for Queen Mary with England, preferring an alliance with the Dauphin of France. Sir William Parr, one of the Council of the north of England, in a letter to the Council with the king, from Newcastle-upon-Tyne, 24th May 1543, gives an account of the state of parties among the border chiefs, founded on information received from spies, which, in regard to Buccleuch, whom he represents as depending upon the Lord Governor and the Earl of Angus, is incorrect. He adds, "the Laird of Fernihirst is so crafty an old fox, and beareth himself so uprightly, that it is hard to know unto what party he bendeth; howbeit, as it is said, he is so superstitious and Popish in his opinions, that it is thought he favoureth and leaneth much to the opinion of the clergy and religious."²

Sadler, the English ambassador at Edinburgh, who had better means of information, gives a more correct account of the state of parties among the border chiefs. In a letter to Parr, from Edinburgh, 20th July 1543, he thus writes:—

"As I lately wrote unto the king's Majesty, the Cardinal here hath not only stirred almost this whole realm against the Governor, but also hath procured the Earl of Bothwell, the Lord Hume, the Lord of Buccleuch, the Laird of Cessford, and the Kers, which be wholly addict[ed] to him, to stir all the mischief and trouble they can on the borders, and to make raids and incursions into England, only of intent to break the peace, and to breed contention and breach between both realms, which I assure you the Governor (as the case standeth) cannot yet remedy. Wherefore, as I have at other times heretofore given your Lordship my poor advice always to be even with the Scots, and to pay them with sic like, in case they should make any attemptes or incursions within England, so now again I think it more than necessary that ye give them no such courage as to suffer their pride and arrogancy unrepressed; but for one shrewd turn I would ye did them twain, so always as it be done to those which be the offenders and breakers

¹ State Papers, Henry VIII., vol. v. p. 251.

² *Ibid.* p. 300.

of the truce, for it were pity that the good men should suffer for the evil. . . . And for as much as the Earl Bothwell, the Lord Hume, Buccleuch, Cessford, and the Kerrs be the principal occasioners of this misrule on the borders, by the procurement of the Cardinal, it shall be good in my poor opinion that your Lordship be vigilant and waking upon them, to encounter and reacquite their malice, as the case shall require."¹

Sadler, in a letter to Parr, from Edinburgh, 31st July, again writes:—"It is secretly murmured here that the Lord of Buccleuch, the Laird of Cessford, the Lord Hume, the Kerrs, and the Humes do intend a great raid and incurse into England, whereof I thought good to advertise your Lordship to the intent ye may the better provide to meet with them, as the case shall require."²

Overawed, it would appear, by the power of England, many of the Kerrs and other gentlemen of Teviotdale soon after joined the Scoto-English faction, headed by the Earl of Angus. The English Council, therefore, at the intercession of Angus, and of his brother, Sir George Douglas, concluded that the lords of these lands should not be invaded, though some of them had ridden in England as enemies, and had defended the enemies of England when the English rode against them. But Buccleuch, who showed no signs of submitting, was so obnoxious that a raid was made by the English on his lands, and the Laird of Fernihirst was excepted from the English Council's resolution to exercise forbearance to others of the border chiefs. The Duke of Suffolk, Lord President of the English Council, in a letter to the Earl of Angus, from Darnton, 13th October [1543], after stating that those for whom he wrote should be forborne, "if they will take no part against us, until I hear from your Lordship," adds, "except Fernihirst's lands and tenants, who now late led his son, with four hundred men in wait of our men returning from an exploit done upon the Lord of Buccleuch's lands, and hath hurt and slain divers of our men, like as some of his be hurt and slain."³

¹ State Papers, Henry VIII., vol. v. pp. 321, 322.

² State Papers, Henry VIII., vol. v. p. 329.

³ *Ibid.* pp. 347, 348.

Vigorously to meet Buccleuch, Sadler and others, in a letter to Henry VIII., 8th March 1543-4, recommend that his Majesty "should levy a garrison of 2000 or 3000 on the borders, to annoy the Lairds of Johnston and Buccleuch, and such others as be not your Majesty's friends there."¹

Reference has already been made to the two factions which now existed in Scotland, the English and the French. The latter having gained the ascendancy, the Government of Scotland repudiated the treaty which they had entered into with Henry VIII. for the marriage of Mary Queen of Scots with his son, Edward, Prince of Wales. To avenge the violation of this treaty, Henry inflicted upon the Scottish borders one of the most extensive and dreadful raids of devastation and bloodshed which they had ever suffered. By this invasion, conducted by Sir Ralph Eure and Sir Brian Latoun, and continued from the beginning of July 1544 to nearly the end of the year, Sir Walter Scott, like many others, was a great sufferer. Lord Wharton, in a letter dated 27th August, writes:—"The West and Middle Marches, with certain Scotsmen, invaded West Teviotdale upon the Lord of Buccleuch's lands, and burned divers towns and stedes in their way, and went and burned the barnkeyn at the Lord of Buccleuch's tower at Branxham, and have brought away 600 oxen and kye, 600 sheep, certain horse and nags, 200 gayt, and as much spoil of insight gear as they could carry away, and have taken 30 prisoners, and slain eight Scots."²

Lord Eure, in a letter of the same date, similarly writes:—"Sir Bryan Layton, Henry Evre, Robert Collingwood, etc., ranged the woods of Woddon, where they got much baggage, nags, sheep, and nolt, and hath slain about the said woods thirty Scots; and from thence they went to a tower of the Lord of Buccleuch, called Mosshouse, and won the barnkyn, and gat many nags and nolt, and smoked very sore the tower, and took thirty prisoners, and so have they brought away horses and nags, 180 or 200 nolt, 400 sheep,

¹ State Papers, Henry VIII., vol. v. p. 360. Walter Scott's Border Antiquities, vol. ii.

² Hayne's State Papers, quoted in Sir Appendix No. V., p. xlvii.

much insight gear, and burned the town of Woodon, and many shells and houses in the said wood, and other stedes and mills in their way. Scots slain, thirty."¹

Shortly after this Sir Walter Scott is found corresponding with the Cardinal, from whom he receives hope of retaliation on the expected arrival of troops from France. Lord Wharton, writing to the Earl of Hertford, reports that one of his spies had heard read a letter from the Cardinal to that effect.²

Efforts were again made to secure Buccleuch to the English interest, and a meeting was arranged by Wharton with that object shortly before the battle of Ancrum. They met with threescore horse on either side. The English announced their master's success in his war with France—he had taken Boulogne. Buccleuch "mused a little but was not discomposed." Being reminded that the meeting had been arranged at his own request, and asked to state what he wished with them, "he with a merry countenance answered that he would buy horse of them and renew old acquaintance. They said they had no horses to sell to any Scottishman, and for old acquaintance they thought he had some other matter, and advised him to shew the same. Who answered, Jesu! what ails you thus to run upon us?" After further conversation, as Lord Wharton and others in a letter to the English Privy Council, dated 6th September 1544, say, Buccleuch

"Earnestly therewith said that if my Lord Prince did marry their queen, he would as truly and dutifully serve the King's Highness and my Lord Prince as any Scottishman did any King of Scotland, and that he would be glad to have the favour of England, with his honour; but that he would not be constrained thereto if all Tividale were burnt to the bottom of hell;" and instanced them to give their counsel therein. They answered, that they were sent to hear all things that he would say, having no commission to join with him in agreement of any thing; and advised him to go round to work, and for counsel said, "Ye know your own state, both of your commodity and discommodity;" and advised him to serve the King's Highness, their Sovereign Lord and master. Whereunto he

¹ Hayne's State Papers, quoted in Sir Appendix No. V., p. xlvii.

Walter Scott's Border Antiquities, vol. ii. ² State Papers, Henry VIII., vol. v. p. 459.

said, if he should promise his service, it should be better performed and kept than the lords and others of this realm had performed and kept theirs; and thereupon entered in talk of the Earl of Angus and other lords prisoners, that advisedly, not compelled, had made promise to His Highness which they performed not; and if he made promise he would keep the same, with many earnest words to advance his truth; and displeasantly spoke against the Earl of Angus and George Douglas. In these talks, they go on, "Mr. Aglionby and John Thomson asked him, What he would say unto them, to be the cause of their meeting? He said, Will ye give no counsel? Now, I see, I must needs sing the shameful carol, and say that I would have the favour of England (and would do for the same whatsoever I might, with mine honour), and avoid the utter destruction of my house. And if I serve the King's Highness of England, there are many friends bound with me, and I with them, every one to take other's part; as the Lord Home, Mark Carr of Littleden, George Carr, and all the Carrs, except David [Dand] Carr of Fairnyhirst. Albeit, he said, he was not at that present sure of David [Dand] Carr, the laird of Cessford, but, he said, the same day, Mark Carr did meet with the laird of Cessford, and doubted not but such means would be used between them as that he would enter with them into their said bond. He reckoneth also the laird of Johnston of that band; and said, they aforesaid, with four or five score gentlemen, were sworn and bound, with all their friends, to join together in one friendship, and all they would go one way; and desired them (Aglionby and Thomson) that he might have assurance, for one month or twenty days, of me (Wharton), and all those English and Scotchmen under my rule and office; in which time he would know all his friends' minds; and, also, he would in that time speak with the Governor, and declare to him what great hurt he had done to him and his friends by England, without defence or relief made unto him by the Governor, or by the authority of Scotland; and shewed himself by his words, that for the more benefit and rest of him and his friends, he would shew the Governor that he would provide otherways for the same; and, within the time of that assurance, he would, if it pleased me, meet myself or them again, with his resolute and full mind, what he and his friends would do in every thing." They answered that they had no commission to grant him any assurance one hour longer than that assurance granted for that their meeting, nor to grant any his demands, whatsoever the same were, but to hear what he would say. And they said unto him therewith: "Sir, look about ye as you stand. West from you is yonder Eskdale, Ewsdale, and

Wauchopdale; and of far side the ridge from you east, Lidsdale. These dales did sometime hold of Scotland; and now they are all bound and sworn, with their hostages all lying at Carlisle, to serve the King's Highness our master, at all commandments of His Majesty's officers; and my lord warden of the west marches hath granted you for this meeting, assurance for them. Ye know the dwellers of these debateable lands are all at commandment to serve His Highness; and better you were to come and serve His Majesty, and thereby to live with your friends at rest, than to live as ye do; which, in brief time, will be to the no little damage and destruction of you and your friends. And serving His Majesty, ye may be sure there is none in authority in Scotland, that will or dare annoy you in Tividale." Afterwards, Buccleugh insisted on his demand of assurance, to which they promised to send him an answer about the Sunday and Monday after. Then Wharton goes on thus: "The laird of Buccleugh had sundry of his name and friends that earnestly with quick words advised him to do what he might, to obtain the favour of England; for his doing against the same, had been to many of their undoings. To advertise your lordships of such news as they received of the laird of Buccleugh's words unto them: he said that the Governor would keep and maintain the authority, during the nonage of their young Queen, and that the other lords were false men, and would not be of power in that realm to undo the same; and most highly inveighed them and their proceedings by his words. They said unto him, that it was told them by Scotchmen, that the Governor was gone into France. He said, it was certainly untrue, and that he neither was nor would go forth of that realm, for anything that they could do. He spoke many words, in his conference, of the untruth of the Earl of Angus, George Douglas, and, especially of the Lord Maxwell, and David [Dand] Carr of Fernyhirst, who, he said, were the falsest that ever was; and said, Now ye have them both in England, keep them well, for ye have a great treasure of them. He said therewith, that David [Dand] Carr of Fernyhirst had circumvented Sir Ralf Evars; and, he doubted not, if I would trust him, he would also circumvene me."¹

Whatever hope Lord Wharton may have had of numbering Buccleugh among the assured Scots, he was soon undeceived. Not long after this interview the timely reinforcements which Sir Walter Scott brought to the

¹ Miscellany of the Maitland Club, vol. iv. part i. pp. 105-108, giving the above abstract of the letter.

assistance of Arran, enabled him to attack the English forces under Sir Brian Latoun and Sir Ralph Eure, who had come to take possession of the lands in the Merse and Teviotdale granted to them by the English monarch.

The English army were encamped on a moor near the village of Ancrum, and the Scots were posted on a neighbouring eminence. Acting on the advice of Buccleuch, Arran withdrew his army from the hill to a level plain behind it, and the English mistaking this movement for retreat, pushed on with all speed to the attack. On gaining the brow of the hill they found the Scots in a compact mass. Their rapid approach had thrown the English army into disorder, and not having time to re-form, they charged without delay, but were repulsed by the Scottish spearmen. Falling back on the main body, the whole army were thrown into confusion, which was increased by the secession of the six hundred "assured Scots," principally Armstrongs, who on the first symptom of flight threw away their red crosses and joined their countrymen in the pursuit. The loss of the English amounted to eight hundred slain and one thousand prisoners. Among the dead were found the bodies of the two leaders, Sir Ralph Eure and Sir Brian Latoun.

In the autumn of the same year, Buccleuch commanded one of the wings of an army which entered England under Arran and Angus, but which returned a few days afterwards, "throw the dissait of George Douglas and the wangaird, quha wald not pas agane throw his tyisting" (enticing).¹

Sir Walter and the lawful heirs-male of his body by Janet Betoun, his spouse, were appointed by letters by Queen Mary, dated 9th November 1543, with consent of the Regent Arran, captains and keepers of her Majesty's Castle of Newark, in the lordship of Ettrick Forest, for nineteen years; and for the exercise of this office her Majesty granted to them her lands of Cartarhauch, Quhithilwra, Auldwerk, and Huntlie, in the lordship of Ettrick, with all mails, farms, profits, and duties thereof during the foresaid period.²

The precise relations, whether amicable or the contrary, between the two rival families of Buccleuch and Cessford, do not always appear. The feud

¹ Diurnal of Occurrents, p. 40.

² Vol. ii. of this work, p. 150.

between them, though allayed, was for a long time not wholly healed, and their relations seem to have been friendly or hostile, as caprice or supposed interest might dictate.

In 1544, active measures were taken by the Government against Walter Kerr of Cessford, Warden of the Middle Marches. He was charged with assisting the Earl of Angus and his brother, George Douglas, then under summons for treason, also with intercommuning with the English, and using the office of Warden for his own private ends. Kerr and his abettors were therefore by proclamation discharged, with all others usurpers, from exercising the office of Wardenry.¹

Sir Walter Scott "of Branxholm" was a member of the Parliament which met at Stirling, 26th June 1545.² He was also a member, under the title of "Dominus Buclew^t," of the Parliament which met at Edinburgh, 14th August 1546.³

Sir Walter, at the head of a numerous body of men, fought at the battle of Pinkie, near Musselburgh, 10th September 1547, between the English, headed by the Duke of Somerset, and the Scots, in which the latter sustained a disastrous defeat. The object of Somerset was to compel the Scots, by force of arms, to fulfil the treaty into which they had entered with England, relative to the marriage of Queen Mary and Edward, Prince of Wales, but which, by the influence of the French faction, they had repudiated. Somerset was successful in defeating the Scots in the field of battle, but he failed in his object of enforcing the English marriage-treaty, for the Scots, betaking themselves for assistance to France, the English, after a war of nine years, abandoned the hopeless enterprise of forcing upon the Scots a matrimonial alliance.

Immediately after the battle at Pinkie, Sir Walter Scott, as the chief of the Scotts, and Sir Walter Kerr of Cessford, as the chief of the Kerrs, with their

¹ Vol. ii. of this work, p. 182.

³ Acts of the Parliaments of Scotland,

² Acts of the Parliaments of Scotland, vol. ii. p. 471.
vol. ii. p. 595.

friends, met at the west of Cowsland, to consider what was now to be done on behalf of their Queen and country. At this meeting both parties entered into a bond and oath to be loyal to the Queen and her authority, and to exert themselves against their old enemies of England, and to uphold the Commonwealth of Scotland to the end of their lives. For the further performance of these obligations, they appointed a meeting to be held at Ancrumwoodhead, *alias* the Palisfuird, upon the 12th of the same month. At that meeting Buccleuch and Cessford, with all the gentlemen of Teviotdale, were sworn to observe the bond. Upon the 20th of the month (the English then going home) another meeting was held at Blakersiltoun, at which it was resolved never to assist, but always to remain opposed to the English.

The Kerrs, however, did not remain true to these solemn engagements. On the morning after the meeting at Blakersiltoun, Walter Kerr of Cessford, John Kerr of Fernyhirst, Mark Kerr of Littledean, and their friends, met with Sir Ralph Bolmeir, Sir Oswald Wilstrop, with other knights and gentlemen, sent from the Protector of England, without the knowledge of Buccleuch, and remained in the English camp, then at Auld Roxburgh, until the departure of the English from Scotland, disregarding the obligations of the Bond of Union with the Scotts against the English. The Kerrs daily thereafter gathered followers in order to go to Lord Gray, who was then left upon the borders of England, and rode with him, visiting with fire and sword the Queen's lieges.¹

After this the lands of Sir Walter Scott, being at the mercy of the English, who might pursue him, his tenants, and friends with fire and sword, to their total destruction, he offered to submit to the English monarch, who was now Edward Sixth. Lord Grey, in a letter to the Duke of Somerset, dated Norham Castle, 21st November 1547, sends letters from Buccleuch, offering to serve his Majesty.² Buccleuch had authority from the Earl of Arran, Governor of Scotland, for thus acting. A letter, dated 26th September 1547, under the signet of Queen Mary, and subscribed by the Earl of

¹ Vol. ii. of this work, p. 185.

² Calendar of State Papers, Scotland, Edward VI., vol. i. p. 71.

Arran, Governor of Scotland, ratifies a former permission, and empowers him to "intercommune with the Protector and Council of England, and sic utheris Inglismen as he pleissis, for suftie of him, his kin, friendis, and ser-vandis, fra heirschip and distruction of the Inglismen in tyme cunning, and for the commoun wele of our realme, als aft as he sall think expedient." A clause in the letter appears to empower him even to profess himself an "assured Scot," in order to deceive the English. It ordains that "quhen evir he beis requirit be us or oure said Governour, sall incontinent thaireftir renunce and ourgif all bandis, contractis, and wrytingis maid be him to the Inglismen."¹ His submission was accepted, but the English distrusted his sincerity. Lord Grey, in a letter to the Duke of Somerset, dated Warkworth, 5th January 1548, says that he will show himself a vigilant and cruel enemy to Sir George Douglas and Buccleuch if they break their truth.²

Buccleuch, as the English anticipated, did not prove true to his engagement to them, and this immediately brought down upon him their vengeance. Lord Grey, in a letter to the Duke of Somerset, dated Alnwick, 25th January 1548, informs him that he intends to besiege Buccleuch in his house at Newark.³ On the 27th of the same month, he and the other Wardens state that nothing is to be done at Branxholm except the winning of the Castle, and that is impracticable without cannon. They considered that Newark might be taken without any great difficulty.⁴ Lord Grey afterwards besieged Newark, burned the town, and got a booty of 3000 sheep and 400 head of cattle.⁵ Cessford, Caldenknowis, and Mark Kerr were present with Sir Robert Bowes at the burning of Newark.⁶ The Lady of Buccleuch's brother was taken prisoner, possibly during this foray, as Thomas Fisher, in a letter to the Duke of Somerset, shortly after this occurrence, mentions a proposal for his exchange.⁷

Meanwhile Buccleuch, though one might suppose that his hands were

¹ Buccleuch Charter-room.

² Calendar of State Papers, Scotland, Edward vi., vol. i. p. 74.

³ *Ibid.* p. 76.

⁴ *Ibid.* p. 76.

⁵ Calendar of State Papers, Scotland, Edward vi., vol. i. p. 75.

⁶ Vol. ii. of this work, p. 186.

⁷ Calendar of State Papers, vol. i. p. 92.

full, had other quarrels to settle. In February 1517-8, he and John, Lord Borthwick, with the Duke of Chatelherault, led a number of their followers against Alexander Crichton of Brunston, near Musselburgh, who, however, sought safety in flight.¹

We next meet with Buccleuch at the Parliament held in the Abbey of Haddington, on 7th July 1548, at which the project was discussed for setting aside the treaty with England, and negotiating a marriage between Queen Mary and the Dauphin of France. "The Lord of Balcleucht," says Knox, "a bloody man,² with many Goddes woundes, swore, they that would not consent should doe worse."³

In the beginning of October 1548, Walter Kerr of Cessford, John Kerr of Fernihirst, and Mark Kerr, were taken by the Earl of Arran, Lord Governor, who had been in Jedburgh, and committed prisoners to the Castle of Edinburgh. Whether Buccleuch had any hand in their capture, or was blamed by them as concerned in it, does not appear, though it would seem from what followed that he had. We cannot otherwise account for the immediate bursting forth of the old enmity of the Kerrs against Buccleuch.

No sooner had the Kerrs been made prisoners than Andrew Kerr, brother of Cessford, at their earnest solicitation, rode to Lord Grey to Roxburgh, and persuaded him to make an incursion with a body of his English forces upon the lands of Branxholm. A furious incursion was immediately made. On Friday, the 5th of October 1550, Lord Grey, accompanied with Andrew Kerr and his brothers, and the whole clans and surnames of East Teviotdale, came to the water of Aill, and there burnt, hareyt (pillaged), and destroyed the corn, goods, and houses of the inhabitants thereof pertaining to Sir Walter Scott and his friends.

¹ Acts of the Parliaments of Scotland, vol. ii. p. 522.

² In the Diurnal of Occurrents (p. 51) the author, in speaking of the slaughter of Sir Walter Scott of Branxholm, calls him "ane valzeand guid Knight."

³ Knox's History of the Church of Scotland, p. 175. A copy—the most perfect known to exist—of the original edition of 1584, which is now extremely rare, is in the Library at Dalkeith House.

On Monday thereafter, 8th October, Lord Grey, accompanied by the foresaid Scotsmen, burnt, hereit, and destroyed the town of Hawick, and all the towns, manses, and steadings upon the waters of Teviot, Borthwick, and Slitrik, pertaining to Sir Walter Scott.

On the 19th of the same month, Lord Grey burnt, hereit, and destroyed all rooms and steadings belonging to Sir Walter Scott, his kin, friends, and servants, upon the waters of Yarrow and Ettrick, lying within the forest, and burnt the mother of Sir Walter within the tower of Catslak, "and the hail plenising of the same." He likewise burnt the Castle of Newark, and slew four of the servants and a woman within the Castle. He also burnt and hereit the town of Selkirk, of which Sir Walter was Provost.¹

Sir Walter Scott raised a summons against Sir Walter Kerr of Cessford, John Kerr of Fernihirst, and others, charging them to compear before the Lords of Council and answer for this raid on his lands. The parties summoned not having made their appearance at the meeting of Council at Edinburgh, 3d December 1549, the Council continued the summons to the 24th of February following.²

Sir Walter Scott obtained a commission from Queen Mary, with consent of Arran, the Regent, dated 29th April 1550, appointing him Warden of the Middle Borders between Minto Craig and Craykeross, in which bounds his friends, servants, and tenants dwelt. The commission was to remain in force for nineteen years, and further during the Queen's pleasure.³

At the same time he received a commission from the Queen and the Regent to transact certain affairs in Liddesdale, and obtained from them letters of protection, dated 29th April 1550, to the persons who should accompany Sir Walter on that business, to continue for eight days after the date of the letters.⁴

In consequence of the disorders which existed on the Borders, the Regent this year resolved to proceed on a border expedition, to restore and maintain tranquillity; and now, on the restoration of peace, to put in possession of their

¹ Vol. ii. of this work, p. 185.

² *Ibid.* p. 193.

³ *Ibid.* p. 196.

⁴ *Ibid.* p. 195.

lands, freedoms, and privileges, the inhabitants of those parts who, during the late war, had been "brynt, hereit," and put to extreme poverty by their old enemies of England, and others.

To promote the success of this expedition, Sir Walter Scott, Sir William Scott, his son, and nine others, all of the name of Scott except one, granted a bond to the Queen and the Lord Governor, dated 21st May 1550, whereby, to show their loyalty to the Queen and the Lord Governor, and to assist his Grace to the utmost of their power, they engaged to keep, and cause to be kept, good rule and tranquillity within their bounds. They undertook to prosecute and punish all within their bounds who should break the law, and also to seize and bring to justice any criminals seeking refuge within the lands over which they had jurisdiction.¹

Sir Walter Scott gave a bond of manrent to John Hamilton, Archbishop of St. Andrews, primate and legate nate of all Scotland, and Abbot of Paisley, dated 31st December 1550. The Archbishop, in return, by a bond of the same date, bound himself, by the word and faith of a prelate, during the term of his natural life, to maintain and defend Sir Walter to the utmost of his power in all his causes, actions, and quarrels, lawful and honest; and with his (the Archbishop's) kin, friends, servants, vassals, partakers, and adherents to take his honest part therein against all men, his allegiance to the Queen and the Lord Governor, and the authority of the realm only excepted.²

In the spring of the following year, Sir Walter was appointed by the Government of Queen Mary Governor-General and Justiciar within the bounds of the lands and lordship of Liddesdale, and all other bounds in Teviotdale, where any of the old inhabitants and tribes, commonly called the clans of Liddesdale, dwelt. The commission, which is dated 3d April 1551, was granted for the repression of thefts, robberies, depredations, homicides, and fire-raising, and similar cruel, dreadful, and iniquitous crimes committed by the inhabitants of the lordship of Liddesdale upon her

¹ Vol. ii. of this work, p. 197.

² *Ibid.* p. 201.

Majesty's faithful subjects in times past, and that her subjects might be able to live in tranquillity without damage in time to come.

The powers with which Sir Walter was invested by this commission were of the most ample description. It authorised him and his deputies to hold her Majesty's Justiciary Court or Courts, and all other courts necessary, within the forementioned bounds, whether at Branxholm or Hawick, as they should deem it expedient, to fine absentees, to punish transgressors according to the laws of the realm, to exact fines and escheats of their courts, and to apply them to his own private use, to escheat and bring in, as her Majesty's escheat, the goods of such persons, to apprehend the persons themselves, to burn their dwellings, and to prosecute their families with fire and sword to their extreme destruction, and to make gatherings of her Majesty's lieges when and as often as Sir Walter and his deputies should consider to be expedient; and should any person or persons so prosecuted, or their assistants, partakers, or defenders in their resistance be killed, mutilated, or hurt, neither the Governor and Justiciary in that part, nor his deputies, nor any persons in their company, were to incur guilt, loss, or prejudice in their persons, lands, or goods, nor on that account to be accused criminally or civilly in any way in time to come.¹

Sir Walter Scott also received a commission under the Privy Seal, dated 29th June 1551, appointing him Warden and Justiciar within the bounds of the Middle Marches of Scotland, with all the fees thereof, investing him with full power to hold Courts of Wardenry and Justiciary within these bounds, and to cause all inhabitants thereof, when he should consider it expedient for the defence of the kingdom, to convene, ride, and advance "against our old enemies of England," and in the pursuit, capture, and punishment of the thieves, rebels, and evil doers by whom her Majesty's poor subjects of the Middle Marches were grievously molested and plundered; to make Statutes, Acts, and ordinances thereupon; to punish transgressors, thieves, and other delinquents within these bounds according to the laws, and for this effect to

¹ Vol. ii. of this work, p. 201.

cause assizes to be summoned and sworn, consisting of a sufficient number of persons not suspected, under the penalty of £20 for each person not compearing; to make clerks, sergeants, judges, and all other officers and members necessary for Warden and Justiciary Courts and deputies under him, etc.¹

Sir Walter Scott, like others invested with the offices of Warden and Justiciary of the Marches, soon experienced the difficulties of his position; and he complained to the Government that certain inhabitants within the bounds of the Middle Marches would not answer and obey him as Warden and Justiciar unless they were compelled.

To enable him, therefore, vigorously to execute the office of Warden and Justiciar, letters under the signet, dated 30th June 1551, were directed to the Queen's sheriffs in that part, commanding them in her name, and by her authority, to charge all her lieges dwelling within the foresaid bounds, by open proclamation, at the Market Cross of Jedburgh, and all other places needful, to answer and obey Sir Walter Scott and his deputies and officers in the execution of the offices of Wardenry and Justiciary within the bounds specified, as they would answer to her thereupon.²

In the discharge of the duties of his office as Warden of the Middle Marches of Scotland, Sir Walter Scott acted with the energy peculiar to his character. To render the efforts of himself and the other Wardens the more effective in promoting order and tranquillity on the Borders, he made a representation to the Privy Council, before whom he personally appeared, 23d March 1551-2, and desired them specially to come to a full determination as to what should be done with those who committed perjury on their appearance before the courts, as to the increased amount of the price to be paid for restitution and redress of what might be stolen; as to the punishment of malefactors according to the laws, and as to the security of prisoners and their ransom.

On all these points the Council came to such a conclusion as was well

¹ Vol. ii. of this work, p. 204.

² *Ibid.* p. 205.

adapted to promote order and peace within the Borders. It was declared that if any person who was charged with breaking the truce and denied the same on his oath was afterwards found to be guilty, he should be given up to the Warden of England. His punishment, which was left to the discretion of the Warden, was to be branding on the cheek or death. These orders were conditional on the English Wardens adopting similar means of punishing any Englishman guilty of a like offence. More stringent rules were also laid down for the punishment of any who plundered the neighbouring country during truce. The consideration of the question regarding Scotsmen who claimed the re-entry of prisoners taken since the beginning of the last war, and their ransom for their forfeited lands, was deferred till Whitsunday following.¹

The life of Sir Walter Scott had been a very active one, and though he appears to have had a strong constitution, yet the harassments of border strife, and the tear and wear of almost constant conflicts with the English, upon whom he made incursions, or whose inroads into Scotland he had to resist, now impaired his vigour even more than advancing years. It is not therefore surprising that when little more than sixty years of age he prayed the Regent, Arran, in consideration of his arduous duties as Warden of the Middle Marches, and of the infirmities of age, being then more than sixty years of age, by which he was not able, as he had hitherto been, to pass upon inquests and assizes, that he might be exempted from attendance at Justice-airs, Justice-courts, Sheriff-courts, Stewart-courts, inquests, assizes, etc.

In compliance with this petition he obtained from Queen Mary, with advice and consent of James, Duke of Chatelherault, as Governor of the realm, a letter, dated 20th May 1552, granting him the exemption desired.²

The rest which he had now obtained from a part of his active and arduous official duties was not to be long enjoyed, and his eventful and turbulent life was suddenly cut short within a few months of the date of the

¹ Vol. ii. of this work, p. 206.

² *Ibid.* p. 205.

exemption. On the night of the 4th October 1552, he was attacked in the High Street of Edinburgh by a party of the Kerrs and their friends, and there murdered. He does not appear to have had the opportunity of defence given to him. John Hume of Coldenknowes is charged in the indictment with having thrust his sword through the body of Sir Walter "quhen he was halden to yow," calling out at the same time to Kerr of Cessford, "Strike, tretour, ane straik for thy faderis sake." Hume then cast the body into a booth, saying, "Lie there, with my malison, for I had rather gang by thy grave nor thy door." Robert Kirkton and John Pakok, servant to Hume, passing the place soon afterwards, found Sir Walter not yet dead, and each of them struck him "three or four times through the body." Stripping him of his cloak and bonnet, which they carried off, they were met by the Bute Herald, in reply to whose questions they answered that "there was ane lad fallen." George Hoppinggill of Torwoodlie having provided horses to the Laird of Cessford, he made his escape from Edinburgh with his accomplices.¹

"Bards long shall tell
 How Lord Walter fell !
 When startled burghers fled, afar,
 The furies of the Border war ;
 When the streets of high Dunedin
 Saw lances gleam, and falchions redden,
 And heard the slogau's deadly yell—
 Then the chief of Branksome fell.

"Can piety the discord heal,
 Or stanch the death-feud's enmity ?
 Can Christian lore, can patriot zeal,
 Can love of blessed charity ?
 No ! vainly to each holy shrine,
 In mutual pilgrimage, they drew ;
 Implored, in vain, the grace divine
 For chiefs, their own red falchions slew :

¹ Vol. ii. of this work, p. 209.

While Cessford owns the rule of Carr,
 While Ettrick boasts the line of Scott,
 The slaughter'd chiefs, the mortal jar,
 The havoc of the feudal war,
 Shall never, never be forgot!"¹

For this murder the Kerrs were declared rebels, and by the violence of the Scotts, who were not slow in retaliating, as well as by the efforts of the Government officers to enforce the sentence of rebellion, they suffered much loss. This appears from the petition presented by Sir Walter Kerr of Cessford, Sir John Kerr of Fernihurst, and Sir Andrew Kerr of Hirsell, to the Queen, the Lord Governor, and Lords of Secret Council, dated Edinburgh, 8th December 1552, which affords an illustration of the miseries produced by the relentless spirit of a border feud. The petition narrates that when the Governor had lately been in Jedburgh anent the "unhappy chance quhilk happenit us in the slaughter of the Laird of Buccleuch," they had offered to do all in their power to satisfy the Governor, their lives and heritages being secured, and that the case was continued to the meeting of the Council at Edinburgh. Since the departure of his Grace from Jedburgh, the petition further goes on to say, his servants had seized upon their houses, possessions, and goods, so that they had nothing, unless they stole and plundered, to sustain themselves, their wives and children; and being at the horn they dared not resort to their friends, but lay in the woods and fells. Their enemies had slain divers of their friends not guilty of any crime committed by them, and daily sought and pursued them and all their friends, kinsmen, and servants for their slaughter, so that none of them dared, from fear of their lives, to come to kirk, market, nor to the Governor to ask a remedy from him; and unless his Grace had compassion upon them, they and theirs would be brought to perpetual ruin.

The answer of the Council to the petition was to the effect that the complainers and their accomplices who were implicated in the death of Sir

¹ Lay of the Last Minstrel, Canto First.

Walter Scott, and at the horn for the same, should be banished, and remain in the realm of France, under sufficient caution not to return without special licence from the Lord Governor; and that one or two gentlemen of the Kerrs who were the Queen's liegemen, should raise of the Kerrs, and all others their kin and friends within the wardenry of the Middle Marches, one hundred horsemen well furnished, to go to France with the General, as others, to be raised of the realm, were to do, the Scotts, their friends and allies, being excepted. The Scotts were excepted, because to have sent any number of them with the Kerrs would have tended to perpetuate the feud which it was the object of the Government to terminate.¹

The Kerrs were thus permitted by the Government, greatly owing to their alliance with the Homes, and to the favour of the Queen Dowager, to go into a kind of honourable exile, as an auxiliary force which the Scottish Council were to despatch to France. King Edward in his journal says that the troops were to consist of four thousand infantry, commanded by the Earl of Cassillis, and five hundred men-at-arms, to be led by the Homes and Kerrs. The number of horsemen to be raised on the Borders was four hundred, as we find from an order of Council 12th December 1552, causing proclamation to be made "that thai and ilk ane of thame haif and prepar in reddyne's habill and sufficient horsemen, weill furnist and grathit, as is statute and ordanit, that is to say, ilk horseman to have ane dowbill horse, with jak, steilbonett, splent, swerd, bukclair, and speir of six ellis lang or thairby."²

Sir Walter Scott was married three times. His first wife was Elizabeth Carmichael, of the family of Carmichael of that Ilk, afterwards Earls of Hyndford.³ The marriage took place before 4th September 1523, on which date Sir Walter and Elizabeth Carmichael his spouse received a Crown charter of the barony of Eckford. Elizabeth, Lady Buccleuch, predeceased her husband before the year 1530. Of that marriage there were two sons—

¹ Sir Walter Scott's Border Antiquities, vol. ii. Appendix No. II. p. xxxi.

² Privy Council Records.

³ Vol. ii. of this work, p. 140.

1. David, the eldest, to whom his father, for family reasons, conveyed by disposition, dated 20th October 1528, the greater part of his estate, including the lands and baronies of Branxholm, Eckfurd, and Kirkurd; also the lands and lordships of Buccleuch, Rankilburn, and Lempetlaw, to be held of the Crown, Sir Walter reserving the liferent and a reasonable terce to his spouse.¹ David Scott predeceased his father before 1544, unmarried, and without issue.

2. Sir William of Kirkurd, who also predeceased his father, leaving a son, Walter, who succeeded to the Buccleuch estates on the death of his grandfather.

Sir Walter married, secondly, contract dated January 1530, Janet Kerr, daughter of Andrew Kerr of Fernihirst.² She was relict of George Turnbull of Bedrule. The contract provided that as Sir Walter and Janet were second and third of affinity, third of consanguinity, and third and fourth of affinity, they should send to Rome for a dispensation. Janet Kerr also predeceased her husband; and of that marriage there was no issue.

He married, thirdly, in or about the year 1543, Janet Betoun, who, like Sir Walter Scott, had been twice previously married. She was a daughter of John Betoun of Creich, who was a cousin of Cardinal Betoun, and nephew of Archbishop James Betoun. Janet Betoun married, first, Sir James Creighton of Cranston Riddel, who died about 1539. She married, secondly, Simon Preston of Craigmillar, from whom she was divorced. She had to Sir James Creighton a son, James, who was retoured heir to his father on 23d January 1539-40.³ One of his tutors was David, Cardinal Betoun, Archbishop of St. Andrews.⁴

Sir Walter Scott had by Janet Betoun two sons and three daughters. The daughters are named in a letter of Queen Mary in 1564, instructing Sir John Bellenden, Justice-Clerk, to deliver to Dame Janet Betoun, relict of the late Sir Walter Scott, and Grissell, Janet, and Margaret Scott, his

¹ Vol. ii. of this work, pp. 156, 157; Reg. Mag. Sig., Lib. xxii. No. 205.

² Vol. ii. of this work, p. 162.

³ *Ibid.* p. 167.

⁴ Vol. ii. of this work, p. 179. Janet Betoun obtained from the tutors a discharge, dated 14th November 1542, of all her intrusions with the rents of Cranston Riddel, etc.

daughters, a bond of assurance which had been taken by Sir Walter and the Kerrs. The bond was subscribed in May 1552 by Buccleuch, Cessford, and Fernihirst, each for his kin and friends; and they undertook to hold each other unharmed until the next Candlemas thereafter, under a penalty payable by the party who should break the bond. Buccleuch having been slain by the Kerrs before the expiry of the time named in the agreement, proceedings were taken, as appears by this letter, to enforce payment of the penalty, with what result is not known.¹

The sons were Walter and David. By charter by James, Abbot of Melrose, dated 10th February 1546, the lands of Appletreleis, Meirbank, Soutarcroft, Carteleys, and Hawkburne, were provided to Sir Walter Scott and Janet Betoun, and their two sons, and the heirs-male of the latter. Failing male issue of the sons, the lands were to return to the heirs-male of their father; and as his heirs-male inherited the lands, it shows that the two sons died without male issue.²

1. Grissel, who married William, sixth Lord Borthwick, who died in 1599.

Walter Scott & David



¹ Buccleuch Charter-room.

² Buccleuch Charter-room, Bundle XI.

2. Janet, who on 22d March 1564-65 was contracted to marry George Kerr, eldest son of Andrew Kerr of Fawdonside, but the marriage did not take place, and Janet Scott married John Cranstoun of that Ilk, ancestor of Lord Cranstoun.

3. Margaret, who was living in 1564. No subsequent notice of her has been found.

Dame Janet Betoun survived her husband, Sir Walter Scott of Buccleuch, nearly sixteen years. Her memory has been immortalised by Sir Walter Scott in the "Lay of the Last Minstrel," of which she is the heroine. He there describes her intense desire for vengeance on her husband's murderers as overmastering her sorrow for his loss—

"In sorrow o'er Lord Walter's bier
 The warlike foresters had bent;
 And many a flower, and many a tear,
 Old Teviot's maids and matrons lent:
 But o'er her warrior's bloody bier
 The Ladye dropp'd nor flower nor tear!
 Vengeance, deep-brooding o'er the slain,
 Had lock'd the source of softer woe;
 And burning pride, and high disdain,
 Forbade the rising tear to flow;
 Until, amid his sorrowing clan,
 Her son lisp'd from the nurse's knee—
 'And if I live to be a man,
 My father's death revenged shall be!
 Then fast the mother's tears did seek
 To dew the infant's kindling cheek."¹

After the death of her husband, the Lady of Buccleuch marched at the head of an armed body of two hundred of her clan to the Kirk of St. Mary of the Lowes, in Yarrow, breaking open the doors of the church in order to seize the Laird of Cranstoun. She was accused before the Justice for this exploit.

¹ Lay of the Last Minstrel, Canto First.

but by a warrant from the Queen Regent he was discharged from proceeding against Lady Buccleuch. At a later period she was mixed up with the affairs of Queen Mary and Bothwell, and was popularly believed to have influenced their attachment by means of witchcraft. One of the placards of the time, which was fastened to the door of the Tolbooth at Edinburgh, accuses of the murder of Daruley, Lord Bothwell, and others, "and the Queen assenting thereto, through the persuasion of the Earl Bothwel, and the witchcraft of the Lady Buckleugh."¹ She had also been on intimate terms with Mary Queen Regent, and one of her letters has been preserved, which may be here given as a relic of this remarkable woman :—

“ TO THE QUENYS GRACE.

MADAME.—Efter maist humnyll commendatioun of service, empleise zour grace be advertisit, I haif tareit heir thir aucht dayes bipast, in houp of zour cumyng to this towne, awaiting thairupone to haif spokyng zour grace at lenth in all my necessar besinesse, ffor my suyr truist and esperance is onelie in zour grace abone all utheris of this realme; and I, wyth all ffreindis pertening me, salbe zour trew seruitouris in all sic behalvis as ye pleise command ws, besekand your grace to send me aduertisement gif ye intend to be heir schortlie or nocht, ffor I will await yit forder vponne your cumyng. I haif committit sum part of my mynd be toung to my broder, the berar heirot, quhamto pleise your grace geif credit. And God Almighty preserve your grace eternalie. Off Edinburgh, the xxviii of Januar 1553, be your oratrix.”²

*Jana Botomy Baley
A. Buchanan*

¹ Buchanan's Detection, p. 151.

² Maitland Club Miscellany, vol. i. p. 40.

Dame Janet Betoun, Lady of Buccleuch, died in January 1568-69, having survived her husband, Sir Walter Scott, sixteen years.

Sir Walter Scott's son, Sir William, having predeceased him by a few months, Sir Walter was succeeded in the estates by his grandson, Walter Scott.

Walter Scott of Buccleuch
Gave to my Grand



CHAPTER ELEVENTH.

XI.—SIR WILLIAM SCOTT OF KIRKURD, KNIGHT,
YOUNGER OF BUCCLEUCH.*Circa 1520-1552.*

GRISSEL BETOUN (OF CREICH).

THIS young Knight of Buccleuch affords another instance, among several which occurred, of the heir-apparent predeceasing his father and never inheriting the family estates. Sir William Scott appears to have been provided to Kirkurd, as his designation was of Kirkurd and younger of Buccleuch. Satchells thus describes him:—"Sir William Scott of Branksom, called Whitecloak. He was the son of Wicked Wat."

"As fortune smil'd or frown'd,
Content that worthy was."¹

These descriptions by the family annalist of persons who lived so long before his time are merely traditional, and are not given from personal knowledge. However graphic such traits of character may be, they must be taken with caution.

True to his training, this young Scott knight made frequent inroads on the English borders, sometimes in company with his father, at other times at the head of a body of his retainers and friends. Sir John Dudley, Viscount Lisle, Warden of the English Marches, in a letter to King Henry the Eighth, dated Castle of Alnwick, 9th January [1542-3], thus alludes to one of these

¹ History of the name of Scot, p. 48.

raids :—" As touching the state of your Grace's borders, the same continueth in such terms as in my former letters I have advertised your Majesty, and our neighbours of Scotland hath done but little harm unto us since the death of their King. But this day I was informed that the Lord of Buccleuch's son was yesterday, in the morning, within your Grace's realm, with an hundred horses, but they had no leisure to carry neither boutie nor prisoner away. And since that he hath begone (which, as I perceive, is none of the Earl of Angus friends), I trust his father, and he too, shall repent it or it be long."¹

The very unsettled state of the Borders after the death of King James the Fifth, and during the minority of his daughter, Queen Mary, formed a source of great anxiety to the successive Regents the Earl of Arran and the queen-mother. The Scots of Buccleuch supported the Regents against their old enemies of England. The proceedings in Parliament in the year 1545 show the unsettled state of the borders, and the steps taken for the security of life and property. Sir William Scott and other Border proprietors, in presence of the Lord Governor and Lords of Council, in the Parliament which met at Linlithgow on 4th October,—

" Taking the burden upon them for themselves, their kin, friends, men, tenants, servants, adherents, allies, partakers, and all others that depended upon them, bound themselves to rise, concur together, without any fear or dread or for any feud or cause being among them, to resist our old enemies of England, and defend the realm; and to resist all Scots traitors, and thieves both from stealing and reiving within the realm; and that each should concur with the others at all frays and followings night and day; and each to take part with others assured, each of the other, their kin, friends, men, tenants, servants, adherents, and partakers, and all others that depended upon them, to be unhurt and unpursued in their persons, lands, tacks, steadings, rooms, and possessions whatsoever, unto the feast of Candlemas next to come inclusive, under the pains, in case of failure, of perjury and infamy, and of never being reputed nor holden an honest man, nor admitted

¹ State Papers, King Henry VIII., vol. v. p. 241.

into honest company, but to be held odious and abominable as breakers of their faith. This assurance was subscribed by

WALTER KER of Cefurd.

JOHN KER.

WYLZEM SCOTT.

JOHNE RUTHERFURD of Hunthill.

NYCHOL RUTHERFURD of Hundole.

WM. DOUGLAS."¹

To enable the Lords, barons, and other gentlemen of the Merse and Teviotdale to resist and invade their old enemies of England, and to resist thieves and traitors that invaded any part of the realm of Scotland, the Lord Governor and the Parliament granted 1000 horsemen, whom they were to pay, to remain for three months or more, as they should judge to be expedient, upon the Borders. These Lords, barons, and gentlemen, consisting chiefly of Homes, Kerrs, and including Sir William Scott, in presence of the Lord Governor and Lords of Privy Council, at Linlithgow, on the same 5th October 1545,—

“Became bound for themselves, their tenants, servants, and partakers, to resist to the uttermost of their power all such thieves and traitors in Merse, Teviotdale, Lothian, Tweeddale, or any other parts of this realm; and if any such persons be dwelling on their proper lands, tacks, steadings, rooms, or bailiaries, they should take and apprehend all such persons complained upon, as soon as they were charged thereto by the Lord Governor, or any other having power of him, and bring them to the Lord Governor Justice, or any other that should be depute thereto, to be punished for their trespasses; and to cause, as far as they could, the persons skathed to get restitution of their goods taken from them; and if the said trespassers dwelt without their bounds in any other places, immediately after they were charged by the Lord Governor, or others having power of him, they should rise, concur, and ride all together to the searching, seeking, and taking of such persons, and delivering them to my Lord Governor, justice-deputes, or any other having power of him thereto, under the pain to be called and accused as assisters and partakers with the said thieves and traitors in their theftous and treasonable deeds, and punished therefor to the rigour, conform to the laws of the realm. In witness whereof they

¹ Acts of the Parliaments of Scotland, vol. ii. p. 461.

subscribed the present band with their hands. The Lords ordained this band to be inserted in the Books of Council, and to have the strength of an Act."¹

Sir William Scott was with his father, Sir Walter, at the battle of Pinkie, fought between the Scots and the English, under the command of the Duke of Somerset, in the year 1547, as already shown in the memoir of Sir Walter.

By a bond of manrent, dated 1549, the month not given, granted by this knight to Mary, Queen Dowager of Scotland, he bound himself for life in service and manrent, to be ready whenever her Grace should require him, to do such service as she should require to the uttermost of his power, for advancing the authority and liberty of the realm, and also in all her Grace's affairs against her enemies whomsoever, and especially against the old enemies of England, and all other their partakers and defenders, disturbers of this realm, of whatsoever nation or country they might be, "pretending to molest and trouble our Sovereign Lady and her subjects, and destroy the liberty of this our native realm."² The Queen Dowager, in return for the service which the young Buccleuch thus engaged to perform on her behalf, bound herself to maintain and defend him in all his honest and lawful actions, quarrels, and controversies whatsoever, and to give him yearly during his lifetime as much of fees and profits as the deceased John Melwin, sometime of Raith, had from her yearly for his service done to her, to be taken off the lands from which Melwin had received his fees during his lifetime.³

The Queen Dowager also granted a letter, dated 30th August 1549, whereby, for the further performing of her obligation, she promised to him £100 Scots per annum, which James Melwin, sometime of Raith, had in yearly fee and pension, to be received from the hands of her chamberlain, off the readiest profits and duties of her lands of Star and Morthowearny, in the shire of Fife, during her will.⁴

¹ Acts of the Parliaments of Scotland, vol. ii. p. 461.

² Vol. ii. of this work, p. 195.

³ *Ibid.* p. 190.

⁴ *Ibid.* p. 192.

Sir William Scott gave a bond, along with his father and eight other persons of the name of Scott, and Robert Elliot of Redheuch, to Queen Mary and the Earl of Arran, as Regent, dated 21st May 1550, to assist the Regent in maintaining tranquillity and good rule on the borders.¹ With the exception of Sir Walter Scott and his son, Sir William, none of the eight Scotts or Elliot could write their names; these were all written for them by a notary-public.

During the last year of his life and that of his father, Sir Walter Scott, a settlement was made between England and Scotland, which put to rest a fruitful source of dispute and controversy between the two countries, and which had also been the cause of much contention between the Wardens of the Marches on either side of the Border. The tract of country which received the name of the Debateable Land, extended from the Solway Firth about ten miles in the direction of Liddesdale, its eastern margin being bounded by the rivers Esk and Liddel, the western and northern boundary being the Sark and the Tarras. In breadth it varied from two to four miles, and comprehended what are now the parishes of Canonbie, in Scotland, and Kirkandrews, in England. The portion of country here described had remained in an undetermined state, in all probability, from the time of the War of Independence in the fourteenth century. As neither side could make any claim against the marauders who inhabited this disputed district without by so doing admitting that the lands belonged to the country to whom the claim was made, the Debateable Land became the resort of the "broken men" of the Borders, who acknowledged no law but their own predatory instincts. Claims had been made at various dates by the English Wardens for portions of the district, more especially for Canonbie, which they alleged was under the protection of the King of England. The Scots, however, disputed this claim. In the year 1528 Lord Dacre wrote to Wolsey requesting to know the King's pleasure respecting Canonbie, to the inhabitants of which he had given notice to bring in their protection. They had denied that they lived under the protection of England, and claimed to belong to Scotland, alleging

¹ Vol. ii. of this work, pp. 197-199.

that the merk which they had paid was for the customs, and for the right to resort to the market of the city of Carlisle. Daere then asked whether Canonbie should be destroyed or not, as it was profitable for the peace of the Borders that it should be wasted, being, as he said, "so noisome a neighbour." The answer must have been in the affirmative, as we find that he laid waste the district about that time.

The depredations which had their source in this unsettled district became at length so unbearable to both countries that it was resolved to divide the Debateable Land. The Lords of the Scottish Council, in January 1551-2, considered the heavy "attemptates committit upoun our Soverane Ladys pur leigis be theiris and utheris malefactoris, brokin men, and the diverse murthuris and slauchteris committit be thaim in tyme bygane, and specialie be the inhabitants of the Debatabill Land, quha nychtlic, day, and continuallie rydis and makis quotidiane reiffis and oppressionis upon the pur; and in lykmaner all evill doaris and faltouris resortis to the Debatabill Land, and quhatsumever falt thai commit thai ar welcum and ressett be the inhabitants thairof, and assistis and takis plain part with theif and traitour in thair evill dedis." It was impossible, in the existing state of matters, for any injured person to obtain redress, or secure punishment on the offenders. Considering that the inhabitants of the Debateable Land had been frequently the occasion of war, and had always been the chief breakers of the peace, and as they had no intention of changing their habits, the Lords of Council concluded that the only remedy was that the Debateable Land should be divided.

Accordingly, in March 1552, Commissioners were appointed for that purpose to meet the Commissioners of England. Those appointed on the part of Scotland were Gilbert, Earl of Cassillis, Robert Lord Maxwell, Sir James Douglas of Drumlanrig, and the Justice-Clerk, Bellenden. Ample powers were given to the Commissioners to exercise their discretion in the settlement, and they were enjoined rather to give way on minor points than to leave the land undivided, with the exception of the lands of the Priory of Canonbie, which were on no account to be allowed as debateable.

In order that the Commissioners should be suitably accompanied, the Privy Council ordered letters to be sent to the Sheriffs of Berwick, Roxburgh, Selkirk, Peebles, Lanark, and Ayr, and to the Bailies of Kyle, Carrick, and Cunningham, instructing them to make proclamation to all and sundry "Earls, Lords, Barons, landed men, and other substantial gentlemen," that with their followers, "bodin in feir of weir," they should meet the Commissioners at Lochmabenstane on the 29th April.

The meeting took place as arranged, with the result that the Debateable Land was divided between the two countries. The mode of division was very simple, a line being drawn intersecting the disputed territory from the river Sark on the west to the Esk on the east. The northern portion, now the parish of Canonbie, was assigned to Scotland, and the southern division, with some slight additions now represented by the parish of Kirkandrews, was apportioned to England. The partition line was marked by stone pillars, bearing the armorial ensigns of England and Scotland, placed on the south and north sides respectively.¹

Sir William Scott died about the time of the division of the Debateable Land, shortly before the 19th of May 1552, apparently at the Castle of Branxholm, as on the 19th of that month an inventory of the goods belonging to the deceased Sir William Scott of Kirkurd, younger of Buccleuch, who died intestate, was made by Sir Walter Scott of Buccleuch, his father, and Walter Scott, son and heir of Sir William, at Branxholm. His live-stock, grain, and utensils were valued at £549, 19s. 8d., and the debts owing by him amounted to £387, 0s. 6d. On the 4th of July following a decret was given by the Commissary-General of Glasgow, appointing Walter Scott, son and heir of Sir William, his sole executor-dative to his whole goods and gear, and also appointing Sir Walter Scott of Branxholme tutor to Walter Scott, his grandson, during his minority.²

Sir William Scott married Grissel, second daughter of John Betoun of Creich, in the county of Fife, sister of the celebrated Janet Betoun, Lady of

¹ The Book of Carclaverock, vol. i. p. 219.

² Vol. ii. of this work, p. 211.

Buceleuch, his father's third wife, whose heroic exploits have been mentioned. Of the marriage of Sir William and Grissel Betoun there was issue one son, Sir Walter, who, soon after his father's death, succeeded his grandfather, and three daughters :—

1. Janet, who was the second wife of Sir Thomas Kerr of Fernihirst. He succeeded his father, Sir John Kerr, in 1562, and died in 1586. To him she had three sons and one daughter—(1.) Sir James Kerr of Crailling, afterwards Lord Jedburgh; (2.) Thomas Kerr, who got from his father the lands of Oxenham; (3.) Robert Kerr, afterwards Earl of Somerset, Viscount Rochester, etc. The daughter, Anne, married John Lord Balmerino.

2. Margaret, who married, about 1571, Sir John Johnstone of that ilk, ancestor of the Earls and Marquises of Annandale. Their grandson was created successively Lord Johnstone and Earl of Hartfell, whose son was created Earl of Annandale, and his son again was made Marquis of Annandale. Sir John Johnstone succeeded his grandfather in 1567. He was appointed Warden of the West Marches, and Justice-General, by King James the Sixth in 1579. He died in 1586. Of his marriage with Margaret Scott, there was issue one son and two daughters. The following is a facsimile of the bold signature of Dame Margaret Scott, "Lady Johnstone," elder, from the original appended to a renunciation by her in favour of Dame Sara Maxwell, Lady Johnstone, younger, dated 23d June 1598, at Raehills.

The image shows a facsimile of a handwritten signature in cursive. The text reads "Margaret Lady Johnstone". The signature is written in a bold, flowing style with a long horizontal flourish at the end.

3. Elizabeth. In the contract between Sir Walter Kerr of Cessford and Sir Walter Scott of Branxholm, dated 22d March 1564-5, which was made for the purpose of composing the feuds between the families of Scott and Kerr, it was agreed that Thomas Kerr, second son of Sir Walter Kerr, should marry Elizabeth

Scott, sister of Sir Walter Scott, between the date of the contract and the 31st of May following, without tocher. This marriage does not appear to have taken place. Elizabeth Scott married John Carmichael of Meadowflat, Captain of Crawford, whose heir was the Earl of Hyndford.

Dame Grissel Betoun survived Sir William Scott, and married, secondly, Sir Andrew Murray of Blackbarony, from whom the Murrays of Blackbarony, Elibank, etc., are descended.

Sir Walter Scott only survived his son, Sir William, for about five months, having been slaughtered by the Kerrs in the manner explained in his memoir. He was succeeded by his grandson.

My loving father of
Sir Andrew Murray



CHAPTER TWELFTH.

XII.—SIR WALTER SCOTT, KNIGHT,
OF BRANXHOLM AND BUCCLEUCH.

[FATHER OF THE FIRST LORD SCOTT OF BUCCLEUCH.]

BORN 1549. SUCCEEDED 1552. DIED 1574.

LADY MARGARET DOUGLAS, OF ANGUS.

THIS Knight of Buccleuch succeeded his grandfather, Sir Walter Scott, in 1552. He was then only three years of age, having been born in 1549.¹

According to Sir James Melville, who was a contemporary, he was a man of rare qualities, wise, true, stout, and modest.² Unfortunately he had little time for the display of those qualities which had attracted the notice of the historian, as he died at the early age of twenty-five.

He was served heir to his grandfather, Sir Walter Scott, by a retour of special service, 6th February 1553-4, in the lands of Branxholm, Quhitchester, Buccleuch, Rankilburn, Eilrig, Milsyntoun, and Lempetlaw, in the six husband lands of Grymslaw, also in the lands of Kirkurd, in the barony of Branxholm, and in the office of bailiary of Melroseland, Ettrickhead, Rodonoland, Eskdalemuir, East Teviotdale land, and Vgingis, belonging to the Abbey of Melrose; also in the lands of Northhouse and Thirlestane, in fee for the office of bailiary. The value of these various lands is particularly stated in the retour. The lands of Branxholm, with the mansion-house and mill, were then valued at

¹ Vol. ii. of this work, p. 237, note.

² Memoirs by Sir James Melville, edition 1735, p. 226.

£24 Scots yearly, and in time of peace at 24 merks; the lands of Quhitchester, the lands of Buccleuch and Rankilburn, the lands of Lempetlaw, at £20 respectively, yearly, and the same in time of peace; the lands of Eilrige, and the lands of Mylsyntoun at £10 respectively, yearly, and the same in time of peace; Portar's lands at £6, and the same in time of peace; the lands of Kirkurd at 80 merks yearly, and the same in time of peace; and Ringwoodfield at £52 yearly, and the same in time of peace; and the office of bailiary of Melrose, with the lands of Northhouse and Thirlestane, at £20 yearly, and the same in time of peace. All these lands, except those of Ringwoodfield, and the bailiary and lands of Melrose, were held of the Crown in chief. The lands of Ringwoodfield, and the bailiary of Melrose, with the lands of Northhouse and Thirlestane, were held in chief of the Abbot and Convent of Melrose, for payment for the lands of Ringwoodfield of £52 Scots annually, and for the lands of Northhouse and Thirlestane the services of bailiary.¹

On attaining his majority, Sir Walter Scott granted a discharge, dated 1569, to Robert Scott, his cousin, grandson and heir of Robert Scott of Allanehauch, tutor to Sir Walter, of all accounts of the intromissions made by the deceased Robert Scott during the granter's minority.² He also granted to Robert Scott the nonentries, mails, farms, and duties of the lands and lordship of Quhitchester, in the barony of Branxholm, until the entry of the heir.³

As the feud between the Scotts of Buccleuch and the Kerrs not only continued to exist, but had been greatly aggravated by the slaughter of Sir Walter Scott in 1552, the friends of this Sir Walter Scott, to prevent the calamitous effects of the feud, which might break out in fierce conflict at any time, were extremely anxious to effect a reconciliation between the heads of the two clans. This they sought to accomplish by a matrimonial alliance between the two families,—a scheme which had not unfrequently proved the means of effecting a reconciliation between hostile clans.

The curators who acted for Sir Walter Scott were James, Duke of

¹ Vol. ii. of this work, p. 214.

² *Ibid.* p. 225.

³ *Ibid.* p. 226.

Chatelherault, Sir John Maxwell of Terregles, afterwards Lord Herries, Sir John Bellenden of Auchnoule, Justice-Clerk, John Spence of Condie, Lord Advocate, Andrew Murray of Blackbarony, Michael Balfour of Burleigh, Thomas Scott of Haining, and Robert Scott of Thirlestane.

By their influence, a contract of marriage was entered into at Edinburgh on 22d March 1564-5, between Sir Walter Kerr of Cessford and Walter Scott of Branxholm, with consent of his curators. The Knight of Cessford acted for himself, and took the burden upon him for his bairns, and for his brother, Mark Kerr, Commendator of Newbottle, and his bairns, John Hume of Coldenknowis and his bairns, Andrew Kerr of Fawdounsyde, his bairns and brothers, Thomas Kerr of Marsingtoun, his father's brother, and their bairns, George Kerr of Lyntoun, his bairns, his grandsons and nephews, Richard Kerr of Gaitschaw, his bairns and brothers, Andrew, William, and John Kerr, brothers of Sir Thomas Kerr of Fernihirst, knight, Mark Kerr of Kippyschaw, and his son, Robert Kerr of Bothtoun, Robert Kerr, elder, burgess of Edinburgh, and all others their bairns, brethren, kin, and friends, men, tenants, and servants, except their friends under specified, not comprehended under this appointment. Walter Scott of Branxholm, with consent of his curators, acted for himself, and took the burden upon him for all of his surname, and the relict and bairns of the late Sir Walter Scott of Branxholm, his grandfather, and also for William Cranstoun of that Ilk, his bairns and brethren, the brother of the deceased Laird of Chisholme, John Glaidstanis of that Ilk and his bairns, James Langlandis of that Ilk and his bairns, Walter Wache of Syntoun and his bairns, and for James Ormistoun of that Ilk, conditionally; and also for all others his kin, friends, servants, tenants, and assisters. By the contract it was agreed that neither Sir Walter Scott, nor Sir Walter Kerr, nor any for whom they became bound, should pursue each other, nor any comprehended in the contract, criminally nor civilly, for any slaughter committed in time past, nor move action nor bear hatred on that account, but should bury the same in perpetual oblivion, and live in perfect amity in all time coming. It was, however, provided that Sir Walter Scott,

and those for whom he became bound, should not be prejudged in regard to the actions which they intended to pursue against Sir Thomas Kerr of Fernihirst, Sir Andrew Kerr of Hirsell, Robert Kerr of Woodhead, John Haldane of that Ilk, Gilbert Kerr of Prynsydloch, James Kerr of Tarbert, Robert Kerr of Gradene, Andrew Kerr of Hietoune, their bairns, brethren, and servants, and all others not comprehended in this agreement, but might pursue the same as they thought most expedient by the law, because the said persons being required by the Laird of Cessford, refused to take part in this contract.

By that contract it was also arranged, that for the more sure removing of all enmity standing betwixt the contracting parties through the unhappy slaughter of Sir Walter Scott of Branxholm, and for the better continuance of amity among them in time coming, Walter Kerr of Cessford should, upon the 23d of March then current, come to the parish kirk of Edinburgh, commonly called St. Giles' Kirk, and there, in the forenoon, in sight of the people assembled for the time, reverently upon his knees, ask God's mercy of the slaughter foresaid, and in like manner ask forgiveness of the same from Sir Walter Scott of Buccleuch and his friends, who should be present, and thereafter promise, in the name and fear of God, that he and his friends should truly keep their part of the contract, and should stand true friends to Buccleuch and his friends in all time coming. Buccleuch promised to accept this submission, and promised, in the fear of God, to remit his grudge and never remember the same.

To insure still more the lasting peace of the two families of Scott and Kerr, a marriage was also agreed on between Thomas Kerr, son of the Laird of Cessford, and a sister of Sir Walter Scott; and also between George Kerr, eldest son of Andrew Kerr of Fawdonside, and Janet Scott, sister of the late Sir William Scott of Buccleuch. In the event of the death of George Kerr before the completion of the ceremony, it was provided that his next brother should marry Janet Scott. A similar provision was made in the event of the death of Janet Scott. The Laird of Cessford bound himself to complete

this contract under a penalty of 1000 merks, to be paid to Janet Scott or her sister, should the marriage fail by default of George Kerr or his brothers

The contract for the marriage between Janet Scott and George Kerr of Fawdonside was the subject of an examination before the Regent shortly after the death of this Sir Walter Scott, and during the minority of his son. It was pleaded on the part of Walter Scott of Branxholm that, touching the marriage of George Kerr, son and apparent heir to Andrew Kerr of Faldounsyde, with Janet Scott, father's sister to umquhile Sir Walter Scott of Branxholm, it was not fulfilled nor accomplished, neither was the sum of 1000 merks paid to Janet Scott, because of his failing to conform to the contract. Kerr was ordered to pay the above sum, and the discharge is recorded in the Records of the Privy Council.¹

As Sir Thomas Kerr of Fernihirst, Sir Andrew Kerr of Hirsell, and Gilbert Kerr of Primsideloch, for them and their friends, had refused to concur with the Laird of Cessford in this contract, Buccleuch and his heirs were therefore not to agree with any of them without the consent of Cessford and his heirs; and should Buccleuch or his heirs agree with them, without that consent, before the completing of the marriage betwixt Janet Scott or one of her sisters, then neither George Kerr nor any of his brothers should be bound to complete the promised marriage. Also, should Buccleuch agree with the persons before mentioned, or any of them, after the completing of the marriage, without the advice of Cessford, Buccleuch bound himself to pay to him 1000 merks as the tocher of Janet Scott, or any of her sisters that happened to be married, within forty days after the agreement. But it was provided that if Buccleuch should agree with Sir Thomas, Sir Andrew, and Gilbert Kerr, or any of them, with advice of the Laird of Cessford, in that case the latter should not labour nor desire that their "offeris ellis offerit" be diminished, but rather that they be augmented.

The contract is signed by the parties and curators, and by Dame Janet

¹ Privy Council Records, 1575-77, pp. 60, 69, 71.

Betoun, relict of Sir Walter Scott, as a consenter to these family arrangements.¹

Besides these stipulations made in this contract, there were several points discussed and agreed to between the parties. Three years after the date of that contract, Sir Walter Kerr of Cessford had not fulfilled his part of it, and verbal engagements made in addition. This appears from a notarial instrument, which records that Thomas Scott of Haining, at the chapel of Halydene, on 5th October 1567, in the presence of a notary-public and witnesses, declared that he had passed to the personal presence of Sir Walter Kerr of Cessford, and mentioned the preceding contract, one part of which was that Thomas Kerr, second son of Sir Walter Kerr of Cessford, should solemnise the holy band of matrimony in face of holy kirk with Elizabeth Scott, sister of Sir Walter Scott, before a day specified in the contract, and that there were divers heads contained in the contract, with other heads communed and agreed upon between the parties, which ought to be fulfilled by Sir Walter Kerr, that were not fulfilled before the date of this declaration, and therefore required Sir Walter Kerr to say whether he intended to fulfil the contract with the verbal agreement between the parties. Sir Walter Kerr being personally present, admitted the truth of these statements, and bound himself and his heirs faithfully for himself, his sons, friends, and partakers, to fulfil the articles contained in the contract, with all communings between them, which concerned him. Upon all this Thomas Scott of Haining, in name and by the mandate of Walter Scott of Branxholm, took instruments.²

It has been previously stated that in the contract entered into with Sir Walter Scott and Sir Walter Kerr of Cessford, and other Kerrs, on 22d March 1564-5, Sir Thomas Kerr of Fernihirst, Sir Andrew Kerr of Hirsell, and other Kerrs, though invited by Sir Walter Kerr of Cessford, had refused to join in the contract. The feud between Sir Walter Scott and these Kerrs therefore remained. To compose the differences between him and the Kerrs, who still

¹ Register of Deeds in Court of Session.

² Vol. ii. of this work, p. 222.

maintained their attitude of hostility, was important, not only for the well-being of the parties themselves, but for the tranquillity of the Borders. Endeavours were, therefore, made to effect a reconciliation. After the lapse of four years another agreement was entered into at Melrose, 26th February 1568-9, between Sir Walter Scott of Branxholm for himself, and taking the burden upon him for Walter Chisholme of that Ilk, and their kin, friends, and assisters, with consent of Sir John Bellenden of Auchnoule, knight, Mr. John Spens of Condie, Andrew Murray of Blackbarony, and Robert Scott of Thirlestane, his curators, for their interest, on the one part; and Andrew Kerr of Hirsell, knight, for himself, and taking the burden upon him for James Kerr of Corbet, Walter Hogg, and the remanent of his kin, friends and assisters, on the other part, anent the slaughter of Sir Walter Scott of Branxholm, and all other quarrels and debates that were or had been in any time bygone between the said parties. The contract, however, specially excluded Sir Thomas Kerr of Fernihirst, his servants, partakers, and assisters. By the contract it was agreed that Sir Andrew Kerr of Hirsell and James Kerr of Corbett, accompanied with their kin, friends, servants, and assisters, should, upon Sunday, 13th March, compear personally within the parish kirk of Melrose, about ten o'clock forenoon, and after the sermon, in presence of the friends of both parties and others present at the time, make such homage to Sir Walter Scott and his friends as should be thought sufficient by Sir Walter and them for the slaughter of his grandfather. In like manner Sir Andrew and James Kerr bound themselves, their servants, kin, friends, and assisters, to take, in all time coming, a true and faithful part with Sir Walter Scott and his fore-saids in all their honest and lawful actions and causes against all deadly, the authority alone being excepted.

A contract of marriage was also made by Sir Andrew Kerr and Walter Kerr of Dolphingtoun, his son, by which it was provided that John Kerr, whom failing, his brothers in succession, should complete a marriage with Elizabeth or Agnes Murray, sisters to Andrew Murray of Blackbarony, one of the curators of Buccleuch, as soon as they were of perfect age. The penalty

for the non-fulfilment of the contract by either Sir Andrew or Walter Kerr was fixed at 1000 merks Scots.

For these causes, Sir Walter Scott for himself, and taking the burden upon him for Walter Chisholme of that Ilk, and the remanent of their kin, friends, and assisters, agreed to forgive Sir Andrew Kerr, James Kerr, and their foresaids all hatred that they have, had, or may have to them, or to any one of them, for the slaughters or any other quarrels or debates that are or have been betwixt any of the persons preceding the date of this contract; likeas Sir Andrew Kerr and his foresaids do the same to Sir Walter Scott and his foresaids. In like manner Sir Walter Scott should take a true and faithful part with Sir Andrew Kerr and his foresaids in all their honest and lawful actions, quarrels, and debates whatsoever, against all deadly, the authority alone excepted.¹

Although the feud was now terminated, the elaborate arrangements for the intermarriage of the Scotts and Kerrs did not lead to the marriages contemplated. It is rather singular that the only Kerr left out of these complicated contracts, Sir Thomas Kerr of Fernihirst, afterwards married Janet Scott, the sister of this Sir Walter Scott.

Before the feud between the Scotts and Kerrs had been thus terminated, a quarrel had commenced between the former and the Elliots, which led to a bitter feud, that raged with great fury for a considerable time in the districts of Liddesdale and Teviotdale.

The Elliots, who occupied parts of Liddesdale and Ewesdale, and the Debateable ground, although few in number, were among the most hardy and daring of the riding clans on the Borders. Their leader at this time was Martin Elliot of Braidley, who had great influence over the smaller clans, such as the Nixons and Croziers, and over the "broken men" of the West and Middle Marches. He was important enough to be subsidised by the Government of Queen Elizabeth, who were ever ready—and especially at this period—to foment the differences between the Border clans. The

¹ Register of Deeds in Court of Session.

English Wardens, in July 1567, recommended that a sum of £200 should be given to him, as he had at that time 600 men under his command. Queen Elizabeth directed them to pay him the sum of £100.¹

The feud between the Scotts and Elliots appears to have originated in a murder committed by one of the latter in the autumn of the year 1564. Randolph reports to Cecil, 24th October 1564, that he expected the Lords of Council to be occupied the whole of the next day "upon a great matter of controversy about a murder committed by some of the Elliots upon certain of the Scotts." There had been five Elliots and Scotts condemned, and three of them beheaded that night on the Castle Hill by torchlight.²

This severity, however, had not the effect of stanching the feud, and in the following spring the Elliots attacked the Scotts, killing some of them, burning their houses, and carrying off their goods. A letter from Randolph, in April 1565, relates that the Scotts had been at Court requesting licence to take revenge at their hands.³

The Elliots, although fewer in number, were at first successful, and this was no doubt owing to the great influence of their leader, Martin Elliot, who had gathered round him many of the members of the smaller clans of Liddesdale and the neighbourhood. A party of them, numbering three hundred, burnt and spoiled the distance of ten miles round the property of Buccleuch, and slew many men, and some women and children. Buccleuch soon after, with the men of Teviotdale, as reported by Drury to Cecil, "made a raid upon the outlaws of Liddesdale, and there slew seven Crosyers and Elwoods, and took great body of cattle."⁴

At this time the Elliots sought the protection of the Queen of England, offering to deliver into her hands the castle of the Hermitage. Lord Scrope, writing to Cecil, 28th April 1565, says :—"There has lately risen in Liddes-

¹ Bedford to Cecil, 25th July and 7th August 1567.

² Calendar of State Papers, Foreign Series, No. 757, p. 230.

³ Calendar of State Papers, Foreign Series, No. 1111, p. 341.

⁴ *Ibid.* 28th May 1565, No. 1206, p. 377.

dale, between the surnames of the Scotts and the Elwoods, great dissension and division, whereupon they are fallen to such disorder as they do daily ride and make spoil the one party upon the other. And now the Elwoods have secretly, by an Englishman, craved at his hands the protection of the Queen, offering not only their whole surname and friends to become English, but also to deliver their sovereign's house in Liddesdale, called the Hermitage, and for performance thereof they offer to lay in pledge, on their lives, four of the best of their name. Whereunto he answered, that in respect of the peace between their Majesties, he could not accept their offer. Desires to know the Queen's pleasure." ¹

The disorders had now continued for so long a time, that the Government of Queen Mary directed the Master of Maxwell, Warden of the West Marches, to communicate with the English Wardens, requesting their aid in putting an end to the disturbances, for which assistance provision had been made in the agreement of September 1563. The English Wardens, however, with the concurrence and approval of Elizabeth, refused to interfere. It suited the policy of England at that time rather to foment than to quell the disorders in Scotland. Sir John Forster remarks, in his letter to the Privy Council of 22d June 1565, "the longer that such conditions continue amongst themselves, in better quiet shall we be." ² It was also considered advisable not to give assistance to the Warden of Scotland in suppressing the men of Liddesdale, as in case of war between the two countries, the Elliots and their friends might be depended on to join the English, which assistance would be lost if they now interfered to their disadvantage. ³

In the summer of 1565 the Elliots invaded the territory of the Scotts, and carried off great plunder. The Scotts pursued them to Ewisdores, and became the victims of a stratagem which had for them very disastrous consequences, as they were led into an ambush of, it is said, four hundred of

¹ Calendar of State Papers, Foreign Series, No. 1124, p. 347.

² *Ibid.* No. 1261, p. 395.

³ Calendar of State Papers, Foreign Series. Scrope to Cecil, 19th June 1565.

their enemies. Being totally unprepared to meet such a force, and taken unawares, they were completely overthrown, and a number of them slain. Rowland Forster, writing to Bedford shortly after this occurrence, states that the Elliots, besides killing a number of the Scotts, took sixty of them prisoners.¹ The Elliots in this affair must have had the help of the neighbouring clans, whose assistance they were in a position to recompense, having received an additional subsidy of £50 from the English Government, and a promise of £50 more if they continued to acquit themselves as they had been doing.²

The struggle between these two rival clans continued with varying fortune, the Elliots having at one time been forced to take refuge on the English side of the Border, where they had the protection and secret aid of the English Warden, until the summer of 1566. Sir John Forster reports in July that the Scotts and the Liddesdale men were then agreed, and had combined to ride and spoil what they could within England.³

The disturbed state of the Borders, aggravated by the civil war and dissensions with which Scotland was torn, was still further increased by the secret encouragement and aid which the English Wardens, as we have seen, were instructed to afford to the most unruly of the marauders. In the autumn of 1565, Bedford reports to Cecil that "he has many of the Elwoods yet at his devotion," and that the "Elwoods hold out well, and work still for the English, wherein the Warden has travelled much to cause them to do; he keeps them together at the Hermitage, notwithstanding the working of Bothwell to the contrary."⁴ Martin Elliot had made repeated offers to serve the English. Forster informs Cecil, in April 1567, that Elliot had "offered for himself and friends, and also the Armstrongs and the rest of Liddesdale, which," he says, "are at the least a thousand or eight hundred men, to bind themselves to England."⁵ He again offered his services to the English in

¹ Calendar of State Papers, Foreign Series, Rowland Forster to Bedford, 5th August 1565.

² *Ibid.* Bedford to Queen Elizabeth, 5th September 1565.

³ Calendar of State Papers, Foreign Series, Forster to Bedford, 26th July 1566.

⁴ *Ibid.* Bedford to Cecil, 28th September and 5th October 1565.

⁵ *Ibid.* Forster to Cecil, 9th April 1567.

July, as Forster reports that "Martin Elwood had been again with him saying that he had been desired by the Lords of Scotland, of both parties, to come to them, and that he answered that he would not come to them because he was in band with England. Elliot had also informed him that Bothwell had been in Teviotdale trying to induce them to break the Borders, and that the Lady of Buccleuch was of his party, and had made "great offers" to Elliot to join them.¹ It was at this time that Elliot offered to take Hermitage Castle, and deliver it up to the English, and that Queen Elizabeth sent £100 to the Elliots. Martin Elliot was equally ready, however, to serve either party, as we find him in the same year offering to keep good order on the Borders from Berwick to the Hermitage, if the Scottish Government would remit his former offences and give him 300 merks Scots, which James Melville, writing to Throckmorton, says was granted to him.

With such material to deal with, it was no easy matter to "settle the Borders." A proposal had been made during the previous reign, as the only practical method of ending these disturbances, that the Wardens of both countries should unite and pursue the thieves, slaying all that were apprehended, "and take all their wives and bairns and bring them to ports, and send them away in ships, to be put on land in Ireland, wherefrom they may never return again."² But this method of pacifying the disturbed districts was not tried.

The confusion which now prevailed throughout the country encouraged these marauders to extend the field of their operations. We find that in April 1567, Forster reports that the Liddesdale men had of late "spoiled and taken up the town of Biggar, never spoiled before, where they have gotten great substance of coin, silks, and horses."³ Not long before they had "spared not to ride within eight miles" of Edinburgh.⁴ The poor were not spared in

¹ Calendar of State Papers, Foreign Series, Forster to Bedford, 18th July 1567.

³ Calendar of State Papers, Foreign Series, Forster to Cecil, 24th April 1567.

⁴ *Ibid.* Randolph to Cecil, 9th September 1565.

² Cottonian MSS. Caligula, B1 No. 296.

their ravages. "In all this tyme, fra the quenis grace putting in captivitie unto this tyme [October 1567], the thevis of Liddisdaill maid greit hirschip on the puir lauboraris of the ground, and that throw wanting of justice, for the realme wes so dewydit in syndrie factiounis and conspiratiounis that thair wes na auctoritie obeyit, nor na justice execute."¹

The condition of the Borders at this time, and the evil reputation of the Liddesdale men, are quaintly and graphically expressed by Sir Richard Maitland in his "Complaint of the Thieves of Liddesdale :"²—

" Of Liddisdaill, the common theifis
Sa peartlie stellis now and reifis
That nane may keip
Horse, nolt, nor scheip,
Nor yet dar sleip
For their mischiefis.

" Bot commoun taking of blak mail
They that had flesche, and breid, and aill
Now are sae wrakit,
Made bare and nakit,
Fane to be slakit
Wi' watter caill."

Of the many attempts to secure peace in this unruly district, probably that by the Regent Murray was the most successful. He was fortunate in having the help and concurrence of the English Wardens, especially in his second expedition in 1567, at which time the English supported his party in the State.

The first expedition by Murray, then Lord James Stewart, was in the year 1561, when he had considerable powers delegated to him for punishing offenders. Randolph reports that, "Of the Lord James' doings at Jedburgh and of the meeting at Kelso with the Lord Grey and Sir John Forster, I doubt not but your honour hath been advertised; he burnt many houses,

¹ Diurnal of Occurrents, p. 125.

was born in 1496 and died in 1586, was a

² Sir Richard Maitland of Lethington, who Lord of Session and Lord Privy Seal.

hanged twenty-two or twenty-three, and brought into this town [Edinburgh] forty or fifty, of which there are twenty-three in the Castle of Edinburgh. The chiefest of all the clans in the Borders are come in, to take what order it pleaseth the Queen to appoint to stay theft in tyme to come.”¹

Two years afterwards, a meeting of Commissioners of both countries was held in September 1563, when the March Laws were revised and a new treaty executed, in which the laws were made more stringent, and the penalty of death ordered to be enforced for the third offence.² The disordered state of Scotland which followed soon after the completion of this treaty, together with the encouragement already noticed, which the turbulent spirits of the Border received from the English, prevented this convention from having any beneficial effect.

The Regent Murray, with a force of four thousand horse and foot, made a second expedition to the Borders in March 1569. He was met by the English Wardens, who also brought a contingent of horsemen. He was also accompanied by Sir Walter Scott of Buccleuch, Lord Home, Cessford, and Fernihirst. Buccleuch and Fernihirst were appointed to burn and destroy Liddesdale. “But at his coming to Liddesdale,” writes Sir John Forster to Cecil, “sundry of the best of the surnames desired talk with him. And there he was content to have received them to mercy, so that they would put in good band and pledges that they should be dutiful subjects to their young king and the authority, which they said they would do, but the sureties that they would have put in should have been but such of themselves as they would have appointed, which the Regent could not like, and

¹ Randolph to Cecil, 7th December 1561.

² The 16th clause, “for the avoiding of perjury heretofore committed in the valuing of cattle, and for a great terror unto the wicked,” gives the prices to be paid as compensation—

Every ox above four years old,	40	shillings sterling.
Every cow above four years old,	30	do.
Every ox above two years old,	20	do.
Every young cow above two years old,	20	do.
Every other beast under two years old,	10	do.
Every old sheep	6	do.

Every sheep—hogge,	3	shillings sterling.
Every old swine above one year,	6	do.
Every young swine	2	do.
Every goat	5	do.
Every young goat	2	do.

These rates represent what was called the single value or “Principal;” the offender was frequently ordained to pay double, or sometimes treble, the value.—Nicolson’s Border Laws, p. 134.

so parted." Murray being dissatisfied with the sureties, proceeded to burn and destroy the whole district of Liddesdale, not leaving a single house standing. He lay on the Sunday night at Mangerton, a principal stronghold of the Armstrongs, and in the morning caused the whole house to be burned and blown up. Forster adds that "the Regent hath the whole Borders of Scotland in obedience at this time, saving only Liddesdale, who I am sure will seek to annoy both England and Scotland as far as in their power lies."¹

Following on the spirited and thorough action of the Regent Murray in quelling the disorders of the border counties, thirty-two of the principal barons, provosts, and bailies of towns, and other chief men, subscribed a band at Kelso, on the 6th April 1569. Representing the counties of Berwick, Roxburgh, Selkirk, and Peebles, they bound themselves to concur to resist the rebellious people of Liddesdale, Ewesdale, Eskdale, and Annandale, and especially all of the names of Armstrong, Elliot, Nixon, Liddel, Bateson, Thompson, Irving, Bell, Johnston, Glendonyng, Routlaige, Henderson, and Scotts of Ewesdale. Further, they undertook that they would not intercommune with any of them, nor suffer any meat, drink, or victuals to be bought or carried to them, nor suffer them to resort to markets or trysts within their bounds, nor permit them to pasture their flocks or abide upon any lands "outwith Liddesdale," unless within eight days they should find sufficient and responsible sureties. "And all others not finding sureties within the said space, we shall pursue to the death with fire and sword, and all other kinds of hostility." They further bound themselves to take a "full, true, and plane part each one with other," and promised specially to assist Buccleuch and others whose estates were near the disturbed districts. Among those who signed this band were Lord Home, Walter Ker of Cessford, Thomas Ker of Fernihirst, and Sir Walter Scott of Buccleuch.²

The Regent returned with a strong force to the Borders in October of the

¹ Forster to Cecil, Cottonian MSS. Caligula, Cl No. 503.

from the Original in H. M. General Register House, Edinburgh.

² Printed in Pitcairn's Criminal Trials,

same year, when he again dealt effectually with the freebooters, and spread such terror amongst them that "the whole surnames of Liddesdale and otherwheres generally came in and entered into good assurance and pledges for their obedience."¹ A contemporary writer states that he brought with him to Edinburgh sixty pledges, and adds, "thair wes sic obedience maid be the said thevis to the said regent, as the lyk wes never done to na king in na mans dayes of befoir."² The number of pledges is elsewhere given as above a hundred, and they were mainly Johnstones, Armstrongs, Elliots, Beatties, and Grahames. They were distributed throughout the country, in St. Andrews, Dundee, Glasgow, and other strongholds.

The energetic administration of the Borders by the Regent Murray might have eventually reduced the turbulent clans to obedience, but his career was suddenly cut short by his assassination at Linlithgow, a few months after his return from the Borders.

The evil reputation which has been somewhat indiscriminately bestowed on the whole of the borderers, was in reality deserved by a comparatively small number. The Homes, Scotts, Kerrs, and other clans, although ever ready, with or without excuse, to dash across the Border against their "auld enemies of England"—who were neither slow nor unable to make reprisals—did not prey upon their own countrymen.³ And they presented a formidable barrier to the ambitious designs of the English monarchs. The men of Liddesdale and its neighbourhood, as we have seen, were not checked by patriotic scruples. The Armstrongs, indeed, at one time claimed to be independent of the laws of either country. Magnus, in 1529, hears that "the Armestronges of Liddesdail reported presumptuously that they would not be ordered neither by the King of Scots, their sovereign Lord, nor by the King of England, but after such manner as their fathers have used before them."⁴ And in 1545

¹ Calendar of State Papers, Foreign Series, Lord Scrope to Cecil, 25th October 1569.

³ The Scotts of Ewesdale excepted; they rode with Liddesdale.

² Diurnal of Occurrents, p. 151.

⁴ State Papers, Henry VIII., vol. iv. p. 555, Magnus to Wolsey, 13th February 1529.

they formed part of the English army at Ancrum Moor, until on seeing the success of the Scots, they changed sides, and throwing away their red crosses, which they wore as an English badge, joined in the pursuit and plunder of their allies. The Elliots and others accepted payment for their services against their own countrymen from the English Wardens, and even offered to seize and deliver to the English the Castle of the Hermitage. The inland towns, as we have seen, were not free from their ravages. So insufferable had they become in the sixteenth century to English and Scots alike, that, as already stated, it had been proposed to exterminate the entire male population of Liddesdale.

This Sir Walter Scott promised to emulate his grandfather, also Sir Walter Scott, in military adventure. Taking the part of Queen Mary in opposition to those who supported her son, King James the Sixth, he maintained her cause with all the ardour of youthful enthusiasm, and so powerful was he that he could raise above three thousand men within his own district.¹

He was appointed, by a letter under the Privy Seal of Queen Mary, 24th March 1565-6, captain and keeper of Her Majesty's Castle of Newark, in the lordship of Ettrick Forest, in the shire of Selkirk, for nineteen years, and had assigned to him for the discharge of his office the Queen's liferent-lands, and steadings of Cartarhauch, Quhithilwra, Auldward, and Huntly, in the lordship of Ettrick, with the mails, farms, profits, and duties thereof, and he was also constituted bailie and chamberlain of Her Majesty's lands and lordship of Ettrick Forest during the same period, with all the powers and privileges belonging to the office.²

On the assassination of the Regent Murray, on 25th January 1569-70, in the street of Linlithgow, by Hamilton of Bothwellhaugh, Sir Walter Scott partook of the elation and joy with which Queen Mary's friends were inspired, from the hope that the English faction in Scotland, of which Murray was the head, would be extinguished, and that the Queen would soon be restored to regal

¹ Sadler's State Papers, vol. ii. p. 384.

² Vol. ii. of this work, p. 220.

power. In any enterprise, however perilous, which might contribute to such a consummation, he was prepared to embark, and he immediately collected his followers for action. Hamilton had already taken arms; the Castles of Edinburgh and Dumbarton were in possession of Queen Mary's adherents; succours had arrived in the Clyde from France. So early as the morning after Murray's assassination, Sir Walter Scott and Kerr of Fernihirst made an incursion into England at the head of a powerful marauding force, accompanied by Nevil, the banished Earl of Westmoreland, a rough soldier and an ardent supporter of Queen Mary, whom, as well as other fugitives concerned in the great northern rebellion, they received and protected. Like the Hamiltons and others of her devoted friends, they seem to have been apprised beforehand of the intended assassination of Murray. On being asked on that day on which he started on his English raid, before intelligence of the event could have reached him by the ordinary means, how he could dare, so long as Murray was Regent, to make so outrageous an attempt upon the English Borders, Buccleuch answered, "Tush, the Regent is as cold as my bridle-bit." The Earl of Westmoreland, on hearing the tidings of Murray's assassination, as Hunsdon wrote to Cecil, threw his hat into the fire in demonstration of his joy, doubtless replacing it by a steel-bonnet in token of his readiness to fight on behalf of Queen Mary. Having crossed the English Borders, Buccleuch and Fernihirst gave loose reins to their hatred of the English, laying waste the country by fire and sword wherever they went with more than usual fury.

At these proceedings, perpetrated the very day after Murray's assassination, as well as at the protection afforded to her rebels, Queen Elizabeth and the English Government were of course greatly incensed. They remonstrated with Buccleuch and Fernihirst for their daring outrages. Randolph, in a letter to Cecil, dated Edinburgh, 27th February 1569-70, refers to the answers of the Lairds of Fernihirst and Buccleuch. The former, in a letter to the Laird of Grange, dated Fernihirst, 23d February [1569-70], writes that he would forbear "riding" in England, if he [Grange] could assure him that England

would not invade nor ride upon him nor upon his friends.¹ But matters had gone too far not to provoke retaliation on the part of England. Queen Elizabeth, in a letter to the Earl of Sussex, her lieutenant in the north, dated 10th April 1570, instructed him to publish a proclamation explaining her intentions in sending him with her army into Scotland, and desired him to use the good subjects of that country, who should keep with her, in like favourable sort.² Sussex, in a letter written on the same day from Newcastle to the Earl of Morton and others, informs them of his commission from the Queen of England to enter Scotland against those who had injured her; and in one of the same date to Sir William Cecil, he says that he hopes to leave a memory in Scotland, that they should be afraid again to offer war to England. The Earls of Huntly, Argyll, and others attached to the cause of Queen Mary, attempted to arrest the progress of Sussex by declaring their wish for peace, and despatching a messenger to Elizabeth. Sussex, however, would not permit the messenger to pass, and replied to the letter of the Earls that he dared not forbear to execute the orders of Queen Elizabeth.³

Buccleuch and Fernihirst were the first who, on account of their hostile raid into England, suffered from the army headed by Sussex when it entered Scotland. On 17th April 1570, Sussex and Lord Hunsdon, Governor of Berwick, with all the garrisons and power of the East Marches, came to Wark, and on the 18th, at the break of day, they entered into Teviotdale, and committed to the flames all the castles and towns that were in their route, including the Castle of Moss, the property of the Laird of Fernihirst, until they came to Crailing. On the same day Sir John Forster, at the head of all the garrisons and force of the Middle Marches, entered into Teviotdale, and burned all the country, including a strong castle in the possession of the mother of the Laird of Fernihirst, and all other castles in his way, until he came to Crailing, where both companies met. They went up the river Teviot together, and

¹ Calendar of State Papers, Scotland, vol. i. p. 279, No. 30.

² *Ibid.* p. 280, No. 43

³ Calendar of State Papers, Scotland, vol. i. pp. 280-282.

burned and overthrew all the castles and towers situated on that river, until they came to Jedburgh, where they lodged.

The Laird of Cessford, Warden of the Scottish Middle Marches, escaped the fury of the English on this occasion, for on that day he came to the Lord Lieutenant and submitted himself, and having never received the rebels, nor invaded England, though there were some in his company who had done both, and offering to be answerable for his men's offences, he was received as a friend, and to him and his clan were given assurances of safety.

On the 19th the army was divided into two parts. One portion crossed the river Teviot, and burned and razed the Castle of Fernihirst, and all other castles and towns of the Lairds of Fernihirst, Hunthill, and Bedrule. They then proceeded to Minto. The other portion burned in like manner on the other side of the river Teviot, until they came to Hawick, where it was intended that they should lodge that night, the bailies having on the morning offered to receive the army, and received assurances that their town should be spared; but on the coming of the army thither, it was found that the inhabitants had unthatched their houses, and, setting fire to the thatch in the streets, had fled. By the fire which began with themselves, the whole town was burned. But the English saved the castle of Douglas of Drumlaurig, which stood in the town of Hawick, and was known as the Tower;¹ and most of his name, as they belonged to the King's faction, were favoured by the English.

On the 20th the army went to Branxholm Castle, and on arriving there, as Lord Hunsdon writes to Cecil, they found that it had been burnt by the orders of Buccleuch. They blew up the walls with gunpowder. The Castle of Branxholm is described as "a very strong house, and well set, and very pleasant gardens and orchards about it."²

The Castle of Branxholm having been overthrown, the English army divided, and advancing more into the inland country, on the north side of

¹ It is now the Tower Hotel of that town.

² Calendar of State Papers, Foreign Series, Hunsdon to Cecil, 23d April 1570.

the river Teviot, they burned all the castles and towns which belonged to Buccleuch and his kinsmen, and at night returned to Jedburgh. According to the English account of this expedition, there were burned and razed in Teviotdale, the country of Fernihirst and Buccleuch, about fifty castles or strongholds, and three hundred villages or hamlets.¹

The wide-spread devastation committed upon the lands and castles of Scott of Buccleuch and Kerr of Fernihirst, which ended on the 22d of April, was only a part of the burst of indignation of Queen Elizabeth and her Government. On the 17th of April, Lord Scrope, Warden of the West Marches of England, at the head of three thousand horse and foot, passing into the western borders of Scotland, where were resident the obnoxious Maxwells, committed to the flames in their course for many miles villages and granges, and laid waste the fields, taking one thousand oxen, one thousand sheep and goats, and making prisoners of a hundred Scots horsemen.² The Earl of Lennox and Sir William Drury, Marshal of Berwick, were next despatched by Queen Elizabeth at the head of twelve hundred foot and four hundred horse, to avenge still more, specially upon the Hamiltons, the assassination of the Regent Murray.

The movements of the Lords who adhered to Queen Mary in Scotland were carefully watched by the English Government. Thomas Randolph, Queen Elizabeth's ambassador in Scotland, in a letter to Sussex from Edinburgh, 16th September 1570, informs him of the movements of the Earls of Lindsay and Cassillis, and of the Lairds of Lethington, Grange, and Buccleuch.³

Sir Walter Scott was a principal actor in the attempt made by Queen Mary's friends, in execution of a plot formed by Kirkcaldy of Grange, to surprise, by a considerable body of horse, the Parliament, which, by the summons of the Earl of Lennox, met at the Castle of Stirling, and which was numerously attended. This military force was headed by the Earl of

¹ Sir Walter Scott's *Border Antiquities*, vol. ii. Appendix No. V. pp. lviii-lx.

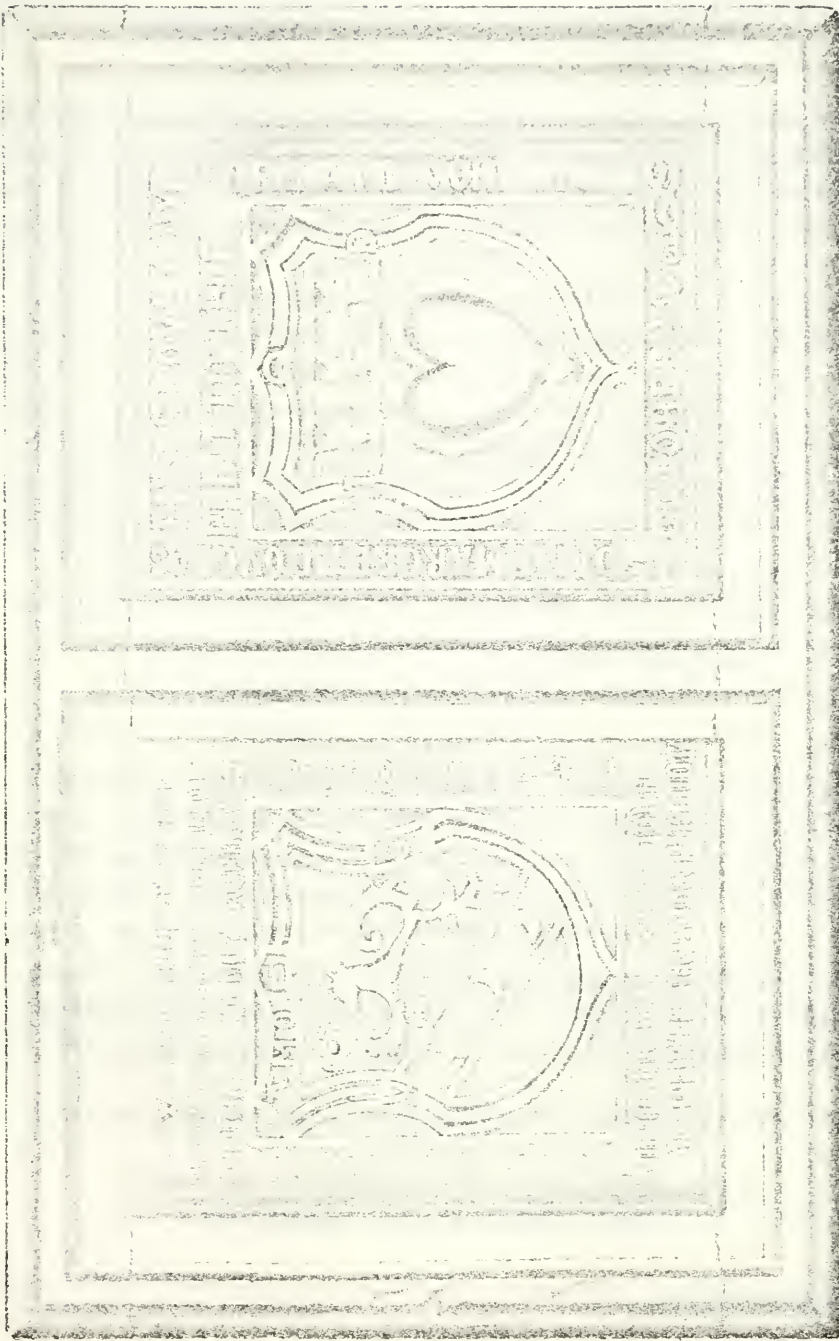
³ *Calendar of State Papers, Scotland*, vol. i. p. 303, No. 33.

² *Ibid.* p. lx.

Huntly, Lord Claud Hamilton, Scott of Buccleuch, and Spens of Wormiston. Having left Edinburgh on the evening of the 3d September, they arrived at Stirling about four o'clock on the morning of the 4th, and the inhabitants being asleep, and not a single sentry placed on the walls, they advanced to the market cross without the least opposition. Having next surrounded the lodgings of the chief nobility, they made the Regent and ten other noblemen prisoners, and intended to carry them to Edinburgh. But the enterprise which at first promised to be so successful was defeated, mainly through the plundering propensities of the borderers, who, unaccustomed to military discipline, having left the prisoners unguarded, dispersed to plunder the stables of horses, and the houses and merchants' booths of whatever was valuable. The party, from their greed of plunder, thus dispersed, and prevented from making an effective resistance, were soon put to flight by John Earl of Mar, keeper of the castle, who sallied out of it with forty soldiers, assisted by the citizens; and all the prisoners were saved, with the exception of the Regent Lennox, who was slain.

The position of affairs was thus suddenly reversed, and Buccleuch, who had taken charge of the Earl of Morton, now found himself a prisoner. He was not retained, however, as we find him shortly afterwards, in conjunction with Kerr of Fernihirst, making an attack on the town of Jedburgh, which had incurred the resentment of the Queen's party in consequence of the treatment which a herald had received who had been sent by them to make proclamation in that town. "He was suffered," says Calderwood, "to read his letters till he came to this point, that the Lords assembled in Edinburgh had found all the proceedings against the Queen null, and that all men should obey her onlie; then the Proveist caused the pursevant come down from the croce, and eate his letters; thereafter caused loose down his points, and give him his wages — with a bridle; and threatned that if ever he came again he sould lose his life."¹ To avenge this contemptuous treatment of the herald, Buccleuch and Fernihirst, with a force said to have amounted to three

¹ Calderwood's History, vol. iii. p. 113.



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thousand men, marched on Jedburgh. The citizens were joined by Kerr of Cessford, and the Regent sent troops under the command of Lord Ruthven, who, having made a rapid march, united his forces with those of the townsmen, and attacking Buccleuch and Fernihirst, defeated them, taking a number of prisoners.

Soon after this occurrence Buccleuch was warded in Doune Castle, in Menteith; but in July 1572 the Regent gave him permission to depart from ward till 1st August, to set his family affairs in order. His sureties were Patrick Crichton of Lugtoun and James Henderson of Fordell.

The English having withdrawn from Scotland, Sir Walter Scott began, on the 24th of March 1571, to rebuild and enlarge the Castle of Branxholm. This appears from the following inscription over the arched door:—

En . uarld . is . nocht . nature . hes . broucht . yat . sal . lest . ay .
Thairfore . scrve . God . Geip . weil . ye . rod . thy . fame . sal . nocht . deka . y .

Schir Walter Scot of
Branxholme
Knycht.

Margret Dobglas
1571.

The work was continued for three years, but the castle was not completed at the time of his death, on 17th April 1574. It was finished by his widow, Lady Margaret Douglas, as appears from the inscriptions still on the walls of the castle. Around a stone, bearing the arms of Scott of Buccleuch, above the original entrance, is the following inscription:—

Sr . Wl . Scot . umql . of . Brankshaim . Knyht . sde . of . Sr . William . Scot .
of . Kirkurd . Knyht . begane . ye . work . of . his . hal . vpon . ye . 24 . of . Marche .
1571 . Zeir . qvha . depairtit . at . God's . plesour . ye . 17 . of . April . 1574 . etc .

Around an adjoining stone, bearing the arms of Douglas, is this inscription:—

Dame . Margret . Dobglas . his . spobs . compleittit .
the . Forsaid . work . in . October . 157[6].

During three years from 1571 to 1574 the rebuilding of Branxholm appears to have occupied the attention of Sir Walter Scott. But even then he was ready to punish transgressors. A notorious border thief, of the name of Hopshaw, was captured and slain by him, as appears from a letter from Killygrew to Lord Burleigh, dated 20th June 1573.¹

Early in the year 1574, Sir Walter was visited with the sickness of which he died, and six days before his death he made a legacy and latter will, of which the following is an abstract :—

At Hawick, the 11th of April 1574, Walter Scott of Branxholm, knight, sick in body but "hail" in spirit, constituted and ordained James Earl of Morton, Regent of Scotland, tutor and governor to his wife and children ; whom failing, Archibald Earl of Angus, and under them John Johnstone of that Ilk and John Cranstoun of that Ilk. And also constituted and ordained Margaret Douglas, his spouse, and Margaret Scott, his daughter, his executors. To John Watson he left forty bolls beir ; to Willie Hatoun thirty or forty pounds, as it should please his spouse and other friends ; to Willie of Allanehauch the kirkland, "his awne rowme ;" to little Wattie of Boudene he leaves "that to be done to him at the sicht of friendis."

The sum of the inventory of his goods and gear, which consisted almost wholly of the stock on his lands, cattle, hogs, sheep, farm prôduce and utensils, etc., was £4742, 19s. The sum of the debts owing to the deceased was £1139, 13s. 4d., and the sum of the debts owing by the deceased was £4487, 0s. 4d.

Among the debts owing by Sir Walter were :—To Gideon Murray, his half brother, for the mails of the lands of Glenpoyt, of the crop and year of 1573, £24 ; to the Laird of Johnestoun, for the rest of his tocher, 1400 merks ; and to the Laird of Fernihirst, for the rest of his tocher, £1000.

There rested of free gear, the debts deducted, £1395, 12s.²

¹ Calendar of State Papers, Scotland, vol. i. p. 379, No. 74.

² Record of Testaments, Edinburgh Commissariot, vol. iii., 18th November 1574.

Sir Walter Scott died at Branxholm, on 17th April 1574, at the early age of twenty-five years.¹

He married Lady Margaret Douglas, daughter of David, seventh Earl of Angus, by his Countess, Margaret, daughter of Sir John Hamilton of Clydesdale, brother-german to James, Duke of Chattelherault. James Douglas, third Earl of Morton, Regent of Scotland, was her uncle on the father's side. The date of the marriage has not been ascertained. But Sir Walter had only been about the age of sixteen years, as his son was thirty-five years of age in 1600.

By his marriage with Lady Margaret Douglas, Sir Walter had a son, Sir Walter, who succeeded him when in minority, and was afterwards created Lord Scott of Buccleuch, and two daughters:—(1.) Margaret, who married Robert Scott of Thirlestane, and had issue; and (2.) Mary, who married William Elliot of Lauriston, and had issue.

Lady Margaret Douglas survived Sir Walter many years. Shortly after his decease she obtained a letter of gift, dated Holyroodhouse, 17th June 1574, for herself and her heirs, of the ward and non-entries of all lands, lordships, and baronies, with castles, manor-places, mills, fishings, woods, etc., which belonged to her deceased spouse, Sir Walter Scott of Branxholm, until the lawful entry of the rightful heir, being of lawful age, with the relief thereof when it should happen, with power to her and her heirs to intromit therewith, and to dispoine thereof according to their pleasure.²

Sir Walter,³ according to Walter Scott of Satchells, "gave his Lady, Dame Margaret Douglas, after him Countess of Bothwell, above two-and-twenty thousand merks a year of jointure. . . . Now, lest you should think that I flatter, or am a liar, I will nominate the lands and where they lie for the justification of myself"

"To give a just account of that jointure,

To the Piel and Hathern I will repair,

¹ Vol. ii. of this work, p. 237, note; and inscription at Branxholm, *supra*.

³ Satchells calls him Sir William, confounding the son with the father.

² Vol. ii. of this work, p. 230.

To Analshope and Glengeber,
 To Whitup and to Black-grain,
 To Commonsides, and Milsanton-hill,
 And Eilridge is left all alone,
 Except some town-lands in Lanton.
 Now, my muse, to the east country go we,
 And talk of Eckfoord's barony ;
 Which barony she none did miss,
 But all into her jointure was,
 In cumulo I do declare,
 It's above twenty thousand merks a year :
 It was a worthy conjunct fee.
 For a Knight to give to his Lady ;
 That worthy house when they were but gentry,
 Exceeded far some of nobility."¹

Lady Margaret Douglas married, secondly, Francis Stuart, Earl of Bothwell, to whom she had issue three sons and three daughters.

Francis Stuart was the only son of John Stuart, an illegitimate son of King James the Fifth, by Lady Janet Hepburn, sister of James Hepburn, Earl of Bothwell. At the time of his father's death Francis Stuart was an infant, and Queen Mary acted as his guardian. To this unfortunate Queen he ever evinced a strong filial attachment. He was created Earl of Bothwell, and invested, by King James the Sixth, with the estates of his uncle ; but having secretly conspired against King James in 1594, he was forfeited, and compelled to seek safety in flight. He first escaped to England, and thence he went to France, Spain, and Italy. His estates having been forfeited, he was reduced to great pecuniary difficulties. The exhibition of feats of arms, fortune-telling, and necromancy, to which he resorted as a means of subsistence, were inadequate to keep him from falling into poverty and want. He died at Naples in 1612.²

We get a glimpse of the Countess in November 1592, at the gate of the

¹ History of the name of Scot, pp. 46, 47.

² The Lennox, vol. i. pp. 421, 422.

Castle of Edinburgh, where she met the King “on her knees, having up her hood, crying for Christ’s sake that died on the cross, for mercy to her and her spouse, with many tears piteous to behold. The King putting out his hand to have tane her up, she kissed the back of his hand thrice. Then he passed into the castle, and the lady came down the street.” A fortnight afterwards proclamation was made that no man receive the Countess of Bothwell, give her entertainment, or have any commerce or society with her in any case, “wha had been so lately received in his majesty’s favour before. Behold the changes of Court !”

The Countess lived to a great age. She survived her first husband, Sir Walter Scott of Buccleuch, for the long period of sixty-six years, and died in the year 1640. She was buried at Eckford, in the presence of her great-grandson, Francis, Earl of Buccleuch.

*Walter Scott of Buccleuch
Buy +*



CHAPTER THIRTEENTH.

XIII.—SIR WALTER SCOTT OF BUCCLEUCH, KNIGHT.

(CREATED LORD SCOTT OF BUCCLEUCH IN 1606.)

BORN 1565. SUCCEEDED 1574. DIED 1611.

MARGARET KERR OF CESSFORD.

THIS Sir Walter Scott, the first of the family who was elevated to the peerage, was born in the year 1565. Being a minor, in the ninth year of his age, at the time of his father's death in 1574, he was placed under the guardianship of the tutors and curators appointed to him by the last will of his father. James, Earl of Morton, was appointed tutor and governor, whom failing, Archibald, Earl of Angus, and under them John Johnstone of that Ilk and John Cranstoun of that Ilk. Owing to the state of the feudal holding of certain portions of the Buccleuch properties, it was necessary that a feudal title should be completed to them soon after the death of his father. In virtue of a dispensation from the King, with consent of the Regent Morton, he was declared to be of lawful age, for the purpose of enabling him to expedite services as heir to his ancestors; and on 3d July 1574, he was retoured by special services as heir to his father, Sir Walter Scott, and to his great-grandfather, Sir Walter Scott of Branxholm, before the Sheriff of Roxburgh.

The lands to which he was served heir to his great-grandfather were Apiltreleis, Meirbank, Sutereroft, Cartleis, and Halkburne, in the lordship and regality of Melrose; Quhithope, in the barony of Hawick; Drydone and Commonsyd, Greenwood and Lyne, Borthauch and Porterlands. The whole of these lands were then in the hands of their respective superiors on account

of the decease of Sir Walter Scott, the great-grandfather, who died in October 1552, and of Sir Walter Scott, the father, who died in April 1574, and who was only major four years before his death.¹

The lands embraced in that retour formed only a small portion of the Buccleuch estates, and were not amongst the early acquisitions of the family. The lands of Appletreleis and others, described in the retour as in the lordship and regality of Melrose, were granted, as shown in the tenth chapter, to Sir Walter Scott of Buccleuch and Janet Betoun, his third wife, and their two sons, Walter and David Scott. The elder of these sons was probably named after his father, and the younger after Cardinal David Betoun, who was a cousin of their mother. In the charter of the lands of Appletreleis and others, it was provided that failing male issue of these two sons, the lands should return to the male heirs of their father. As the lands were inherited by their nephew, Sir Walter Scott, father of the first Lord Scott, it is clear that the two sons of Janet Betoun, Walter and David, had both predeceased without issue. In making up a feudal title to these lands, this Buccleuch expedie a service as heir to his father, and to his great-grandfather, who was last feudally vested in the lands.

To the barony of Branxholm separate retours were at the same time expedie, and the feudal titles to the principal estates were completed in the person of young Buccleuch in the year 1574. Having acquired additional lands, he obtained from King James the Sixth, in the year 1599, a charter of the whole, and containing a new erection of the barony of Branxholm.

Notwithstanding the precautions which had been taken to compose the feud between the Scotts and Kerrs, which have been fully narrated in the preceding chapter, the quarrel broke out afresh in the year 1577, three years after the succession of Buccleuch to his father, and while he was only in his twelfth year. The young Buccleuch may be said to have been born and bred amidst Border feuds. In that renewed quarrel between his clan and the Kerrs, both parties were ordered to compare before the Privy Council,

¹ Vol. ii. of this work, p. 234.

that order might be taken in the matter. Meanwhile they were required to subscribe a bond of assurance till the 31st of October. In January 1578, the parties having again compeared before the Regent, it was alleged on the part of Buccleuch, that the contract touching the marriage of George Kerr, son and apparent heir of Andrew Kerr of Fauldonsyd, with Janet Scott, had not been accomplished, neither had the penalty of 1000 merks incurred for its nonfulfilment been paid. Kerr was ordered to pay the penalty, and the discharge is recorded in the Books of the Privy Council. And this seems to have finally determined the feud between the two families, which had continued as a source of irritation for so long a time.¹

Whilst Buccleuch was still a youth, a serious feud occurred between the Scotts and the men of Liddesdale. According to the statement made to the Privy Council by Walter Scott of Goldielands, who acted as bailie and representative of Buccleuch, and by James Gledstanes of Coklaw and Robert Elliot of Redheuch, a party of English and Scottish thieves came to the town and lands of Meikle Quhitelaw, belonging to Buccleuch, on the 28th August 1580, and stole from John Gledstanes certain cattle out of his byre to his "utter wrak and herschip." The fray having been brought to the house of Branxholm, the complainers with their followers to the number of fifty persons, rose to the fray as accustomed (the same being during the night), and followed the drivers of the cattle through Liddesdale into England, till they came to the town of Billieheid, where they searched for the stolen cattle, the English placing no impediment in their way. Not succeeding in their search, and their horses being fatigued, they turned back, purposing to return through Liddesdale. On passing the house of Armstrong of Quhithaugh, they were suddenly, and without warning, attacked by a large force, numbering three hundred men, consisting of Armstrongs, Elliots, Croziers, and others, assisted by rebels and fugitives from both sides of the Border, and the "force of the haill countrie and commouns thereof." The Scotts, taken by surprise, and by an ambuscade, defended themselves for some time, but were

¹ Privy Council Records, 1577-78.

unable to contend against so great a disproportion of numbers, especially as their horses were so fatigued with the long journey which they had already made, and they were eventually overthrown. William Gledstane, one of their party, was slain, and more than a dozen wounded, including Walter Scott of Goldielands and Robert Elliot of Redheuch, and about forty prisoners taken, who were kept until they were forced to "mak bond and promise unto the said Lard of Quhithauch and his complices to enter agane to thame upoun aucht dayis warning." The presence of Robert Elliot of Redheuch with the Scotts against his own clan is to be accounted for by the probability of his having been at that time deputy-keeper of Liddesdale, as in January 1581, on the appointment of William Kerr of Cessford, the new warden, charges were directed to Elliot and John Carmichael to render the castle of the Hermitage to him.

The persons complained of having been oftentimes called, and not having compeared, the Lords of Council ordained letters to be directed to officers of arms and Sheriffs in that part, charging them to pass and denounce the rebels and put them to the horn, and to escheat and inbring all their moveable goods to his Majesty's use.

Lady Margaret Douglas, Lady Buccleuch, now Countess of Bothwell, and the mother of Buccleuch, also suffered from this outbreak of the Liddesdale clans. Letters were raised at her instance, and that of James Gledstanes, and Walter Scott of Harden, in December 1580, stating that Martin Elliot of Braidley had taken on him "the plane ressett, fortificatioun, and maintenance" of Lancey Armstrong of Quhithauch, his sons and nephews, Martin Elliot's own sons and nephews, the Elliots of the Park, and others now denounced rebels and at the horn. On the 18th October, they with their accomplices, to the number of eighteen persons or thereby, came under silence of night to the lands belonging to Lady Margaret Douglas, in liferent, and to the Lord of Buccleuch, her son, in heritage, and took thence forty kye and oxen, whereof there were slain and "disponit upoun" fourteen kye and oxen in Martin Elliot's house of Braidley. Likewise, on the 7th November, they

took twelve kye, and wounded one of her servants. They are further charged with having, on the 12th of October, stolen from her farm of Quhitelaw one hundred sheep, and with having taken from the steading of John Gledstanes, her servant, twenty kye and oxen and two horses, with the inside gear and plenishing. They had also taken from a steading belonging to Walter Scott of Harden, eighty cattle and six horses, and the inside plenishing of four of the "puir tenentis houssis, to their utter wrak and herschip."

The letters set forth that unless some speedy measures are taken to remedy this state of matters, the complainers would be compelled to leave their lands. Lady Margaret Douglas compeared for herself and other complainers. Martin Elliot also compeared personally. None of the others charged having appeared before the Council, they were ordered to be put to the horn, and all their moveable goods forfeited.

The feud between the Scotts and the Liddesdale clans continued with great bitterness, and the Council having interposed, ordered them to give bonds of assurance to each other for the "bettir quietnes and gude rule to be kept in the cuntrie."

The assurances, however, were soon violated, and the parties had again to appear before the Council. The Lords of Council having heard the complaints on either side, assoilzied Lancey Armstrong of Whithauch for the complaint of Robert Elliot of Redheuch, for the taking prisoner of Clem Nickson, servant to Elliot, in respect that Elliot had refused to make Nickson answerable to the Warden and Keeper for crimes and offences with which he was charged.

Witnesses were also ordered to be summoned to prove the complaint of Martin Elliot, anent the molestation of the Elliots in possession of the steading of Northeroft. Other complaints were remitted to the Warden of the Middle Marches for his disposal. The most serious charge against the Scotts at this time was, that in the month of April Hob Elliot of Braidley, and David Elliot, his brother, passing the gate of Eidschaw on their lawful business, at ten in the morning, Watt Scott of Eidschaw came forth, with five

or six of his servants, and his brother, and set upon Hob Elliot and his brother, and struck the hand from the one and hurt the other in peril of his life. This attack having been made during the assurance, the Lords of Council ordered Walter Scott of Goldielands, George Scott of Synton, Robert Scott of Haining, Adam Scott of Todschawhauch, William Scott of Tuschelaw, and a number of other Scotts and their friends, to compare personally before the Council on 24th May, bringing their assurance given by direction of the Council to Sym Armstrong of Mangerton, Lancy Armstrong of Quhithauch, Martin Elliot of Braidley, and other Armstrongs and Elliots, to be seen and considered, and to answer to the charges made against them for having violated their assurance.

The parties not having all compared on the 25th May, the case was continued, and on 18th June, and subsequently, sureties were found for Walter Scott of Goldielands, George Scott of Synton, and Robert Scott of Haining, that they should enter into ward in the Castle of Edinburgh during his Majesty's pleasure, under the penalty of £2000.

During the succeeding month the case seems to have been discharged for the time, so far as the Privy Council were concerned, by additional sureties being found for Walter Scott, George Scott, and Robert Scott, that they should compare before the Council on eight days' warning, to answer for the surname of Scott, under the penalty of £2000 and £1000 respectively. In respect of which surety all former sureties found by them for entry within the Castle of Edinburgh were discharged, and the acts made thereupon ordained to be deleted, and to have no farther strength, force, nor effect in time coming.¹

The decrees of the Privy Council had little influence, the executive power being weak, and the assurances were again broken. The disturbances resulting therefrom continued until the spring of the year 1584, Lady Bothwell again suffering considerably from the attacks of the Armstrongs and Elliots on her steadings of Bellenden, Eilrig, and other places. The Warden, Sir William Kerr, was ordered to hold a court at Jedburgh in April

¹ Privy Council Records, 1580-81.

1582, to decide the disputed cases anent the breaking of the assurance between the Scotts and Liddesdale. The difficulty of obtaining justice in these disputes, on account of the strong personal feeling on the part of those who had to try the cases, is shown by the provision made for the protection of parties. It was enacted that any one who alleged that he was at variance or feud with the Warden and Justice, wherethrough he might suspect their partiality, might supplicate the Council to be exempt from the power of the Justiciar. In order that the delinquent should not escape punishment, a judge was appointed who belonged to another part of the country. In the case of the present feud the judge appointed was James Halyburton, Provost of Dundee, who was to be assisted by the Warden and Sheriffs. The feud, however, had not been healed in February 1584, as on the 21st of that month the principal men of Teviotdale and Liddesdale were commanded to appear before the Council on the 10th March, to give advice anent the quieting of the troubles and disorders in Teviotdale and Liddesdale, and the observing of good order in time coming. Representatives of the Kerrs, Douglasses, Turnbills, Cranstons, Riddells, and others of Teviotdale, and of the Scotts, Walter Scott of Goldielands, Scott of Tuschelaw, Howpaslot, Dryhoip, Syntoun, Thirlestane, and others, were ordered to compear.¹

Buccleuch gave early indications of the intrepidity of character for which he was afterwards distinguished. For some offence, the nature of which has not been ascertained, but in all probability arising from the feuds which have been narrated, he was warded in the Castle of Blackness, from which he contrived to make his escape. For this he obtained from King James the Sixth letters of remission, dated 3d March 1582-3, for his treasonable breaking of his Majesty's prison out of ward of the Castle of Blackness, without obtaining his Majesty's license.²

When the Earl of Angus marched to Stirling in the year 1585, in order to displace the Earl of Arran from the councils of the King, Buccleuch, with Home and other Border chiefs, took part in the demonstration. On that

¹ Privy Council Records, 1582-84.

² Vol. ii. of this work, p. 238.

occasion Kinmont Willie and his "bairns" accompanied the expedition; not satisfied with emptying the stables and pillaging the town, they tore off all the iron gratings from the windows and carried them away.¹

During the minority of Buccleuch a feud had arisen between him and the Scotts of Alanhauch, who were his near relations and neighbours in Teviotdale. David Scott, son of Adam Scott of Alanhauch, was art and part in the slaughter of Hob Dalgleis in Braidhauch, servant and tenant of Buccleuch. On the other hand, Buccleuch had slain, but it is said accidentally, the before-mentioned David Scott. Feelings of animosity were consequently excited between the two families. To reconcile them, and terminate the feud, an agreement was entered into on 19th and 22d May 1585, between Buccleuch and Robert Scott of Alanhauch, each taking the burden on him for his kin, friends, tenants, dependants, and servants. Robert Scott of Alanhauch, with his brother and others, his kin and friends, subscribers of the bond, understanding that Buccleuch was innocent of all slaughters and other debates moved by the sons of the deceased Adam Scott against Buccleuch, his chief, in time of his minority, became bound never to find fault with Buccleuch, nor any others, his kin and friends, for the accidental slaughter of the deceased David Scott, but should defend his chief to the utmost of his power. Robert Scott also engaged himself, and became bound for his brother and other subscribers of the bond, not to associate in counsel or otherwise with any of the sons of Adam Scott or their party who did not subscribe the bond. Buccleuch, therefore, for himself and his friends, became bound to maintain and defend Robert Scott of Alanhauch and his brother, with the other subscribers, in all their just and lawful actions against all deadly, the king's authority alone excepted.² The bond is subscribed by Buccleuch and other eight, all of the name of Scott; but only one brother of Robert Scott of Alanhauch, Walter Scott, subscribed the bond.

Buccleuch commenced at an early age to make incursions over the English

¹ *Minstrelsy of the Scottish Border*, vol. ii. p. 45.

² Vol. ii. of this work, p. 239.

border, and in the winter of 1587 he and Kerr of Cessford rode together with their followers for that purpose. Lord Hunsdon, who had been sent by the English Government with a force of six hundred men to keep peace on the Borders, having complained of these inroads, Buccleuch was warded in the Castle of Edinburgh, but was soon released on the surety of John Murray of Blackbarony and John Carmichael, for his future obedience and abstention from hostilities against England.¹

In the next year, an Act having been passed to prevent the landing of strangers on the coast or other parts, Buccleuch was appointed for the defence of the sheriffdom of Selkirk, and Kerr of Cessford for that of Roxburgh. Again, in 1590, he was appointed, with William Kerr of Cessford, George Douglas, John Cranstoun, and Andrew Kerr of Faudonside, to conduct the proceedings in Roxburghshire under the Act for suppressing the Jesuits throughout the country.²

Buccleuch was present at the coronation of Queen Anne in 1590, and on that occasion he, with a number of others, had conferred on him the honour of knighthood.

Francis Stuart, Earl of Bothwell, who married the Lady Margaret Douglas, the mother of Buccleuch, was now commencing the lawless career which ended in his forfeiture. His connection with Buccleuch by his marriage, and also his relations with the Borders, together with the daring and intrepidity of his character, had produced much sympathy with him among the Borderers, who intercommuned with him, and at times gave him active help in his turbulent proceedings. With their help he had invaded the Supreme Court and carried off a witness, whilst the king, who was in the next room, did not interfere. Emboldened by his success he attacked the Palace of Holyrood, at the head of his desperate followers, and surprised both the King and Maitland the Chancellor, whom he might have made prisoners, had not the citizens of Edinburgh come to the rescue.

How far Buccleuch and his friends, who then favoured Bothwell, were

¹ Privy Council Records, 1587.

² *Ibid.* 1588-90.

implicated in these lawless proceedings, does not appear. But they had gone so far as to render them obnoxious to punishment, and to incur the resentment of the Government. They obtained, however, letters of pardon by King James the Sixth, under the great seal, dated at Falkland, September 1591, for their intercommuning with the Earl of Bothwell, and were admitted to the king's peace. These letters included Buccleuch, Walter Scott of Harden, and Walter Scott of Quhitslaid.¹

The date of the letters of pardon is also the date fixed for the departure abroad of Buccleuch, who, on the 4th September 1591, obtained a licence for that purpose from King James. The letter provides that if he should be prevented by wind or weather from taking his passage by sea, or until he received a passport from England, he was to remain within the bounds of Edinburgh or Leith, until he took his departure from the realm, under the penalty of £10,000. Buccleuch had been in that same year appointed keeper of Liddesdale, and, with a view to his departure abroad, he was relieved of the office, to which he was reappointed after his return. The terms of the letter of licence imply that he was sent out of the realm of Scotland on account of his intercommuning with Bothwell.² Letters were granted by the king, dated 7th August 1591, by which he took under his protection, during Buccleuch's residence abroad, his wife and children, and all his lands and possessions, and directing that all actions and causes concerning him should remain in abeyance until forty days after his return.³

Before proceeding to France, Buccleuch arranged a dispute which had arisen between him and Sir Andrew Kerr of Fernihirst, respecting a right claimed by the latter to a lease of the teind-sheaves of Innerleithen. In this quarrel John Chalmers and John Kirkcaldy, servants of Fernihirst, were killed, and others severely wounded, by Buccleuch, his friends and servants, within the burgh of Edinburgh. A truce was arranged between the opposing parties, to remain in force until forty days after the return of Buccleuch from France. He undertook for himself, his friends and

¹ Vol. ii. of this work, p. 249.

² *Ibid.* p. 248.

³ Buccleuch Charter-room.

dependants, and all others having interest in the cause, except Michael Scott of Aikwood, not to molest or harm Andrew Kerr of Fernihirst, his friends or servants, on account of the quarrel and "accident" in Edinburgh, when John Kirkcaldy and John Chalmers were killed. The agreement was to be kept by each consenting party under the pain of "perjury, defamation, slander, perpetual tynsall of character, estimation, honour, and credit, and never to be reputed honest and true in case of any break or contravention of the premises."¹

The time appointed for Buccleuch to remain abroad was three years, but this order was altered, and he obtained letters under the signet and sign-manual of King James the Sixth, dated at Holyroodhouse, 12th November 1592, granting him liberty to return to Scotland with such convenient diligence as he should think expedient, without penalty or damages being incurred by his sureties, who had undertaken that he should remain out of the realm for the space of three years.²

He made another visit to France at a later time, and on the occasion of his second visit to Paris, in the year 1600, he was summoned to appear before the Commissioner of the French King, and President of the "Cour des Aides," to be examined touching the genealogy and nobility of a certain Andrew Scot, Sieur de Savigne, who claimed to be descended from the House of Buccleuch. The further object of the inquiry is not stated, but as a number of gentlemen of the Scots Body Guard also gave evidence, the examination was presumably that of a candidate for entrance into that famous corps.

On interrogating Buccleuch, it was found that he could not speak the French language, and Alexander de Boisthuit, ensign in the King's Scots Body Guard, was called as interpreter. The genealogy having then been fully read and explained to him by Andrew Scot and M. de Boisthuit, Buccleuch, who stated his age to be thirty-five years, requested permission to make his deposition in writing, which was done in the following terms :—

¹ Sir Walter Scott's *Border Antiquities*, vol. ii. Appendix No. III. p. xxxiv.

² Vol. ii. of this work, p. 250.

“We, the Honourable Gualtier Scot, Baron de Baclough, do certify to whom it may concern, that I have been many times informed, both by my ancestors, oldest relations, and friends, that about sixty years ago Bernard Scot, son of Gualtier Scot, sprung and descended from our family of Baclough in Scotland, came to France and entered into the service of the then reigning king, took up his abode and resided in the said kingdom, commonly bearing arms under the command of M. de Lorge, where he died, leaving several children, among whom were Andrew Scot and Didier Scot; that they always were faithful in His Majesty’s service, as the said Bernard Scot, their father, had been before them, which I do declare and affirm for truth. In testimony whereof I have hereunto set my hand, the fifteenth of March, One thousand six hundred.

BACLOUGH.”¹

After the return of Buccleuch from France, he was received with favour at the court of King James, and was especially held in high esteem by Queen Anne. In the year 1595, when the queen would have had Prince Henry in her keeping in the Castle of Edinburgh, she wished Buccleuch to be appointed keeper of the castle. Her wishes were frustrated by the influence of John, Earl of Mar, nor was the king favourably inclined to gratify the wish of her Majesty.²

Francis, Earl of Bothwell, was outlawed, and his honours and estates forfeited to the Crown. The king’s cousin and favourite, Ludovick, Duke of Lennox, being then in great estimation with his Majesty, soon obtained from the king a crown charter, containing a grant of the lordship and barony of Hailes, and the other lands and baronies which formed the landed Earldom of Bothwell, as well as the office of Lord High Admiral of Scotland.³

¹ The names of the Scots gentlemen who, on the inquiry, pronounced Andrew Scot to be descended in direct line from the illustrious family of Scot, Baron de Baclough, were Thomas de Forboys, lieutenant in the King’s Scots Body Guard, Alexander de Boithuit, Esquire, ensign in the said Guards, Thomas de Voutelas, exempt in the said Guards, George de Cocard, Thomas Cranston, James

Melville, Henry Leslie, William de Coburne, David Seton, James Carele, Archibald Becarton, David Danstrude, all serving in the company of the King’s Scots Body Guards, and known to be descended “de noble Race.”—(Buccleuch Charter-room.)

² Calderwood’s History, vol. v. p. 366.

³ Original Crown Charter, dated 26th June 1591, Buccleuch Charter-room.

That grant was no doubt intended to benefit the Duke of Lennox, who was then in minority. After possessing the landed Earldom of Bothwell for upwards of three years, the Duke of Lennox, with consent of his curators and interdicters, made resignation in the hands of the king of the lordship and barony of Hailes, with the castle, tower, and fortalice of the same, the lands of Peteokis, the lands and barony of Auldhamestoks, the lands of Easteraig and Hoprig, the lands and barony of Morham, all in the constabulary of Haddington; the lands and lordship of Crichton, the lands of Muirhouse and Cuprestoun, in the sheriffdom of Edinburgh; the lands of Quhitsom, Prendergast, Quhitrig, Obchester, Sheriffbigging, Sherifflands, in the shire of Berwick; the lands and barony of Town Yetholm, the lands of Fermingtoun and Langnewton, the lands and baronies of Woltoun and Chamberlain Newton; the lands of Teindside, Harwood, Sladehills, and Carliugpool, in the shire of Roxburgh; the lands of Alenuir, in the shire of Selkirk; the lands and baronies of Dryfesdale, Carruthers, and Kirkmichael, the lands of Terrachtie, Drummark, Mabie, and Cruikis, in the shire of Dumfries; the lands and barony of Earlstoun, called Glenken, in the stewartry of Kirkeudbright, the lands and barony of Bothwell, in the shire of Lanark, the lands and barony of Elgarigle, Woolstoun, Dolphingstoun, and Dunsyre, in the shire of Lanark; and the lands and lordship of Liddesdale, castle and fortalice of Armetage, with free forest and regality of the same, in the shire of Roxburgh.

The resignation of these lands and baronies was made in the hands of the king in his bedchamber, at the Palace of Holyroodhouse, on 4th October 1594, as appears from the instrument of resignation.¹

Anticipating the above resignation by a few days, King James the Sixth, by a charter under the Great Seal, at Holyroodhouse, 1st October 1594, granted to Sir Walter Scott of Branxholm, knight, the lands and barony of Hailes, Bothwell, Liddesdale, and others, as contained in the resignation above quoted. The cause of granting the charter is thus narrated in the preamble of it:—

Know ye, whereas we, understanding the good, faithful, and thankful

¹ Original Instrument of Resignation, Buccleuch Charter-room.

service done by our well-beloved Walter Scott of Branxholme, knight, in sundry and diverse employments and services intrusted by us to him, as well in pacifying the Borders and middle regions of the Marches of this our kingdom, and putting down the insolence and disobedience of our subjects dwelling there, as in sundry other weighty affairs committed to his trust, tending to the great and singular weal of this our kingdom and of our lieges, and tranquillity of the same, wherein he not only performed his duty honourably and vigorously, with much labour and the greatest diligence, as became a faithful subject, but also afforded a clear and evident token of his inclination, daily and more and more to persevere in the same service, for which we deeming it a truly royal part to reward the said Walter Scott of Branxholme, knight; therefore, and for sundry and divers weighty causes, occasions, and considerations moving us, with advice, etc.

For the causes above specified, and of the king's proper knowledge and motive, he by that charter united, annexed, created, erected, and incorporated all the lands, lordships, baronies, castles, towers, fortalices, and others specified in the charter, in one free lordship and barony, to be called the lordship and barony of Hailes in all time coming, and ordained the castle and fortalice of the same to be the principal messuage of the lordship and barony, and willed that one sasine, taken at the castle of Hailes by Sir Walter Scott of Branxholm, knight, the grantee, and his heirs, should be sufficient for the whole lordship and barony.

By that charter the king also granted to Sir Walter Scott the lands and estate of Elvillane and Kirkstead, within the shire of Selkirk, which also belonged to Ludovic, Duke of Lennox, and were then in the king's hands, by resignation or by the forfeiture of the late James or Francis, formerly Earls of Bothwell.¹

After Ludovic, Duke of Lennox, had attained the age of twenty-one years, he executed, on the 20th July 1597, a deed of ratification in favour of an honourable man and his good friend, Sir Walter Scott of Branxholm,

¹ Original Charter in Buccleuch Charter-room.

knight, whereby he ratified and approved of the resignation of the Bothwell estates, which was made in his minority, and also of the charter which was granted thereon by the king.

Although the charter by his Majesty bears that it was granted on account of the great services which had been rendered by Sir Walter Scott, it appears from this ratification that the grant was not altogether disinterested on the part of the king and his favourite cousin Lennox. The ratification by the latter expressly bears that it was granted for sundry sums of money advanced to Lennox by Buccleuch, and for divers others weighty causes, occasions, and good considerations moving Lennox.¹ The amount of the money which was paid by Buccleuch to Lennox is not specified in the resignation; but it appears that on the same day as Lennox executed the ratification, Buccleuch granted to him a bond for 2500 merks, and that sum was afterwards paid to Lennox. The King thus, on succeeding to the Bothwell estates, made them the means of benefiting first his favourite cousin Lennox, and afterwards his trusty borderer Buccleuch.

To fortify the feudal title to the Bothwell estates which were granted to him, King James the Sixth, by an assignation, given under his Privy Seal at his Court of Whitehall, on the 25th March 1610, constituted his cousin and counsellor, Walter, Lord of Buccleuch, and his heirs, assignees to all reversions and redemptions made by any person or persons in favour of Francis and James, sometime Earls of Bothwell.²

The Bothwell estates thus acquired by Buccleuch through the forfeiture of his stepson, Francis Stuart, formed a large addition to the already extensive territories of Buccleuch. But it was afterwards arranged by King Charles the First that a great portion of the Bothwell estates should be restored to the family of Francis Stuart. Liddesdale was the principal property of Bothwell which remained with Buccleuch.

Thomas Kerr, brother of Andrew Kerr of Fernihirst, had received the

¹ Extract Ratification, recorded in the Books of Council on 3d January 1598, in Buccleuch Charter-room.

² Assignation in Buccleuch Charter-room.

escheat of the liferents of the Countess of Bothwell, as appears from an application which he made to the Council against James Scott of Newark, Chamberlain-depute of the lands in the Forest, and Willie Donaldson of Mortoun, Chamberlain of Eckford and Grymnislaw, who had paid the rents to the Countess and her husband since the forfeiture.¹

The Scotts took part in the bloody conflict which occurred at Dryfe Sands in December 1593, as a consequence of the long and bitter feud between the Johnstones and the Maxwells, providing on that occasion to the assistance of the Johnstones a contingent of five hundred men. John, Lord Maxwell, then Earl of Morton, was the Warden of the West Marches, and using his power as king's lieutenant, brought into the field, according to a contemporary writer, a force of one thousand two hundred men against eight hundred of the Johnstones and their allies. Lord Maxwell, too confident in the superiority of his forces, omitted to gain sufficient information as to the movements of his opponent, Sir James Johnstone, who took up a strong and advantageous position, and forced Lord Maxwell into an engagement, while his men were thrown into disorder in crossing the river Annan. The Maxwells, while in that confusion, were defeated with great slaughter, Lord Maxwell being himself amongst the number of the slain.²

The Scotts were also engaged in the unfortunate collision between the Wardens and their followers, which had taken place some years previously, and which is commemorated in the ballad of the "Raid of the Reidswire:"—

"And the Lairds Wat, that worthie man,
Brought in that sirname weil beseen."³

Buccleuch, as already stated, had resigned his office of Keeper of Liddes-

¹ Privy Council Records, 7th December 1592. Sir Walter Scott was Chamberlain of the Forest, and in that capacity obtained letters of hording, in 1603, against Sir William Stewart of Traquair, for non-payment of £93, 6s. 8d. as his part of the tax raised for the baptism of

the Prince. [Privy Council Records, 1603.]

² The Book of Carlaverock, vol. i. p. 291.

³ Walter Scott of Goldielands, a natural son of Sir Walter Scott, who was slain by the Kerrs in 1552, led the clan during the minority of Buccleuch.

dale on his departure for France. After his return, he was reappointed in the year 1594, and proclamation was ordered to be made to the Wardens of the East and Middle Marches, etc., at the crosses of Jedburgh, Kelso, Hawick, and other towns, to give him all assistance in putting down rebels. He was freed from the responsibility of bringing to justice any offenders within Liddesdale whose offences had been committed previous to his appointment.¹ He strengthened his position by taking bonds of manrent from those around him, among others from the Beatties, from whom he obtained a bond, dated 24th April 1595, Alie Baty of Blaikesk, John Baty of Dovingtoun, and others, taking upon them for the whole surname, to be special men and servants to serve Buccleuch in all causes and actions, their allegiance to the sovereign only excepted.²

The duties pertaining to the office of Keeper of Liddesdale were at all times arduous and difficult; and to hold in control the turbulent spirits who dwelt in that district must have taxed all the energies of the Warden. The readiness of Buccleuch to redress the wrongs of those committed to his care is shown in the following Border ballad, which is believed to refer to him. Jamie Telfer of the Fair Dodhead having had some of his cattle stolen by the English in one of their raids, is said to have applied to Gilbert Elliot of Stobs, to whom he had paid black mail; but Elliot having refused to assist him in recovering his lost cattle, he applied to Buccleuch:—

“ And when they came to Branxsome Ha’
 They shouted a’ both loud and hie,
 Till up and spak him auld Buccleuch,
 Said—‘ Whae’s this brings the fray to me ?’

‘ It’s I, Jamie Telfer o’ the Fair Dodhead,
 And a harried man I be !
 Ther’s nought left in the Fair Dodhead
 But a greeting wife and bairnies three.’

¹ Privy Council Records, October and November 1594.

² Vol. ii. of this work, p. 254.

‘Alack for wae!’ quoth the guid auld Lord,
 ‘And ever my heart is wae for thee!
 But fye! gar ery on Willie, my son,
 And see that he come to me speedilie.

Gar warn the water braid and wide;
 Gar warn it soon and hastily!
 They that winna ride for Telfer’s kye,
 Let them never look in the face o’ me.

Warn Wat o’ Harden and his sons,
 Wi’ them will Borthwick water ride;
 Warn Goudielands and Allanhauch,
 And Gilmanscleuch and Commonsie.’

The Scotts they rade, the Scotts they ran,
 Sae starkly and sae steadilie,
 And aye the ower-word o’ the thrang
 Was ‘Rise for Branksome readilie!’”

It is satisfactory to know that Jamie recovered his cattle, with interest, through the prompt action of the “guid auld Lord”—

“For instead of his ain ten milk kye
 Jamie Telfer has gotten thirty and three.”

In order to redress the wrongs perpetrated on the Borders, it was customary for the Wardens on either side to hold days of truce, when the “bills” or claims of each country were presented for judgment. At that time, when so many deadly feuds existed between the English and Scots Borderers, it was absolutely necessary that at such meetings for the dispensation of justice, some arrangement should be made to prevent an outbreak. It was provided that on these days of truce mutual assurance should be given by both parties, and proclamation to that effect was made by the Wardens of both countries, the assurance being held binding until daybreak on the next morning. These assurances of safety were necessary for the transaction of Border

business, and it was important that they should be faithfully fulfilled, as any meeting for settling and arranging mutual complaints from either side of the Border must have failed of its purpose, unless the outstanding feuds were for the time held in abeyance.

It was at one of these meetings that the incident occurred, which led to the romantic and brilliant exploit for which Buccleuch is more popularly known; which found a prominent place among the ballad minstrelsy of the Border, and procured him the title of "The Bold Buccleuch."

William Armstrong of Kinnmont, better known as "Kinnmont Willie," was one of the most daring and dreaded freebooters in Liddesdale. He is said to have been descended from, or at least related to, the famous Johnnie Armstrong of Gilnockie, who held such extensive power on the Borders in the early part of the sixteenth century, and who, with many of his followers, met such a tragic fate at the hands of King James the Fifth. The power of the Armstrongs received at that time a severe check, but although they never afterwards held such a prominent and powerful position, they still continued to attract a large following, and had great influence in Liddesdale and the districts near. It is stated by the historians of the time that the Armstrongs and their adherents could muster, in 1528, upwards of three thousand horse. The Earl of Northumberland states his opinion that no force the Government of Scotland could bring against them would have any effect.

Will of Kinnmont had a family of seven sons, all of them trained to the foray, brave and hardy moss-troopers, who, with their followers, caused much havoc and devastation on the English Border, making their names dreaded over an extensive district of country. They were able to bring together as many as three hundred followers, and with that number had invaded Tyndale, causing much destruction of property, and carrying away a large booty. An attempt was made to capture them by Archibald, ninth Earl of Angus, who was accompanied by King James the Sixth while destroying their houses. He pursued them into Tarras Moss, but though he had taken precautions to prevent their escape, he was foiled in his attempt.

A day of truce was held in the year 1596, at which Thomas Salkeld attended as deputy-warden for Lord Scrope, and Robert Scott of Haining as deputy for Buccleuch, then Keeper of Liddesdale. William Armstrong of Kinmont was amongst those who accompanied the Scottish deputy-warden. After the meeting, and having parted from the deputy, he was riding quietly homewards in the evening, with only three or four attendants. Being observed by the English as he was passing along the north bank of the river Liddel, they crossed the stream, and after a pursuit of several miles on Scottish ground, captured and took him before the English deputy, who carried him to Carlisle, where he was imprisoned in the castle. His treatment is graphically described in the well-known Border ballad of "Kinmont Willie:"—

They band his legs beneath the steed,
 They tied his hands behind his back,
 They guarded him fivesome on each side,
 And they brought him ower the Liddel-rack.

They led him thro' the Liddel-rack,
 And also thro' the Carlisle Sands,
 And brought him to Carlisle Castell,
 To be at my Lord Scrope's commands.

"My hands are tied, but my tongue is free,
 And wha will dare this deed avow?
 Or answer by the Border law,
 Or answer to the bauld Buccleuch?"

"Now haud thy tongue, thou rank reiver,
 There's never a Scot shall set ye free;
 Before ye cross my castle gate,
 I trow ye shall take farewell o' me."

"Fear na ye that, my Lord," quo' Willie,
 "By the faith o' my body, Lord Scrope," he said,
 "I never yet lodged in a hostelrie,
 But I paid my lawin' before I gaid."

Bucceleuch, as the king's representative in Liddesdale, who is described by one of our historians as "a baron of proud temper, undaunted courage, and considered one of the ablest military leaders in Scotland,"¹ regarding the capture and imprisonment of Kinmont as a flagrant violation of the truce and of the Border laws, wrote to Salkeld, the English deputy warden, for redress. Salkeld referred him to Lord Scrope, to whom he then wrote, demanding the liberation of Kinmont without condition or bond, since he had been unlawfully captured, and consequently unlawfully detained. Scrope replied that he could not interfere, since the prisoner was so great a malefactor, without the consent and authority of Queen Elizabeth and her Council. Bucceleuch, who was resolved to exhaust every peaceable means of obtaining redress before resorting to force, applied to Robert Bowes, the English ambassador at Edinburgh, who at his request wrote to Lord Scrope, desiring a friendly settlement of the affair. Application was also made by King James to the English warden, through the ambassador, and to Queen Elizabeth, but without effect.

Bucceleuch, being the king's officer, and finding his Majesty's honour touched, now resolved to rescue the prisoner, but to take his measures for that purpose with such precaution as should produce no greater misunderstanding between the two sovereigns than would unavoidably result from the rescue of a prisoner unlawfully captured and imprisoned. His resolve is thus described in the ballad—

“ O is my basnet a widow's curch,
 Or my lance a wand of the willow tree,
 Or my arm a ladye's lilye hand,
 That an English lord should lightly me ?

“ And have they e'en ta'en him, Kinmont Willie,
 Against the truce of Border tide,
 And forgotten that the bauld Bucceleuch
 Is keeper here on the Scottish side ?

¹ Tytler's History, vol. vii. p. 315.

“ And have they e'en ta'en him, Kinmont Willie,
Withouten either dread or fear,
And forgotten that the bauld Buccleuch
Can back a steed or shake a spear ?

“ O were there war between the lands,
As well I wot that there is none,
I would slight Carlisle Castell high,
Though it were builded of marble stone.

“ I would set that castell in a low,
And sloken it with English blood ;
There's never a man in Cumberland,
Should ken where Carlisle Castell stood.

“ But since nae war's between the lands,
And there is peace, and peace should be,
I'll neither harm English lad nor lass,
And yet the Kinmont freed shall be !”

This was a bold resolution on the part of Buccleuch, as the Castle of Carlisle was well fortified and strongly garrisoned, in the midst of a populous and hostile city, and commanded by Lord Scrope, the English warden of the West Marches, a brave and accomplished soldier. Buccleuch, however, took his measures with great skill and secrecy. He sent trustworthy men to survey and measure the height of the walls, and to examine a postern gate, which it was thought would be a good point of attack. Of the men of his own clan, he proposed, as we are informed by Satchells, to take with him not the chief men, but the younger brothers and sons, to provide against a possible forfeiture. With Scott of Harden and Commonsides, Sir Gilbert Elliot of Stobs, and a limited number of selected men of his own clan, Buccleuch set out for the appointed rendezvous at the Tower of Morton, the stronghold of Kinmont, on the water of Sark, in the Debateable Land, and ten miles distant from Carlisle. There he met the sons of Will Armstrong, with their retainers and others of the clan, who had come

to assist in the rescue of their kinsman. Having caused scaling-ladders to be prepared, and such necessary tools as would be requisite for breaking through the walls and forcing the gate, they prepared to set out on their enterprise.

The party numbered eighty well-armed horsemen, with whom Buccleuch marched forward, entering English ground within six miles of Carlisle, and passing the water of Esk at the fall of night. A few horsemen were sent forward as scouts, followed by an advanced guard and the storming party with the scaling-ladders, the whole brought up by Buccleuch and the remainder of the expedition in rear. Advancing in this order they passed the river Eden, then swollen through the rains, about two hours before daybreak, and near Carlisle bridge. On arriving at this point the storming party was ordered forward, but on applying their ladders to the wall, they found, to their great mortification, that they were too short to enable them to reach the top of the wall. Making a breach through the wall near the postern gate, a small number of them were enabled to pass singly into the outer court, Buccleuch himself being one of the first to enter. The postern being then broken open, the remainder of the storming party entered and quickly became masters of that portion of the castle.

Buccleuch, to secure the retreat of his men now within the castle, who were of course dismounted, against any attack which might be made by the townsmen, placed himself with a body of horse between the postern of the castle and the nearest port of the town. Communicating with his men by sound of trumpet, and making a tumultuous noise, he was successful in causing the garrison and townsmen to believe that the place was being attacked by a very much larger force than he had at his disposal. His tactics resulted in the withdrawal of the sentinels and soldiers from the portion of the castle which he had attacked into the inner stronghold, and enabled his followers to achieve the result for which they were striving. Lord Scrope was himself deceived, as he wrote afterwards to Burghley that

the Castle of Carlisle had been in the possession of five hundred Scots. The garrison having been completely deceived, made no attempt at resistance, and the plan of attack having been so well arranged, and so skilfully and quickly carried through, they had not time to recover from their surprise till the rescue was effected.

Whilst Buccleuch was thus preparing for a successful retreat, the storming party were making their way to the cell of the prisoner. And here no time was lost. Buccleuch had provided himself with information as to the exact position of Kinnmont, and having amongst his followers men who were well acquainted with the interior of the castle, they soon found the prison in which Armstrong was confined, and having broken it open, carried him forth in their arms. Some other prisoners were brought out, but they were immediately returned by the orders of Buccleuch, who also strictly prevented any depredations from being committed. He had issued strict commands to do nothing, so far as it could be prevented, that could give the least cause of offence either to King James or Queen Elizabeth.

The rescue of the prisoner is thus described in the ballad:—

Wi' coulters and wi' fore-hammers
 We garr'd the bars bang merrilie,
 Until we cam to the inner prison,
 Where Willie o' Kinmont he did lie.

And when we cam to the lower prison
 Where Willie o' Kinmont he did lie:
 "O sleep ye, wake ye, Kinmont Willie,
 Upon the morn that thou's to die!"

"O I sleep saft, and I wake aft,
 It's lang since sleeping was fleyed frae me;
 Gie my service back to my wife and bairns
 And a' guid fellows that speer for me."

* * * * *

Then shoulder high, with shout and cry,
 We bore him down the ladder lang,
 And every stride Red Rowan made
 I wot the Kinmouts airns play'd clang.

“O mony a time,” quo’ Kinmont Willie,
 “I have ridden horse baith wild and wood ;
 But a rougher beast than Red Rowan
 I ween my legs have ne’er bestrode.

“And mony a time,” quo’ Kinmont Willie,
 “I’ve prick’d a horse out oure the furs,
 But since the day I back’d a steed
 I never wore sic cumbrous spurs.”

Whilst being carried beneath the Warden’s windows, Kinmont is said to have shouted a “good-night” to his Lordship, promising to pay him for his lodgings when first they should meet on the Border.

The enterprise having been completely successful, and the day having now broken, Buccleuch hastened to collect together his followers and marched to the river, where, as the alarm had now spread, a number of men had collected on the other side of the ford. He ordered his trumpets to sound, and advanced with his whole force ; but his opponents did not wait to give him the opportunity of attacking them, and left the passage of the river free. Having crossed the river, he advanced with his company through the territory of the Grahames of Esk and Levin, and arrived on the Scots Border about two hours after sunrise.

In swimming his horse through the flooded Eden, Kinmont complained of the weight of his irons, remarking that he had never crossed it with such heavy spurs. Buccleuch did not judge it prudent to seek for a smith on English ground, but after crossing the Border, Kinmont was soon relieved of his fetters.¹

¹ A cottage on the roadside between Longtoun and Langholm is still pointed out as the residence of the smith who was em-

ployed to knock off Kinmont Willie’s irons after his escape. [Border Minstrelsy, vol. ii. p. 60.]

The news of this brilliant achievement were soon widely spread, and hailed with satisfaction and enthusiasm by the Scots, more especially by the Borderers, and the details of the exploit were recorded in their ballad poetry, and transmitted in their traditions.

Intelligence of the rescue of Kinmont by Buccleuch was soon conveyed to the English Government by Lord Scrope, who advised that they should demand from King James the delivery of Buccleuch, that he might be punished as he deserved. Robert Bowes, Queen Elizabeth's ambassador in Scotland, also wrote immediately to Lord Burleigh. In his letter, dated 18th April 1596, he states that, "While these things have been laboured to pacify the troubles on the Borders, a most strange tempest is raised by Buccleuch taking forcibly Will of Kinmonth out of the Castle at Carlisle. Likeas, by the Lord Scrope's letters received yesterday (and for the which I have attended and delayed thus long to write of these matters), I understand is already advertised, with such certainty of all circumstances in that action as I think it not meet to trouble your Lordship with the bruits brought hither some days past, and dispersed by the evil affected, wishing increase of this sudden storm, wherein I do right humbly pray timely and perfect directions, with notice of her Majesty's pleasure, what I shall demand and do for her Majesty's best satisfaction, for finding the indignity so great and the condition of this time and estate of causes to be of such quality as they and these matters must be censured by her Majesty's will and pleasure. I have therefore thought it expedient to attend upon directions herein, and shall be right diligent to execute the effects to be commanded to me."¹

Queen Elizabeth and her Council were deeply incensed on receiving the intelligence of Buccleuch's successful enterprise, which they regarded as an indignity offered to England, and instructions were sent to the ambassador to demand instant redress from King James.²

Bowes was indefatigable in his efforts to obtain redress. In an audience

¹ State Papers, Scotland, Elizabeth, vol. lviii. No. 65.

² Bowes to Burghley, 7th May 1596. State Papers, Scotland, Elizabeth, vol. lviii. No. 75.

of the king at Holyroodhouse, 11th May 1596, he laid before him, in obedience to his instructions, "the heinous attempt" made by Buccleuch at her Majesty's castle at Carlisle. He was required, he said, to inform the King of Scotland of this outrage, and to be urgent for timely redress. The denial or delay of due and speedy chastisement would, he continued, be interpreted as an intention on the part of his Majesty to break the amity between these two princes and their realms. He reminded his Majesty that long and bloody wars had been stirred up between the two kingdoms in former times for smaller causes. The pride of Buccleuch, he added, in this action argued either that the king had assented to the enterprise—and some of Buccleuch's followers had said so much—or that Buccleuch treated with contempt the king and his orders. This was confirmed by his execution of this deed at Carlisle immediately after the king had received Lord Scrope's answer and defence of the capture and detention of Will of Kinmonth, and after he had expressed his pleasure that the case should be formally tried. Bowes would farther have the king to consider the dangerous effects that might follow to religion should the perpetrator of this foul deed escape with impunity, since all the forfeited Earls, with other Papists and Spaniards, had long attempted to produce disturbances on the Borders, in order thereby to involve him in troubles. He concluded by demanding that the king should command redress to be made without delay, by the delivery of Buccleuch simply and without condition.

"You represent the action of Buccleuch," replied King James, "as worse than it really is, or than was his intention. This enterprise he attempted from a particular quarrel with Lord Scrope for the capture and detention of Kinmonth, who, I have been told by Buccleuch, was, unlawfully and against all law and order, taken and detained, and whose delivery he sought, but without effect, by all fair and peaceable means. Buccleuch therefore prayed me to allow him to liberate Kinmonth the best way that he could. I think that he should have procured Kinmonth's escape by a secret passage, through some window, or by some such like practice. But I nevertheless did not

give him permission to make any attempt of the kind, but gave him to understand that I had taken order for the trial of the cause, and the deliverance of Kinnmonth by that means. I desire to know the names of the persons who have affirmed that I assented to Buccleuch's enterprise, for although I have their names certified to me by Lord Scrope, I wish to have the accuracy of this confirmed. I admit that some mean men, but not counsellors, have endeavoured to persuade me, that by countenancing Buccleuch in this business I would encourage others to undertake for me, at other times, great enterprises. But these persons and their advice I nothing regard, since this offence ought and should be punished according to its quality; and I will be careful to prevent all the dangerous effects which you specified, and to give her Majesty good contentment. As to the delivery of Buccleuch simply and without condition, I will confer with my Council, who are to meet at Edinburgh on the 20th of this month, and with their advice I will give a determinate answer touching the particular redress to be made, which shall be yielded agreeably to the laws of the Marches and to the quality of the offence."

Bowes, apprehensive that delay would be dangerous, and doubtful what the resolution of the Councillors might be, again pressed the king for an immediate and determinate answer. The king waived giving an answer in so rare and weighty a cause until he first consulted with his Council, and this answer Bowes was necessitated to receive for the time.¹

Buccleuch had strenuous defenders in some of the counsellors and others well affected to him, or who wished the violation of peace on the Borders, thinking that this might be covertly effected by the impunity of Buccleuch. Others, who were well inclined to the English alliance, endeavoured to prevent these dangers and inconveniences, by advocating that due and seasonable satisfaction should be given to her Majesty.²

¹ Letter of Robert Bowes to the Privy Council of Queen Elizabeth, dated 12th May 1596. State Papers, Scotland, Elizabeth, vol. lviii. No. 79.

² Letter of Bowes to Burghley. State Papers, Scotland, Elizabeth, vol. lviii. No. 86.

The English Ambassador continued to press urgently for redress, and at the king's request made his demand in writing, in the following terms :—¹

“ Forasmuch as Walter Scott of Buccleuch, knight (known to be a public officer), with his complices, on the 13th of April last past, in warlike manner and hostility, hath entered into and invaded her Majesty's realm of England, hath assailed her Majesty's castle of Carlisle, and there violently assaulted her subjects, and committed other heinous offences there, contrary to the league and amity betwixt her Majesty and the king, giving thereby just and manifest occasion of the breach and violation of the same league and amity. Therefore it is required that he may be both duly fyled for this fact and breach of the league and amity, and also delivered for her Majesty, to suffer the pains, and to be afflicted and executed on him for the same fault.

ROBERT BOWES.”

This demand was brought under the consideration of King James and the Council on 25th May. After it was read, Buccleuch being personally present, and the attempt having been laid to his charge by the king, spoke in justification of himself as follows :—In the demand there is no outrage relevantly set forth which can be justly said to amount to any breach of the amity between the two kingdoms, or on account of which I ought to be delivered up to suffer any penalty. That I invaded England in warlike and hostile manner is not said to have been done from forethought intention, nor by any deed of hostility following thereupon, such as slaughter, depredation of goods, fire-raising, or taking of prisoners. In like manner the assaulting of the Castle of Carlisle is not said to have been done from forethought purpose to take that castle, which is a necessary qualification of alleged assailing, since none will assail but those who have intention to take, nor is it said, as following upon that deliberation, that it was actually taken. As to the assailing of her Majesty's subjects and other heinous offences, these

¹ Letter of Robert Bowes to Queen Elizabeth's Privy Council, dated Edinburgh, 2d

June 1596. State Papers, Scotland, Elizabeth, vol. lviii. No. 93.

imputations are so uncertain and general that it is not necessary to answer them until they are more specific. But to declare the simple verity, William Kynmonth, a subject of Scotland, was most unjustly taken within the realm of Scotland by Thomas Salkeld, Warden-depute of England, accompanied with six hundred armed men, within the time of the solemn assurance of the day of truce used between the two realms, when William Armstrong was returning in peaceable manner from the day of truce, to which he had repaired at the special desire of myself, in whose name, as Keeper of Liddesdale, the day was kept. From this it is evident that the first wrong was done by the officer of England to me, as known officer of Scotland, by the breaking of the assurance of the day of truce, and the taking of a prisoner in warlike manner within Scotland, to the dishonour of the king and of the realm. And as the first wrong was done by them, so the first delay of justice, and the first refusal of redress, was in like manner committed by them, after I had made lawful requisition of redress, first by my letters to my Lord Scrope, Warden, the principal officer, who, by the refusal of redress and detaining the prisoner unlawfully taken, cannot but be thought to have allowed what was done by his depute and accounted as doer himself; next by my application for redress, often since made to Robert Bowes, Queen Elizabeth's ambassador; and thirdly, by my complaint to his Majesty, and his Majesty's demand to the ambassador for redress. All these requisitions were unjustly refused by Lord Scrope, the Warden, and William Armstrong was, notwithstanding, unlawfully detained prisoner in the Castle of Carlisle, as he was first unjustly taken in Scotland, by open hostility in time of peace, and within the time of the standing of the assurance. This was the just cause which moved me to attempt the recovery of my own man, not the redress of the injury, which yet stands unredressed, for the simple recovery of a man's own gear is no sufficient redress for the injury of the spoliation and the damage sustained by the long want thereof. In the simple recovery, I behaved myself so moderately, that neither Queen Elizabeth nor any good subject of England can justly find themselves aggrieved thereby, in respect

of my coming by night, accompanied only with fourscore horsemen in a most quiet manner, without taking of houses, raising of fire, spoliation of goods, slaughter or capture of prisoners, with the simple intention of effecting the recovery of a subject of Scotland from that part of the castle in which he was detained. The blowing of my trumpets did not proceed from any contempt, but was merely a means for the preservation of myself and the small number who were with me by inspiring terror, and this was also the necessary cause for the wounding of one or two Englishmen, who by the resistance and actual wounding of a part of my friends, and by the raising of a great number of others, might have perilled the lives of myself and my whole company. The fact is alleged to be aggravated by my coming to her Majesty's castle of Carlisle. But it was necessary for the recovery of my said man to come to that place, where he was unjustly detained. Nor can the intention, nor the effect to assail and take the castle, be truly alleged, but to recover simply my own man, a subject of Scotland, wrongously taken, and more wrongously detained within that castle. The king and Estates ought not therefore to fyle me as the committer of any outrage, to the breach of the amity between the two kingdoms, and far less to deliver me to suffer any pains, since I have committed no offence, but have received the first wrong, and was first refused justice by the Warden of England after the first requisition. This wrong and injury of breaking the assurance of the day of truce, and the refusal of redress being committed to the dishonour of his Majesty and of the whole realm, and not founded on any particular on my part, it would be much more contrary to his Majesty's honour to fyle me, without further trial, or to deliver me, his public officer, for maintaining the said office and the assurance of the day of truce, without which no peace could exist between the two realms.

Buccleuch having concluded his defence, and the case having been at length maturely considered, his Majesty, with consent of the Council, declared that they were most willing to maintain inviolable the amity between the two realms, and should it be proved that by any existing treaty alleged

offenders were to be summarily given up, his Majesty would most willingly observe the treaty. But if no such treaty could be verified, his Majesty was most willing, according to the ancient custom used between the realms, to send commissioners to the Borders to try the verity of such alleged mutual injuries between the officers of either realm, and to require and make redress to the full satisfaction of her Majesty's honour, and of the damage of all her subjects.¹

The decision of the Council having been made known to the English ambassador, he replied that the capture of Kinmouth was asserted by Lord Scrope to have been lawfully accomplished; and, moreover, that it had been proposed that the matters in dispute should be decided by special commissioners appointed by Queen Elizabeth and King James. That proposal, he added, had been accepted by the king, but within a few days thereafter Buccleuch executed the outrage, which by the treaties of peace, laws, customs, and practices of the Marches, ought to be punished, or, as in similar cases, he should be delivered up without further proof or delay, upon complaint and information, to the English sovereign, without examination and trial by commissioners.

Bowes having made exception to their verbal answer to his demands, which were in writing, they promised speedily to send him the resolution and Act of the King and Convention in writing, which, however, in consequence of some alterations and accidents, they delayed to deliver to him until the 1st of June. On that day Bowes was admitted to an audience of King James, when the king appeared very desirous speedily to give redress in this case for the satisfaction of her Majesty, and that her Majesty might be pleased to commit this cause to the trial of commissioners, as he and the Convention had proposed.²

Three days after, the King wrote the following letter to Queen Elizabeth on the subject, in which he prays her to consider that the information of her own officer was that of only one of the parties, and to stop the one ear until she should

¹ State Papers, Scotland, Elizabeth, vol. lviii. No. 93 II. Indorsed "Receipt, 4th June 1596. A declaration sent with the Scottish King's letter." Also Privy Council Records, 25th May 1596.

² Letter of Robert Bowes to Queen Elizabeth's Privy Council, Edinburgh, 2d June 1596. State Papers, Scotland, Elizabeth, vol. lviii. No. 93.

hear the other party, and earnestly requests her to agree to the appointment of mutual commissioners to judge and settle the difference which had arisen :—

MADAME AND DEAREST SISTER,—In respect of the harde impression that ye haue conceaued concerning Bukeleuchis lait attempt at Carlile, I haue taikin occasion by these fewe lynis to praye you most hairtelie to consider aricht, and taik in goode pairt my ansoure thairin. And first I must praye you to consider that youre information procedis from youre officiare, quho is not onlie partiall, but direct pairtie, in that maitter, quho alswell for the excuse of his owin sleuth at the tyme of the comitting of that deid, as of his former iniurie quhairupon the other did succaide, can not choose but agredge and agrauate that deid als farr as in him lyes : but, Madam, I neid not to exhort a Prince of so long and happie experience in government as ye are, to stoppe the one ear quhill ye hear the other pairtie, and then, all passion being remouit, uislie and iustlie to iudge, for I ame fullie persuadit that quhen ye shalbe richtlie informid of that iniurie quich maide this other deid to followe, the proceeding shall (thoch not purge) yet quallifie verie muche the other, in your iuste censuring mynde. Alwaies quhat euir the quallitie be of that deid, my ansoure and requeste both is that ye will be content to appoint comissioneris on your pairt, as I shall be most reddie vpon myne, to trye alswell the turne itself as the occasion, quhairupon it did proceide, and to giue ordoure theirin according to the leagues of amitie and treaties of peax established betuixt us, quiche I uow and promiseis upon my honour shall be fullie aecomplished and putt in executioun on my pairt in that cais, for quho can be so fitt iudges of offences fallen betuixt your subiectis and officeris and myne as comissioneris from us both, quho according to the lawis of neighbour head oucht to discernne amongst neighbouris, and quhair as it appeares ye are persuadit by sum to thinke that your harde usinge me in other maitteris will be a meane to procure youre satisfioun in this turne att my handis, suirle, Madame, as my conscience bearis me uitness that I neuir uilfullie offendit you in anye tyme past, so shall I neuer hereafter omitt anye pairt of constant and trew freindshipp towardis you, but I ame sure that ye will not loue [me] the orse that as I ame otheruayes neere of bloode unto you, so to be youre cousin in that quallitie also to do twice more for curtesie than harde usage, but tuiching that purpose I haue spokin more at lenth to youre ambassadoure thairin; this tyme requyres greater dilligence in us both against the commounemie then to trouble our selfis with the base particulaire querrellis

and debatis betuixt oure subiectis, and thus praying you to talk in goode pairt these homelie and rude lynis, I comitt you, Madame, and dearest sister, to the protection of the allmichtie, from my palleis of Lidlithgow, the 4 of June 1596.

Your most louing and affectionatt brother and cousin,

JAMES R.

Addressed : To my dearest sister, the Quene of Englande.¹

Bowes still persevered in demanding redress from the Scottish Court for the action at Carlisle. But he was much hindered by the absence of the King, who had departed from Holyroodhouse on the 18th June, to take his pastimes at hawking and hunting about Callander, Connynghshall, Stirling, and other places. Bowes resolved to follow the King in order to obtain an audience as speedily as possible.²

Meanwhile Queen Elizabeth determined to stop the yearly payment which she granted to King James in respect of his lands in England, until he should make the redress demanded against Buccleuch. The most of his eight new counsellors were of opinion that it would be less dishonour to the King and the kingdom were he to be driven from his throne than to be thus forced to disgrace himself for money; he could not now deliver Buccleuch, since it would be reported that it had been done by force and for gain. The King was thrown into great perplexity.

On learning that Queen Elizabeth, in retaliation for Buccleuch's action, intended to stay the payment of the annuity due to him, the King complained of the threatened injustice. In a letter to his ambassador, Mr. David Foulis, he urged that the annuity he received from Elizabeth was not a pension, but in satisfaction of his lands in England.³ His remonstrance, however, had no effect on the Queen, who still adhered to her purpose of withholding the annuity until her demands were conceded. She wrote, however, to Bowes on 25th July, requiring him to inform the King that though she had deferred,

¹ State Papers, Scotland, Elizabeth, vol. Edinburgh, 21st June 1596. State Papers, lviii. No. 95. Scotland, Elizabeth, vol. lviii. No. 105.

³ Letter of King James. State Papers,

² Robert Bowes to Lord Burghley, from Scotland, Elizabeth, vol. lviii. No. 112.

she had not denied the money, although she could not recognise any right that he had to the annuity as due to him, insomuch as it had been given as an expression of sincere good-will, and not by way of bargain or contract for anything due to him for any lands, as he affirmed. She adds :—

“Where it pleaseth the king to throw upon us a straight obligation, because he had refused fair overtures from our foreign enemies, surely we may not seem so kind hearted as to make other construction of that than to give him the due praise of true providence and perfect judgment in being able to discern how precipitate a council it had been for him to have abandoned God’s cause, his own honour, and others assured friendship, either for fear to be conquered, or conceipt to be advanced by him whose end he knew could not be fulfilled but by the work of his subversion, whereof the precedents are infinite before his own eyes in many parts of Christendom. In lieu whereof, if we were purposed to fall into enumeration of the fruitful offices of our care and kindness, our actions even from his cradle during his nonage, and since his coming to his kingdom, have demonstratively showed how precious we have ever held his person and estate, and the freedom of his Crown from other usurpation ; all which we speak not out of spirit of repentance as thinking it ill bestowed, but to deduce a true comparison (seeing he did call it in question) between our mutual proceedings, each to other, we having singularly borne the burden of both our common adversaries these many years, and specially of the enemies of God’s Church in greatest proportion, without any support or aid of any prince or potentate living. Of this much our pleasure is that you shall inform the king, to the intent he may clearly perceive the affections of our mind free from passion or partiality, unless it be passion to have sense of public wrong, and to take impression of unkind usage, when we have so well deserved the contrary ; wherein when we shall receive present redress for the world’s satisfaction in this so extraordinary a crime, then shall none be more ready, in things doubtful, to be guided by the rules of equal and ordinary proceeding by Commissioners, nor in any other good offices according to our custom.”¹

Bowes was admitted to an audience of the King at Dunfermline, when he delivered to him the Act of Queen Elizabeth’s Council touching redress for the action of Buccleuch. Having read the Act of the English Council, King James declared that he himself, his nobility, council, and estate, by their

¹ State Papers, Scotland, Elizabeth, vol. lii. p. 129, *et seq.*

Act, had not refused to give redress or to fyle and deliver up Buccleuch for this fault; that they had not approved of his justification of himself grounded upon former wrong alleged to have been done by Lord Scrope, and upon the considerate manner in which the attempt was executed, but they thought it meet that the cause should be examined and tried by Commissioners. Bowes replied that though the King and his council had not denied redress, or to fyle and deliver up Buccleuch, yet had dangerously delayed the administration of justice therein, and for the trial of the case had fallen into a course not warranted by any justice; that the matter rested wholly with the King, whom the treaties between the two kingdoms empowered to be judge in the case, to fyle and deliver the offender upon the bill . . . or otherwise if he refused justice, which her Majesty did not expect, but rather hoped that he would yield her seasonable redress, either by his own regal authority or with the advice of his council.

King James strongly protested that he had not found one of the nobility, council, barons, burgesses, or ministry who would assent that Buccleuch should be fyled and delivered by him or his council, and that at the late convention they were so resolute that he with difficulty drew them to refer it to the trial of Commissioners, who, he thought, should best dispose of the cause for her Majesty's satisfaction.

Queen Elizabeth continued to make strenuous efforts, both by private letters to the King and by the influence of her ambassador, to induce King James to deliver up Buccleuch. Determined not to be baffled, the queen again wrote to him, expressing her fixed decision not to refer Buccleuch's case to Commissioners, and insisting on his being delivered up to her. The letter is as follows:—

MY DEARE BROTHER,—I am to speake with what argument my lettres should be fraught, since suche theames be giuen me, as I am lothe to finde, and am slow to recyte, yet since I needs must treat of, and vnwillinglie receaue, I cannot omytt to sett afore you a to rare example of a seduced king by evill informationn. Was it ever seen that a prince from his cradle, preserued from the slaughter, held vp in royall dignitie, conserued from many treasones, maintayned in all sortes of

kyndnes, should remunerate with so hard mesure such deare deserts with doute to yeald a iust treaties responce to a lawfull frends demaunde. Ought it to be put to a question, whether a king should doe another his lyke a right? Or should a counsell be demaunded their good pleasure what he himself should doe? Were it in the nonage of the prince, it might haue borne colour, but in a ffather age, it seemeth strange, and, I dare say, and without example. I am sorry for the cause that constraines this speach, espetially in so apert a matter, whose note goes farre, and is of that nature that it (I feare me) will more harme the wronger then the wronged, ffor howe little regarde soever be held of me, yet I shoulde greue to muche to see you neglect yourselfe, whose honour is touched in suche degree as the Englishe, whose regarde I doubt not but you haue in some esteame for other good thoughts of you, will measure your loue by your deeds, not your words in your paper. Wherefore for fyne. Let this suffice you that I am as evill treated by my named frend as I could be by my knowen foe. Shall any castle or habytacle of myne be assayled by a night largin, and shall not my confederate send the offender to his due pvnisher? Shall a friende stycke at that demaunde that he ought rather to prevent? The lawe of kingly loue would haue sayd nay, and not for perswation of suche as never can nor will steed you, but dishonour you to keepe their owne rule, lay behind you the due regard of me, and in it of yourselfe, who as longe as you vse this trade wilbe thought not of yourselfe ought, but with convencions, what they will, ffor Comissioners I will never grant for an Act that he cannot deny that made; for what so the cause be made, noe cause should haue done that, and when you with a better weighed judgment shall consider, I am assured my answeare shalbe more honorable and iust, which I expect with more speede as well for you as for myselfe. ffor other doughtfull and litigious causes in our borderis I wilbe ready to poynt commissioners, if I shall fynde them needfull, but for this matter of so vyllanous an vsage, assure you I will never be so answeared as heareis shall need. In theis, and many other matters I require your trust to my Ambassador, who faithfully will returne them to me: Praying God for your safe keeping,

Your faithfull and loving syster,

ELIZABETH, R.

Indorsed : 24 Junij 1596.

Copie of her Matz. lre. to ye King of Scottz, of her owne hande.¹

¹ State Papers, Scotland, Elizabeth, vol. lviii. No. 108.

Bowes had another interview with the King at Dunfermline, when he referred to her Majesty's letter, and moved him to have seasonable regard to the quenching of the flame that raged on the Borders through Buccleuch and others his subjects. The King much commended her Majesty's letter, but observed that there were in it some sharp expressions towards himself, as when her Majesty said that she was as evil treated by her named friend (which he interpreted to be himself) as she would be by her known foe. Against this he earnestly protested his readiness to give her Majesty good contentment, and promised to give, without delay, order to his officers of the Borders to stay the troubles there, which were daily increasing. He defended the act of the late convention touching redress demanded for Buccleuch's enterprise at Carlisle, and after many arguments in its defence, with professions of his desire to please her Majesty, he said that he would write within two or three days an answer to her Majesty's letter, and frame and send his duply or rejoinder to the reply made by her Majesty's Council to their act of Council. He directed his Council to frame a "duply," and he himself drew up the letter to her Majesty. Both these he sent to Bowes, to be conveyed to Mr. David Fowlis, his ambassador at the English Court, in order to their being delivered to her Majesty. But as he disliked the draught of the despatch by the Council, and desired that his letter to her Majesty and the reply to the Lords of her Council should be sent together, he therefore called for redelivery of his letter to her Majesty, and in Bowes' hands. He was uncertain of the speedy receipt of these letters, though this had been promised.

Meanwhile Bowes debated the question touching Buccleuch severally with most of the King's Council, and with others of quality and well affected, maintaining the equity of her Majesty's demand, and declaring that the Lord Scrope's capture and detention of Kynmouth was left to ordinary trial, according to the treaties and before the act done by Buccleuch, and was justifiable by the laws of the Marches. Bowes argued that this matter ought not to be coupled with Buccleuch's outrage, either in course of time or yet by

way of justification. He referred to the treaty of 24th December 1593, according to which, he asserted, Buccleuch's attack was punishable. The Scottish Council, on the other hand, alleged that Lord Scrope's act was open and manifest, and could not be justified, and that his doing wrong provoked Buccleuch to attempt that action. Bowes answered that this fact was not personally confessed by Buccleuch, but only expressed in the Act of Council by way of narrative of the action objected against him. In the same letter Bowes says:—"The whole estate here appeareth to me to be firmly bent against the delivery of Buccleuch before further trial of him and his fact, and of the Lord Scrope taking and detaining Kynmonth. Some of the Council persuaded the king to commit Buccleuch to ward, to be there further tried and in readiness to be chastised or freed, as his cause required, and that the king should entreat her Majesty to try likewise the cause of the Lord Scrope. But the means to effect this advice are much perverted, for Buccleuch hath given caution by the Laird of Balwery to be answerable, and is departed not like to return hither very hastily."

Many in Scotland were afraid that the misunderstanding that had arisen between King James and his Council, and Queen Elizabeth and her Council, in consequence of Buccleuch's enterprise, might produce serious consequences to the interests of Protestantism in Scotland. Roger Aston, in a letter to Sir Robert Cecil, Principal Secretary to Queen Elizabeth, dated Edinburgh, 28th July 1596, thus writes:—

"There resteth something which I could not omit, and that is to see the extreme peril and danger which all good men think the religion and the amity to be in in respect of her Majesty's high displeasure against Buccleuch, wherein her Highness craves further than will be granted here, which fears the best affected will breed a further inconvenient. If this mischievous matter were put to some point, all other things would settle at an enstand, and her Majesty might look for a greater assurance of (K) and country then before; and my reason is this— I know the (K) is well inclined to redress her Majesty, and it will be against his will if anything fall out but well. The country is in reasonable good obedience, and the laws better obeyed, and justice more severly put in execution than before.

... For the Borders all the chief men have been here, and have yielded to that which before they would never grant unto, that is, to give a surety for their several friends and servants, in which number the whole Borders will be conted, so that all will be made answerable, if this matter of Buccleuch's were satisfied all other things would settle, and her Majesty might expect a greater snerty than before."¹

King James, his Council, and the Committee of Estates, were not inclined to give Queen Elizabeth and her Council the satisfaction which they required. They were evidently strong in the opinion that the capture of Kinmont on the day of truce upon Scottish ground was, on the part of the Warden-deputy of England, a violation of the Border laws, which secured the safety of those who were attending on the day of truce; and that Buccleuch had committed no crime in the liberation of Kinmont, who had been illegally captured. The King and his Council, therefore, notwithstanding the deep resentment of Queen Elizabeth and her Council, persisted in refusing, notwithstanding their persevering demands, to deliver up Buccleuch. It, indeed, appears, that rather than do this they were ready to risk a war with England.

Bowes, at an audience with the King, at Dunfermline, on Sunday, the 8th of August, informed him of the contents of a letter from Queen Elizabeth to him (Bowes), and then showed to the King the letter itself. His Majesty entered into some arguments to prove that the trial of Buccleuch's act at Carlisle should be referred to the hearing and determination of commissioners. But finding by Bowes that Queen Elizabeth was utterly averse to such a trial by commissioners, he promised to advise with his Council how he might take such a course in this matter, and for the punishment of Buccleuch, as should give her Majesty full satisfaction, and should remove the cause of these great outrages on the Borders. The King referred to his having claimed the lands in England, of which his grandfather, the Earl of Lennox, died seized, and to her Majesty's having been pleased by Mr. Randolph, then her Majesty's ambassador in Scotland, to gratify him with the grant of the yearly

¹ State Papers, Scotland, Elizabeth, vol. lix. No. 16.

payment of a sum of money, which was confirmed by her Majesty's hand and seal. He trusted that her Majesty would continue to him this grant.¹

Upon his return from Dunfermline, Bowes received Cecil's and several letters without date, together with a letter from Queen Elizabeth to King James,² which came in the packet of Mr. David Fowles, his ambassador at the English Court, and which Bowes sent with haste to the King. In this letter Queen Elizabeth would have him to understand that whatever was the opinion of his Council, she would never consent to have the outrage committed by Buccleuch tried by Commissioners. To this kind of trial she was willing to submit the first taking of Kiumont, and divers other particulars in dispute between her and his Wardens. But as to the point which was of greatest moment, Buccleuch's outrage, redress behoved first to be given before she would submit to have even the capture of Kinmont tried in this way.

The queen's letter is as follows:—

“MY DEARE BROTHER,—The more I see your lettres, reade your answere, and wey your resolucion, I euer rather impose the faulte of our Ambassadors neglecte, in not towthinge the materiall groundeworke of this our vnkindnes, then caun ymagine that for your owne honor, though all respecte of vs weare debarde, you shoulde not waye soe the ballances awrye, as that a meane mans takinge whither right or wronge shoulde weye downe the poise, that our trecherous castles breache shoulde haue no right redresse. Neyther if you vnderstand it aright, can wee believe that if all the Councell of Scotland woulde tell it you, they might cause you be perswaded that Comissioners shoulde neede, or ought trye, whether anye subiecte of yours shoulde take oute of any our holdes a prisoner, however taken; and therefore doe not beguile yourselfe, nor let them make you beleive that ever I will putt that to a triall as a matter doubtfull: But for the truthe to be knowne of the firste takinge of that sillye man, and diuerse other points fallen owte betuixte our Wardens, I agree verie willinglye to such an order. But let the matter of greateste momente, which is the malfacte of the larcine, be firste

¹ Letter of Bowes to Queen Elizabeth from Edinburgh, 10th August 1596. State Papers, Scotland, Elizabeth, vol. lix. No. 24.

² Letter of Sir Robert Bowes to Robert Cecil, Principal Secretary of State to Queen Elizabeth, dated 10th August 1596.

redressed, and if suche trecherye had bene comitted by a mann that eyther ought for deare affeccioun wounn him by his demeritts, naye, if not by suche as whose deedes in publicke, what ever in private hath well shewed his smale regarde of your commaundis, I might haue borne with your partialitye; but if you remember his former forgoinge deedes, as well in your realme as without, I shall neede the lesse to sollicit my honor and his right. Wheare you yealde that if suche causes be not ever adjudged by such like manner of Comissioners you yealde to what censure of you that I shall chuse. I woulde lothlye take such advantage, ffor if you ever founde that it weare putt to tryall, whether suche a vyolente entry weare lawfull, or that the malefactor was not rendred, I will waye my credit of that wager, and when you playnelye nowe do see my true meaninge of repayre of honor which soe lately hath bene blotted, and howe noe desire of quarrellinge for trifles, nor backwardnes in faythfull affeccioun which you never shall finde to quaille, but by your owne deserte. I hope at lenth you will postpose your newe aduisers and remember her who never yet omytted anye parte that might concerne a most faythfull frendshippe love, and for such one houlde me still, that whatever she heares, yea by your owne, will never trust but you, as God best knowes, whom I beseeche inspire you ever the beste."¹

Queen Elizabeth, finding that her long expected satisfaction was not only still longer delayed, but that the proposed redress by Commissioners, ambassadors, or other means, was not forthcoming, and being further incensed by repeated inroads on the English Border, wrote to King James in March 1596-7:—"I must needs tell you that, without more excuses, deferrings, or lingerings, Buccleuch and Cessford must be rendered to my hands in my Borders, according as all right and reason requireth, and do trust that these were deferred to gratify me more by yourself than let alone to the Commissioners' charge. For God forbid that any so sinister counsel should be followed that might shake you with your best friend, and dishonour you to the whole world that be spectators, both what princes do and what they suffer."²

The special negotiations regarding Buccleuch's attack on the castle of

¹ State Papers, Scotland, Elizabeth. vol. lii. p. 124.

² *Ibid.* p. 159.

Carlisle afterwards became complicated by other troubles on the Border, to be hereafter related. The sequel may be to some extent anticipated here. Buccleuch and Cessford, disregarding the proclamation by the Commissioners then sitting at Carlisle, made another inroad into England, devastating the country, and carrying away considerable spoil and a number of prisoners. They were tried by the Commissioners for this daring breach of order, and found guilty. As the peaceful relations between the two countries were now becoming endangered, and as it was seen that no other measure would avert the anger of Queen Elizabeth, it was decided that Buccleuch and Cessford should be warded in England. They appeared, accordingly, at Berwick for the purpose of delivering themselves up. Buccleuch chose for his guardian during his residence in England Sir William Selby, Master of the Ordnance at Berwick, into whose hands he surrendered himself. At this moment the incident of the firing of a pistol by one of Sir Robert Kerr's retinue, and the cry of treason which was raised, threatened to create a tumult, both the English commissioners and Buccleuch being highly indignant; but the excitement was quickly allayed by the interposition of the Lord Home with a party of Merse men to preserve order, and by Sir Robert Kerr's immediate surrender of himself to be warded in England. He chose for his guardian Sir Robert Carey, Warden-depute of the East Marches, notwithstanding various causes of animosity which existed between them. This magnanimous confidence was equalled by the generous hospitality of Carey, and a firm friendship was in consequence formed between them.¹

Thus ended, after a lengthened negotiation of eighteen months, a dispute which had brought the two countries nearly to a collision. The tardy and tedious negotiations were a great contrast to the promptness of the rescue which gave rise to them. Buccleuch was treated with much hospitality in England, so much so that King James was apprehensive that he might become too favourably inclined towards that kingdom. George Nicolson, in a letter to Sir William Cecil, from Edinburgh, in February 1597-98, states

¹ *Minstrelsy of the Scottish Borders*, vol. i. p. 196.

that the King suspected Buccleuch to be getting "too much Englified;" and in a letter to Sir William Bowes, from Berwick, he mentions Buccleuch's thanks and protestations to her Majesty.¹ James Hudson, in a letter to Sir Robert Cecil, 17th April 1599, requests his intercession with her Majesty for a pass for Buccleuch. But he did not return to Scotland for a considerable time after this, and in December of that year Hudson notices the joy of Buccleuch at the honour conferred on him by her Majesty.² On the 12th May 1599, he received from Queen Elizabeth a safe-conduct to pass abroad for the recovery of his health.³ He was in Paris in March 1600, but returned to England, where he remained for some time. George Nicolson, in a letter to Sir Robert Cecil on the 15th November 1600, mentions the King's anxiety for Buccleuch's return.⁴

Buccleuch, by his honourable, generous, and intrepid character, gained while in England the respect and esteem of the English, by whom he was honoured and hospitably entertained. Satchells thus writes:—

“For banquets he had store, and that most free,
 Each day by some of their nobility:
 His attendance was by nobles there,
 As he had been a prince late come from afar:
 The north-country English could not be at rest,
 While the Scots Warden came to be their guest.
 Six weeks at Court continued he,
 Still feasted with their nobility:
 To the Queen's Majesty he made redress
 When she would be pleased he should go from hence:
 The queen was mute, and let the question slide,
 Yet wished that he might there abide.”⁵

Buccleuch made a very favourable impression on Queen Elizabeth.

¹ Calendar of State Papers, Scotland, Queen Elizabeth, vol. ii. p. 747, No. 6; and p. 750, No. 27.

⁴ Calendar of State Papers, Scotland, Elizabeth, vol. ii. p. 790, No. 97.

² *Ibid.* p. 769, No. 61; and p. 779, No. 86.

⁵ Satchells' History of the name of Scot, p. 25.

³ Buccleuch Charter-room.

An old family tradition records that on his being presented to her, she demanded "how he dared to undertake an enterprise so desperate and presumptuous." "What is it," he replied, "what is it that a man dares not do?" Impressed with the reply, Elizabeth, turning to a Lord-in-waiting, said: "With ten thousand such men our brother in Scotland might shake the firmest throne of Europe."

Queen Elizabeth and her Government were not inclined to push to extremity the difference of opinion between them and the Scottish Government in regard to Buccleuch; and from the favourable impression which he had produced when in England, the whole question between the two Governments, arising from Buccleuch's enterprise, was now allowed to drop. Such is the manner in which Satchells represents the matter as having terminated, and his statement appears to be historically correct. The Queen thus addressed him:—

"Ye shall be dispatch'd within a day or two,
And a letter ye shall carry along with thee
To our cousin of Scotland's Majestie,
Wherein your heroic spirit we must commend,
And intend hereafter to be your friend :
Next day she call'd her secretar,
And charg'd him a letter to prepare,
To his Majesty's King of Scotland,
Wherein she lets him understand
She had past from her former wrong,
By reason Buccleuch was a valiant man."¹

The negotiations respecting the action of Buccleuch at Carlisle had been carried on for such a lengthened period that the settling of the Borders, and even the usual administration of justice by the respective Wardens, had been much hindered. While Buccleuch vindicated the course which he had followed in the liberation of Armstrong, and maintained the necessity for it, he was, according to the report of Bowes, the English Ambassador, desirous to

¹ Satchells' History of the name of Scot, p. 26.

co-operate with the English Wardens for the preservation of peace on the Borders. Bowes, in a letter to Lord Burleigh, from Edinburgh, on 8th June 1596, thus writes:—"Buccleuch, as I am informed, beholding now his own estate and case, is purposed by his letter to the Lord Eurye, or otherwise, to offer very frankly his concurrence for the administration of due justice for the peace on the Borders, as also his submission to her Majesty for his late fault, with protestation of all devotion and good offices to recover and retain her Majesty's good opinion and favour. I have been nice to hearken to any such offer without warrant and foreknowledge of her Majesty's pleasure therein. Further, Sir Robert Ker, taking the like course, proffereth his service, as the Lord Eurye can, I trust, inform your Lordship. Buccleuch and Sir Robert [Ker] so far quarrel, as it is looked to be drawn to single combat. They are of great forces on the Borders, and presently seek preferment of her Majesty's good-will."¹

Bowes again notices the growing exasperation of the quarrel between Buccleuch and Cessford in a letter of the 28th June, in which he states that the quarrel betwixt them "is likely to draw to single combat within short time; and Cessford provoketh the other greatly to it, albeit they are both of great courage, and it is passed far in evil times betwixt them; yet some of their friends attend on them to stay their hands."² About a fortnight afterwards he says that he had heard that young Cessford had challenged Buccleuch to mortal combat.³ The King afterwards effected a reconciliation between them, but it was not permanent.⁴

King James and the Council having heard that Lord Eurie and Buccleuch had appointed a meeting to take place on the 16th of June, for the administration of justice, it gave them anxiety to learn that Buccleuch intended to be accompanied by a large body of armed followers, which it was apprehended

¹ Robert Bowes to Lord Burghley, 8th June 1596. State Papers, Scotland, Elizabeth, vol. lviii. No. 96.

² *Ibid.* 28th June 1596, vol. lviii. No. 111.

³ Robert Bowes to Lord Burghley, 13th July 1596. Calendar of State Papers, Scotland, Elizabeth, vol. lix. No. 6.

⁴ *Ibid.* vol. ii. p. 750, No. 28; and p. 762, No. 78.

might disturb instead of promoting peace. Measures were accordingly taken by the Council, in concert with the English Ambassador, to restrict the number of the followers of the respective Wardens, so as to prevent a conflict.¹

Meanwhile new troubles had arisen on the Borders. The feud between the Maxwells and the Johnstones, which had resulted in the death, in 1593, as already related, of Lord Maxwell, had again broken out. Sir James Johnstone of Dunsbellie had been appointed, in April 1596, Warden of the Western Marches, in the room of William Maxwell, Lord Herries, who had been deprived of that office. This appointment, as might have been anticipated, only intensified the animosity between the two clans, and aggravated the confusion on the Borders.² Buccleuch had formerly taken part with the Johnstones; but on this occasion he entered into an agreement with the Maxwells, and Johnstone sought to obtain from King James permission to join with the Laird of Cessford, and some of the English, against Buccleuch. But with this proposal the King was not disposed to comply.³ With the advice of his Council, which met on 14th June 1596, he resolved to charge Lord Herries, Buccleuch, Cessford, Fernihirst, and Johnstone, to appear with all expedition at Edinburgh, and upon their appearance to commit them to prison, until good order should be taken for quieting these troubles, and for the establishment of peace in all the Marches.

Buccleuch and Johnstone appeared in answer to this summons, but none of the other Border chiefs. It was proposed that these two should be committed to ward, according to the order enacted; but by the exertions of the Master of Glamis, and other friends, it was decided that Buccleuch and Johnstone should not be retained, as none of the others had appeared in answer to the charge of the Council. The whole of the parties were again summoned to appear at Edinburgh, on which Bowes remarks that the summons "is like to be obeyed as the former was."

¹ Robert Bowes to Lord Burghley, 14th June 1596. Calendar of State Papers, Scotland, Elizabeth, vol. lviii. No. 102.

² The Book of Carlsruock, by William Fraser, vol. i. p. 302.

³ Bowes to Lord Burghley, vol. lviii. No. 105.

This anticipation of the English Ambassador proved correct, and when the day arrived for which they had been cited, several of the principal Border chiefs did not appear. Not much hope now remained that the threatened outbreak on the Borders would be prevented. The Council decided to make choice of a Warden, who would be able to control the turbulent spirits on the Borders, and at the same time undertake the office with least charge to the king. Buccleuch and Johnstone were both named. But Buccleuch could not then be chosen while the Carlisle affair still remained unsettled. Johnstone offered to accept the office if caution were found by Lord Herries for such of his and Lord Maxwell's people as he would answer for, either in the Tolbooth of Edinburgh or Dumfries; and such as Lord Herries would not answer for Johnstone offered to make answerable to justice. Lord Herries absolutely refused to take the office.¹

From the want of any efficient control over the Borderers, and the still unsettled state of the dispute between King James and Queen Elizabeth, regarding Buccleuch, the Borders were thrown into a state of great confusion, and incursions were made by the English and Scots, which threatened to spread into the wider contest of a war between the two countries. Some of the English, headed by John Musgrave, son of Sir Simon Musgrave, and Captain Robert Carvell, incensed at the impunity of Buccleuch for the attack on the castle of Carlisle, crossed the Borders and carried devastation into Liddesdale. Whilst the English were thus despoiling the Scottish Borders, "Kinmont Will" made a prisoner of Captain Thomas Musgrave, to the great delight of Buccleuch. An anonymous writer, in a letter written from Edinburgh, apparently to some of Queen Elizabeth's councillors, in July 1596, states that Buccleuch had informed him of the capture of Musgrave, and said that he would cause that captain to be conveyed to Hawick under his custody, and that the Queen and Council of England should understand that he ought to be reputed a more lawful prisoner, who was taken red-hand stealing gear in Scotland, than Kynmont was in the day of truce, when

¹ Bowes to Lord Burghley, 18th July 1596.

neither doing nor offering to do any injury whatever. The writer adds that Lord Home was solicited by Buccleuch to make a raid on the east Borders, his depute having recently fallen from his horse, and Sir John Ker of Hirsell, with many others, being wounded, and Hoppringill of Cadstreyn slain. Buccleuch promised to send a hundred men to the assistance of Lord Home, provided he would also send the same number when required.¹

In retaliation for the depredations committed in Liddesdale, Buccleuch invaded the English Borders. He also wrote to the Council complaining of the depredations committed on his own lands and others in Liddesdale by John Musgrave and Captain Robert Carvell.

An attempt was at last made to repress the disturbances on the Borders ; and a meeting was arranged between Commissioners of Queen Elizabeth and King James, which took place at Carlisle, in March and April 1597, with the object of concluding a treaty in reference to the administration of justice on the Borders. But even while the Commissioners were sitting, and in spite of proclamations issued by the Governments of both England and Scotland, Buccleuch and Cessford made another inroad into the neighbouring country. Buccleuch had purposed, in retaliation for the depredations committed by Lord Scrope, to make an invasion into England. He was withheld for a time by his friends, who were anxious that he should make no attempt while the negotiations between the Commissioners were still proceeding. An anonymous letter, dated from Edinburgh, apparently to one of the English Wardens, states :—“Buccleuch would have made a raid in your wardenry ere now, if he had not been advised by his friends at Court to attempt nothing during the remaining of the Commissioners together. I think evil to write the words he spake to myself within these eight days of your honour, they be so bad, and full of pride ; and therefore your honour had need with expedition to crave some assistance of the queen, to be in readiness to withstand his proud attempts that he means shortly to effect against your wardenry, having so great favour at the king’s and queen’s hand,

¹ State Papers, Scotland, Elizabeth, vol. lix. No. 18.

especially as he makes bragges of not a little to his own glory, and will do more if the queen do not prevent him in time, and saith he hath more friends of late within your office than he had before."¹

The friends of Buccleuch did not succeed in restraining his impatience to make another dash into England; and before the Commissioners had concluded their negotiations, he made a hostile raid into Tynedale. Sir Robert Kerr, younger of Cessford, Warden of the Middle Marches, acted in a similar manner, and advancing twenty miles into England, surprised a fortress and made the garrison prisoners. Buccleuch and Cessford on this occasion are charged with having caused great destruction of property, harrying the country on all sides with fire and sword, and carrying off a number of prisoners.

Sir William Bowes writes to the Bishop of Durham, on 20th April, that Buccleuch, "since the first meeting at Berwick, made two open day forays on the 10th and 11th April," killing the warden-sergeant and wounding several others. Besides carrying away much spoil on that occasion, he had on the 17th, "accompanied by troops of horsemen, made a day foray into Tynedale, and burnt their outsetts besides outhouses, burnt innocent creatures within their houses, and murdered to the number of twelve or fourteen prisoners."² The bill against Buccleuch, on 21st April, charges him with having, with great troops of horsemen, "with trumpet and other warlike, invaded Tynedale, where practising all acts of hostility, namely, fire, sword, drowning, and spoiling, sparing neither age nor sex, he cruelly murdered and slew thirty-five of her Majesty's subjects, of which number some he cut in part with his own hand, some he burnt with fire, some he drowned in rivers, and wilfully and for destruction sake burnt and spoiled. He drove away the poor inhabitants by the terror of his hostility, and taking the goods of the country, divided them amongst his soldiers by way of reward for their service. This cruel and odious act being accomplished with this circumstance, that it was done

¹ State Papers, Scotland. Elizabeth, vol. ix. No. 39.

² Harleian MSS., vol. 851.

upon the holy Sabbath."¹ The bill goes on to state that "the very same persons have very nearly laid waste the countries of Tindale, Bewcastle, and Gillisland, having slain within these three years to the number of near one hundred persons. That Sir Walter Scott himself commanded these thieves and murderers in the slaughter, at several times, of twenty-four of her Majesty's subjects, of which number fifteen were the Queen's soldiers, slain at divers times and places."² Buccleuch's defence to this charge was that "sixty Englishmen had entered Liddesdale in the night and slain two men, and driven away great droves of sheep and cattle. Whereupon the fray arising and brought to Buccleuch, he, with sundry gentlemen dwelling near, followed the chase with the dogs, and finding the spoil divided, encountered the first he met, whom making resistance, he put to the sword. The other part was carried to sundry houses in Tindale, which being kept against him, though, as he protesteth, he offered them safety of life and goods if they would deliver the stolen goods. Upon their refusal so to do he forced his entry by firing the doors, by means of which fire the houses were burnt besides his purpose, together with the obstinate people refusing to yield and take his truth for their safety."³ These people having been taken "red-hand,"—possessing or driving the stolen goods,—Buccleuch could not on that account be accused of murder.

The feud with the men of Tynedale had led to many raids from both sides of the Border, and on 2d July 1595, Carey, in a letter to Lord Burghley, endeavours to explain the origin of the quarrel :—" In your honour's letter you write in a postscript that you would gladly understande the quarrell that Buccleughe had against the Charletons, and that Sesforde had against the Stories, which would be too long and tedious to sett downe at large ; but for that your honour requyres yt, I will as breifly as I can sett it downe. First, the quarell Bucclughe hath to the Charletons is said to be this : Your honour knowes long synce you heard of a great rode that the Scottes, as Will Harkottes and his fellowes made uppou Tyndale and Ridsdale, wherein they took up the whole country, and did very near beggar them for

¹ Harleian MSS., vol. S51.² *Ibid.*³ *Ibid.*

ever. Bucclughe and the rest of the Scottes having made some bragges and crackes, as the country durst scarce take anything of their owne; but the Charletons being the sufficientest and ablest men upon the Borders, did not only take their owne goodes agayne, but also so hartned and perswaded their neyghbors to take theirs, and not to be afraid, which hath ever synce stuck in Bucclughe's stomach, and this is the quarell for taking their owne. Mary! he makes another quarell that long synce, in a warr tyme, the Tyndale men should goe into hys cuntrye, and that they tooke away hys grandfather's sworde, and would never lett him have yt synce; this sayth he is the quarell."¹

Bucleuch and Cessford were both cited to appear before the English and Scots Wardens, but they refused to obey the summons. The Commissioners for the Borders did not close their sittings till they had investigated the complaints brought against them, and found them guilty of what was laid to their charge. Robert Bowes, in a letter to Queen Elizabeth, 11th May 1597, writes that before the receipt of her Majesty's letter to him of the 23d of April last, he was advertised that the Commissioners for the Borders had fully proceeded in all bills and complaints brought before them, that they had declared Bucleuch and young Cessford to be guilty in the offences objected against them, and that they had resolved to end their conferences. In consequence of this, Bowes was prevented from breaking the treaty of these Commissioners, as Queen Elizabeth by letter directed him. He judged it best to endeavour to procure honourable redress for all former faults, with the quenching of these present troubles, and establishment of future peace and justice in the Marches. He stayed for and attended Sir William Bowes, that they might join in their negotiations with the King for the advancement of these interests, and especially for the delivery of Bucleuch and young Cessford, who were now convicted, and whose delivery to her Majesty's officers they therefore demanded.²

¹ Sir John Carey to Lord Burghley, 2d July 1595.

² State Papers, Scotland, Elizabeth, vol. ix. No. 67.

In an audience with King James, Bowes having reminded him that he had very lately, and since the execution of these intrigues, promoted young Cessford to be gentleman of his chamber, the King affirmed that he had granted that preferment to Cessford before the late offences had happened.

Sir William Bowes received, 1st May 1597, a letter from Queen Elizabeth, dated 27th of April, empowering him to demand from King James, in her name, the delivery of Buccleuch and Sir Robert Kerr into her hands, in execution of the treaties between him and her Majesty. Bowes found that the Scots justified both these actions as lawfull "trodds," and affirmed that Queen Elizabeth's people last slain in Tynedale had been trespassers taken red-hand. Having received Queen Elizabeth's letter, Bowes and the others, by 4th of May, hastened the conclusion of the treaty, and he was accompanied by the Scottish Commissioners and their train till he was past the places of danger, where leaving them and finding other fit convoy, he arrived at Edinburgh on 6th May, at four o'clock in the morning. Being admitted to audience with King James, he addressed him on the late attempts. The King answered in terms of vindication of the actions both of Cessford and Buccleuch. The act of Cessford, he said (except that it pleased the Queen of England to take it as highly offensive), was a matter little hurtful to any Englishman, inasmuch as without bloodshed or spoliation he only entered a house, taking thence his servant, a prisoner unlawfully detained, and retired to his charge without further attempt. The murders in which he was involved, as his Majesty was informed, were only the slaughter of thieves, who were Scottish fugitives. The last action of Buccleuch was the lawful pursuit of the thieves of Tynedale, who had been conducted to plunder in Liddesdale, by his own fugitives. The slaughter which Buccleuch there committed was only of thieves taken red-hand, which is accounted lawful on the Border, and long practised by both nations. So far as his Majesty could learn, had not Buccleuch forfeited his "trodd" by fire-raising, (which, however, he constantly affirmed had been done only to recover several parts of the stolen goods detained in those houses against him), he could not have

been justly fyled in that bill, as he had simply endeavoured to recover lawfully goods lost under his charge. The only circumstance which made him guilty being fire-raising, this might more reasonably be recompensed with money than by a demand for the delivery of his person. He did not doubt but that his people received more hurt by two of Queen Elizabeth's officers, of as great place and authority as were Cessford and Buccleuch, namely, by Lord Scrope for the exceeding great spoil and murder perpetrated in Liddesdale, and by the Governor of Berwick for the slaughter of an honest gentleman, his subject, in his house at Wyde Open.

Bowes replied that in the course of King James's reign, more than three hundred of the English had been horridly murdered by his subjects, without any redress; that recently his Keeper of Liddesdale had surprised the Castle of Carlisle, one of Queen Elizabeth's principal fortresses; his Warden of the Middle Marches had invaded and surprised another Castle far removed from the frontier; and lastly, his Keeper of Liddesdale had again made an invasion on the Borders of England, which deeply touched the honour of the Queen of England. The Commissioners, said Bowes, had fyled Sir Robert Kerr of murder, and Sir Robert besides stood charged with the slaughter of fourteen of Queen Elizabeth's soldiers while defending the English Borders under their captain, a matter quite notorious, as having been done by an invasion of more than two thousand men. The act of Buccleuch had been too favourably excused to his Majesty under the name of a lawful trode, inasmuch as he disregarded the essential conditions which by the treaties made any trode lawful, for he entered Tynedale with upwards of one hundred men, murdered many guiltless persons, who had not meddled with his goods, from pure pride and revenge, as might appear by his answer to the Commissioners in writing to the allegation against him made on Queen Elizabeth's behalf, in which, among other things, he acknowledgeth his feud with her subjects of Tynedale, which he had at other times shown by the slaughter which he had perpetrated at his entry thither lately before this act, for no other purpose than to kill seven of them in the night-time in their beds, so as both by forfeiture and

murdering the innocent, the bill against him stood fyled justly, as though he had no trode at all. In regard to complaints against Lord Scrope and the Governor of Berwick, Bowes said that these cases had at several times been earnestly insisted upon by his Majesty's Commissioners, and that, finally, after exact trial, they were cleared in such sort that they could not lawfully be brought again in question.

The King again assured Bowes that he would not deny justice. Whatever his Commissioners had concluded he would see performed; and he prayed him to have patience until his return from Dundee; until Cessford and Buccleuch came hither, whose appearance he would not fail to procure before that time; and until his Commissioners' conference with Bowes in the meantime, as to which he would give instructions before his departure.¹

The King having returned from Dundee to Holyroodhouse on Thursday, 19th May, Sir William and Sir Robert Bowes obtained an audience with his Majesty, in presence of his councillors, on the evening of the following day, for three hours. They again demanded that Buccleuch and Sir Robert Kerr should be delivered to Queen Elizabeth. They argued (1.) from the league made at Berwick in 1586, offensive and defensive against all invaders, that though foreign invasions might be principally understood, yet in equity it could not but imply much more that princes themselves, or the Wardens, should not invade; (2.) The treaty of peace with Queen Elizabeth, Act 14, in which were these words:—"If any person of either realm shall come within the other to make shout, or raise fray, bear armour, or with force raise any impediment to the Warden of that realm in execution of his office, the person so doing shall be reputed a public offender against the treaty of peace, so that if he shall happen to be slain, hurt, or apprehended by the Warden of that realm, he shall be used as a subject of that realm where he committed the offence without any challenge or claim of the prince or officer of the country from whence he came; and if it shall happen the said offender

¹ Sir William Bowes to Queen Elizabeth, 11th May 1597. State Papers, Scotland, Elizabeth, vol. lx. No. 66.

to return to his own country after the committing of the said offence, it shall be lawful for the Warden offended to bill for him, and being found foul of the crime, to be delivered to the Warden offended, to be punished by him at his discretion, and as a subject of the realm where he offended." The acts of Buccleuch and Cessford, said Sir William and Sir Robert Bowes, were directly against the treaty, and it therefore followed that by virtue thereof both of them ought to be delivered. "All which," say they, "and many other reasons by us alleged, how true and forcible soever, could prevail nothing, but that they, having set down a resolution not to deliver them, interpreted the law to their own purpose, extenuated the facts, and directly concluded that the punishment was to be referred to the King himself for final answer, whereunto we delivered this speech, viz. : That, seeing treaties and commissions concurred in one express law appointing the delivery ; seeing the fact expressly convicted by the said commission ; lastly, seeing her Majesty had by her ambassador expressly sent, demanded performance, agreeably to the direct course of justice, it must be manifest to the world that not only the direct denial, but the very forbearance of delivery, did break the leagues, treaties, and promises aforesaid, and that the King keeping the said offenders in his grace and protection, could not but in their persons protect their faults, and thereby involve himself in their guiltiness, leaving the Queen to have her remedy by justice of another nature." These words were understood as a threatening.

On 26th May, Sir William and Sir Robert Bowes had another audience with the King, and used many reasons to fortify their demand for the delivery of Cessford and Buccleuch into the hands of Queen Elizabeth. "The sixth argument was drawn from the persons of the two trespassers demanded. They had lately made three notable invasions, and stood guilty of fifty-seven murders within the ground of England. They had besides showed so high contempt as well against the proclamations as against sundry the Commissioners, and instead of being guardians of the peace they had of late years continually practised all sort of hostilities, not only in their own persons, but

also by their servants and followers, who have slain and spoiled multitudes of the queen's people." The representatives of King James at the late convention, as the King stated in reply, and generally all the wisest of his people with whom he had conference, concurred in affirming that it was greatly dishonourable, both to himself and his realm, that he should deliver so great officers and persons of such worth from under his own punishment to be executed in a foreign country. He earnestly entreated that his good sister would be content that he should punish his Wardens himself, and said that he would send an ambassador expressly to her for that end.¹

This unsatisfactory result of the demand of Queen Elizabeth's ambassadors for the delivery of Cessford and Buccleuch into her hands, deeply incensed her Majesty. In a letter to Sir William Bowes and Mr. Robert Bowes, marked on the margin 7th June 1597, she writes:—"We have perceived by your letter of the 30th of May how far you two have proceeded in all things committed to your charge, and what hath been the success of all your dealings, both with the king and council." Here she added on the margin with her own hand: "I wonder how base-minded that king thinks me, that with patience I can digest this dishonourable dealing. Let him therefore know that I will have better satisfaction, or else," etc. The letter further proceeds:—

"Having nothing, therefore, now for the justness of our demands by you to say other than the arguments which you have used already, nor meaning to depend in this case for Carr and Scott's delivery upon further deputations, we do require you to declare to the king that we had little looked for this manner of proceeding, whereby the world should see how long we have been only fed with words and protestations without effects, thereby to witness to all men how much we are neglected, and how ill we are requited for being always so slow to give any cause of misunderstanding between our brother and us, by using any extraordinary means to correct his lewd and insolent subjects; and when we see what labour there hath been to avoid the delivery for those crimes which they have publicly

¹ Robert and Sir William Bowes to Cecil, Edinburgh, 30th May 1597. State Papers, Scotland, Elizabeth, vol. ix. No. 79.

committed, by alleging that some of their acts were not subject to this treaty, with divers other like cavillations upon points of law and other quiddities only to spend time."¹

Meanwhile Buccleuch was committed prisoner to the Castle of Edinburgh by the command of the King, against the will of the whole Council. He had been appointed to present his pledges, and having brought only four instead of six, and desired to have time granted him to bring in the rest, and to give security for the performance, this was refused, and he was made a prisoner till he delivered all the pledges. Buccleuch suspected that his secret enemies at Court were at the bottom of this, especially Sir Robert Kerr. Under these circumstances Buccleuch, by a secret friend, desired Aston to interpose on his behalf with the Government of Queen Elizabeth. Could he obtain security for his life, he would engage to give her Majesty such satisfaction as she should think convenient, and to make full redress for all the attempts he had committed, and to give assurance for his behaviour in time to come. . . . Should he receive from Aston adequate assurance of his life, he would cast himself into her Majesty's hands to dispose of him as she pleased. Aston, who strongly recommended the case of Buccleuch to the favourable consideration of the English Government, thus writes on his behalf:—"For the man his faults have been odious to her Majesty in that he did at Carlisle, as also for the continual oppressing of her subjects, for the which her Majesty ought to be repaired, as no doubt she will, whether by hostility or by submission and redress. . . . As to Buccleuch, her Majesty shall be repaired in honour, for he shall enter without condition and submit himself in her Majesty's will, and thereby her Majesty shall breed peace and rest to her oppressed people in these parts, for there is not one in all these parts that dare sterve if he command the contrary. He is counted here very constant of his promis either for good or evil. He hath many friends, and that of the best sort. I know there is great ones here if they see him in any danger would hazard their lives, and all the house where he is kept are his chiefest

¹ State Papers, Scotland, Elizabeth, vol. lii. p. 178.

friends. If he fired himself I dare undertake they would let him escape when he pleases. He is purposed to remain and not to provide the pledges till he hear what answer I receive. If he find any assurances for his life, he will enter himself, otherwayes he will prepare and enter the pledges, and so set himself at liberty. If it shall please her Majesty to accept of this, I shall come with him and engage my life for that he shall promise."¹

To terminate the differences caused by Buccleuch and Sir Robert Kerr between the English and Scottish Governments, it was arranged by the Commissioners of both nations at Berwick that delinquents on both sides should be delivered up, and that the chiefs should enter into ward in the opposite countries till they were surrendered, and pledges given for the future tranquillity of the Borders. To this arrangement both Buccleuch and Sir Robert Kerr were wholly opposed, and it required all the authority of King James to bring them to a compliance.²

Though, in July 1597, King James imprisoned Buccleuch for not having delivered his pledges, he soon after secretly released him in order to his going to seek them; and Buccleuch again returned and re-entered into ward. In August, Buccleuch was set at liberty, and also the pledges on caution; and the King declared that he would deliver the pledges according to treaty.

In September the correspondence between the Scottish and the English Courts related to the delivery of Buccleuch's pledges. King James, in a letter to [Mr. Bowes ?] from Linlithgow, 5th October 1597, informs him of his intention to pass to Buccleuch's bounds on the 10th instant to see to the delivery of his pledges, and he begs that her Majesty would send down a lieutenant or some special man to "hold hand" to him, and assist in the same.³

The result of these protracted negotiations has been already related in the preceding part of this memoir. King James and the Council did their

¹ Roger Aston to Sir Robert Cecil, 21st July 1597. State Papers, Scotland, Elizabeth, vol. lxi. No. 16.

² Rymer's *Fœdera*, vol. xvi. p. 322. Spottis-

woode's History, p. 448. Carey's Memoirs, p. 131.

³ Calendar of State Papers, Scotland, Elizabeth, vol. ii. p. 742, No. 42.

utmost to evade the demands of Queen Elizabeth, but nothing would appease her except the surrender of Buccleuch. He accordingly passed into an honourable captivity in England, where, as before stated, he was treated in the most hospitable manner, both by the nobles and the queen herself.

Continued efforts were made during the life of Buccleuch to regulate the inhabitants of the West and Middle Marches, with varying success. In 1578, Lord Maxwell, Warden of the West Marches, presented to the Privy Council a roll of names of the disobedient within his wardenry, amounting to six hundred. A considerable number were interned in strongholds throughout the country, but so many of them made their escape to the Borders as to arouse a suspicion that they were not very strictly guarded, and that their keepers were not sorry to be rid of them.¹

The feuds between the various clans contributed to the perpetuation of the disorders. Certain tenants and servants of John Lord Maxwell, Earl of Morton, having been cited before Johnstone of Dunskeillie, the Warden of the West Marches, refused to appear, assured no doubt of the protection of their chief, who was then at feud with the Johnstones. On account of the feuds between the men of Teviotdale and Liddesdale, the inhabitants of Liddesdale and neighbourhood were forbidden to attend the market at Jedburgh to transact business.

A manuscript, addressed to Lord Burchley in 1590, gives a description of the Middle and West Marches of England and Scotland, together with an account of the various surnames and general character of the inhabitants. It is there stated that "The governaunce of Scotland most offensive to England lyeth in two wards, in Annerdale and Lyddesdale. The country of Anner-

¹ The pledges in the year 1580, consisting principally of Armstrongs and Elliots, were distributed with Esme, Earl of Lennox, Captain of Dumbarton, Alexander Erskine of Gogar, Captain of Edinburgh Castle, Malcolm Douglas of Mains, Captain of Blackness, James Betoun of Creich, Captain of Falkland Castle, the Provost and Bailies of Edinburgh,

Adam Gordon of Auchindoun, Alexander Ogilvie of Boyne, David Barclay of Cullernay, George Ramsay of Dalhousie, William Lord Hay of Yester, Alexander Inglis of Tarbert. Many complaints were made by those burdened with the keeping of the pledges, who were in consequence chiefly imprisoned in the royal castles.

dale is strong by their great and many surnames, as Maxwells, Johnstones, Armstronges, Irwaynes, Bells, and Carlells. Every which severall surname defend their owne. Lyddesdale is the most offensive country against the West and Middle Marches. It is governed by a keeper who lyeth in Armetage, the chief strength of Lyddesdale. The strength of the country consisteth in two surnames, of Armstronges and Elwoods. These people ride most into Gillesland, Aston-more, and Northumberland. Behind Lyddesdale lyeth Tyvidale, which doth never offend the west Border. Behind Annerdale lyeth Ewsdale, who are a civil people, and never ryde in England."¹

The Borderers had become so fierce and lawless, that they were dreaded by the more peaceful of their own countrymen. When King James the Sixth was, or professed to be, much incensed on account of a tumult in Edinburgh in December 1596, a report was circulated that he intended, for the punishment of the citizens, to let loose upon them Will Kinmont and his Borderers. The expected inroad created great consternation among the merchants and other citizens of Edinburgh, and their condition is thus described by Birrel, a contemporary annalist and citizen of the town:—"Upon the morn, at this time, and befor this day, thair was ane grate rumour and word among the townesmen, that the Kinges Majestie sould send in Will Kinmond, the common thieffe, and so many southland men as would spulye the toun of Edinburgh. Upon the whilk, the hail merchants tuik thair hail gear out of thair buiths or chops, and transportit the same to the strongest hous that wes in the toun, and remained in the said hous than with thame selfis, thair servants, and luing for nothing bot that thai sould have been all spulyeit. Sic lyke the hail craftsmen and comons conventit themselves, thair best guidis, as it were ten or twelve householders in ane, whilk was the strongest hous, and might be best kepit from spulyeing or burning, with hagbut, pistolet, and other sic armour as might best defend themselves. Judge, gentill reader, giff this was playing."

Frequent complaints were also made of the depredations committed in

¹ *Archæologia*, vol. xxii., published by the Society of Antiquaries, London, 1829.

the deer forests of Meggotland and Eskdale, where the deer were not only daily slain by Scotsmen using guns, but by Englishmen brought in by Scotsmen, without liberty from the King or his wardens.¹

The Regent Morton, with a large following, made an expedition to the Borders in 1575, and again in February 1577-8 he ordered a levy on purpose to proceed against the Borderers, but his fall from the regency, which took place immediately afterwards, prevented the second expedition from being put into execution.

In the year 1580, the King and council, considering the "great skaith and detriment which the true subjects of the realm" dwelling near the Borders suffered by "open reiff, theft, and oppression of the rebellious and disobedient persons inhabiting the Borders," who besides their ordinary crimes "daily hurt and slew the true lieges in defence of their goods, so that much profitable land was lying waste, and many householders forced to leave their houses, to the great hurt of the common weill of the realm:" seeing that these "rebels were overlooked and winked at" by those who dwelt nearest to them, his Majesty was compelled to use force to reduce them to obedience. Proclamation was made at Dumfries, Kirkeudbright, Wigton, Lanark, Peebles, and other places, commanding the lieges to meet Colin, Earl of Argyll, Justice-General and Lieutenant of the West Marches. Argyll, on that occasion, burned a number of their houses, but the marauders succeeded in escaping to a place of safety.²

An Act was passed in the Parliament held on 8th July 1587, for the quieting and keeping in obedience of the disordered subjects, inhabitants of the Borders and Highlands, which contained some stringent provisions. It was enacted "that all such notorious thieves as were born in Liddisdail, Eskdail, Ewesdail, Annerdail, and the lands sometime called Dibetable, or the lands of the Highland, that have long continued inobedient, shall be removed out of the inland where they are planted and presently dwell or haunt, or the parts where they were born, except the landlords where they

¹ Privy Council Records, 1576-1579.

² *Ibid.* September 1580.

presently dwell will become sureties for them." A register was also ordered to be kept of all these unruly districts, containing the names of all the male inhabitants above the age of sixteen. Marriage with any Englishwoman dwelling in the Marches, without his Majesty's licence, obtained under the Great Seal, was forbidden under the penalty of death, and the confiscation of all moveable property. The pledges received for the good rule of the Borders were to be placed on the north of the Forth, and those from the Highlands on the south of that river. Provision was also made for the punishment, by banishment and confiscation, of all "medit persons" who assisted in the disposal of the stolen property, without whose assistance the depredations would not have assumed such proportions.¹

However stringent were the orders issued by the Council and the Estates, they were quite ineffective in producing any good result so long as the two countries were disunited, and these depredations were only effectually stopped after the union of the Crowns. As the time approached when the two countries so long at variance were to become united, the Borderers seem to have become if possible more daring, in some cases penetrating into England as far as seventy miles, despoiling houses and carrying off large booty.²

Sir William Bowes, writing from Berwick on 31st January 1596, mentions that Buccleuch, as responsible for those under his charge, would "be found guilty of murders about twenty," some of which he had been present at and committed with his own hands, "his followers of Liddisdale, specially the Armstrongs and Elliots, his servants dwelling in Liddesdale, now his inheritance, hath slain many, and hath also been partakers with their commander in the murders mentioned."

Bowes also gives an estimate of the amount of damage sustained by the English at the hands of the Scottish Borderers of the three Marches, between the years 1587 and 1596, which gives an idea of the extent of the depredations committed at that time. "The value of the injury," he writes, "com-

¹ Acts of the Parliaments, vol. iii. p. 461.

Sir William Bowes to Lord Burghley, 29th

² Cottonian MSS. Caligula, D 11, No. 238.

November 1595.

mitted by the Scots hitherto, appearing in the three Marches, since the late commission by Lord Hunsdon in anno 1587, amounts to :—

In the East Marches,	£10,458	17	8
Middle do.,	28,098	8	5
West do.,	54,442	0	0
All amounting to	£92,899	6	1

Of which whole sum the two Tevidales under Sir Robert Carr, and Liddesdale under Buccleuch, are charged with near three parts."

He also mentions that a demand had been made on the part of Queen Elizabeth that she might have delivered into her hands the principal men of the surnames of Youngs, Brownes, Armstrongs, and Elliots, in order that they might be dealt with according to the laws of the country in which the crimes were committed, intending to execute four or five of them by secret arrangement with the King of Scotland, on the understanding that none should be executed except those who had slain more than three. This proceeding, it was urged, would produce a salutary impression on those who remained, who might be retained as pledges and hostages for the good behaviour of the rest.¹

The English Warden appears to have taken the punishment of Liddesdale into his own hand, as a complaint was lodged with the Commissioners of the Borders of England, charging Lord Scrope, Warden of the West Marches, "that in the beginning of August (1596) he sent two thousand men, most of them the Queen's soldiers, under his command, to invade Liddesdale, where they raised fire and burned twenty-four outsets of houses, spoiled and carried away the whole goods within four miles of

¹ Harleian MSS., vol. S51. The surnames of "wicket thieves, oppressors, and peace-breakers and resettaris of theft" given about this time are "Armstrongis, Elliottis, Nicksonis, Crozaris, Grahamis, Irvingis, Bellis, Carleillis, Batisonis, Littilis, Thomesonis,

Glendonigis, Carutheris, Johnstonis, Jardanis, Moffettis, Latimeris, and others inhabiting the Borders foiranent England, in the Sheriffdomes of Roxburgh, Selkirk, Peebles, Dumfries, and Stewartrie of Annerdaill." (Act of Parliament, 8th June 1594, vol. iv. pp. 71, 72.)

ground, the men they apprehended, and coupled two and two in a leash like dogs, and the women and children three or four score stripped of their clothes and sarks, leaving them naked in that sort exposed to the injuries of time and weather, by which ten infants perished."¹ These severe measures were taken by command of the Queen of England; Lord Scrope privately informed Sir William Bowes that as he could get no redress for the damage done in his wardenry by the men of Liddesdale, her Highness had granted him letters under her own hand authorising him to take reprisals.²

The last great Border raid took place in March 1603, only a few days before King James the Sixth arrived at Berwick on his way to London. On the day after his arrival there, the news was brought that an expedition of two or three hundred persons had set out from the West Marches, and penetrating as far as Penrith, committed great havoc, and carried off a large quantity of spoil. In a manuscript of the time, preserved in the Record Office, a list is given of a hundred and thirty complaints lodged against the Armstrongs and other clans, for attempts made from 27th March to 8th April 1603. The estimate of the entire bills is given as follows:—

Men killed,	. . . . .	6
Prisoners,	. . . . .	14
1280 oxen, kine, and young nowte,	. . . . .	£280 ³
67 horses and mares,	. . . . .	390
3807 sheep, goat, and lambs,	. . . . .	1380
Burning, spoils, insight implements, household stuffs, gold, money, plate, jewels, evidences, bills, and writings,	. . . . .	6750
Total as given in MS., ⁴	. . . . .	<u>£10,600</u>

In this war of reprisals, in which the Borderers of England and Scotland

¹ Harleian MSS., vol. 4648.

³ Evidently meant for £2080, which agrees with the sum-total.

² Harleian MSS., vol. 851. Bowes to the Lord Treasurer, 6th February 1596-97.

⁴ MS. Laws of the Marches, by Richard Bell, Warden Clerk of the West Marches, vol. ii.

seem equally blameable, the Liddesdale and Teviotdale men appear in the end to have been the most successful in the result of their inroads. In the letter already quoted, Sir William Bowes informs Lord Burghley that the English had been reduced so far "that they had not one man and horse for four of their opposite neighbours of Liddesdale, East and West Teviotdale."¹

On the return of Buccleuch from France, he was reappointed, as already stated, in 1594, Keeper of Liddesdale, and also received a charter of the lands and lordship of Liddesdale in the same year. He had formerly compromised himself by rendering assistance to Francis Stuart, Earl of Bothwell, and suffered a temporary banishment from his native country on that account, but afterwards withdrew his support from the mad schemes of that nobleman. Shortly after his appointment as Keeper of Liddesdale, he caused the Armstrongs and other chief men of the district to meet him at the Hermitage, and "told them plainly that if any of them dealt anyway with Bothwell, that he would hang them."² He proceeded to deal severely with those who resisted his authority, and burnt several houses in Ewesdale belonging to the Armstrongs, who took refuge with the Grahames in England,³ and with their assistance carried off a number of horses from Buccleuch and his friends in Liddesdale. It is needless to remark, after the description which has been given of those under the charge of Buccleuch, that his office must have been one of great difficulty: Satchells says of the Armstrongs, that they were "very ill to tame." Lord Scrope reports that he had learnt that "Liddesdale, with one vow, had given answer to the Lord of Buccleuch at the Hermitage, and declared that they had committed such faults that they were unable to satisfy, and would not therefore put themselves to the hazard to answer at Berwick, but stand upon their own guard, and take the advantage of that which should follow."⁴

Some of the principal Armstrongs and Elliots did, however, give their

¹ Bowes to Burghley, 29th November 1595.

² State Papers, Scotland, Elizabeth, vol. liv. No. 71. George Nicolson to Mr. Robert Bowes, 24th October 1594.

³ State Papers, Scotland, Elizabeth, vol. liv. No. 89.

⁴ Harleian MSS., vol. 4648. Sir William Bowes to Robert Bowes, 6th February 1596-97.

promise to Buccleuch to enter themselves as pledges, but failed to keep faith with him, at which conduct he was highly indignant. Sir William Bowes considered this quarrel of much importance, and taking advantage of the displeasure of Buccleuch, induced him to restrain all his friends while the English Warden attacked the Armstrongs and Elliots. The plot was discovered, but not before considerable damage had been done to the men of Liddesdale, three of them being slain and two hundred cattle carried off. "This act," says Bowes, "hath caused an implacable displeasure between Buccleuch's friends by him assured, and the outlaws that suffered the damage, which, if it might be now seconded by my brother's holding hard afresh to Buccleuch, and that they get no receipt in the West March of England, Liddesdale would be made hereafter easy to deal withall, and Buccleuch himself stand such to the favour of England, as he should become a much better neighbour than he hath been."¹

The departure of Buccleuch for England interfered with any measures which he intended to enforce in order to curb the restless and turbulent inhabitants of Liddesdale. But while still residing in England he continued to exercise, by deputy, his office of Keeper of Liddesdale, which he had been desirous of resigning, but was induced by his friends to retain. He also obtained a bond, dated 30th September 1599, from Simon Armstrong of Mangertoun, Lancie Armstrong, elder of Quhithauch, young Lancie Armstrong, son to Sym of Quhithauch, John Armstrong of Tyneisburne, *alias* Laird's Jok, and Ninian Armstrong of Tueden, or of the Maynis, whereby, in consideration of his having become bound and found caution that the whole inhabitants of Liddesdale should be answerable to the King and his laws, and willing that he should incur no skaith or damage, they bound themselves, their men, tenants, and servants, to be answerable to Buccleuch when called by him, his deputies, or officers whomsoever, respecting any complaint from England or from the King, his Council or his Justices, and to present themselves or such of their foresaids as should be complained

¹ Harleian MSS., vol. 851. Sir William Bowes to the Secretary, 15th February 1597-98.

upon before the Laird's Court, when called upon to do so.¹ He received a bond to the same effect, of the same date, from Robert Elliot of Redheuch and others of the name of Elliot.²

During the absence of Buccleuch he made resignation of the whole of his lands, by his procurators, into the hands of King James the Sixth, at Falkland, on the 16th August 1599, for a regrant and new infeftment. With the same object the tenandry of Catslack, etc., formerly held by Buccleuch from William, Earl of Angus, were resigned by the Earl into the hands of the King. Following on the resignation a new charter was granted, containing a new erection of the barony of Branxholm, including recently acquired lands, with the exception of the lordship of Liddesdale and the other Bothwell estates. The charter narrates that it was granted as a recompence and reward to Buccleuch and his predecessors, who had been ancient and kindly tenants of the King and his predecessors in the lands of Fasthagh, Huntlie, etc., in the shire of Selkirk; also, for sundry large sums of money and composition paid by Buccleuch to the King's treasurer; and for the manifold, famous, and singular services, acts, achievements, and exploits done by him to the honour, fame, and great commendation of the King and his realm, as well in his private affairs as in those pertaining to the commonwealth. The King also granted the rights of ward and non-entry, relief and marriage, to the heirs and successors of Buccleuch.

The lands and lordships thus united and incorporated into the new free barony of Branxholm were those of Branxholm, Ekfurd, Buccleuch, Langtoun, Quhitchester, Lempetlaw, Rankilburne, Eilrig, Kirkurd, Greenwood, Lyne, Porterlands, Falsyde, Hatherne, Deloraine, Wardishop, Aldishop, Eldins-hop, Fastheuch, Huntlie, Carterhauch, Auldward or Cartermauch, Quhythilbrae or Cathmurlie, now Newark, Mill of Newark, Catslack, Easter and Wester Montbergerris, Schwtingleyis, Appletreleis, Meirbank, Sutercroft, Carteleys, the half of the lands of Halkburne, Hassinden Tower or Monkis Tower, Ringwodfeild, Cauldeleuch, Northhouse, Braidhauch, Crawishop,

¹ Vol. ii. of this work, p. 255.

² *Ibid.* p. 258.

Stobbitcott, Burgh, Sudenrig, Colburne, Westcotrig, Bwenhill, Priestishaugh, Pannangushop, and the office of bailiary.

This erection of the barony of Branxholm, during the absence of Buccleuch, and the terms in which it was granted, are an additional proof, if any were wanted, of the entire approval of his former proceedings by the King.

After his return from England, and more especially after the Union of the Crowns, Buccleuch performed the duties of his office of Keeper of Liddesdale with great energy, and contributed greatly to the pacification of the country in the district over which he had control. A letter of approval and indemnity under the Great Seal, superscribed by King James the Sixth, and approved by the Lords of the Privy Council, was granted on the 14th November 1608 in favour of Walter, Lord Scott of Buccleuch. That letter is in Latin, and is a very important testimony in favour of Buccleuch. The import of it may here be given. It shows that large powers had been conferred on Buccleuch, and that his exercise of them had procured him the entire approval of his sovereign. The letter narrates that while the two kingdoms were separate, and through the disordered state of the Marches on both sides of the Borders, countless numbers of desperate and wicked men had harassed the law-abiding inhabitants, and devastated the cultivated lands lying adjacent to them. It had been a difficult undertaking to control and limit these evils while the perpetrators had convenient places of refuge in the neighbouring Marches of England. But as there was now a large and increasing number of inhabitants desirous of crushing these disorders and cultivating their lands in peace, a way was opened up for the final repression of these marauders. It had been customary to issue a special commission for the purpose of dealing with these offences, but on this occasion it was not thought expedient to do so, lest the malefactors should become aware of the intention and take to flight. It was considered not advisable to grant a general commission and mandate in writing, lest its powers might be abused.

Under these circumstances the letter proceeds:—There occurred to our memory our most dear cousin, Walter Lord Scott of Buccleuch, a man of

energy, prompt in counsel and action, powerful in fortune, force, arms, and following, to whom we found and esteemed that enterprise worthy to be intrusted, on account of his bypast famous and honourable services done to us and the commonwealth, and on account of his great fidelity in times bypast, in executing, with honour and dignity, the affairs which we intrusted to him, and the orders given him, and that to the great help and welfare of our loyal, dutiful, and obedient subjects, and in punishing malefactors and refractory and rebellious persons. His Majesty had instructed him verbally, both privately and in public, that he should, with the utmost speed and expedition, take measures to execute justice on the malefactors and settle the country in peace. In the execution of these commands, the Lord Buccleuch was necessitated to use fire-raising, to cast down, demolish, and destroy castles, houses, and buildings, to use hostile feud in hostile manner against the malefactors, as well in taking of their lives and killing and slaying of them as in putting them to exile and banishing them from the bounds. In consequence of the lack of prisons, and to prevent the importunate intercession of certain good persons, the most part of these desperate men, at once and immediately on their apprehension, were necessarily hanged, and punished with death by pit and gallows off-hand on the very spot at which they were apprehended, dispensing with the ordinary forms of justice, as they were publicly known; and without any dread, and with the utmost audacity, confessed and openly acknowledged these and many other capital crimes and enormities, as if they should not have been prevented from perpetrating them. Several had resisted by force of arms, and refusing to be apprehended, were, of necessity, killed and slain at their apprehending. Also, in executing the King's directions and commands, as well particular as general, and in hanging with a halter and drowning all the said malefactors taken and apprehended, in slaying and killing the fugitives, the refractory, and those resisting by force of arms against being taken and apprehended to be presented to justice and doom, and in combustion, fire-raising, casting down, demolishing, and destroying of their houses and their buildings, his

Majesty declares that the Lord Buccleuch had acted well, dutifully, and honourably, and for his authority and dignity, the comfort and solace of his good and well-deserving subjects, and the furthering and stablishing of the peace and quietness of the kingdom. And the King approved and ratified the same as faithful, good, and acceptable services and duties done to him; and he declared that Lord Scott of Buccleuch, in executing of the same, had shown himself a worthy, valiant, obedient, prudent, and faithful subject. Lord Scott was therefore absolved and freed from all questioning and charge which might be moved auent these causes, and his actions approved and ratified. His Majesty further declared that Lord Scott, by these bypast proceedings, had been most dutiful, and had done to the King, and for the King, famous, worthy, and honourable services. He was therefore exonerated from all pains, charge, and peril which might be imputed to him. After discharging all prosecutors, judges, or magistrates from proceeding against Lord Scott in any process against him on account of these proceedings, the letter adds that the exoneration and remission are to be understood and construed in the widest sense.¹

On the English side of the Border severe measures were also taken with the Borderers, and in the years 1606 and 1607 a large number, consisting principally of the surname of Grame, were transported to Ireland and the Low Countries. Each parish was ordered to provide a sleuth-hound for the pursuit of the marauders in the intricate tracks through the mosses, and severe laws were passed for dealing with them.² The Union of the Crowns entirely altered the character of Border warfare, and Satchells carefully distinguishes the "freebooter" of the time previous to the Union from the "Border thief" who flourished after that event.

"I would have none think that I call them thieves,
For if I did, it would be arrant lies;

¹ *Litera Approbationis Servitiorum et aliorum factorum Walteri Domini Scott de Buccleugh.* [Register of the Great Seal, lib. xlvi. No. 15.]

² *History of Westmoreland and Cumberland*, vol. i. pp. cxvii-cxxi.

For all frontiers and borders I observe
 Wherever they lie are free-booters,
 And does the enemy much more harms
 Than five thousand marshal-men in arms.
 The free-booters venture both life and limb,
 Good wife, and bairn, and every other thing,
 He must do so, or else must starve and die ;
 For all his lively-hood comes of the enemy,
 His substance, being, and his house most tight,
 Yet he may chance to loss all in a night :
 Being driven to poverty, he must needs a free-booter be,
 Yet for vulgar calumnies there is no remedie :
 An arrant liar calls a free-booter a thief,
 A free-booter may be many a man's relief :
 A free-booter will offer no man wrong,
 Nor will take none at any hand :
 He spoils more enemies now and then,
 Than many hundreds of your marshal-men.

* * * *

It's most clear a free-booter doth live in hazard's train,
 A free-booter's a caveleer that ventures life for gain.
 But since King James the Sixth to England went,
 There has been no cause of grief,
 And he that hath transgressed since then,
 Is no free-booter, but a thief."¹

Towards the end of the stirring career of the Lord Buccleuch we pass into a new epoch in Scottish history. Border warfare, as a national policy, was, since the Union of the Crowns, no longer necessary, and that which had been an act of patriotism became, in the now changed circumstances, a crime against society. But the services of the warlike Borderer had been in earlier times of great value to the Scottish cause. The persistent efforts of the English monarchs, not only to interfere in Scottish affairs but to effect the subjugation of the country, had evoked a determination on the part of the Scots to resist

¹ History of the Name of Scot, pp. 8, 9.

to the utmost any attempt at domination by England. The spirited reply of the great-grandfather of the Lord Buccleuch to Lord Wharton, in 1544, no doubt represented the feeling of the Scots nation. He made no objection to the proposed alliance between Prince Edward and Mary Queen of Scots, and if it were accomplished would faithfully serve that Prince, but rather than submit to constraint by the English he would see the whole of his estates reduced to ashes. Another result of the English policy was the close alliance of Scotland and France, and the ambitious designs of England were considerably hampered by the danger of leaving the Borders unprotected. The hardy and resolute Borderer required little preparation for warfare, and he was ever eager for a foray into the neighbouring kingdom.

The value of the Scots alliance to France is noticed by Shakespeare in his play of "King Henry the Fifth."

"*K. Henry.* We must not only arm to invade the French,
But lay down our proportions to defend
Against the Scot, who will make road upon us
With all advantages.

"*Canterbury.* They of those marches, gracious sovereign,
Shall be a wall sufficient to defend
Our inland from the pilfering Borderers.

"*K. Henry.* We do not mean the coursing snatchers only,
But fear the main intendment of the Scot,
Who hath been still a giddy neighbour to us;
For you shall read that my great-grandfather
Never went with his force to France,
But that the Scot on his unfurnish'd kingdom
Came pouring, like the tide into a breach,
With ample and brim fulness of his force;
Galling the gleaned land with hot essays,
Girding with grievous siege castles and towns,
That England being empty of defence,
Hath shook and trembled at th' ill neighbourhood."¹

¹ King Henry v., Act I. Scene 2.

The cessation of hostilities between the Scots and English Borderers, consequent on the Union of the Crowns, however advantageous for the two countries, and the absence of civil dissensions in Scotland, left no field for the occupation of those who, like Buccleuch, had been trained to warfare from their boyhood. Disdaining an inactive life at home, he turned his attention to the Continent of Europe, where numbers of Scotsmen went to learn the art of war under the great military leaders of the day. Buccleuch departed for the Netherlands as early as the year 1604, as appears from the States-General having allowed him £6800 Scots for the expenses of transport in that year. He took with him a number of followers, who were formed into a company, numbering two hundred men, and would, therefore, take part in the last campaign of the war between Spain and the United Provinces, serving under the famous Maurice of Nassau, Prince of Orange. Negotiations during the year 1608 resulted in the conclusion of a twelve years' truce in April 1609,¹ and Buccleuch then returned to Scotland, retaining, however, his position as Colonel, until his death in 1611. His financial agent at the Hague, Van Tilburch, accounted to him regularly for his administration of the company, which seems to have remained permanently in the service of the States-General. "Touching your company," writes Van Tilburch, in August 1611, "it is in fine order, and is one of the best companies in the country." He adds that it was regularly paid up to date.² Such, however, was not the case with Buccleuch's pay as Colonel and Captain, as we learn from a statement from his agent in August 1611, that the former was twenty-nine months, and the latter eighteen months in arrear, the amount then due to him being £17,344 Scots. It is more than doubtful if this was ever paid.

¹ There is among Lord Buccleuch's papers a contemporary copy of an interesting letter from King Henry the Fourth of France to the States-General, giving his views of the political situation, and advising them to conclude a peace if that could be done with the recognition of their freedom and independence by

Spain, and if that could not be achieved, to accept a truce for a long period.—Buccleuch Charter-room.

² The Company numbered two hundred men, and the month's pay amounted to £2697, 17s. Scots.

Repeated applications were made to the Council of the States-General by the agent of the Earl of Buccleuch, after the death of Lord Scott, but there is no evidence of a settlement having been made.

The financial statements of Van Tilburch reveal the fact that the disbursements on account of Buccleuch's Company were far in excess of the amount received from the States-General. One cause of the large outlay is stated by Tilburch to have been the anxiety of the lieutenant to keep up the strength of the company, which frequently caused the number of men to exceed what was allowed for by the States. There was consequently a considerable balance due to the agent, which he had disbursed in excess of the receipts, and which was afterwards repaid to him by Walter, first Earl of Buccleuch, through the British Ambassador, Lord Dudley Carleton.

From the tone of the letters from Van Tilburch, it is evident that he expected the return to Holland of Lord Buccleuch, but the death of the latter in December 1611 prevented this intention from being carried into effect.¹

Lord Buccleuch was requested by Prince Maurice to use his influence in arranging a dispute which had arisen between the inhabitants of the prince's town of Camp-Vere and the merchants of Edinburgh, who, notwithstanding the existence of contracts and treaties, had transferred their trade to the town of Middleburg. The Prince sent him a copy of the letter which he had forwarded to the Edinburgh merchants, setting forth the advantages to be derived in using the port of Vere. The following is the letter from Prince Maurice :—

MONSIEUR,—J'aÿ esté informé par ceulx du Magistrat de ma ville de Campvere que quelques-uns auriõnt induit au Roÿ et aux principaulx marchands de la ville d'Edembourg par sinistres persuasions de transporter l'estaple de la nation Escossoise hors de ma dite ville dedans la ville de Middelburgh, nonobstant les contracts et alliances faites par-ci-devant entre ceulx de la dite nation et ma dite ville. A quelle fin j'aÿ escrit presentement à ceulx de la dite ville d'Edembourg, et les ai mis en-avant combien qu'il leur importe le dite

¹ Letters in Buccleuch Charter-room.

changement et les commodités que la dite nation, et principalement les negotians de la dite ville en pourriort recevoir, en cas que le dite changement vient à estre effectué, comme vous verrez par la copie de ma dite lettre laquelle je vous envoie ici jointe. Et puis que ceulx de ma dite ville ne desirent riens plus que de faire observer de point en point les dites vielles alliances, et tenir toute amitié et bonne correspondance avecq la dite ville d'Edembourg et toute la dite nation. Je vous prie de me vouloir faire aultant de plaisir d'induire à ceulx de la dite ville d'Edembourg, qu'ils mettent les raisons contenues de mes lettres, en delibération, et (considerant l'importance d'icelles) ils ne permettent point que ce changement soit mis en execution, puis que cela tend plus à leur propre utilité qu'à celle de ma propre ville. En-quoi je recevray plaisir bien agreable, et si en quelque chose je me puis employer derechef pour vostre service, vous me trouverez tousiours le tres affectionné à ce faire. Sur quelle fin je prie dieu de vous maintenir,

MONSIEUR,

En sa sainte protection,

Vostre bien affectionne à vous faire service.



[MAURICE DE NASSAU.]

De La Haye, le 29^e de Juillet 1611.¹

Addressed : Monsieur le Baron de Baclouch Chlr. Coronnel, etc.

Sir Walter Scott was created a Lord Baron of Parliament in Scotland, with the title of LORD SCOTT OF BUCCLEUCH, in the year 1606.

There was a peculiarity in the creation of this dignity which, with two exceptions, is perhaps unique in the creations of Scottish peerages. While King James the Sixth resided in Scotland, creations of Lords of Parliament usually took place by the King in Parliament, which was the practice observed since the first institution of barons by King James the First

¹ Original Letter in Buccleuch Charter-room.

of Scotland, after his return from England about the year 1424. When King James the Sixth succeeded to the English throne on the death of Elizabeth, new forms of creations of Peers in Scotland had to be observed, and written patents were made conferring the dignity. The peculiarity in the creation of Lord Scott of Buccleuch is, that it was not made by the King personally or by patent. His Majesty granted a commission to the Earl of Montrose, then Viceroy in Scotland, and failing him by absence from indisposition, to the Earl of Dunfermline as Chancellor, to create Sir Walter Scott, Lord Scott of Buccleuch, with all ceremonies used on creations by the King.

The commission by King James the Sixth, dated 18th March 1606, narrates that it had been an ancient and praiseworthy custom to reward and ennoble, with titles and degrees of honour and dignity, and eminence above others, those whose worthy and distinguished services had tended to the augmentation of the greatness and honour of their princes and the furtherance of the weal of their country; therefore this dignity was conferred on Sir Walter for his stout and doughty exertions to the singular commendation, benefit, and praise of the King and the kingdom and commonwealth, and his many and singular abilities, joined with ready and frank inclination and willingness to the King's service, and love to his native country, its interest and honour.¹

No record has been preserved of the actual creation by the Commissioners, but there is no doubt it took place a few months after the date of the commission, in March 1606, as the name of Lord Scott of Buccleuch first occurs in an Act of Parliament on 9th July of that year. This was a pure case of creation of a peerage by commission without any separate patent, and the commission itself limits the dignity to the grantee and his heirs-male.

Although the commission bears that Sir Walter Scott was to be designated Lord Scott of Buccleuch, he had been so long known as Lord of Buccleuch, as well as his ancestors before him, that his popular designation continued to be Lord Buccleuch. In formal legal instruments he may have been

¹ Vol. ii. of this work, p. 261.

designated Lord Scott of Buccleuch, but popularly he was always known as Lord of Buccleuch, and his eldest son, after his father's creation as a peer, was styled Master of Buccleuch. The Buccleuch name was a cherished one in the family. When the second Lord was advanced in the peerage, he took the title of Earl of Buccleuch; and when the highest dignity of Duke was conferred, it was with the old and familiar family name of Buccleuch.

Lord Scott of Buccleuch was appointed a member of the Privy Council of Scotland on 26th February 1611.¹

Buccleuch married, when in his twenty-first year, Margaret, daughter of Sir William Kerr of Cessford, and sister of Robert, Earl of Roxburgh. Their marriage-contract is dated at Halyden, 1st October 1586. The contractors were William Kerr of Cessford, Warden of the Middle Marches, and Dame Janet Douglas, his spouse, on the one part, and Walter Scott of Braunholm, John Murray of Blackbarony, and George Scott of Syntoun, his curators, on the other part. Buccleuch bound himself, before completing the marriage, to infeft Margaret Kerr in the liferent of the lands and barony of Eckfurd, and other lands in the shires of Roxburgh and Selkirk. And as Margaret Kerr, in the event of her husband's decease, might reap no benefit from these lands, which belonged to Lady Margaret Douglas in liferent, Buccleuch bound himself to infeft her in liferent in his mains of Braunholm, Easter and Wester, the mains of Borthauch, the lands of Overhall, Waltounburn, and Waltoun Green, in the shire of Roxburgh, with express provision that in the event of the decease of Lady Margaret Douglas, Margaret Kerr should immediately thereafter renounce her right to these lands. The parents of the bride promised with her a tocher of 10,000 merks Scots.²

Elizabeth Kerr, Lady Brochtoun, sister-in-law of Lord Buccleuch, writing to her niece, Lady Ross, afterwards Countess of Eglinton, on 20th September 1647, calls Lady Buccleuch her "best sester," and adds, "sche was a goud Ker, if euer ther was any."³

¹ Vol. ii. of this work, p. 262.

² *Ibid.* p. 242.

³ Memorials of the Montgomeries, by William Fraser. vol. i. p. 252.

Buccleuch had by his wife, Margaret Kerr, who survived him, a son, Walter, Master of Buccleuch, who succeeded him, and three daughters :—

1. Margaret, who married, first, contract dated 19th December 1614, and 1st and penult January 1615, James, sixth Lord Ross, who died in 1633, and had issue. Her daughter, Margaret, married, in 1630, Sir George Stirling of Keir, knight. She died in 1633, in her seventeenth year, leaving one daughter, Margaret Stirling, who died two months after her mother, on 11th May 1633, a child of a year old. Margaret Ross, Lady Stirling, was buried in Holyrood Chapel, where her husband erected a monument to her memory. The monument has been removed, but the inscription which was upon it has been preserved in Monteith's "Theatre of Mortality."¹ Dame Margaret Scott, Lady Ross, married, secondly, Alexander, sixth Earl of Eglinton, without issue. Lord Eglinton, who was popularly known as "Grey Steel," took an active part in public affairs, and a number of interesting letters from the Countess have been preserved, which throw some light on the condition of the country during those troublous times. Lady Eglinton joined in the prevalent belief in witchcraft, and in one of her letters expresses herself very strongly on that subject, wishing "God Allmightie send a gud tryell of all the wichtis, and send them a hotte fyre to burne them with."² Her husband having been imprisoned in Hull, the Countess followed him to that town, where she died on 5th October 1651. Her body was embalmed, and brought by sea to be interred in the family Mausoleum in the Church of Dalkeith, by her nephew, Francis, second Earl of Buccleuch.³

2. Elizabeth, who married, contract dated 22d November 1616, John, Master afterwards second Lord Cranstoun. She died before 1623, without issue.

3. Jean or Janet, who, on 21st September 1613, was surrogate executrix under her father's testament, in place of the procurator-fiscal, by the Commissary of Peebles.⁴

Walter, first Lord Scott of Buccleuch, died on 15th December 1611. Although no direct evidence has been found to show the place of his death

¹ The Stirlings of Keir, by William Fraser, 1858, p. 53.

² Memorials of the Montgomeries, by William Fraser, vol. i. p. 296.

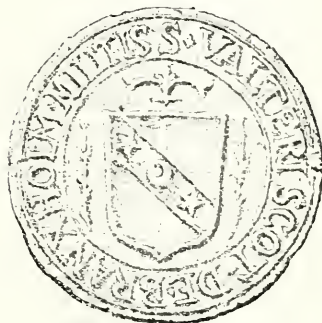
³ Balfour's Annals, vol. iv. p. 352.

⁴ Memorandum, dated 1688, in Buccleuch Charter-room.

and burial, it is almost certain that he died at Branxholm, where he was residing shortly before his death. From the entries in the Buccleuch Chamberlain Accounts, soon after the date of his death, of payments made for embalming his body and making a tomb, we may conclude that he was interred in the family vault in Saint Mary's Church, Hawick, which became a new burying-place for the Buccleuch family soon after they acquired the barony of Branxholm. He was succeeded by his son Walter, the Master of Buccleuch, afterwards first Earl of Buccleuch.

BVKCWHQ
4

Bucluch



Bucluch

Bucluch.

Margaret Key.

CHAPTER FOURTEENTH.

XIV.—WALTER, SECOND LORD SCOTT OF BUCCLEUCH.

[CREATED EARL OF BUCCLEUCH, 1619.]

BORN *circa* 1587. SUCCEEDED 1611. DIED 1633.

LADY MARY HAY (OF ERROL, 1616-1631).

WALTER, Master of Buccleuch, succeeded as second Lord Scott of Buccleuch, on the death of his father, the first Lord Scott, on 15th December 1611. He was the first who, for the long period of one hundred and forty years, had inherited the Buccleuch estates, being of full age: since the time of David Scott, in 1470, the Lords of Buccleuch had all been minors at the time of succession.

Dame Margaret Kerr, Lady Buccleuch, survived her husband, the first Lord Scott of Buccleuch. Soon after his death an agreement was entered into between Lady Buccleuch and her son, the second Lord, for the purpose of arranging the provisions to which she was entitled, under her contract of marriage, as the widow of the first Lord. By that contract of marriage with him in 1586, he promised to infeft her in the lands and barony of Eckford, the town and lands of Gramslow, Fastheuch, and Fasyde, and others, under reservation of her liferent to Dame Margaret Douglas, Lady Bothwell, who was the widow of Sir Walter Scott of Branxholm, with special provision, that in case he died before Lady Bothwell, and Lady Margaret Kerr were consequently debarred from her principal lands given to her in liferent, he was bound to infeft her in the mains of Branxholm, Easter and Wester,



WALTER, LORD SCOTT OF BUCCLEUCH,
CREATED EARL OF BUCCLEUCH IN 1619.
DIED 1633.

mains of Boirhauch, lands of Overhall, Newtoun Burne, and Waltoun Green, with provision that on the death of Dame Margaret Douglas, Dame Margaret Kerr should overgive all right she might have through the contract to the mains of Branxholm, etc. The deed of agreement further narrates that Dame Margaret Douglas, Lady Bothwell, was still alive, and Dame Margaret Kerr would be debarred from her principal lands given to her in conjunct fee. Therefore it was agreed, for continuing of love, friendship, goodwill, and kindness betwixt the mother and son, that Lady Margaret Kerr should renounce her teree in favour of her son; also the Easter Mains of Branxholm, reserving the fortalice, manor-place, and yards of Branxholm, during the lifetime of Lady Margaret Douglas, without prejudice to her right to the other lands contained in her contract of marriage. Walter, Lord Scott, her son, ratified the contract of marriage, and bound himself to pay yearly to his mother, during Lady Bothwell's life, 1200 merks Scots.

The feudal investiture of Walter, Lord Scott of Buccleuch, as heir to his father, was completed by an inquest held at Edinburgh on 19th February 1612, including Andrew, Lord Stewart of Ochiltree, John, Lord Erskine, Arthur, Lord Forbes, and others. Lord Scott was retoured heir to his father in the lands and barony of Branxholm, comprehending all the lands included in the charter of new erection of the barony, dated 16th August 1599; also in the towns and lands of Blakgraine, Woltoun Green, Woltoun Burn, Overhall, Frosterlee, Lennhope, and Fawhoip, with the patronage of the parish kirk of Woltoun, in the shires of Selkirk and Roxburgh, with the patronage of Eddiltoun and Cassiltoun, according to a charter under the Great Seal, dated 22d March 1604; also in the lands of Ferniehoip and Dryhoip, in the ward of Yarrow, in the Forest; the lands of Easter Hassendene, Deidrig, Easter and Wester Coppitrig, in the barony of Hassindene; also in the lands of Elvillane and Kirkstead, in the shire of Selkirk. All these lands were in the hands of the superiors by reason of non-entry.

Walter, Lord Scott, was also retoured, on 14th May 1612, in the lands of Quhithope, in the barony of Hawick, and the lands of Drydane and Comon-

side, in the shire of Roxburgh, held in chief of Sir James Douglas of Drumlanrig. On these retours precepts were granted by King James the Sixth for infesting Lord Scott in the lands included in the retours; and his feudal title was completed by sasine being expedite in his favour on the Crown Precepts.¹

The Parliament of 23d October 1612 ratified the two infestments granted by the King under the Great Seal on 4th October 1594, of the lands and lordship and barony of Hailes, and the lands of Elvillane and Kirkstead, also of the lands and barony of Branhholm.²

The lands which were granted to the first Lord Scott, out of the forfeited estate of Francis Stuart, Earl of Bothwell, were the subject of a long negotiation between King James the Sixth and King Charles the First, on the one hand, and the Earls of Buccleuch and Roxburgh, with the Marquis of Hamilton, to whom Buccleuch had, with consent of the King, disposed part of the lands, on the other. These transactions were not completed during the lifetime of Earl Walter, and were only finally settled during the time of his son and successor, Earl Francis, in whose Memoir a full account of them will be found. In the letter of King James the Sixth, dated 10th December 1622, consenting to the disposal of part of these lands by the Earl of Buccleuch, the King undertakes that no measure should be passed respecting the Bothwell estates to the prejudice of Buccleuch, without his consent and advice, and that of the Earl of Roxburgh, who had obtained a grant of a portion of the Bothwell estates. The final settlement was arranged by the arbitration of King Charles the First, who restored a large portion of these lands to Charles Stuart, the grandson of Francis Stuart, Earl of Bothwell.³

Earl Walter inherited, with the lordship of Liddesdale, a serious feud

¹ Original Retours, Crown Precepts, and Sasines in the Buccleuch Charter-room. The Retour in the lordship of Liddesdale has been lost; but in the Inventory of the Buccleuch Muniments, made up in the year 1679, an instrument of sasine of 19th March 1612,

upon the King's precept on retour infesting Buccleuch in the lordship of Liddesdale and others, is there noted as at that time in the Charter-room.

² Extract Act in Buccleuch Charter-room.

³ Letters in Buccleuch Charter-room.

with Robert Elliot of Redheuch, and which nearly cost the Earl his life, as plotted by Elliot and his accomplices. At the time of the forfeiture of Bothwell, and of the subsequent grant to Buccleuch in 1594, the lands of Over and Nether Lauristoun, Redheuch, and others in the lordship of Liddesdale, were in the possession of Robert Elliot. Buccleuch afterwards obtained, on 30th September 1599, a bond from Elliot and others of the surname, whereby, in consideration that he had found caution, and became bound that all the inhabitants of Liddesdale should be answerable to the King and his laws, they, willing that he should incur no skaith or damage, became bound for themselves, and taking the burden on them for their men, tenants, and servants, to answer to Buccleuch, his deputies or officers, or to any complaint from England, or challenge from the King's Council or his justices, and to submit themselves to his Court, and abide trial before him and his deputies.¹

Buccleuch allowed Robert Elliot peaceably to possess these lands until he began to oppress his tenants in Liddesdale, and plotted to lay waste the whole lordship. Upon this he charged Elliot, in 1608, to remove from the whole of these lands; and Walter, the second Lord Scott of Buccleuch, obtained a decret of removal against Elliot, dated 4th March 1612. Buccleuch and his father had right to the lands since 1594, and they suffered Robert Elliot peaceably to possess them, without the payment of mail, duty, or taxation to his Majesty, to the year 1612, being the space of twenty-one years. Robert Elliot, still continuing in his evil courses, Walter, the first Earl of Buccleuch, charged him by letters of horning to remove from the lands; and Elliot, in consequence of his disobedience, was denounced rebel and put to the horn, and letters of caption and possession procured thereupon. Apprehending his danger, Elliot endeavoured, through the influence of John Murray of Lochmaben, afterwards Earl of Annandale, with the Earl of Buccleuch, to be reponed in the above-mentioned lands, and to obtain a discharge of all bygone violent profits thereof. The Earl of Buccleuch, who

¹ Vol. ii. of this work, p. 258.

was then at Court, was prevailed upon by the Earl of Annandale; and upon his returning to Scotland, he granted to Elliot an heritable right to the lands, with a discharge of all bygone violent profits.

Not content with this, Elliot caused the disposition and charter by the Earl of Buccleuch to be vitiated in the whole of its substantial parts, and added the lands of Blaikhoip, Greinholles, and Langhauche, of which he took possession, as well as of the lands truly disposed to him. Informed of this, the Earl of Buccleuch caused action of improbation of the vitiated charter to be raised, and it was found to be vitiated. Thereafter the Earl caused a new warning of removal to be made against Elliot, and having obtained decret of removal, denounced him rebel, and put him to the horn.

Elliot and his associates were not sufficiently strong to appear, as clan often appeared against clan, in hostile array, against Buccleuch and his numerous retainers. He therefore formed a plot for murdering the Earl. The suggestion was first made to him by Gib Elliot, called the Tutor, who came to his dwelling-house of Demaynehelme to break the proposal, and speaking strongly to him of the Earl's hard usage of him, and of all of the name of Elliot, said, "You will never be at rest till the Earl is cut off, and if I could get assistance and maintenance I would undertake, at the peril of my life, to do the turn within a year." Robert Elliot favourably entertained the proposal, and whenever Gib came to his house they talked together about it. A few days after Gib broke the design, Robert Elliot revealed it to Gavin Elliot in the Halhouse, who expressed his doubts whether Gib had the courage to do such a deed, calling him a feeble fellow, and Gib's courage appears to have failed him at the time and place where he had undertaken to commit the deed.

Gib resolved to perpetrate the murder when the Earl of Buccleuch would be attending the Justice Court at Jedburgh, as Commissioner of the Border in his Majesty's service. Robert Elliot was in Jedburgh at the time which was appointed for assassinating the Earl. But the purpose having failed at that time, he and Gib had several meetings and conferences as to the time

and place to be next appointed for the perpetration of the murder. Gib was of opinion that it might be done with the least danger in Edinburgh. They came to the capital, and stayed several days, watching an opportunity for executing their fell purpose. Whilst in Edinburgh, Gib bought a whinger and showed it to Robert Elliot and Robin Young, to whom Robert had previously revealed the design, saying that it was a fit instrument for the purpose which they had in hand. Robert Elliot admitted that he had given Gib £20. The purpose having again failed in Edinburgh, both of them, accompanied by Robin Young, returned home, and the Earl of Buccleuch was preserved from the intended assassination.¹

Five years after his succession, Walter, Lord Scott of Buccleuch, married Lady Mary Hay, daughter of Francis, Earl of Errol. The marriage-contract is dated at Edinburgh and Logy Almond, 11th and 15th October 1616. They became bound to solemnise and complete the marriage betwixt the date of the contract and the 11th November following. Lord Buccleuch bound himself to infest Lady Mary Hay, his affianced spouse, in liferent, in the lands of Branxholm Mains, the tower of Branxholm and castle hill thereof, and the mill of Branxholm; in the lands of Boirhauche, Overhall, Woltounburne, and Woltounhelme, Todschawhill, Chapelhill, and Wallis, Neidschaw and Quhynnieceleuch, all in the barony of Branxholm; in the lands of Quhitchester and Newbigging, Rossknow and mill, Over Southfield, Nether Southfield, Hawicksheils, Over and Nether, in the barony of Quhitchester; and in the lands of Braidhauche and Allaniemouthe, in the shire of Roxburgh.

By the contract Lord Buccleuch also bound himself, his heirs-male and successors, failing of heirs-male of the marriage between him and Lady Mary Hay, to pay to the daughter or daughters of that marriage the sums of money

¹ These facts are stated in the depositions of Robert Elliot, who was examined at Holyroodhouse on 17th and 19th July 1624, in presence of the Lord Chancellor, the Treasurer,

the Earls of Morton, Roxburgh, and Melrose, as to his intention of murdering the Earl of Buccleuch. Original in Buccleuch Charter-room. Vol. ii. of this work, pp. 266-268.

as follows :—Should there be but one daughter, the sum of £20,000 ; should there be two, to the elder the sum of £20,000, and to the younger 20,000 merks ; should there be three daughters, to the third £10,000 ; and if there were more than three, the eldest was to receive 20,000 merks, and 50,000 merks to be equally divided among the others as soon as they should attain the age of sixteen years complete. In the event of any of the daughters dying unmarried before attaining the age of sixteen, their portion was to belong to the heirs-male of their father.

Francis, Earl of Errol, undertook to pay Lord Buccleuch, in name of tocher, the sum of 20,000 merks ; and Lady Mary, with advice and consent of the noble Lord, her promised spouse, accepted that sum in full satisfaction of all infestments of lands or other provision made in her favour by her father, Francis, Earl of Errol, and in full satisfaction of any claim she might have by his decease or that of her mother, Lady Elizabeth Douglas, Countess of Errol.¹

It is obviously from this alliance with the Errol family that the Christian name of Francis was given to the eldest son of the marriage, after his grandfather, Francis, Earl of Errol. The same Christian name has been continued in the Buccleuch family to the present time.

Lord Buccleuch was created Earl of Buccleuch, Lord Scott of Quhitchester and Eskdail, by letters-patent by King James the Sixth, under the Great Seal, dated at Newmarket, 16th March 1619. The patent states that the dignity was conferred in remembrance of the famous actions, good and thankful service done and rendered to the King and his illustrious progenitors by his well-beloved counsellor, Walter, Lord Scott of Buccleuch, and his predecessors, as well within Scotland as in foreign nations, in the faithful execution of certain commissions known to the King intrusted to him, and that he and other faithful subjects might be stirred up to the performance of such laudable services in times coming.²

¹ Marriage-contract in Buccleuch Charter-room.

² Vol. ii. of this work, p. 263.

The profuse hospitality shown at Branxholm Hall during the life of the Earl of Buccleuch is thus described by Satchells:—

“The Barons of Buckleugh they kept at their call
 Four-and-twenty gentlemen in their hall,
 All being of his name and kin,
 Each had two servants to wait on them ;
 Before supper and dinner most renown'd,
 The bells rung and the trumpets 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'll 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.”¹

He then gives the names of the pensioners, all of the name of Scott, with the lands held by them, to be held for service to be rendered when required by their chief. He estimates the value of these lands at twelve to fourteen thousand merks a year.²

In the first Canto of Sir Walter Scott's “Lay of the Last Minstrel,” he also describes, with much more poetic and picturesque effect than his namesake Satchells, the practice of keeping a large body of retainers at Branxholm, both from feudal splendour and frontier situation:—

“Nine-and-twenty knights of fame
 Hung their shields in Branksome-Hall ;
 Nine-and-twenty squire's of name
 Brought them their steeds to bower from stall ;

¹ History of the name of Scot, pp. 44, 45.

² *Ibid.* p. 46.

Nine-and-twenty yeomen tall
 Waited, duteous, on them all :
 They were all knights of mettle true,
 Kinsmen to the bold Buccleuch.

Ten of them were sheathed in steel,
 With belted sword, and spur on heel :
 They quitted not their harness bright,
 Neither by day, nor yet by night :
 They lay down to rest,
 With corslet laced,
 Pillow'd on buckler cold and hard ;
 They carved at the meal
 With gloves of steel,
 And they drank the red wine through the helmet barr'd.

Ten squires, ten yeomen, mail-clad men,
 Waited the beck of the warder's ten ;
 Thirty steeds, both fleet and wight,
 Stood saddled in stable day and night,
 Barbed with frontlet of steel, I trow,
 And with Jedwood-axe at saddlebow ;
 A hundred more fed free in stall :—
 Such was the custom of Branksome-Hall."

The cost of maintaining so many retainers, and the large sums paid for the extensive properties which Earl Walter purchased and added to the Buccleuch estates, appear to have led to the temporary embarrassment of his pecuniary affairs. Although he inherited large territorial possessions from his father, and a large annual income, he had also inherited incumbrances which were unavoidable in the acquisition of so many additional lands by his father. If an unauthenticated memorandum amongst the Harden Muniments is to be relied on, it appears that in the year 1621 the pecuniary affairs of Earl Walter came to a crisis. It is represented that on the occasion of a visit which the Earl made to Edinburgh, his creditors became clamorous for pay-

ment of the debts owing to them, and each creditor made an attempt to secure a preference over the other, which, unless prevented, would have exhausted the estate. Through the interposition of Walter Scott of Harden and other friends, an arrangement was made with the creditors, who were ultimately paid in full of all their claims, and the estate delivered to the Earl free of burden.¹

According to the account of these transactions, the Earl in the course of a few years contracted new burdens, which were also a source of trouble to him. When he went to Holland, he left his estates in the charge of the kinsman, Walter Scott of Harden, who had helped to extricate him on the former occasion. So well did Harden again manage for his chief in his absence, according to the memorandum referred to, that he cleared the Buccleuch estates of all incumbrances, and purchased as an addition to them the lordship of Eskdalemoor.

From an early date it has been shown that the Scotts of Buccleuch were heritable bailies of the regality of Melrose; but when Thomas, Earl of Melrose, afterwards Earl of Haddington, acquired the regality after the Reformation, an arrangement was made between him and Walter, Earl of Buccleuch, whereby the latter resigned the office of heritable bailie of the regality of Melrose, with all privileges belonging thereto. But the Earl of Buccleuch excepted and reserved from the resignation the lands of Ringwoodfield, Caldcleuch, Northhouse, Crawshope, Stobbitcote, Burghe, Soudenrig, Coilburne, Westcoitrig, Cowanhill, Priesthauche, and Penmanginshope, and within the lands of Rodonnald, and Ettrickhead, and Eskdalemoor.²

The bailiary of Melrose was the only portion of the Buccleuch estates with which Earl Walter parted. His purchases and additions to the family estate were extensive.

In the year 1612, he purchased from William, Earl of Morton, the tenantry of Dumfelling, in Eskdalemoor. The price paid was 52,250 merks,

¹ Account of Kindness, Harden to Buccleuch, 1621, in Lord Polwarth's Charter-room.

² Original Instrument of Resignation, dated 5th February 1621, in Buccleuch Charter-room.

and Earl Walter also became bound to pay the wadsets which affected the tenantry.

In the year 1619, he purchased from John, Earl of Mar, the lands of Sinton, in the shire of Selkirk. The price is not stated. He also purchased from James and John Pringles of Buckholme the lands of Tynneis, in the lordship of Ettrick Forest, for 20,000 merks.

He also purchased in the same year, from Sir John Ker of Jedburgh, the lands of Baxtonleys, Cleifhope, Over and Nether Whitkirk, Whiland, Ormiscleuch, Abbotsyke, and Abbotshawes, in the lordship of Liddesdale, and formerly a part of the abbacy of Jedburgh; the teinds of Castletoun and Erkletoun, and all other lands of the old Cell of Cannabie.

By a separate contract, dated in the following year, 1620, Earl Walter purchased from Sir John Ker of Jedburgh the lordship of Ewsdale, comprehending the lands and patronages therein specified; also the ground where the cloister and yard of Cannabie stood, the town and lands of Cannabie, the lands of Mortonwoods, the lands and barony of Tarras, in the parish of Cannabie, and the lands of Glenyard and Morton, in the parish of Morton.

The price which was paid by the Earl of Buccleuch to Sir John Ker for these lands appears to have been eight score thousand merks, sixteen thousand merks, and one hundred and twenty-seven thousand five hundred and fifty merks, as there are discharges by Sir John to the Earl for those three sums.

Earl Walter also purchased in the year 1622, from James Scott of Hassinden, the barony of Hassinden, for a certain sum of money, which is not stated in the disposition in favour of the Earl.

Another important purchase by the Earl led to a long litigation. The transaction connected with the acquisition by Earl Walter, from Robert, Earl of Nithsdale, of the barony of Langholm, began with a wadset, in the year 1616, by Nithsdale for £40,000 to Earl Walter and the Earl of Abercorn, and Sir John Maxwell of Pollok. The share of that sum advanced by the Earl of Buccleuch was £15,000. After the death of the latter, his son, Earl

Francis, purchased the barony of Langholm for 105,050 merks. His daughter, Anna, Duchess of Buccleuch, successfully defended claims made by the Earl of Nithsdale to the barony of Langholm.

These extensive purchases of properties, all made in the course of a few years, with the great cost of maintaining so many retainers at Branxholm, were enough to involve the affairs even of a nobleman of large annual income, and to account for the statement by Harden as to the circumstances of Earl Walter in the year 1621. His pecuniary matters at the time of his death, in 1633, were in a very flourishing state. The money and personal estate amounted to £196,000, while the whole sums owing by him amounted only to £7339.

Walter, Earl of Buccleuch, like his father, Lord Buccleuch, preferred the stirring life of the camp to the comparative inaction of the feudal Baron, and in the year 1627 he departed abroad to take part in the momentous issues then being decided on the Continent. Like his father, he chose to enter the service of the States-General, to whose aid he took a detachment of Scotsmen. According to the account given by Satchells, this contingent contained a hundred men of the name of Scott.

“When Earl Buccleuch he did to Holland wain,

There went with him a hundred gentlemen of that name.”¹

Whatever may have been the case in 1629, of which time Satchells here writes, this description does not apply to the condition of the detachment at a later date. The list of the names of the men serving in the Earl's company from April 1632 until March 1633 has been preserved, and it contains a surprisingly small number of the name of Scott. The company varied in numbers during that time, from one hundred and fifty to one hundred and eighty men, and never includes more than half-a-dozen of that surname. Satchells was an old man when he wrote his history, and his recollection of events which had happened in his youth may sometimes have been indistinct. Besides, his enthusiastic clan feeling led him to romance somewhat when concerned for the glory of the Scotts.

¹ History of the name of Scot. p. 70.

Hostilities had been renewed between Spain and the United Provinces at the end of the twelve years' truce. The principal struggle between these two powers was at that time carried on by their fleets, and important successes were gained by the Dutch, whose maritime power was now taking the prominent place which it held in the seventeenth century. But although their tactics on land were chiefly confined to a war of defence, successful and important campaigns were made by Prince Frederick Henry, who had succeeded his brother Prince Maurice as stadtholder. In these campaigns the Earl of Buccleuch took part. Satchells, who, when a youth of sixteen years, went abroad with him in 1629, relates that

“The valiant Earl of Buckleugh when I was young
 To the Bush in Brabant with his regiment came,
 Which is the space of fifty-nine years ago.
 I saw him in his arms appear,
 Which was in the sixteen hundred and twenty-seven year,
 That worthy Earl his regiment was so rare,
 All Holland's leagure could not with him compare.
 Like Hannibal, that noble Earl he stood,
 To the great effusion of his precious blood ;
 The town was tane with a great loss of men,
 To the States of Holland from the King of Spain.
 His honour's praise throughout all nations sprung,
 Borne on the wings of fame that he was Mars's son,
 The very son of Mars, which furrowed Neptune's brow,
 And over the dangerous deep undauntedly did plow,
 He did esteem his countries honour more
 Than life and pelf, which peasants does adore.”¹

Besides the siege to which Satchells refers, we learn from the military papers and books of the Earl that he was present at the sieges of Bergen-op-Zoom and Maestricht.

The Earl of Buccleuch, besides the company above mentioned—which no doubt contained the men he had himself provided from Scotland—appears to

¹ History of the name of Scot, p. 4.

have held the command of one of the Scots regiments then serving in the Netherlands. The following is a translation of a letter from the States-General, requiring him to instruct the captains to complete the numbers of their companies, bringing them up to their full strength :—

SIR,—It has pleased the States to order that all the companies in the service of the country should complete their numbers by the first of March next; in pursuance of which I have given orders to all captains that they should take measures accordingly. But in order that those of your regiment should so much the more discharge the duties thereunto required, I would be obliged by your taking care personally to write to each in particular that they would so arrange as by the day above mentioned to have their companies not only completed with proper and well-appointed men, enrolling recruits for this purpose, if necessary, but also that they would maintain them in good order, so that the State may have due service from them and you as well as they may have honour. In expectation of which

I remain,

SIR,

Yours very affectionately, to do you service,

F. HY. DEFRAIN.¹

From the Hague, this last day of the year 1628.

To the Earl of Bachlouch, Colonel.

In his absence to the Lieutenant-Colonel, and in his absence to the Sergeant-Major of the regiment.

Alluding to the great reputation which the Earl of Buccleuch acquired in the service of the States of Holland against the Spaniards, Arthur Johnston apostrophised “Bueluchius” thus—

Arva dedit Scoto Rex Scotus, Belga dat aurum,
Estque triumphatusserta daturus Iber.²

[The Scottish King gives lands to Scott, the Belgian gives him gold, the conquered Spaniard will give him wreaths of victory.]

¹ Translated from the original letter in French in Buccleuch Charter-room.

² Artvri Johnstoni Scoti Medici Regij Poemata omnia.—Epigrammata. Zealand, 1642.

Sir Walter Scott also, in his Introduction to the "Lay of the last Minstrel," pays a tribute to the renown of Earl Walter:—

" And he began to talk anon,
Of good Earl Francis, dead and gone,
And of Earl Walter, rest him, God!
A braver ne'er to battle rode;
And how full many a tale he knew,
Of the old warriors of Buccleuch."¹

From his first expedition to Holland in 1627, the Earl appears to have returned in the following year, and in the spring of 1629 he resolved to return to Holland. Previous to his departure he executed a commission in favour of Lady Mary Hay, his Countess, and a number of his Scott kinsmen, to act for him during his absence. The commission narrates that as the Earl is of purpose and intention shortly, God willing, to pass furth of the realm of Scotland to the countries of England, Holland, and other foreign countries, as his affairs required, he constituted Dame Marie Hay, Countess of Buccleuch, his spouse, Sir John Scott of Scottstarvit, Walter Scott of Harden, Sir William Scott of Harden, Hew Scott of Deuquhair, Francis Scott of Syntoun, sons to Walter Scott of Harden, Laurence Scott of Harparrig, advocate, Mr. William Scott his son, and Robert Scott of Hartwodmyres, or any three of them—Sir John Scott, Sir William Scott, Laurence Scott, and Mr. William Scott, or one of them being one of the three—his commissioners, to enter vassals, receive resignations and grant infestments, make and grant rentals of the lands, to hold

¹ The following curious acrostic appears in a poetical work of extreme rarity, printed in the year 1637:—

" To the Right Honourable
Walter Earle of Buckleugh
Lord Eskdaill
Walter Scott
Anagramma
Al Trew Cost."

" W ith true cost are you stored, whose delight
A ttendeth still upon the way that's right:
L iving indeed with such a noble care,
T hat those who know you very well are ware
E ach of them seeing well that you may best
R ightly to be compos'd al of true cost,
S o noble Scot sith you do so abound
C ost truly true most trewly in you found.
O then you'l easily pardon my amisse,
T rue cost al nobly in your honour is."

Famis Roule, by Mrs. Mary Fage.

courts, control the Chamberlain's and factor's accounts, and take all other measures needful for managing his estates. The commission was to endure during his absence out of Scotland, or at least till he discharged the same by writing.¹

The youngest child of the Earl of Buccleuch and his Countess, Lady Mary Hay, was born on the 11th of April 1631, and was named after her mother, Lady Mary Scott. Her birth appears to have taken place at the castle of Newark, in Yarrow, where the Earl and Countess were residing. The Countess did not survive the birth many days; and in the course of a fortnight the Chamberlain Accounts for the year 1631 contain entries showing the indisposition, death, and funeral of the Countess. On the 24th of April, only thirteen days after the birth, there are payments for "ane wainscot kist, all run with wax," for "the enbalmeng of the corpes," and for the "serymony of the funerall."²

The Earl was recalled from his command in the Netherlands in November 1631, by King Charles the First, who wrote direct to him, desiring his presence in London, as his Majesty had occasion for his services. Buccleuch had been intrusted by the King with a mission of some importance, the nature of which is not known, as the following letter shows :—

Fernham Castle, 5th Augt. 1631.

Trusty and beloved, wee greete yow well : Whereas owr well-beloved cosen, the Earle of Buckliugh is to repayre into these places where yow are, wee have thought fitt to communicat to him some purposes wherein wee understand yow are able and will be willing to advance our service. These are therefore to will and requyre yow to give beleefe and trust to what he shall speake in owr name : and owt of yowr zeale to trewth and loyalty to ws ferder and cleare what he shall propose. Wherein as ye shall doe ws acceptable service. So expecting yowr cair and diligence in the performance, wee bid yow farewell.

Indorsed : Copie of the King's letter to Bwccclugh, 1631.³

¹ Original Commission, dated at Edinburgh, 2d April 1629, in Buccleuch Charter-room.

² Chamberlain Accounts for the year 1631. in Buccleuch Charter-room.

³ Copy Letter in Buccleuch Charter-room.

The following is the letter to the Earl of Buccleuch from King Charles the First, desiring a personal interview with him in England :—

Westminster Palace, 27 Nov. 1631.

CHARLES R.—Right trustie and right well beloved cosen, wee greete you well: Having some important occasions to make use of your service here in our owne affaires, and the time of the year affording a good opportunitie for your absince from the charge and command you hold in the service of our good frends and allyes the States-Generall of the United Provinces, to whome wee have written, as also to our cosen the Prince of Orange in that behalf: Wee doe therefore require and command you to make your speedie repaire to our presence, alsoone as you have performed the respects due to that State in asking and obtaining leave, as in the like cases is accustomed. Given under our signet at our Pallace of Westminster, the 27th of November, in the seaventh yeare of our reigne, 1631.

To our right trustie and right well-beloved Cosen, Earl of Buccleuch.¹

Buccleuch was living at Branxholm in the autumn of the year 1632. He appears to have been fond of music, as the accounts of the Chamberlain contain payments, on the 18th and 20th of August of that year, to a little boy of the house of Thirlstane that sung to his Lordship at the "Dowcat" at Branxholm, and to three English "pypers" at Branxholm.²

The Earl of Buccleuch afterwards returned to his command in the Netherlands. His regiment was at Maestricht from June until November 1632, and a letter, written by the Earl to his sister, Margaret Scott, Lady Ross, on 4th October 1633, six weeks before his death, shows that he was still at that date in active service :—

"SISTER,—I have had only one lettre from you befor I vnderstud that my Lord, your husband, had bein hevily seike, and you comed to London to hym. The news off hys seiknes and recuvery come att one tyme to me; quhair as I was sorey for the one, I was glaid for the other off hys recovery. If this come to your hands in London, I pray you send this other pakett to Scotland vithe seure dili-

¹ Original Letter in Buccleuch Charter-room.

² Chamberlain Accounts, in Buccleuch Charter-room.

gence, for they be most about my particular affaires att this terme; the other vithe yours send them as they be directett att London. I have hard no news off my children this long tyme; I long to heir off them. I am to be att home about the terme, so I vill remitt all particular busines to then I sye you, bothe concerning my children and other busines. I am not certaine off ony sure convoy off lettres, othervays I had oftener rytthin to you. I haue note had on memorye from your frind; all violent humeurs passes, viche is best. I pray you remember me to your Lord and husband, and tell hym from me thair is non shall vische hys helthe and prosperite more nor I,

Your brother and his servant,

Buccleuch

From the Armie at Viset, the 4 of October 1633: To my sister, the Lady Ross, at London.¹

The unruly Borderers of what were then called the Middle Shires of the empire still continued to give trouble to the authorities, and a proclamation was issued on 9th September 1618, for the suppression of the "limmers" who infested the Borders. Buccleuch was one of those named who were commissioned to take action in this matter.

The absence of mutual concurrence on the part of the chief men on either side of the West and Middle Borders of Scotland and England had facilitated the escape from justice of the marauders in those districts. King James the Sixth, therefore, instructed the Earls of Buccleuch and Nithsdale, and Viscount Annand, to meet with the Earl of Cumberland, Lord Clifford, and Lord William Howard, in order to concert measures for repressing the disorders. The following is the letter from the King:—

JAMES R.

Righte trustie and righte wel-beloued cosens and counsellowris, and righte trustie and wel-beloued counsellour, wee greete yow well: Whereas wee are

¹ Original Letter at Eglinton. Printed in the Memorials of the Moutgomeries, vol. i. p. 229.

credibile enformed that disorders haue of late encreased in the Middle Shires betwixte the two kingdomes, partelie by scarcetie and dearth, but cheefelie through lacke of mutual concurrence and intelligence betwixte the principall officers of the said shires, so as a malefactour hauing committed an offence in eyther of the kingdomes, flying to the other, hath receipte, and seldome or neuer is called in question for the same, wee haue therefor thoughte good by these presentes to wille and require yow, with such conuenient expedition as may be, to appointe such time and place as by mutuall consente yec, the Earle of Cumberlande, the Lord Clifforde, the Lord William Howarde, and remanent commissioners of this kingdome, shall think moste conuenient to meet at, there ioyntlie to conclude, agree vpon, and setle doune such orders, articles, and conditions as shalbe moste requisite for suppressing of all kinde of disorders in the said Middle Shires, aswell at this presente as in all time comming: And herein expecting your care and speciall diligence, wee bid yow farewell. Giuen at our Castle of Windesor, the 23d of Aprile 1623.

To our righte trustie and righte welbeloued cosens and counsellowris, the Earles of Nethesdale and Backleugh, and to our right trustie and right welbeloued counsellour, the Viscount Annandie, these deliuer.¹

Robert Pringle of Stitchell, who was bailie of the Debateable Lands to the Earl of Buccleuch, wrote to him, in July 1633, as to his dealings with certain freebooters, that the Armstrongs and others of Liddesdale had not entirely given up their predatory habits. Their depredations, however, had then become comparatively trifling affairs. Pringle apprehended Archy Armstrong of Hollas for the theft of "ane kow," but could find no jail in which to secure his prisoner. Having bound the owner of the cow to prosecute, he sent Armstrong to Jedburgh, desiring that he might be kept in safe ward at his own charges until his trial. The Jedburgh authorities, however, set the prisoner at liberty. He was again arrested by Pringle's son-in-law, and lodged in Carlisle jail; but Pringle would allow of no prosecution in England. He had bound himself, he says, that "no complayner shall be in England for any tennant dwells in your Lordship's land." He was

¹ Original Letter *penes* Lord Herries. Printed in the Book of Carlaverock, vol. ii. p. 3.

determined, however, that the offender should not escape. "Bot I shall lay the offendour in jeoill, provyding we may have ane jeoill to receive the prisoner."¹

Some years afterwards, Archie Armstrong still continued to annoy Buccleuch's bailie. On the 20th of August 1641, a deposition was made by Robert Pringle of Stitchell, in which he stated that he was of the age of sixty years, that he had been bailie of the Debateable Lands to Lord Buccleuch for twenty-five years, where Archie Armstrong dwelt, and that the deponer being in the town of Langholm, the said Archie came there openly, albeit he was an outlaw long before, and that Archie said to the deponer that he had a warrant and respite from the Earl of Traquair, for undertaking to put out some thieves who had stolen a mare from the Earl.² Lord Traquair, if Archie Armstrong is to be believed, seems, in employing Armstrong, to have acted on the principle of setting one thief to catch another.

The Earl of Buccleuch visited Scotland in the autumn and winter of 1632-33, and in the prospect of returning to his command in the Low Countries, made his testament, dated Morpeth, 12th January 1633. By it he constituted Francis Lord Scott, his eldest lawful surviving son, his only executor and universal intromitter with his whole personal estate, with power to him to give up the inventory thereof for confirmation. He appointed as tutors to his children Sir John Scott of Scottistarvit, Sir William Scott of Harden, Hew Scott of Dewchar, and Francis Scott of Sintoun, brothers to Harden, Laurence Scott of Harperig, advocate, Mr. William Scott his son, Robert Scott of Hartwoodmyres, and William Scott, the Earl's natural son, or any four of them accepting the office,—Sir John Scott, Sir William Scott, Lawrence Scott, Mr. William Scott, and William Scott, the Earl's natural son, or any one of them being one of the four tutors.

After the Earl's death, all the tutors named in his testament entered into an obligation, on the 21st and 31st January 1634, whereby, in obedience to

¹ Original Letter in Buccleuch Charter-room.

² Original Deposition at Traquair.

the Earl's latter will, and for the respect that they all had to the weill and standing of the living of Buccleuch, and to the weill of the whole bairns of the late Earl, the whole tutors became bound to concur "efaldlie" and truly with others, and amongst themselves, in all things concerning the faithful, true, and lawful discharge of the office of tutory, and that none of them should do anything thereanent without the special advice and consent of Sir John, Sir William, Laurence, Mr. William, and William Scott conjunctly, under the penalties therein specified.¹

Having made his will, the Earl departed for Holland. According to his intention, expressed in a letter to his sister Lady Ross, he returned to England towards the close of the year 1633. His death took place soon after his arrival in this country, at London, on the 20th of November 1633. His corpse was embalmed, and was carried thence in a vessel belonging to Kirkealdy, which had been hired on the Thames by Patrick Scott of Thirlestane, who took the charge of the transport. The vessel encountered severe storms, and was driven to the coast of Norway. But at last, after a perilous voyage of fifteen weeks, the ship arrived safely at Leith. The death and funeral obsequies of Buccleuch are thus described by Satchells:—

"My purpose now is to return,
 And speak of bold Buckcleugh,
 That worthy valiant son of Mars,
 That most illustrious one.
 The United Provinces him should blaze
 To ages that's to come :
 The year and time I must exprime
 That from Holland came he,
 The sixteen hundred and thirty-three,
 At London he did die ;
 In November month to speak the truth
 It was our woeful fate,

¹ Extract Obligation, registered in Books of Council 3d February 1634, in Lord Polwarth's Charter-room.

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6

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hand

letter. I have had only one letter
since I was in London. I have had
no word from your husband and had been heavily
sick and you returned to London to bring
the notes off his pocket, and returning
some all the time to me, you have as I
was busy for the one I was glad for
the other, off me very much. I have
sent to your hands for London, you
you had the other notes to Scotland
with the same diligence, for they be more
about my particular affairs at this
time the other like yours find them
as they do in estates in London where
had no notes of my children, this long
time I long to hear of them, I am to
be at home about the time of fall
remitt all your children's money to them
I be your father's money my children
and their money, I am with extreme
off our first money of letters, otherwise
I had offence by them to you, I have not
had a message from your hand, all these
times, please write to me, I pray you
remember me to your lord and husband
and tell him from me that I am with
love to his health and prosperity increase
of your brother, and by
Elizabeth

Ms. A. 1. 1. 1. 1. 1.
10 October 1615

To my Sister

The Lady Ross.

At London.

To the Bier many friends came,
 To see him ly in state.
 The nobles of the Court repair'd,
 Clad in their sable weed,
 And countrymen in flocks came in,
 To see 's herse when he was dead ;
 Patrick Scot then of Thirlstone,
 A worthy gentleman,
 He took the care of all affairs,
 Caus'd his corps to be embalm'd,
 All being done that wit of man
 Could do or understand ;
 Then a ship he fraughted on the Thames,
 To bring him to Scotland."

After describing the successive storms which the vessel encountered, Satchells adds :—

"By Providence they did arrive at Leith,
 That troublesome, toilsome journey, to be brief,
 Fifteen weeks was between London and Leith.
 To all ages it should ne're be forgot,
 The pains that Patrick Scot of Thirlston took.
 Æneas on Anchises he took pains enough,
 But Patrick Scot he took more of the Earl of Buckcleugh :
 All that men can do, when princes do command,
 Their loyalty to show, and venture life and land :
 I have known many on Buckcleugh's meaus was bred,
 Yet one night, from home, they never lay from bed."¹

Having arrived at Leith, the corpse was placed in the church of that town, where it remained for twenty days. It was then conveyed with considerable pomp through Edinburgh to Branxholm by Dalkeith, Lauder.

¹ History of the Name of Scot, pp. 54-60.

and Melrose, alms being freely distributed at all the villages and towns through which the cortége passed.¹ The body of the Earl remained at Branxholm till the 11th of June 1634, when it was carried in the magnificent manner then customary to St. Mary's Church, Hawick, in which the Earl was interred among his ancestors. Seven months thus elapsed between the death and burial of the Earl. An account of the funeral procession has been preserved, as follows :—

Imprimis. Went a conductor [of?] the saulies in mourning, with a black staffe in hes hand, and after him ane old mane in a murning goun, cariing a staffe, a Gumpheone one buckrone.

Item, 46 saulies, 2 and 2, in order, in black gouns and hoods, with blacke staves in ther hands, and one them the defunct's armes and ciphers in Buckrone.

Item, a trumpet cled in the defunct's Liurey, ryding one horsse back, sounding.

Nixt, Robert Scot of Houeschaw armed at al pices, ryding one a fair horsse, and cariing on the poynte of a lance, a litle Baner of the defunct's cullers, viz., azur and or.

Item, a horsse in black, led by a Lackey in murning.

Item, a horsse with a foote mantle in crimpson weluet embrodered with siluer, led by a lackey in the defunct's Liurey and Mandeuill.

Item, 3 trumpetts in murning one foote, sounding sadlie.

Item, the Grate Gumpheon of black tafta, caried one the pointe of Lance, sutable by Mr. James Scote, 2d sone to Laurence Scot, Aduocat.

Item, the defunct's spurs, carried by Walter Scot of Lauchope.

Item, the suord, caried by Andrew Scot, Brandmedowes.

Item, the Gantletts, caried by Francis Scot of Castellsyde.

Item, the defunct's coate of honour, caried by Mr. Laurence Scot.

¹ "To the 7 trumpeters for going south, 100 merks each. Mair to thame for thryss sounding through Edinburgh and the Can-
nogait, 3 dolors." There were three Herald's also taken from Edinburgh. — Buccleuch Chamberlain Accounts.

Then followed the 8 branches of the defuncte in this order, viz. :—

The Armes of Montgomerie, 2d Grandame one the Mother syde, caried by Johne Scot, provest of Crighton.

One hes right hand the Armes of Hamilton of Clidisdaille, 2d Grandame on the father's syde, carieyd by Robert Scot of Drayvpe.

The Armes of Douglas of Drumlanricke, 2d Grandsyre one the mother's syde, caried by Robert Scot of Bouhill.

One hes right hand the armes of Douglas, Earle of Angus, 2d Grandsyre one the father's syde, caried by Johne Scot of Heidshaw.

The Armes of Ker of Pherneyhirst, first Grandame one the mother's syde, caried by Andrew Scot of Carschope.

One hes right hand the armes of Betton of Creighe, the first grandame one the father's syde, caried by Rob Scot of Hartewoodmyres.

The Armes of Ker of Cefurd, first Grandsyre one the mother's syde, caried by Robert Scot of Whytefield.

One hes right hand the Armes of Scot of Balcleuche, first Grandsyre one the father's syde, caried by Sir Robert Scot of Haning.

Item, the grate pincell of black taffata, caried one a lance poynt by Walter Scot of Gridlelands [Goldielands].

Item, the defunct's Standard, caried by Mr. William Scot, eldest sone to Lawrence Scot, aduocat.

Item, the defunct's pincell and motto of colors, caried by Sir James Scot of Rossie.

Item, the defunct's Armes in mettal and color, and taffata, caried aloft by Sir William Scot of Harden.

Item, 3 trumpetts in mourning.

Item, 3 pursueuants in murning, in ther coates.

Item, the defunct's coronett, overlayd with cipres, caried one a veluet cusheon by Sir John Scot of Scotstaruet.

Then, last of all, cam the corps, caried under a fair parte of black veluet deckt with armes, L'armes and cipres of Sattin, of the defuncte, knopt with

gold, and one the coffin the defunct's helmett and coronett, overlaid with cipres, to show that he wes a soldiour. And so in this order, with the conducte of maney honorable friends, marched they from Branxholme to Hawick church, quher, after the funerall sermon endit, the corpes wer interrid amongst hes antcestors.¹

The inventory of the personal estate of the deceased Earl of Buccleuch was given up by Michael Scott, his chamberlain, by direction of his Lordship's tutors-testamentary. The sum of the inventory, including 7000 old sheep, 4000 lambs, 200 nolt, library estimated at £2666, 13s. 4d.,² amounted in all to £28,100. The sum of the debts due to him was £167,900, 1s. 2d. Together, £196,000, 1s. 2d. The sum of the debts due by him was £7339, 3s. 4d.³

Of the marriage of Earl Walter and Lady Mary Hay there was a family of three sons and three daughters :—

1. WALTER, LORD SCOTT, was born on Sunday, 13th, and baptised on 20th November 1625.⁴ He died in childhood, and before 2d April 1629, when David the third-born son is called the second lawful son.

2. FRANCIS, LORD SCOTT, who succeeded as second Earl of Buccleuch.

3. DAVID, who was born at Newark Castle on Wednesday, 28th November, and baptised on the 4th December 1627, as appears from a memorandum of the births and baptisms of the children of his father.⁵ Within two years after his birth, his father, Earl Walter, provided by bond, dated 2d April 1629, David Scott, who is designed his second lawful son, and the heirs-male of his body lawfully to be begotten, whom failing, to return to the Earl, the cloister houses, biggings, and yards of Cannobie, then demolished, the town and lands of Cannobie, the lands of Bedcleuch, Lymcleuch, the west side of the lands of Rowanburne, the lands of

¹ "The funerall ceremony of Walter, Earle of Balcleuch, Lord Scote of Brankshome, &c., one of the Lords of the Privey Counsaill to K. James and K. Charles."—Balfour's *Ancient and Heraldic Tracts*, p. 106.

² The catalogue of the Earl's library, made by Sir John Scott of Scottstarvit, contains about 1200 volumes in Latin, Italian, and French, with a few in Spanish and English.

³ Vol. ii. of this work, pp. 269-274.

⁴ *Ibid.* p. 268.

⁵ *Ibid.* p. 268. The fee paid to the lady accoucheur on the occasion was £26, 13s. 4d. : and at the christening of David Scott, Mr. Thomas Wilkie, reader at the kirk of Selkirk, for registering the name, received £6, 13s. 4d., and the poor £1, 4s., all Scots money.—(Accounts, in Buccleuch Charter-room.)

Newtown of Baittbank, Knottisholme, Archeld, Lytbukhill, Woodhouseleys, the Mains of Cannobie, called Bowholm, the lands of Hoillhouse, and others, pertaining of old to the Priorie of Cannobie, with fortalices, manor-places, in the shire of Dumfries, the lands and barony of Mortonwoods, and the barony of Tarras, under exception.

It was provided that if Earl Walter predeceased his second son, David, before the latter attained the age of twenty-one years, his eldest son was to possess the lands as his own property until David Scott attained the age of twenty-one years, the eldest son paying David Scott during the space from his father's death till his own majority the yearly sum of 1000 merks Scots, and also to entertain David Scott honestly, according to his estate, and as his age required, at the schools and in virtue and learning, and also a further sum of 500 merks Scots.

Upon the precept of sasine contained in the bond of provision, David Scott was infeted in the lands of Cannobie and others on the 8th September 1629.¹ He was thereafter known as DAVID SCOTT OF CANNOBIE. Along with his brother Earl Francis, he was entered as a student at the University of St. Andrews on 5th February 1641. He appears to have been engaged in the war of the year 1648, as in a letter from Sir Walter Scott to Sir Gideon Scott, dated 7th June 1659, he writes—"That Twedels design upon the estait of Bucleuch is not new, but that he might be nearer, he was the occasion of the death of my lord's onelie brother David, by engadging him in the war 1648."²

He died, unmarried, in the month of July 1648, when in his twenty-first year. David Scott was succeeded in the lands of Cannobie and others above mentioned by his only surviving brother, Francis, second Earl of Buccleuch, who, on 23d February 1649, expeded a special service as heir to his brother David in these lands.

To the personal estate of David Scott his sister Jean, Lady Tweeddale, made up a title as executor, by confirmation by the Commissaries of Edinburgh, on 7th August 1666, in which he is stated to have been one of the four bairns of Earl Walter. The total sums which were confirmed by Lady Tweeddale as executrix of her brother David Scott, amounted to £63,338, 17s. Scots.³

1. LADY ELIZABETH was born in November, and baptised 3d December 1621. When her father, Earl Walter, made provision for his other children, he executed

¹ Originals of Bond of Provision, Instrument of Sasine, and Retour, all in Buccleuch Charter-room.

² Original Letter in Lord Polwarth's Charter-room.

³ Vol. ii. of this work, p. 316.

an obligation on 2d April 1629, in favour of his eldest lawful daughter, Lady Elizabeth Scott, for her advancement to an honourable marriage in due time, in an annualrent of £2000 Scots furth of the lordship of Ewsdale, in the over parish of Ews, and that in full of all sums of money that she could ask from her father.

In virtue of the precept contained in the obligation by her father, Earl Walter, Lady Elizabeth Scott was infetted in the annualrent of £2000 Scots provided to her on the 11th September 1629.¹

When in her twentieth year, Lady Elizabeth Scott married, contract dated 1641, her cousin, John Lord Erskine, afterwards third Earl of Mar. By the contract for their marriage it was provided that Lady Elizabeth should be infetted in liferent in the lands and barony of Strathdone, with the castle of Kildrymie, the lands of Braemar, Cromar, and Strathdie, the superiority of the lordship and regality of Garioch, and the lands and barony of Kellie, worth yearly 9000 merks Scots, and reserving the liferent of Lady Jean Hay, Countess of Mar, during the lifetime of Dame Marie Stewart, Countess of Mar elder: and while the two Countesses of Mar, elder and younger, were living, Lady Elizabeth Scott was to be infetted in an annualrent of 9000 merks Scots furth of the coals and coalheuchs of the lordship and barony of Alloa and lands of Bothkenner, the mails of the lordship of Stirling and stewartry of Menteith, assigned for keeping the castle of Stirling, and others. The lands of the earldom of Mar being entailed and provided to the heirs-male of Lord Erskine and his father the Earl of Mar, any female children who might be born of the marriage would therefore be entirely precluded from succeeding to their father. In the event therefore of female issue of the marriage, and in case it should happen that Lord Erskine should die without heirs-male of this marriage, he bound himself and his heirs-male successors to him in his lands, to pay to his daughters certain sums of money therein specified.²

Lady Elizabeth Scott constituted Lord Erskine her assignee to £20,000 Scots contained in a bond to her by her father, Walter, Earl of Buccleuch. She died without issue before 23d July 1647, when her husband granted a discharge to her brother Earl Francis for the said sum of £20,000, and also of 20,000 merks

¹ Original Instrument of Sasine, also Extract Bond of Provision, recorded in Books of Council 27th July 1636, in Buccleuch Charter-room.

² Extract Contract of Marriage, registered in the Books of Council on 4th June 1647, in Buccleuch Charter-room.

in addition of his own good will, and from his affection for his sister and her husband his cousin, and for the weal and standing of the house of Mar.¹

In the collection of the Mar family portraits at the mansion-house in Alloa Park, there is a portrait marked Lady Mary Scott, Countess of Mar. Lady Mary was the youngest sister of Lady Elizabeth, and the name on the portrait is probably a mistake for that of Lady Elizabeth.

2. LADY JEAN SCOTT was born in January, and baptised 13th February 1629. By a bond of provision, dated 2d April in the same year, her father, Earl Walter, provided Lady Jean Scott, his second lawful daughter, to an annualrent of 2000 merks Scots out of the tenandry of Dunfedding, comprehending the lands therein specified, in the shire of Dumfries. Lady Jean was infefted in these lands on the 10th September 1629.² When in her fifteenth year, she married John, Master of Yester, afterwards second Earl, and the first Marquis of Tweeddale. The contract for their marriage is dated at Edinburgh, 24th September 1644. It was made between the Master, with consent of John Lord Yester his father and Lady Jean Scott, lawful daughter of the late Walter, Earl of Buccleuch, with consent of Francis, Earl of Buccleuch, and his curators. John, Lord Yester, binds himself to infeft his son and Lady Jean in conjunct fee in the lands and barony of Lyne, in the parishes of Lyne and Stobs; the lands of Edlstoune, Jedburgh Field, and castle of Neidpath, etc., in the parish of Peebles, and other lands mentioned; also to infeft Lady Jean in liferent in the lands of Beltane, which she was to possess in liferent in place of the barony of Lyne, after the decease of Dame Margaret Montgomerie, spouse of Lord Yester, with many other provisions. The Earl of Buccleuch paid as tocher with his sister 40,000 merks Scots, which was accepted by her promised spouse and Lord Yester in full of 20,000 merks to which she was provided by her late father, or anything else she could ask through the decease of her father or the decease of Lady Mary Scott, her younger sister, or of Dame Marie Hay, Countess of Buccleuch, her mother.

Of that marriage there was a large family of seven sons and seven daughters, and the present Arthur, Marquis of Tweeddale, is the lineal heir-male of Lady Jean Scott and her husband.³ As Lady Jean Scott and her brother, Earl Francis,

¹ Extract Discharge in Buccleuch Charter-room.

² Original Bond and Instrument of Sasine in Buccleuch Charter-room.

³ In the entrance-hall of Yester House there is a large painting containing portraits of Lord and Lady Tweeddale, and their numerous children.

were the only two of the brothers and sisters who had children, and as he left only three daughters, two of whom died young, without issue, Lady Tweeddale became the presumptive heiress of entail to Lady Anna Scott, her niece, only surviving daughter of Earl Francis. The chance or prospect of the Tweeddale family succeeding to the dignities and estates of Buccleuch aroused considerable jealousy on the part of the branches of the Buccleuch family of the name of Scott, as it had been the wish of the Earl of Buccleuch to keep his dignities and estates in a separate line from the Tweeddale. Between these Scotts and the Earl of Tweeddale, several misunderstandings arose. These will appear in the Memoir of Mary, Countess of Buccleuch.

3. LADY MARY SCOTT was born on the 11th of April 1631, and she died unmarried before 24th September 1644, as in the contract of marriage of her sister, Lady Elizabeth, of that date, the latter discharges all claims which she may have through the decease of her sister, Lady Mary.

While Earl Walter was providing so liberally for his lawful children, he was not unmindful of several natural children. William Scott, the eldest of three sons, was acknowledged by his father. He was born several years before the marriage of his father and Lady Mary Hay. This appears from the Chamberlain Accounts for the year 1614, which contain entries of payments to the master of the school at Musselburgh, and the under doctor, for teaching William Scott, and also for his board at Musselburgh from October 1612 to October 1614. He attained so good a position that his father named and appointed him one of the tutors to his son and successor, Francis, second Earl of Buccleuch. William Scott obtained from his brother, Earl Francis, the lands of Mangerton, and he and his descendants were known as the Scotts of Mangerton. They were employed by their chief as chamberlains and otherwise in the management of the estates.

To Francis Scott, the second natural son, Earl Francis provided the lands of Mangerton, with the castle, tower, and fortalice thereof, the lands of Flatt, Abittshaws, Schortbutholm, and Thorlishope, in the lordship of Liddesdale and shire of Roxburgh. The bond of provision by Earl Walter is dated 4th April 1629, and Francis Scott was infeft in the lands on 7th September 1629.¹ Francis Scott died at Rotterdam previous to January 1641, on which date Robert Angus, skipper, was repaid the sum of £293, 6s. 8d. disbursed by him for the funeral.²

¹ Original Instrument of Sasine in Buccleuch Charter-room.

² Buccleuch Chamberlain Accounts.

In the year 1648 Francis, Earl of Buccleuch, provided William Scott, his eldest natural brother, to the lands of Mangerton, as already mentioned.

John Scott, a natural son, called younger, by Annas Drummond,¹ also received from his father a liberal education, and he was provided by his father to the lands of Gorrinberrie, with the castle or manor-place of the same, and the steadings of Markpatrickhope, Braidlees, and Turnrig, in the lordship of Liddesdale and shire of Roxburgh. The bond of provision by Earl Walter is dated 4th April 1629, and John Scott was infefted in the lands on 11th September 1629.² He was appointed by Earl Francis one of the tutors to Mary, Countess of Buccleuch, during her minority, and acted as Chamberlain for the lands of Liddesdale and the Debateable Land. He was ancestor of the Scotts of Gorrinberrie, many of whom acted for subsequent representatives of the Buccleuch family. He had a brother of the same name, as appears from a sum of £50 Scots having been advanced by him for the half-year's pension of "his brother John Scott," in the year 1656. Another John Scott, who was Provost of Creighton, received from Earl Francis, in the year 1643, a gift of 400 merks, "for advancing his fortun." He died in 1646, and the escheat of bastardy was passed for behoof of the Earl.³

In these family arrangements Earl Walter showed his wisdom in providing his sons in properties near the frontiers of England, in Cannobie and Liddesdale, in the hope, no doubt, that they would prove protectors to his properties against any invasions of the English, or even of the hostile clans on his own side of the Border. David Scott, the second son of the Earl, did not survive to be of service to him. But the Lairds of Mangerton and Gorrinberrie, and their descendants in these estates, so long as they lasted, often did good service to their chiefs. Owing to the failure of the lines of Mangerton and Gorrinberrie, these estates were reacquired by the chief of the family, and again form part of the Buccleuch estates.

Margaret Scott, natural daughter of Earl Walter, married John Pringle, son of Robert Pringle of Stitchell. The contract of marriage bears date at Newark, on

¹ According to Satchells she was a cousin of the Earl of Perth.—Postral, p. 7. She married Mr. Patrick Grahame. She was his widow on 19th January 1635.

² Original Instrument of Sasine in Buccleuch Charter-room.

³ This was probably a natural son of the first Lord Scott, referred to in a letter from Earl Francis to his aunt, Lady Ross.—Memorials of the Montgomeries, vol. i. p. 261.

the 31st August 1632.¹ Another daughter, Janet, married in 1643 Andrew Scott of Foulshells, to whom Francis, Earl of Buccleuch, gave a tocher of 4000 merks. Jeane Scot, natural sister of Earl Walter, called by Satchells "Hollands Jean," married Robert Scott of Quhitslaid, who, on 8th November 1633, granted a discharge to Earl Walter for 8000 merks of tocher with her.²

Walter first Earl of Buccleuch, on his death in 1633, was succeeded in his dignities and estates by his eldest son, Francis Lord Scott.

¹ Original Contract of Marriage at the Hirscl. Earl Walter attended to the education of all his children, and he was not forgetful of their religious training. In the year

1632, he purchased a supply of "Catecheises to the bairnes."

² Extract Discharge in Buccleuch Charter-room.



Buccleuch

Buccleuch

Marie Hay



FRANCIS SECOND EARL OF BUCCLEUCH:
BORN 1626: DIED 1651.



LADY MARGARET LESLIE, COUNTESS OF BUCCLEUCH:
MARRIED 1646: DIED 1688.

CHAPTER FIFTEENTH.

XV.—FRANCIS, SECOND EARL OF BUCCLEUCH.

BORN 1626. SUCCEEDED 1633. DIED 1651.

LADY MARGARET LESLIE (OF ROTHES).

FRANCIS, second Earl of Buccleuch, was the second born son of Walter, first Earl of Buccleuch; but his elder brother, Walter, Lord Scott, having predeceased his father before 1629, Francis succeeded to the honours and estates of Buccleuch, on the death of his father, on 21st November 1633. He was born on 21st December 1626, and was scarcely seven years of age at the date of his succession. The name of Francis was obviously derived from that of his maternal grandfather, Francis, Earl of Errol.



Francis, Earl of Buccleuch, was retoured heir to his father on 27th February 1634, in the lands and barony of Branxholm, the tenandry of Blakgraine, the lands of Ferniehope and Dryhope in the Forest, the lands of Hassenden, Dedrig, Easter and Wester Coppitrigs, Elvillane and Kirkstead, the lands and barony of Syntoun, the tenandry of Duunfedling, the lands and lordship of Ewesdale, and the lands of Quhithope, Drydane, and Comonside.¹ On the same date he was retoured to the lands and lordship of Hails, Lilledale, and other lands of the forfeited earldom of Bothwell.²

The Earl of Buccleuch being a minor at the date of his succession, the ward and marriage fell into the hands of King Charles the First, and were

¹ Retour stated in Inventory of Buccleuch Writs made up in 1679, in Buccleuch Charter-room.

² Retour in Buccleuch Charter-room.

granted by his Majesty to William, Earl of Stirling, then Secretary, on 22d November 1633. An arrangement was afterwards made in the year 1642 between the Earl of Buccleuch and the Countess of Stirling, according to which the latter gave up her rights on payment of the sum of 25,000 merks Scots. On arriving at majority, the Earl of Buccleuch, acting on the advice of Sir John Gilmour, afterwards President of the Court of Session, disposed the lands which had occasioned the falling of the ward and marriage to the Laird of Blackbarony, to be held immediately of the King, the Earl and his advisers being persuaded that the ward and marriage of no heir succeeding to him could thereafter fall.¹ Soon after the death of Lady Mary Hay, Countess of Buccleuch, and in anticipation of the departure abroad of Earl Walter, Francis Lord Scott and his brother and sisters were placed under the care of their aunt, Lady Margaret Scott, Lady Ross, afterwards Countess of Eglinton, at Melville, near Dalkeith, then one of the mansion-houses of Lord Ross of Halkhead. Lord Scott and the younger children remained with their aunt for about four years, until Lord Scott, who had meanwhile succeeded as Earl of Buccleuch, and his brother removed to St. Andrews, as students of that University, in the year 1636.

The accounts of the Buccleuch Chamberlains show the terms on which Lady Ross "entertained" her nephews and nieces. For the year ending at Martinmas 1633, her ladyship was paid the sum of £2616, 13s. 4d. Scots for the "entertainment of my lords children."² The final payments to Lady Ross were made on the 25th of June 1636, immediately before the Earl and his brother went to St. Andrews. Lady Ross received 2750 merks, 320 merks as for the price of forty "wadderis" conditioned to her yearly for the enter-

¹ An Information of the Condition of the Family of Buccleuch, by Sir Gideon Scott of Hey-Chester, p. 26. Original in Lord Polwarth's Charter-room.

² Chamberlain Accounts in Buccleuch Charter-room. Amongst the warrants for payments by the tutors of Francis, Earl of Buc-

cleuch, there is one dated 18th December 1634, to Mr. Alexander Gibsoun, younger of Durie, for 100 merks, "for putting of the Scottish poeteis to the press, and that in respect thair is ane speciall peis thairin vponne this Erle of Buccleuch, his guidshir." Buccleuch Charter-room.

tainment "and furnishing of Francis, Erle of Buccleuch, Lord David Scott of Cannobie his brother, and Lady Jeane Scott thair sister, and thair followeris and servandis quhatsumever in meit, drink, bedding, abuilziementes of their bodys quhatsumever, thair horssees and servandis fees quhatsumever," and that from Martinmas 1635 to the 25th of June 1636.¹

The kindly nature of the young Earl, and his generous consideration for his governor and servants during his residence with Lady Ross, appear in his juvenile letters. While only in his ninth year, he wrote with his own hand the following letter to Laurence Scott of Clerkington :—

"MOST LOUEING TUTOR,—My love being rememberit to you and your wife : Ye shall doe me the pleasur as to cause send some moneyes heir to me again Hansel Monday, that I may gratifie my master and other seruants. It sall please you also to send furth ane pair of suet glooues.² So hoping ye will obey me in this requiest, I rest

"Your loving freind,

"BUCCLEUCHE.

"Melvill, 31 December 1635."³

A few months afterwards the Earl wrote the following letter to his governor to send him money for the poor :—

"JAMES ADAMSONE,—I being heir at Melvin wanting money to give to the poore ; therfor be the advyse of Laurence Scot, it sall pleas yow to send me out some with the first occasioun. So hoping ye will fulfill my desire, I rest

"Your Maister,

"BUCCLEUCHE.

"Melvill, 26 March 1636."⁴

On leaving Melville, the Earl again shows his kindness for the household there, in the following letter written by him to the Laird of Clerkington :—

"SIR,—We hear tel that my lady is purposed to remove vs to-morrow out of this. Wherefore I desyr you to cause send me some moneyes that at my parting

¹ Original Discharge in Buccleuch Charter-room.

² The sweet gloves were "For my Lady Ros dochter."—Buccleuch Chamberlain Accounts.

³ Original Letter in Buccleuch Charter-room.

⁴ *Ibid.*

with my lady her seruants I may therewith gratifie them somewhat for ther kyndnes to ws. As for my footman, ye sall be so good as to delay for to seek for another until I see if can get the favour of my lady to let Andrew Knag goe with me. Thus lukiing for the ansuer with this beirar, I rest

“Your loving Minor,

“BUCCLEUCHE.

“Melvill, 23d June 1636.”¹

The affectionate esteem with which in after years the Earl continued to regard his aunt, the Countess of Eglinton, is shown in the following letter, written while he was acting as a member of the Committee of Estates with the Scots Army in England:—

10th April 1644.

MADAME,—Having this occasione, bein so bound in dewty to your ladyship, I wold not pass without when oportunity offers to giue the testimony of my reall respect to yow, which whilst I breath sall euer be performed most affectionatly; for when I haue the happines to heir of your good health, it puts noe little joy in my breast, which sall euer burne with a fire unquencheable of treu zeall and loue uncheangeable towards your ladyship, whose unrequetable fauours shall neuer bee forgotten by him who is glad to be esteemed

Your ladyship's affectionatt and humble servant,

BUCCLEUCHE.

My lord is in good health for just now. I was with him yesterday.²

After my letters to you we marched; and now are all encamped some one or two myles from Durhame. Their ar all the news I haue.

From our Ligure, Apraile the 10, 1644, the name whereof I forgett in haist.³

¹ Original Letter in Buccleuch Charter-room. Andrew Knag referred to in that letter had been allowed to accompany the Earl. He was made Keeper of the Park of Dalkeith. He was afterwards a pensioner of the Earl, from whom he received £100 Scots yearly.

² Alexander, sixth Earl of Eglinton, commonly called Grey Steel, who was then at Newcastle with the Scots army.

³ Memorials of the Montgomeries, vol. i. p. 266.

Immediately on leaving Melville the Earl and his brother went to St. Andrews. He was then in his tenth year, and the arrangements for their entertainment at that ancient seat of learning appear from the papers which are still preserved. The Earl and his brother were put under the care of Mr. Robert Lermouth of Saint Nicholas, advocate, and his wife Margaret Skene. On 29th June 1636, Lermouth and his wife granted a discharge, bearing to have received from James Adamsone, servitour to the Earl, the sum of 1250 merks money "afoir hand," for the "entertainment" of the Earl, his brother, Patrick Scott of Tanlahill their governour, Mr. Robert Chisholme their pedagogue, William Scott page to the Earl, and their servants; and for keeping of them in a sufficient lodging within the town of St. Andrews, whereby they may be brought up at the schools there, and for the entertainment of the Earl his brother, and their foresaid four followers sufficiently in bed, board, washing, and dressing of their clothes, and all necessaries belonging thereto, according to their ranks, and that for the space of a half year after the date of the discharge.

Mr. Robert Lermouth and his wife bound themselves upon their "honestie and credit" to deliver the Earl and David Scott his brother to their tutors when required. Sir John Murray of Ravelrig, knight, became caution for Mr. Robert Lermouth and his spouse, that they would fulfil the whole conditions undertaken by them.¹ The Earl and his brother continued under the care of the Lermonthes till Whitsunday 1640. An additional allowance of 500 merks was paid to Mr. Lermouth by order of the Earl, dated 8th July 1640; and also a loan of 300 merks.² Mr. and Mrs. Lermouth appear to have performed their duty to the Earl to his satisfaction, for he gave Mr. Lermouth a yearly pension of £240 Scots until his death.³ He was survived by his wife, Margaret Skene, who was granted, on 12th August 1653, by the tutors of Mary, Countess of Buccleuch, 200 merks Scots in the time of the sickness and infirmity of Margaret Skene, in memory and thankfulness of her

¹ Original Discharge in Buccleuch Charter-room.

² Original Order and Receipt in Buccleuch Charter-room.

³ Chamberlain Accounts in Buccleuch Charter-room.

pains taken and service done to the late Earl of Buccleuch, when his lordship was at the schools and colleges of St. Andrews.¹

After four years' education at the school of St. Andrews as arranged with Mr. Robert Lermouth, the Earl, when in his fourteenth year, and his brother, were entered as students in the College of St. Leonard's, on the 7th of February 1640. On that day he gave his oath of fidelity, and subscribed the laws thus—

Comes Franciscus Scotus

He resided in St. Andrews, with the exception of occasional visits to his family mansions, until the summer of 1641, when he came to Edinburgh in order to take his place in the Parliament held in that year during the visit of King Charles the First to Scotland. At the close of the Parliament in November 1641 he returned to the university for the winter session, leaving St. Andrews finally in the year 1642.

The Earl retained a kindly remembrance of his college, and the library of St. Leonard's College was greatly augmented by his gifts.²

Earl Francis, by appointment of his father, was bound to give his brother, David Scott, the sum of 3000 merks yearly, until he attained to his own estate, in full of his annuity of 500 merks yearly, and of his "abuilyementis" (clothes) and servants' fees, and other things requisite for himself and his servants. He therefore, by a precept to Patrick Scott, dated 10th January 1646, ordered him to pay to David Scott 2000 merks, and at Martinmas following 1000 merks, and thenceforth 3000 merks yearly until he should be twenty-one years of age, and attain to his own means.³

The extensive purchase of additional lands made by Walter, first Earl of Buccleuch, had involved a large outlay; and his active participation in the Dutch War of Independence interfered with personal control and manage-

¹ Original Discharge in Buccleuch Charter-room.

³ Original Precept and Receipt in Buccleuch Charter-room.

² Maitland Club Miscellany, vol. i. p. 305.

ment of his extensive estates. The result was that after his death the tutors found that his affairs were in some confusion, and the estate burdened with the sum of 300,000 merks Scots at the time of the entry of his son, Francis, Earl of Buccleuch. A few years of careful management by the tutors, Scottstarvit, Harden, and Clerkington, were sufficient to clear the financial affairs of the estate from this temporary embarrassment; and before the young Earl was fourteen years of age, the estate was not only freed from burdens, but produced a free surplus of 500,000 merks Scots. This sum was invested in the purchase of the lands and lordship of Dalkeith.¹

The protracted negotiations, which had for their object the restoration of part of the Bothwell estates to Francis Stuart, son of Francis, Earl of Bothwell, have been noticed in the preceding Memoir of Earl Walter. King James the Sixth was desirous to further the interests of his relative, Francis Stuart, and that the affairs in question should be arranged amicably, with consent of the Earls of Buccleuch and Roxburgh, whom, his Majesty states in a letter of 11th February 1622, he had ever found ready to submit their interests to his arbitration. His Majesty having learnt that Francis Stuart meant to take action in the courts of law for restitution of the Bothwell estates, and considering that this was taking advantage of the clemency he had already shown him, gave instructions that no process should be granted by the Court of Session. At the request of the King and Charles, Prince of Wales, in December 1622, a portion of the Bothwell estates were disposed by Walter, Earl of Buccleuch, to James, Marquis of Hamilton, the King and Prince undertaking that no future action should be taken in respect of these lands to the prejudice of these Lords, without their special advice and consent. After the accession of King Charles the First, he wrote to Buccleuch on 2d April 1627,

¹ Ane Information to his Majesty concerning the Family of Buccleuch, by the five Tutors, given to the Lord Commissioner, November 1662. Original in Lord Polwarth's Charter-room. The sum paid for the lordship of Dalkeith was four hundred and fifty

thousand merks, besides discharge of thirty thousand merks owing by the former proprietor, the Earl of Morton, in all four hundred and eighty thousand merks.—Buccleuch Chamberlain Accounts.

informing him that he had been petitioned by Francis Stuart, who wished to submit his claims to the arbitration of his Majesty. The Earl of Roxburgh had consented to this course, and the King requested the Earl of Buccleuch to do likewise, in order that a fair and friendly settlement might be concluded.

The King having been informed that the approaching expiry of the Act of Parliament as to prescriptions would nullify any benefit which his Majesty should thereafter confer on the son of the Earl of Bothwell, instructed his advocate, in the event of that being the case, to procure from the Earls of Buccleuch and Roxburgh, and the Marquis of Hamilton, renunciations of any benefit which might accrue to them from the expiry of these Acts. The King afterwards wrote to the Earl of Buccleuch on 20th October 1630, requesting his presence at Court for the settling of all differences concerning the claims of Francis Stuart.

The decision of his Majesty was given on 8th August 1631, and it sets forth that having compassion on the deplorable estate of Francis Stuart, in consequence of his father's fault (of which he was in no ways guilty), the King considered fit that a competent maintenance should be provided to him out of the forfeited estates. Having consulted the Lords who had the benefit of the forfeiture, and who had submitted the matter to his Majesty's decision, he declared that a valuation of the estates should be made, and the value divided into six parts, two parts to be allotted to Francis Stuart, to be taken respectively out of each of the foresaid Lords' possessions. For the avoidance of future strife, his Majesty enjoined that the division should be justly and equally made, giving every one his proportion in those parts which might be most convenient for his use.

In accordance with this decision, instructions were given by the King to the Privy Council to proceed to a valuation of the forfeited earldom of Bothwell and the abbacy of Kelso. In order to facilitate their procedure, and for the more speedy settlement of these matters, the Council were instructed to appoint a committee of their number of those who resided near Edinburgh, so that the valuations could be settled with greater despatch.

The report of the Privy Council was submitted to his Majesty on 13th November 1632. It relates that after sundry meetings for mutual probation, led by both of the parties, Francis Stuart made offer and was content, for facilitating the trial, to refer the rental of the estate to the oaths of the Earls of Buccleuch and Roxburgh. Thereon he produced three books containing the names of the lands, which were given to the two Earls to have the rental filled in, which was accordingly done.

The final adjustment was not effected till some years after the King's decret and the report of the Council. After the death of Walter, Earl of Buccleuch, in November 1633, the King wrote to the Privy Council, desiring them to direct the tutors and curators of the children of the late Earl to appoint such of their number as they should think fit, to proceed to Court to settle finally in the King's presence the differences still undetermined. Sir John Scott of Scottstarvit, and Sir William Scott of Harden, repaired to London to confer with his Majesty touching the particulars of his decret-arbitral. The King, writing to the Privy Council on 26th May 1634, states that on conferring with them he found them very willing to obtemper whatsoever he should ordain. In the same year the King, who took an active and personal interest in all the proceedings, described more fully his wishes in a communication to the Council. He decided that the Bothwell lands in the Lothians should be given up to Francis Stuart; but as the rental of these lands exceeded the proportion of one-third allotted to him, he was enjoined to pay to the Earl of Buccleuch £1000 Scots for each hundred merks of the surplus more than the rental of 8500 merks.

Part of the lands of the forfeited earldom of Bothwell was claimed by the Earl of Buccleuch as held by him otherwise than as a result of the forfeiture, and which, according to the terms of the King's decision, was not liable to any claim by Francis Stuart under the decret-arbitral. Other minor points, in addition to this difference, retarded the settlement. The curators were again summoned to London by the King in 1636, as he desired the matter settled, in regard of the great pains he had heretofore taken in the cause. A

letter from the King, on 10th September 1637, shows that he was becoming impatient for the final determination of the disputes. He desires his advocate, if the tutors of the Earl of Buccleuch should prove refractory, to proceed with all diligence for advising the readiest way to possess Francis Stuart in the whole estate in Lothian, and in recovering the arrears of rent since the date of the decree. The King ordains that a commission should be granted by the Council for the examination of witnesses, many of them being of great age.¹

The proceedings, however, were not so easily brought to an end, and a final settlement was not completed until the year 1647. A contract was made between Francis, Earl of Buccleuch, and Charles Stuart, grandson of Francis, Earl of Bothwell, with consent of the Earl of Winton and others, whereby they ratified the former rights of the Earl of Buccleuch in the lordship of Liddesdale and others. The sum of £50,000 was paid in November 1647, by the Earl of Buccleuch to Charles Stuart, who made resignation of the lands of Wilton, Chamberlane-Newton, Tynside, Harwood, Slydhills, and Carlingpoole, in the sheriffdom of Roxburgh; the lands of Elmure, in Selkirkshire; the lordship of Liddesdale, with the tower of the Hermitage, and the lands of Elvillane and Kirkstead. Proceeding on this resignation, a charter was granted under the Great Seal, dated 10th November 1647, of the above-named lands, to Francis, Earl of Buccleuch.²

Francis, Earl of Buccleuch, married Lady Margaret Leslie, second daughter of John, sixth Earl of Rothes, and widow of Alexander, Lord Balgonie, eldest son of Alexander, first Earl of Leven. The contract of marriage, made by Earl Francis, with consent of his curators, and Lady Margaret Leslie, Lady Balgonie, with consent of John, Earl, afterwards Duke, of Rothes, her brother-german, is dated at Edinburgh, 25th July 1646. The Earl of Buccleuch thereby became bound to infest her in liferent in the lands and barony of Eckfurd, Langtoun, Lempitlaw, the lands of Grymslaw, called Porterslands, with the pendicles respective, namely, Lurdonlaw, Holfield,

¹ Original Letters and Documents in Buccleuch Charter-room.

² Original Letters and Papers in Buccleuch Charter-room.

and Couanshill, with the mills, multures, manor-places, houses, and orchards in the shire of Roxburgh; and in the lands and barony of Shirreffhall, with the teinds, parsonage, and vicarage, manor-place, houses, and orchards, in the shire of Edinburgh, reserving exclusively to himself, his heirs-male and of tailzie, the coal and limestone to be obtained by them within any part of that barony. Lady Margaret Leslie accepted the lands, so provided to her, in full satisfaction to her of all further conjunct-fee, liferent, terce, or any other thing whatsoever that she might ask or claim of the Earl, her affianced spouse, his lands, heritages, moveables, etc., belonging to his Lordship at the time of his or her decease. The Earl of Buccleuch further became bound that as his estate was provided to his heirs-male and of tailzie, in order to make competent provision for the daughters of the marriage, failing of heirs-male, to pay to the daughters, after his decease, the sums of money as follows:—Should there be only one daughter, 40,000 merks Scots; should there be two, to the eldest 40,000 merks, and to the second £20,000 Scots; should there be a third daughter, 20,000 merks; and if there were more than three daughters, to the eldest £20,000, and to the rest £40,000 equally among them, and that at their perfect ages of fifteen years complete. In the meantime, the Earl further bound his heirs-male and of tailzie to educate and bring up the daughters honourably, according to their rank. The sums of money payable to the daughters were in full contentation to them of all lands, heritages, moveables, etc., that might pertain to them as heirs or executors to the Earl Francis, their father.

On the other part the Earl of Buccleuch accepted with Lady Margaret Leslie, his affianced spouse, in name of tocher, her liferent right to the lands of Craigneat, with all other lands, annualrents, and others whatsoever belonging to her.¹ These were the formal legal arrangements of the marriage. An account of the festivities on that occasion has been preserved, and may be here introduced as a specimen of the entertainment afforded on the union of two persons of high rank in the middle of the seventeenth century:—

¹ Original Marriage-contract in Buccleuch Charter-room.

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