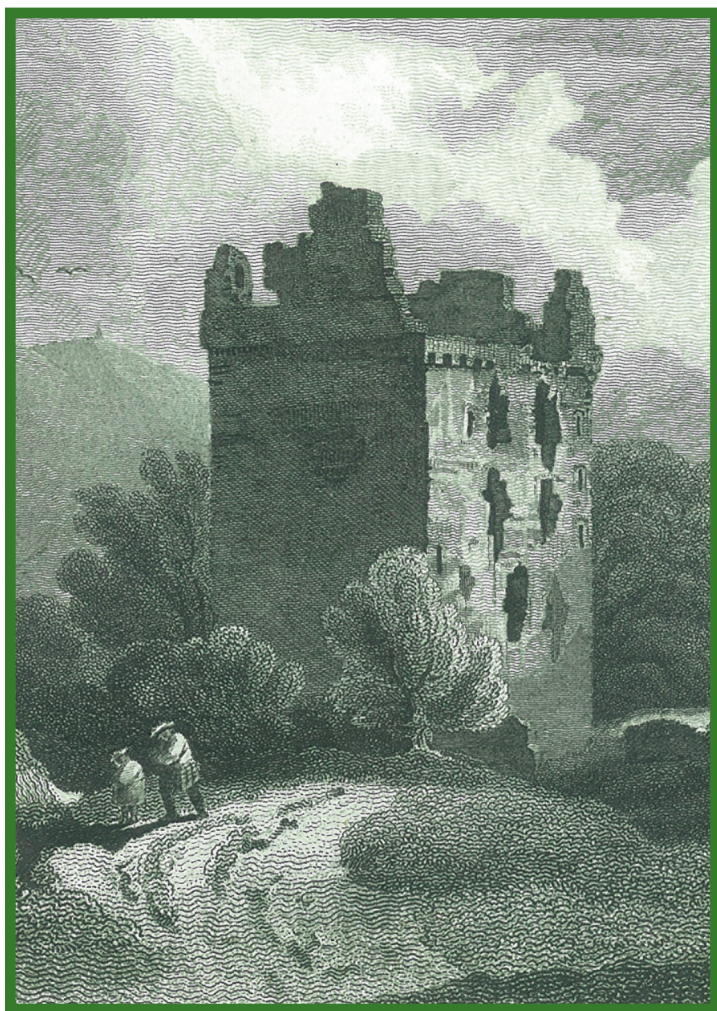


THE SCOTTISH MIDDLE MARCH 1573–1625



POWER, KINSHIP, ALLEGIANCE

Anna Groundwater

ROYAL HISTORICAL SOCIETY

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Anna Groundwater



THE ROYAL HISTORICAL SOCIETY
THE BOYDELL PRESS

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Acknowledgements

Hard as it is for me to believe, but nine years have passed since I took my first tentative steps back into the world of academia and started this project now coming to fruition. It has been a long and occasionally painful process but one that has also been invigorating, enlightening and hilarious at times. What started under the towering walls of the Hermitage castle, its blank stone windows looking out over the bleak moors of Liddesdale, has taken me on a journey through the fortified towers of Branxholme, Smailholm and Newark, to the wynds of Edinburgh and the panelled chambers of Holyrood, and finally to the palace of Whitehall. Gradually these places have been peopled by the vibrant figures that leap from the crackling parchment over which countless happy hours have been spent here in Edinburgh at the National Library and National Archives.

Massive thanks are due to many for their encouragement, advice and time along the way, helping me to produce a coherent (I hope) something out of the original nebulous musings. In particular I would like to thank those who got the whole process going: primary amongst these are Professor Michael Lynch and Dr Julian Goodare. Michael's breadth of vision opened my eyes to exciting new ways of seeing things, Julian's own works introduced to me new concepts of government that I would have never formulated on my own, and both of them spent painstaking days reading and advising on my first stumbling drafts. Julian's clarity and precision has inculcated much-needed discipline in my thought and writing, whilst Michael's encouragement kept me going when problems seemed insurmountable. So heartfelt thanks to them both.

But perhaps I need to go back even further than this to my early days at Cambridge, so very long ago, and a young and enthusiastic tutor who inspired academic excitement and then put up with my subsequent distraction. Despite my appalling academic record, Professor John Morrill, as he is now, was kind enough to set me on my way to Edinburgh, and since then has steered my work through its transformation into a more readable, and a better thought-out book. One of the joys of this whole project has been re-finding John, and, I hope, making up for my previous performance. Very many thanks are due to him.

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done so much to widen my perspectives; and to all for repeatedly providing references, often at short notice. Needless to say, any errors that remain, after so much help, are mine.

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Anna Groundwater,
February 2010

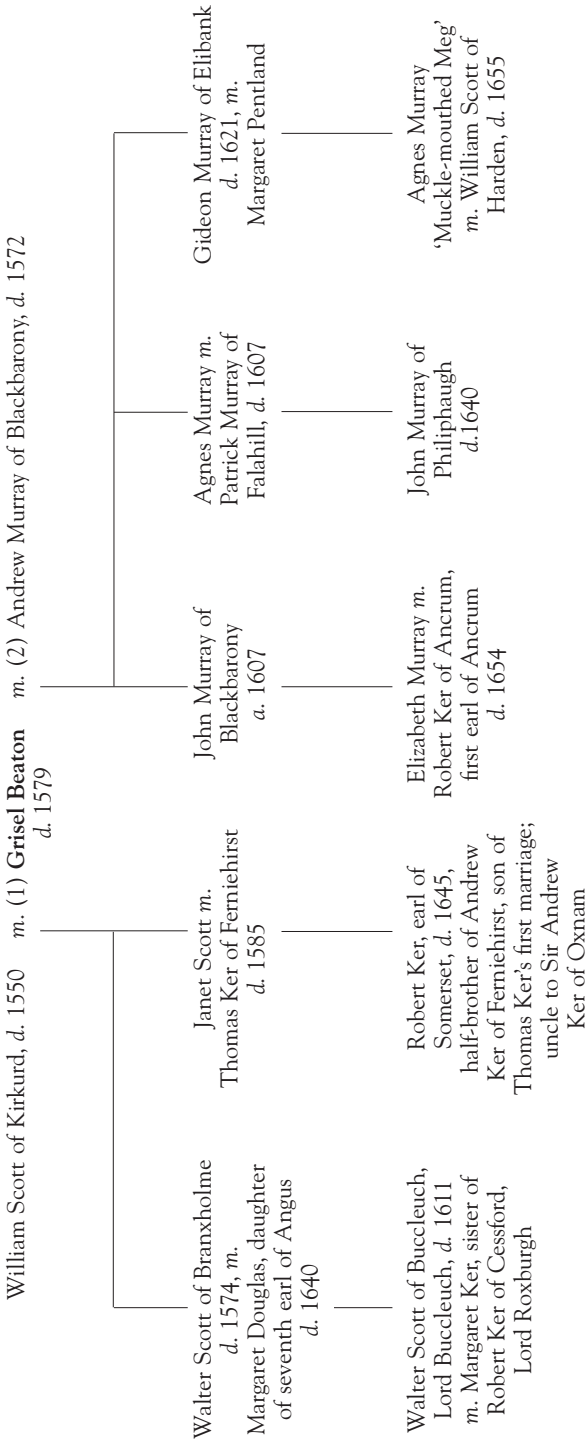
Abbreviations and Conventions

During the period covered by this book the designation of two of the main families changed. These were the Scotts of Branxholme, referred to increasingly frequently as Buccleuch by the 1590s, and the Kers of Cessford who became Roxburgh on the ennoblement of Robert Ker in 1600. They are referred to by the designation by which they were known at the time referred to.

Adv. MS	Advocates' MS
BA	Borders Archives, Hawick
BUK	<i>Booke of the universall Kirk of Scotland</i> , ed. A. Peterkin, Edinburgh 1839
CBP	<i>The Border papers: calendar of letters and papers relating to the affairs of the Borders of England and Scotland</i> , ed. J. Bain, Edinburgh 1894–6
CSP Dom.	<i>Calendar of state papers, domestic series, 1603–1704</i> , ed. M. A. Green and others, London 1856–1947
CSP Scot.	<i>Calendar of the state papers relating to Scotland</i> , ed. J. Bain, G. G. Simpson and J. D. Galbraith, Edinburgh 1881–8
CSP Venetian	<i>Calendar of state papers ... Venice, 1603–75</i> , ed. R. Brown, G. Cavendish Bentinck, H. F. Brown and A. B. Hinds, London 1864–1947
EHR	<i>English Historical Review</i>
ER	<i>The exchequer rolls of Scotland</i> , ed. J. Stuart and others, Edinburgh 1878–1908
HJ	<i>Historical Journal</i>
HMC	Historic Manuscripts Commission
NAS	National Archives of Scotland
NH	<i>Northern History</i>
NLS	National Library of Scotland
NRAS	National Register of Archives of Scotland
RMS	<i>The register of the great seal of Scotland</i> , ed. J. M. Thomson, P. J. Balfour, J. H. Stevenson and W. K. Dickson, Edinburgh 1882–1914
RPC	<i>The register of the privy council of Scotland, 1545–1625</i> , ed. J. Buron and D. Masson, Edinburgh 1877–98
RPS	<i>The records of the parliaments of Scotland to 1707</i> , ed. K. M. Brown, G. H. MacIntosh, A. J. Mann, P. E. Ritchie and R. J. Tanner, St Andrews 2007–9; www.rps.ac.uk

RSS	<i>The register of the privy seal of Scotland</i> , ed. M. Livingstone, Edinburgh 1908
SHR	<i>Scottish Historical Review</i>
SHS	Scottish History Society
SRS	Scottish Record Society
STS	Scottish Text Society
TA	<i>Abstracts of the treasurer's accounts</i> (Bannatyne Club, 1867)

Marriage links between the Scotts, the Murrays and the Kers of the Middle March, 1573 to 1625



Prologue

'Now I was to begin in a new world; for by the King's coming to the crown, I was to lose the best part of my living. For my office of Wardenry ceased ... And hereupon I bethought myself with what grace and favour I was ever received by the Kings of Scots.'¹

On 26 March 1603 Robert Carey staggered into James VI's bedchamber at Holyrood to announce his succession to the English throne. For James, it was the defining moment in his life, the glittering prize that for so long he had striven. For Carey, exhausted after his three-day ride from London, it was his opportunity to secure a heady future at the English court. No longer would he be confined to the turbulent wastelands of his wardenry in the Middle March of the English Borderlands.² For his Scottish counterpart too, the recently ennobled Robert Ker, Lord Roxburgh, it marked the beginning of a new life: the rough comfort of Cessford castle's thick walls was replaced by the court at Whitehall and the dark rooms of the privy council in Edinburgh. The significance of the Anglo-Scottish border, as a barrier between two, often hostile, kingdoms lapsed, as did Roxburgh's and Carey's offices as warden.

Whilst James's succession undoubtedly transformed these men's lives, they were also affected by a variety of longer-term processes in which the Scottish crown had begun to harness judicial authority, and the use of violence, to settle disputes throughout Scotland. The increasing intrusion of crown authority into the localities that resulted might have been expected to alienate prominent local officials, such as Roxburgh. What was notable, however, was the way in which the landed elite had co-operated with James, rewarded by new office and confirmation of their landholdings. By carefully including Roxburgh within an evolving framework of government, James retained the authority that this borderer exerted in the Scottish Middle March, as its warden, and through his leadership of the great Ker kindred. Whilst Roxburgh's experience was determined largely by border-specific circumstances, he was also the creature of James's policies affecting much of Scotland. So, similarly, was the experience of the Middle March that he had governed. Furthermore, in the prospering of Roxburgh's career can be found an illustration of broader concepts such as the interplay of kinship, alliance and patronage within the governance of a Scotland that, after 1603, was now

¹ *Memoirs of Robert Carey*, ed. J. H. Mares, Oxford 1972, 58, 65.

² Carey was appointed a gentleman of the Bedchamber but lost his place in James's purge of Englishmen from his household in London.

part of James's new 'Great Britain'. But whilst the processes of government in the Middle March were affected by the proximity of the border, they were also, collectively, an example of what was happening elsewhere in Scotland.

The period from 1573 to 1625 spanned a watershed in the history of the Borders. In the late sixteenth century the region was defined by its position on the border with England. It was inevitable that any change in Anglo-Scottish relations would have an immediate effect in the region. James's succession marked the official ending of the separate entities of the Scottish and English marches. They were subsumed into a wider cross-border region christened, too hopefully, 'the Middle Shires', at the supposed heart of the new Great Britain. Government in the former Scottish marches, however, remained inextricably linked with what had gone before: it involved the same people, similar mechanisms and nearly identical administrative regions. Local kindreds and alliances continued to provide much of the structure of society and power in each of the three marches. But all of these were affected by both diplomatic changes and the growing power of the state, and it is impossible to understand what was happening in the Borders without placing them within the wider context of national political and diplomatic circumstances.

The aim, in concentrating on the Middle March alone, is to provide a socio-political framework for an administrative region defined as such by contemporary government and given physical form by its topographical boundaries. The region has been notorious for its reported levels of crime, and whilst crime there will be assessed, this is not primarily a study of crime in the region. Instead it is about the response of the crown to the reports of crime. Government periodically prioritised the suppression of crime in the region, but at other times it appeared reluctant to deal with it. The crown's fluctuating approach to this area will be placed within changes in the diplomatic and political spheres, and within an increasing intensification of government in all the Scottish regions. Conversely, the involvement of borderers in government in Edinburgh is also assessed. Whilst such inclusion could be interpreted as a deliberate crown policy to bring people from an area of concern into line, it could equally show the active participation of such people within national governmental processes and the political structure of the kingdom. Previous analysis of the region has tended to emphasise its location on the margins of the kingdom and the isolating effect this had on its inhabitants.³ In contrast, it can be shown that these people were not alienated from their country's highest levels of power: they were part of it. Some of the conclusions of this study may be applicable to the other marches but, it will be suggested, some were also applicable to other regions of Scot-

³ 'The administrative problem in the borders arose from the isolation of the region and the turbulent character of its inhabitants': T. I. Rae, *The administration of the Scottish frontier, 1513–1603*, Edinburgh 1966, 1.

land, including the Lowlands: the Middle March did not exist in a separate, peripheral bubble.

The first chapter of this book provides a brief description of social, economic and ecclesiastical conditions in the Middle March, placing them within the context of the kingdom as a whole, and questioning the degree to which it could be termed a 'frontier society'. Chapter 2 outlines the socio-political framework of the Middle March upon which local authority was based. The fundamental importance of kinship and alliance in the march's society is demonstrated, though parallels here will be drawn with the way in which kinship retained its significance throughout Scotland. Kinship and alliance determined the ties of obligation, service and responsibility and the chapter shows how central government was able to utilise these links in implementing policy in the region. Chapter 3 looks at local office-holding, including the layer of border-specific office, and the continuity of the same families in office. It considers how the government in Edinburgh was able to affect local government: this amounted to an increasing intrusion of crown authority under James VI, which, though the crown had additional concerns peculiar to the Borders, had similarities to that underway in the Lowlands too. The fourth chapter illustrates the inclusion of prominent Middle March figures within central government, showing their involvement in national political life, in particular on the privy council and within the royal households, and how this survived the translation of James's court to London. Chapter 5 assesses the reporting of crime, feud and violence in the Middle March, analysing central government's changing response to such activities. Government policy in the march is placed within the context of the crown's increasing control of the kingdom's judicial system, including the suppression of feud and the gradual replacing of private with public justice, and fluctuating Anglo-Scottish relations. Throughout, the themes of continuity, inclusion, co-operation, obligation, kinship, allegiance and reward will be explored alongside those of governmental innovation, social, political and diplomatic change, border-specificity, enmity and the exclusion of those who did not co-operate.

The sixth and seventh chapters set a narrative history of the region against a shifting political background in Scotland and fluctuating Anglo-Scottish relations. They illustrate the change in government policy in the region arising from concern over James's impending succession to the English throne, but they also set this changing policy within processes at work elsewhere in the kingdom. It is suggested that mechanisms for effective government were already in place for James to implement his new policies. Chapter six details the last few years of the old way of life in the Middle March, the changes to which were increasingly evident from the late 1580s, whilst the final chapter provides an account of moves towards a pacification of crime in the region between 1597 and 1605 and the pacification itself between 1605 and 1625. Two strands can be identified here: the suppression of feud, which was a nationwide project, and the suppression of cross-border raiding

which was specific to the region. Whilst the latter was perhaps more speedily achieved than the former, the chapter also considers what the experience of the Middle March after Union demonstrated of the problems that James was to encounter in his pursuit of full political union. It is within the bigger picture of politics and diplomacy, government and society that this survey of the Middle March is intended.

Any balanced assessment of the Middle March has to consider the pervasive influence, over several hundred years, of the stereotypical images of a borderer and the Borders on the histories of the region. The effect of this characterisation on subsequent histories is evident in the largely damning historiography of the Borders. The legend needs to be stripped away, and replaced by concentration, instead, on the contemporary records of government and events. Then, with the Middle March placed within the broader processes at work in Scotland, it will be possible to draw a more representative portrait of the region, at a definitive moment in its history, and not just another caricature. At the same time it is hoped to suggest how the experience of the Middle March, as one region in Scotland, can inform a more general history of governance in Scotland as it underwent crucial and long-term change.

Introduction

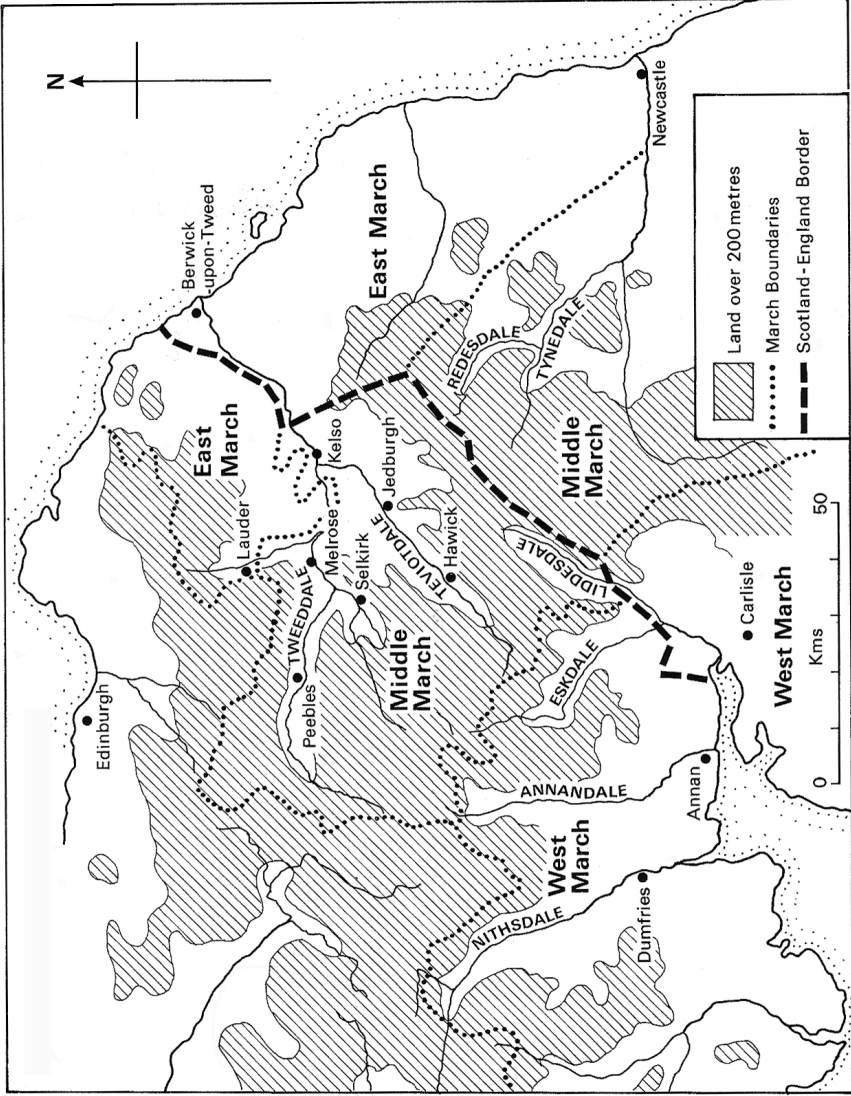
I

In administrative terms, in the reign of James VI, the Borders were divided into three sections. These included the area stretching back some miles from the frontier line itself, which formed the administrative regions of the East, Middle and West Marches. There was a similar framework to the south of the border which formed the English East, Middle and West Marches, though their boundaries did not meet their Scottish counterparts at the same points on the frontier. The national frontier of the the Scottish Middle March coincided with half of that of the English East March and all of the English Middle March, with its last eight miles adjoining the English West March. Thus the Scottish Middle March's stretch of frontier was the longest and involved its officials in interaction with their counterparts in all three English Marches.

The physical geography of the region and its medieval administrative areas, the sheriffdoms, determined the internal divisions between each Scottish march. The Middle March comprised the shires of Roxburgh, Peebles and Selkirk and included the lordship of Liddesdale, which fronted onto the border. The Moorfoot Hills marked its northern edge, whilst the hills of the Southern Uplands formed a barrier to the West March. The outer edge of the Merse, to the east, sloped down into the East March.¹ The topographical layout of the land, particularly the moor-covered uplands of the western half of the march, lent itself to an image of remote wasteland. However, it was not inaccessible, the rivers cutting through it providing corridors of communication: the valleys of upper Tweeddale and Teviotdale and the rivers Jed, Ettrick and Yarrow facilitated communications within the region, whilst those of the Leader and Gala rivers gave access northwards to Edinburgh through the passes of Soutra and Fala respectively. Its principal towns were Jedburgh, Selkirk and Peebles, the administrative centres of its sheriffdoms, and Kelso, Melrose and Hawick.

The day-to-day administration in the marches, as elsewhere in Scotland, was led by its resident sheriffs; in the Middle March these were the sheriffs of the shires of Roxburgh, Selkirk and Peebles. The march, however, had an extra layer of officialdom, which was peculiar to the Borders, the warden whose primary duty was concerned with the regulation of cross-border affairs.

¹ RPC iii, 344. See map 1.



Map 1. The Borders in the sixteenth century

There was also a keeper appointed to the lordship of Liddesdale, who held separate jurisdiction and was accountable directly to the king.² The exercise of authority in the region was delineated by the administrative districts of the shires and the march, but it was built largely on the socio-political framework provided by local kindreds. Again this is not unlike elsewhere in Scotland, where kinship remained of fundamental importance in determining allegiance, identity and enmity, though it was, perhaps, beginning slowly to decline in significance by the end of the sixteenth century.³ So whilst the Middle March was in itself a coherent entity, there was inevitably interaction with the other marches and within kindreds, which, combined with overlapping private jurisdictions, to some extent blurred the margins between the marches.

In 1573, the beginning point of this study, the Middle March was recovering from the Marian civil wars, which had exacerbated the divisions between some of its inhabitants. In 1570 the house and lands of Walter Scott of Buccleuch at Branxholme and the town of Hawick were burned in a raid by the English earl of Sussex, which suspiciously bypassed the lands of Buccleuch's enemy, William Ker of Cessford, the Middle March warden. Cessford's support for the king's party was directly in opposition to the devotion of his cousin (but enemy), Ker of Ferniehirst to Mary. The ending of the siege of Edinburgh castle, following English intervention in 1573, and the death of Kirkcaldy of Grange, Ferniehirst's father-in-law, forced Ferniehirst into exile for the next few years. Instead, the affiliates of the new regent James Douglas, earl of Morton, were to prosper from his ascendancy through to 1578. Over the next few years, his attempts to solidify amicable relations with England led to a number of judicial raids to the Borders. This severity was not to outlast his regency. In 1584 Ferniehirst became warden under the earl of Arran's regime but was ousted at his fall in 1585. He was replaced by the Kers of Cessford (later Roxburgh), in whose hands the wardenship remained until 1603.

The distinct entities of the three marches came to an end with the regnal union of 1603. James abolished the term 'the Borders' and replaced it with that of 'the Middle Shires', which included the counties and sheriffdoms of both sides of the frontier. Subsequently, the separate marches were not used as official designations of administrative areas in the former Borders region. Instead, proclamations referred either to the Middle Shires, or the 'late borderis', or to the individual sheriffdoms of Berwick, Roxburgh, Selkirk, Peebles and Dumfries and the stewartries of Kirkcudbright and Annan – and in England the counties of Northumberland, Durham, Westmorland and Cumberland. As the framework of the marches faded, an attempt was made by James's government to treat the entire region, both north and south of the

² Rae, *Administration*, 35–6.

³ J. Wormald, *Court, kirk and community: Scotland, 1470–1625*, Edinburgh 1981, 29–30, 40.

border, as one entity – or at least one entity with two subdivisions, Scottish and English. In 1603 the office of march warden ceased and, in 1605, was replaced by a body of border commissioners whose jurisdiction extended to the whole of their side of the border.

Within the former march, however, the administrative districts continued to be much as before, based on the ancient sheriffdoms. Where additional appointments were made, they were fitted within the existing outline of local administration; the area of jurisdiction of the first Justices of the Peace introduced in 1610 was identical to that of the sheriffdoms. Thus though the administrative entity of the Middle March may have disappeared, its former outline remained in that of the shires of Roxburgh, Selkirk and Peebles. Often contemporarily referred to in one breath, their grouping continued to be relevant as a basis for this study throughout the years of the pacification of the former Borders. James's death in 1625 marked the end of significant crown interest in the region and the scope of this study.

II

There are a small number of histories of the Borders in the sixteenth century. Ian Rae's definitive book covering the whole Scottish Borders, *The administration of the Scottish frontier, 1513–1603*, would be difficult to surpass in its analysis of the framework of administration and crown interest in the region, but of necessity could not deal with the intricacies of one march alone. Similarly circumscribed is D. L. W. Tough's *The last years of a frontier: a history of the Borders during the reign of Elizabeth I* which covers the entire Borders region on both sides of the frontier, focusing on cross-border relations and March law.⁴ But since both these studies were published some time ago, in 1966 and 1928 respectively, they do not encompass more recent re-evaluation of Scottish government. Works by Julian Goodare, Jenny Wormald and Keith Brown have significant implications for the way in which government in the Borders should be viewed.⁵

Their conclusions have informed Maureen Meikle's study of an area she designates the Eastern Borders, from 1540 to 1603. She provides a comprehensive socio-economic historical analysis of the lairds and gentry of this region, in which she also included the English East March and the eastern

⁴ Rae, *Administration*; D. L. W. Tough, *The last years of a frontier: a history of the Borders during the reign of Elizabeth I*, London 1928.

⁵ J. Goodare, *State and society in early modern Scotland*, Oxford 1999, and *The government of Scotland*, Oxford 2004; Wormald, *Court, kirk and community; Lords and men in Scotland: bonds of manrent, 1442–1603*, Edinburgh 1985; 'Bloodfeud, kindred and government in early modern Scotland', *Past and Present* lxxxvii (1980), 54–97; and 'Taming the magnates', in K. J. Stringer (ed.), *Essays on the nobility of medieval Scotland*, Edinburgh 1985, 270–80; K. M. Brown, *Bloodfeud in Scotland, 1573–1625: violence, justice and politics in an early modern society*, Edinburgh 1986.

part of the Scottish Middle March.⁶ Her principal premise is that, given the degree of socio-economic connections and cultural similarity between the Eastern Borderers on either side of the frontier, any frontier line could almost be redrawn on a north-south axis, separating the more civilised Easterner from his reiving Western counterpart. She concludes that the reputation of the Easterner has been unfairly sullied by this proximity, anglo-centric prejudice colouring any attempt at a balanced evaluation of the Borders. However, in laying to rest the fallacy of the accepted orthodoxy of the barbarian borderer in the east, she risks creating another in her approach to the rest of the Borders.⁷

The image of the barbarian borderer was entrenched several centuries ago. Therefore this work's analysis of contemporary sources has the 'How representative were these records of the situation "on the ground"?' alarm ringing throughout. In the sixteenth century, report of the Borders was profoundly influenced by an increasing disdain for the 'wickit' borderers. Even worse, a shift has been identified in the government's perception of its Borders, in the act of 1587 'For the quieting and keping in obedience of the disorderit subjectis, inhabitantis of the bordouris, hieldandis, and ilis', which began to equate them with the troublesome and barbaric Highlands. And, as Julian Goodare and Michael Lynch note, 'perceptions – from the centre – were more significant than reality' in Scotland's borderlands.⁸ By the end of the sixteenth century the expression of government's contempt might be termed a 'language of opprobrium'. So borderers frequently appear in the privy council records as 'vagabundis', 'malefactouris', 'rebellis' and 'brokin men', and rarely of 'good rule'. Problematically, for the historian, most reports on the area were confined to those concerning disturbance, with little record of any outbreak of peace. Reports of events in one part of the Borders were not always applicable to another part, but they could affect the way in which government viewed and described the whole region. And the way in which a government referred to the Borders mattered: it affected the formulation of policy towards that area. When such weighted reports were received by a late sixteenth-century government, attempting to exert its authority in all its regions, they helped to create a perception of the stereotypical borderer and an 'out-country' in which the law held no remit. This perception has exercised an enduring influence on the way subsequent historians have viewed the region.

⁶ The lairds of Maureen Meikle's study lived in Berwickshire and the eastern parts of Roxburghshire and Selkirkshire: *A British frontier? Lairds and gentlemen in the eastern Borders, 1540–1603*, East Linton 2004.

⁷ *Ibid.* 1–2, 3, and 'A godly rogue; the career of Sir John Forster, an Elizabethan border warden', *NH* xxviii (1992), 126–63.

⁸ RPS, 1587/7/70, accessed 19 June 2009; J. Goodare and M. Lynch, 'The Scottish state and its Borderlands, 1567–1625', in J. Goodare and M. Lynch (eds), *Reign of James VI*, East Linton 1999, 186–207 at pp. 187–8, 197–8, 201–5, 207.

Contemporary histories were no less affected. Bishop Leslie's assertion that descriptions of 'Scottis to eit menis flesche ... can to na uther be attributet ... bot only to thame of Anandale', distancing their 'alde crueltie' from the behaviour of 'the hail Scottis natione' was not indicative of an unbiased approach. Borderers, he wrote, were 'persuadet that all the gudes of al men in tyme of necessitie, be the lawe of nature, ar commoun to thame and utheris'.⁹ Contemporary diaries ring with disdain for the borderers. Robert Birrel, writing about the 'Tumult of Edinburgh' of December 1596, saw no need to explain further the terror caused by the 'grate rumour and word among the tounesmen, that the Kings Majestie sould send in Will Kinmond the comone thieff, and so many Southland men, as sould spulzie the toun of Edinburghe'. The fear inspired by mention of a borderer was implicit, the image of the violent and lawless borderer generally understood.¹⁰

This perception abounded in contemporary poetry. Sir Richard Maitland's complaint *Aganis the theivis of Liddisdail* of the 1560s warned of the 'commoun theivis' of Liddesdale, guided by the 'mekle deill'. The thief in Sir David Lindsay's *Ane satyre of the thrie estaitis* in the 1550s rode with the notorious border surnames, Nicksons and Bells, Scotts of Ewesdale and Grahams. There 'was nocht ane in all Lidsdail,/ That ky mair craftelie culd stail'. The easily identifiable caricature of the border bandit prevailed which, like most caricatures, was unrepresentative of all borderers.¹¹ Perhaps the border ballads have done the borderers no favours, peopled as they are by the violent (but patriotic) reiver.¹² Though the veracity of events described in the ballads is questionable, some are old enough to reflect how a borderer might have liked to portray himself during this period. Anthony Goodman notes of the ballads about the Battle of Otterburn (1388) that 'the social context in which the Otterburn ballads place the battle ... [was] probably based on contemporary local perceptions' and originated soon after the events.¹³ But, unluckily for the Borders, the ballads have influenced much of

⁹ *The historie of Scotland by John Leslie, bishop of Ross*, ed. E. G. Cody and W. Murison, trans. J. Dalrymple (1596) (STS, 1888–95), 10–11, 99–101; J. Lesley, *History of Scotland* (Bannatyne Club, 1830).

¹⁰ R. Birrel, *Diary*, in J. G. Dalryell (ed.), *Fragments of Scottish history*, Edinburgh 1798, 1–64 at p. 41.

¹¹ *The Maitland folio manuscript*, ed. W. A. Craigie (STS, 1919), i. 301–3; *The works of Sir David Lindsay of the Mount, 1490–1555*, ed. D. Hamer (STS, 1931–6), ii. 359, 371.

¹² Collections of ballads include those by Sir Walter Scott and Francis Child: Sir Walter Scott, *Minstrelsy of the Scottish Border*, ed. T. F. Henderson, Edinburgh 1902; F. J. Child, *English and Scottish popular ballads*, Boston 1898.

¹³ A. Goodman, 'Introduction', and A. Grant, 'The Otterburn War from the Scottish point of view', in A. Goodman and A. Tuck (eds), *War and border societies in the Middle Ages*, London 1992, 1–29 at pp. 7–8; 30–64 at pp. 32, 34, 53; E. J. Cowan, 'Introduction', and 'Sex and violence in the Scottish ballads', in E. J. Cowan (ed.), *The ballad in Scottish history*, East Linton 2000, 1–18, 95–115.

the subsequent analysis of the region, whether it was the misleading romanticism of Sir Walter Scott or Tough's contempt for the barbaric borderer.¹⁴

There is much to illustrate the contemporary perception of the borderers in the principal records for the Borders, the *Calendar of Border papers*, from 1560 to 1603. This extensive collection of correspondence between mainly English wardens, agents in Scotland and Elizabeth I's government was inevitably concerned with reports of disturbances, especially those perpetrated by the Scots, and often included complaints about insufficient action by the Scottish wardens to control such activity. Since such a wealth of record has not survived from the Scottish side, the impression given by these English records is of a less civilised Scottish Borders, weakly governed and semi-anarchic. There is a greater amount of Scottish correspondence in the *State papers relating to Scotland*. However, again, this collection was created by the English government and cannot be taken accurately to represent the Scottish government's relations with its regions. Similarly English in origin are the papers for the years between 1603 to 1625, in the collections of Lord Salisbury and Lord Muncaster.¹⁵ As a result, report on the Borders is dominated by that of English provenance. This is not necessarily to deny that the crimes described took place, but to question the representative nature of such material.

The letters and ordinances of the Scottish privy council provide a crucial counterbalance. Given the necessity for Borders's events to be evaluated within the context of broader developments in Scottish government, the *Records of the privy council of Scotland* is often as useful as the *Calendar of Border papers*. Whilst council papers also reflect concern over the Borders, rather than an appreciation of any stability or effective local government there, they do provide an indication of Scottish government policy in the Borders and its changing priorities. There are periods when border business disappears from view. This could have been a reflection of lessened tension in the area, decreased English complaints, real reduction in levels of crime there or government preoccupation with other affairs. Determining what government policy was during this period is complex: its inspiration and motives were not always obvious. However, crucial for this study is what the RPC reveals about the involvement of apparently 'civilised' Middle March inhabitants in central government. James's move to London in 1603 necessitated an increased correspondence between him and his agents in Scotland and a wealth of letters between James, his court and his Scottish councillors survive. These illuminate the way in which James's government operated, in his absence, demonstrating a network of authority and patronage that stretched from Whitehall to the Scottish regions, connecting the borderers

¹⁴ Tough, *The last years*, 175.

¹⁵ CBP; HMC, *The manuscripts of Lord Muncaster*, ed. H. Maxwell Lyte, London 1885, and *The manuscripts of the marquess of Salisbury*, ed. M. Guiseppe and O. Dyfnallt, London 1930–70.

to, and including them in, the highest levels of government. This correspondence allows the voices of Scotsmen to be heard unfiltered by English interpretation or prioritisation.¹⁶

But perhaps more insidious than the stereotyping, has been the subconscious perforation of a notion of English cultural and governmental superiority into the evaluation of government and society in Scotland. Most analysis of the Borders has, until quite recently, been dominated by that from an anglo-centric perspective. This lauded the development of the English state and government, whilst disdainfully pointing to the apparent lack of a similar development in Scotland. Contemporary English reports were similar, one in 1580 sneering that in ‘making and abrogating laws, ... the Prince’s authority is so limited that he has not so much as a negative, but must ratify that which is agreed on by suffrage of the greater part of the nobility and commons in their Parliaments’. The ‘Prince has no universal authority’ in justice thanks to the private and partisan jurisdictions of the feuding magnates and ‘no absolute authority in league and war making’.¹⁷ Thus, to subsequent historians, the benefits to Scotland, and especially to the Borders, of a seemingly inevitable union were deemed obvious.

Scholarly works on the whole Borders began to appear from the latter half of the eighteenth century. The first attempt to provide a history of the whole Borders region was by George Ridpath in 1776; however, his mostly balanced assessment was typically distorted by his unquestioning view of the Union: ‘every unprejudiced mind must be sensible of the unspeakable advantages of this great event’. This limited much positive analysis of events before the Union.¹⁸ Subsequently, Sir Walter Scott’s enthusiasm for the Borders introduced a new appreciation of the borderer as a semi-independent patriot – but a patriot who simultaneously identified more closely with his English neighbour than his king and government in Edinburgh. This romanticism was equally as misleading as the English contempt. It spawned such accounts as Gordon MacDonald Fraser’s entertaining *The steel bonnets* that build a sense of the alienation of the borderer, existing on a periphery, distanced from government. They do not allow for the implications of the evidence of borderers’ involvement within that government.¹⁹ In contrast, Tough’s study of both sides of the border could not have been less romantic. His account came from a determinedly anglo-centric perspective, resonant in his comparison of English with Scottish border officials, which concluded that ‘it is clear that we are dealing with two different stages of civilization’.²⁰

¹⁶ NLS, Denmilne MS, Adv. MS 33.1.1, vols 1–11; 33.3.12; 33.1.3; 33.1.7.

¹⁷ CSP Scot. v, no. 638.

¹⁸ G. Ridpath, *The Border history of England and Scotland*, London 1776, repr. Edinburgh 1979, 445–84, quotation at p. 484.

¹⁹ G. MacDonald Fraser, *The steel bonnets: the story of the Anglo-Scottish border reivers*, London 1971.

²⁰ Tough, *The last years*, 175.