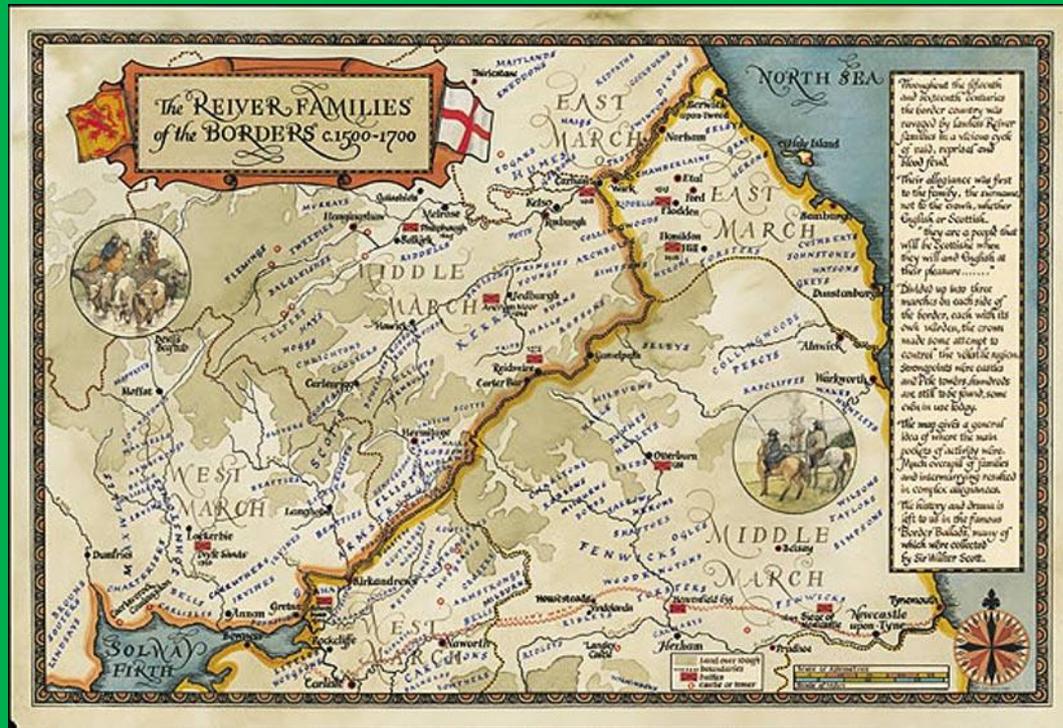


THE BORDER MARCHES OF SCOTLAND AND OF ENGLAND (FROM A SCOTLAND PERSPECTIVE)



Thanks to the relevant Internet sites

The Border Marches of Scotland and of England

Where were the Border Marches? When did they occur? What were the laws and rules? Who was in favour with the Monarchs and advisors; and administrators of the area? Who were the Wardens and Deputy or Vice Wardens? What families were involved? Who were the friends? Who were the enemies?

These are some of the questions to think about and try and address.

In this exercise I'll search for what is readily available and point to where further material is available.

Regarding the Marches in general, I have largely stepped clear of the details of the arguments of individuals, Monarchs, Commissioners, Wardens, Knights, Esquires and Gentlemen etc and the punishments inflicted; as these are not my areas of interest.

Moreover, I have looked not into the fighting machinery between the Scots and English eg Fighting men - Soldiers, including footmen, supplies, Garrisons, horses, armour, spears, petronels, bows, lancestaves, muskets, ordnances including munitions, bills, spoils and Musters etc

Douglas and Johnstone families

My area of special interest is the middle marches - Roxburghshire (Teviotdale) and surrounds - and the Douglas/Dowglas and Johnstone/Johnson families and especially the Douglases of Bonjedward and Timpendean, Roxburghshire.
Scotland

Words of Caution

Quotes below from 'Approaches to Conflict on the Anglo-Scottish Borders in the late Fourteenth Century By Alastair Macdonald From: Ships, Guns and Bibles in the North Sea and Baltic States, c.1350-c.1700 (2000)'

"In the summer of 1380, a flagrant breach of the Anglo-Scottish truce then in force took place. The great Scottish magnate William, Earl of Douglas, invaded the West March of England.¹ The expedition was of size enough to penetrate as far as Penrith, some 30 miles into England, and that town was ravaged during its annual fair. Rich prizes in booty and prisoners were taken and Douglas's force

returned to Scotland unmolested. Damage caused in north-western England was extensive: the royal demesne around Carlisle was wasted; rents in Inglewood Forest nearby were reduced by three-quarters; and the barony of Liddel, on the Border, was found to be worth nothing, as were lands at Alstonby in northern Cumberland 'totally destroyed by the Scots'. The Douglas invasion of 1380 amounted to an impressive military achievement... It seems self-evident that the fourteenth-century Anglo-Scottish Marches need not be identical to the society found there two centuries later. Neither the evidence suggesting a border zone of innate criminality and lawlessness, nor the likely circumstances that would give rise to such characteristics, are easily to be found in the late fourteenth century... Yet a lack of evidence pointing to the model of the turbulent Marches in this period has not prevented its depiction in precisely those terms. It is a relatively common approach; with regard to the Borders, to apply much later evidence backward to the medieval period. Depiction of an essentially monolithic, unchanging Border region (of cattle-raiding clans, feuding magnates) has been posited for the whole medieval period, even when the evidence upon which this rests comes largely from a later period - the sixteenth century and beyond... Viewing the Borders as a particularly unruly zone from time immemorial - when in fact from, say, the Scottish governmental perspective, there were many regions far more troublesome in the twelfth and thirteenth centuries - is testament to the power of the romantic vision sponsored by Scott and Hogg... to understand the early fifteenth century in the Borders, just like the fourteenth century, we must cast our gaze beyond the Marches. In the early fifteenth century the governments of both England and Scotland, in different ways and for different reasons, disengaged themselves from the Marches of their kingdom. Both domestic political reasons in the two realms and the perception that little could be gained by governmental involvement in the Borders lay behind this shift. This shift of government away from the Borders has great significance for the way society in the region was to develop. To understand this society, and the prevalence of conflict within it, we must not be shackled by pre-conceived impressions of an ungovernable and violent province. We must look at conflict in the Borders in the context of Anglo-Scottish relations in a wider sense and in the knowledge that the sphere of government in both realms was inhabited by intelligent life and expressed policies and agendas which impacted on the localities. We must also look further

afield towards the wider European world of which England and Scotland were both a part."

Abridgement of records in the Tower of London

- An exact abridgement of the records in the Tower of London: from the reign of King Edward the Second, unto King Richard the Third...By Great Britain. Parliament. Collected by Sir Robert Cotton, Knight and Baronet - London 1657. [Edward II (25 April 1284 - 21 September 1327) and Richard III (2 October 1452 - 22 August 1485)]

The Marches appeared to be only a small part but important part of the business of the King and Parliament of those times and these are some examples where the Marches are discussed and/or laws made -

"...no victuals, or corn be carried from the North Marches into Scotland, nor that any protection, or pafs-port be granted to any Scot to pafs through the Realm..."

The Counties of Northumberland, Cumberland, and Westmerland, require confideration of a Warden and Garrifons to lie on their Marches...

That the King will provide for the defence of the Marches of Scotland, and namely for Barwick, and Carlyle, and that some truce or peace may be taken...

It is enacted that all such that have any Castles, or Fortfeffes nigh the Marches of Scotland, that sufficiently furnith the same with Men, and Victuals, and to keep the same, and that the Warden of those parts may be there in his own perfon..."

Some sources of Calendars of Border Papers and Calendars of State Papers - Scotland -

British History Online

- Calendar of Border Papers

Calendar of Border Papers: volume 1 - 1560-95

Calendar of Border Papers: volume 2 - 1595-1603

- Calendar of State Papers, Scotland

Calendar of State Papers, Scotland: volume 1 - 1547-63
Calendar of State Papers, Scotland: volume 2 - 1563-69
Calendar of State Papers, Scotland: volume 3 - 1569-71
Calendar of State Papers, Scotland: volume 4 - 1571-74
Calendar of State Papers, Scotland: volume 5 - 1574-81
Calendar of State Papers, Scotland: volume 6 - 1581-83
Calendar of State Papers, Scotland: volume 7 - 1584-85
Calendar of State Papers, Scotland: volume 8 - 1585-86
Calendar of State Papers, Scotland: volume 9 - 1586-88

<http://www.british-history.ac.uk/statepapers.aspx>

Some papers at the Public Record Office -

- Calendar of Documents Relating to Scotland 1108-1509
- The Exchequer Rolls of Scotland, 1264-1600
- Register of the Privy Council of Scotland, 1545-1691

Dartmouth College Library

- Great Britain. Public Record Office.
Calendar of the state papers, relating to Scotland,[1509-1603] preserved in the State Paper Department of Her Majesty's Public Record Office.
[Edited] by Markham John Thorpe
London, Longman, Brown, Green, Longmans, 1858 2 v
Contents v. 1. The Scottish series, of the reigns of Henry VIII. Edward VI. Mary. Elizabeth. 1509-1589.--v. 2. The Scottish series of the reign of Queen Elizabeth, 1589-1603; an appendix to the Scottish series, 1543-1592; and the state papers relating to Mary Queen of Scots during her detention in England, 1568-1587
- Great Britain. General Register Office (Scotland)
Calendar of the state papers relating to Scotland and Mary, Queen of Scots, 1547-1603 : preserved in the Public Record Office, the British Museum, and elsewhere in England Edinburgh : H. M. General Register House, 1898-

State Papers Online

- for Students and Researchers at Institutions -

- 187 volumes on Scotland and the Borders

<http://gale.cengage.co.uk/state-papers-online-15091714.aspx>

The early 1500's

- Calendar of State Papers - Scotland

1509 to 1598 - Vol 1 - by Markham John Thorpe Esq - London - Longman

1858 - Scotland - in the times of Henry V¹¹¹, Edward V¹, Mary and Elizabeth

These particular State Papers provide summaries or edited versions of the - letters, laws and acts and the day to day business and running of the Parliament as between Kings, Queens and other dignitaries and notable persons. This includes the crucial relationship between England and Scotland and the borders and Marches although these were not the only topics addressed and written about, for there was a wider Europe to consider.

It appears that peace was often by short term treaties and was very fragile and it was often broken by treachery, changing allegiances and the self interest of the powerful and the power seekers.

Much bloodshed, physical fighting, the hanging and killing by other barbaric means, the plundering of villages including the thieving of horses, sheep and cattle, and the burning of assets such as castles, villages and corn was carried out in the name of England or Scotland.

It seems that Scotland was the country that suffered the most damage and the often violent acts of retaliation by the Scots were in no mean measure due to the intrusion of England into Scottish affairs and the blatant and violent raids into Scotland and removal and 'ownership' of the key assets such as Scottish lands, castles, titles, political and economic power, money, jewels and all manner of 'wealth'. I could be wrong here but it is worth consideration.

The few Calendars of Border and State papers that I have looked at are an excellent starting off point for research - some provide the details of letters

and of other challenging matters of the times, while others provide mere summaries.

An example of a Calendar of State papers for Scotland which goes into some detail is *Great Britain, General Register of Scotland - Mary Stuart 1542 - 1567 and James VI 1567 -1625 - William K Boyd - Edinburgh 1898.*

The National Archives (Britain)

- Secretary of State: State Papers Scotland: Border Papers - 1558-1603

<http://discovery.nationalarchives.gov.uk/SearchUI/Details.mvc/Collection/?iAID=13601>

and

<http://discovery.nationalarchives.gov.uk/SearchUI/Hierarchy.mvc?iAID=13601>

"Letters and papers of the reign of Elizabeth I, assembled by the Secretaries of State in their dealings with the guardians of the English border with Scotland, the Governor of Berwick and the wardens of the East, Middle and West Marshes, who were required to fortify and muster and provide intelligence on Scottish affairs, as well as to cope with the endemic border depredations of Scottish raiders in the 'debatable land'"

Cont'd

- State Papers Scotland - 1509-1808

<http://discovery.nationalarchives.gov.uk/SearchUI/Details.mvc/Collection/?iAID=966>

Cont'd

- Treatise on Fortification - [1576]

proposal for a Roman type wall between England and Scotland

By Sir Francis Bacon, Lord High Chancellor of England (c1596)

Sir Francis Bacon on the Jurisdiction of the Marches "...this word marches signifieth no more but limits, or confines, or borders...we need not wander out of our own state...they were never called the marches of Scotland but the marches of England; ...the statute...doth not speak of the marches of England but the marches of Wales...English counties adjacent upon Scotland, are called the marches of England, and the England counties adjacent upon Wales are called the marches of Wales...sometimes limits and borders have their names of the inward country, and sometimes of the outward country..." (Vol 4 of the Works of Francis Bacon - London 1824) [Mostly in Latin]

The Marches

'The Marches' took place from the late 13th Century to the beginning of the 17th Century. (Wikipedia)

'The Marches' was the name given to the regions either side of the border of Scotland and England - East, Middle and West. Wardens were assigned to each 'March' and they were to 'administer justice and uphold the law'. Owing to the nature of the fraught relationships between Scotland and England there were frequent border clashes at times; and the position of the changing nature of the church ie between Roman Catholic and Protestant from the middle of the 16th Century exacerbated these clashes. Landowners known to the Monarch were favoured to gain the positions of Warden and inevitably this led to some discontent and exploitation. In reality then Wardens presided over the arbitration of borders and the 'preambulation of the marches', and the practice of legally recording boundaries took place all over Scotland and not just at the borders with England. [There were also 'Welsh Marches' between England and Wales]

It has been said that the marches on either side of the border between Scotland were 'mirror images' and that there was overlap - an area of mixed allegiances where clans and families and individuals switched sides to suit their interests and which country they supported at the time; and so there was a very long period of lawlessness, treachery and mistrust. The relative strengths of the Monarchs of Scotland and England together with the loyalties they could invoke, before the two kingdoms were united, was a key factor in creating the shifting nature of the border lands between Scotland and England

Marches - The details of the Marches below, can be found at

The Records of the Parliaments of Scotland - 1235 to 1707

These invaluable Parliamentary records throw light onto the all pervasive and shifting allegiances within Scotland to either Scotland or England or to both England and Scotland, at different time periods. These allegiances could change swiftly depending on the persons and issues at stake.

The records also illustrate the vendettas against certain individuals or families, the unequal 'justice' of those times, the inhumane treatment of 'guilty' persons, the rough treatment of animals, and the generally brutal nature of warfare.

Above all, the power, the possessions and the favours given to and by Monarchs of the day was largely responsible for the course and outcomes of Scottish and English history, over this lengthy period.

Below are snippet quotes, and sometimes full quotes, from many of the parliamentary records that relate to the 'Marches of Scotland'.

<http://www.rps.ac.uk/>

Marches of Scotland

Robert I: Translation

17 March 1328 Non-parliamentary record: indenture of treaty with Edward III for the payment, with parliamentary consent, of £100,000 to England "...we wish and grant by the present [letters] for ourselves, our heirs and successors whomsoever, by the common counsel, assent and consent of the prelates and nobles, earls and barons, and the community of our kingdom in our parliament, that the kingdom of Scotland, by its rightful marches as they were held and protected in the times Alexander [III] the last deceased king of Scotland of good recollection, should remain in perpetuity entire, free and in peace in the possession of the magnificent prince the lord Robert by the grace of God illustrious king of Scots, our most beloved ally and friend, and his heirs and successors, separate in all ways from the kingdom of England..."

David II: Translation

9 February 1334 Letters: under the great seal relating the terms by which Edward Balliol becomes king of Scotland "...by the same assent we wish and grant for us and our heirs, to assign, give and cause to deliver to the said king of England £2,000 of land per year as may by a reasonable extent be done by good men to those to be appointed on the one part and on the other, in suitable places on the marches of our realm of Scotland adjacent to the to the realm of England...And where the lands fall short of the said £2,000, we shall assign and deliver [the balance] to the said king of England, in other places convenient and agreeable to the said king of England on the marches of Scotland adjacent to the realm of England; having and holding the said castle, town and country, and the other lands that again are to be given to us by the said king of England...we oblige ourselves, our heirs and successors to the king of England, our lord, and to his heirs, to make him and his heirs both of the realm of England, and the lands of Wales and Ireland..."

6 November 1357 Legislation "...Item, it should be proclaimed through each sheriffdom that nobody shall sell or alienate sheep or lambs in any way outside the kingdom during the said term, and that certain persons shall be deputed in the marches to arrest to the king's charge those acting contrary to this, and redeeming them to the last penny, and to seize such cattle thus sold as the king's escheat..."

13 January 1365 Legislation "...Concerning anyone disinherited from England... King of England [Edward III], namely those living in the Marches, shall enjoy their lands. Also anent the lands in the kingdom of Scotland which the heirs of the late Lord of Wake's claim, it seems that there should be negotiation with the aforementioned lords regarding these lands..."

12 June 1368 Legislation "... they deliver concerning the keeperships of the marches that our lord king should immediately have counsel with the Earls of March [Patrick de Dunbar] and Douglas [Sir William Douglas], formerly appointed keepers of the march in the east, although they may not be now well disposed to the work, and he should appoint keepers swiftly and prudently according to their advice and counsel, but in the western regions Sir Archibald de Douglas should remain as before..."

Robert II: Translation

2 March 1372 Legislation: first record "...Item, it was ordained that horses should not be sold to Englishmen nor outwith the realm in any way, namely into England. And that the keeping [of this act] should be committed and now is committed to the wardens of the marches who will raise from the vendor the value of the horse sold, or confiscate that sold horse for the king's needs, if it may be apprehended; of which horse's value a third part will remain in the possession of the guardian himself for his effort, and the chamberlain will be held to answer concerning the rest in his account. Other cattle, however, namely cows and sheep and other animals of this kind, it will be permitted to sell although it was ordained otherwise in the said parliament of the lord King David [II] for that time, concerning carrying the pound in money out of the kingdom, paying to the king for custom forty pence to be received by the customars (customers), as is contained in the aforesaid statute or ordinance of King David, both in penalties and otherwise."

April 1385 Legislation "...assigning them the leadership and governance of these forces for the defence of the kingdom, shall now be urged to action by the king's letters, charging them under the penalty which applies to cause preparation to be made of themselves and of all sufficient men living within their bounds, both armed men and archers, and they should be arranged, prepared and ready with horses, arms and armour, and their vittles according to the custom of the kingdom, for making haste and travelling to the marches for the defence of the kingdom as soon and as often as they shall be forewarned. And that the community may not be destroyed or laid waste by the inhabitants of the kingdom while they ought to be making and bringing about a defence against the invasion or attack of enemies and foreigners; thus they should guide and regulate themselves while travelling though the country, as far as buying and obtaining necessities and in other matters, as it was ordained by the council at Glasgow in the past year, and under the penalties [appropriate] , and as is contained in the king's letters patent sent to those higher lords concerning and upon the same ordinance"

17 June 1385 Legislation: ordinance made in council concerning the French army "...A certain ordinance made in the king's council concerning various articles and points to be considered and kept in the war to be made simultaneously by the French and Scots...sent for this purpose by the king of France to the realm of Scotland, assembled at Edinburgh for having discussion together regarding making war, by consent, against the king of England as a common enemy and adversary of the kings of France and Scotland, after negotiating and conferring together at their leisure, they came to an agreement with respect to moving towards effecting the following arrangement: that is to say, that when they come to the marches of England on the day assigned for assembling hereto, the 23th day of the said month, and have seen the castles that are in the area of the marches, if [the castles], according to their judgement, are considered to be assailable and winable, they could consent [to do so] if they agree by common accord, but because they want to have the battle, in the case that it appears to them that it will be a long and grievous attack, in so much that there appears to be peril to the men at least of injury to those who come to the battle, it should be agreed for the best by common accord to pass away and make war in such a manner as to avoid the abovesaid peril, allowing those who are uncertain of an attack to befall the peril of the above-written, and especially then that those who attend the battle are not able to set out volunteers to assault in all ways and return having made good, on the advice of those on the frontiers and of those who are certain concerning the state, and from the assembly of them together to do and cause what is most expedient. This done and agreed in the said manner, certain ordinances were made and agreed to be set down in writing and to be sealed and proclaimed in common and permanently that, in passing towards the marches by the country of Scotland, no man face robbery, nor larceny, nor seizures [paigne] , looting horses, harness, victuals nor other goods without the grace and will of those who will be under the burden [poine] of being the commanders. Item, that all persons who want to come to the host, of which part will have with them merchandise and victuals to sell, come surely, and they will be able to come and go surely and safely, and no man seize [paigne] anything without payment or satisfaction under the same pain [poine]. Item, that whosoever kills a man of the host, he shall be killed for that,

and if [he is] a trusted manservant of a lord, his hand or ear will be cut off, and if a lord entrusts another, he be taken immediately and justice administered according to the advice of the captains. Item, if any riot or dispute emerges between any of the men of France and Scotland, that no one shall arm himself nor provoke one against another for this without being arrested, which dispute having been silenced, on the one part and the other part, by the captains who shall do justice (and who shall not have upheld this ordinance), if he be a man of arms, he will lose a horse and harness, and if he be a manservant, a hand or an ear. Item, it is ordained that this same pain [poine] and punishment be kept and upheld and done to those who oust their companions and those who do not keep the ordinance in the cavalry or in the army, which shall be for the captains to make and establish. Item, that all men, French and Scots, have a sign in the front and at the back, namely, a white cross of St. Andrew and [if] his jacket or jerkin is white, he shall wear the said white cross on a piece of black cloth, round or square. And if a Scot encounters maltreatment or grievance in the French army, the captain in whose company this has been done will be able to take those who have mistreated and return them to a Scottish lord, wherever he be, who will do the law and justice for him. And similarly, if a Frenchman faces harm or maltreatment in the company of Scots, the captain will take those from that place and deliver them to a French lord, wherever he be, to whom he will make amends and justice. Item, that whosoever, French or Scot, will transport Englishmen by land in a 'horse box' [chace de cheval], that he who will take him by land will have half of his ransom, and also every time that he does such a hoped for and desirable thing. Item, that no man of arms, under pain of losing horse and harness, nor any manservant, under pain of losing a hand or an ear, put or set fire to a church or kill a woman or child, or seize [paigne] a woman by force. Item, that the prisoner shall be with the person who first arrested him [aura recu la foi de la main], and if another siezes him by force, his captain will return him and (turn the folio and read the rest of the letter in the other part of the folio at the sign) [sic] will amend the wrong; and if he kills him [the prisoner] , he will be set a reasonable fine and will be punished according to the ordinance of the captain. Item, that all safe-conducts that shall be given on the part of the said [John de Vienne] lord admiral

[of France] be held and kept well and firm, just as the holder of those made by the lords and captains of Scotland to any persons, and also the safe-conducts that shall be given on the part of the lords and captains of Scotland to whatsoever persons be well kept and protected by the said lord admiral and by his men."

1 December 1388 Legislation: roll of parliament "... above all wishing to guard against the dangers which threaten at present by an invasion of their enemies in the marches, have amicably chosen Sir [Robert Stewart], earl of Fife, second-born son of the king...for putting into effect justice and keeping the law internally, and for the defence of the kingdom with the king's force...against those attempting to rise up as enemies"

Robert III: Translation

28 April 1398 Legislation: second record "... it was ordained that Sir Patrick de Graham shall be general chamberlain, keeper and receiver of all the aforesaid imposts and customs...the same Sir Patrick shall ordain certain custumars (customers) in the marches of the kingdom against England for receiving the custom of horses and English cloth...nothing is assigned here for Sir Patrick for his service, etc"

James I: Translation

17 March 1416 Letters: transcription of Edward III's renunciation of claim to Scotland, 1 March 1328 "... that the kingdom of Scotland remain in perpetuity, by its rightful marches as they were held and protected in the times of Alexander [III], king of Scotland of good memory...divided in all ways from the kingdom of England...Item Edward [III], by the grace of God king of England...to his beloved and faithful Henry de Percy and William de la Zouche of Ashby, greeting...by a charter or our letters patent we had granted to the magnificent prince Robert [I], king of Scots, that he should have the kingdom of Scotland by its rightful marches as they were held and protected in the times of Alexander [III], king of Scotland...Given at York on 1 March in the second year of our reign [1328] by the king himself and the council in parliament."

6 March 1430 Legislation: statutes ordained for the marches (Lambeth MS) "...Legislation: statutes ordained for the marches (Lambeth MS). These are the statutes ordained for the marches..."

22 October 1436 Legislation "... this statute shall not have effect on borderers dwelling on the marches, except for theft done after the making of this statute..."

James II: Translation

19 January 1450 Legislation: collection 2 - new legislation "... that there be made straight searches at all ports of the realm to restrain the exporting of the money and likewise upon the borders of the marches. And that each false striker of gold, silver and false groats and pennies be searched and written for and brought to the king and punished as the law requires..."

6 July 1451 Charters: to William Douglas, earl of Douglas, following his resignation (abstracts) "James, etc., grants William [Douglas] earl of Douglas, etc., the guardianship and office of guardian of the west and middle marches of the realm bordering England, following the earl's resignation and quitclaim in parliament..."

8 July 1451 Charters: to William Douglas, earl of Douglas, following his resignation (abstracts) (cont.) "James, etc.,... granted William [Douglas] earl of Douglas, etc., the guardianship and office of guardian of the west and middle marches bordering England, following the earl's resignation in parliament..."

13 October 1455 Legislation "... 300 spears and 200 bows upon the east and middle marches, and upon the west marches to be laid 100 spears and 110 bows..."

James III: Translation

12 January 1464 Judicial proceeding: act of the lords auditors of causes and complaints "...lands...and marks were set between the marches and divisions of the same by the assise of the said [?perambulation] ..."

15 July 1476 Judicial proceeding: restoration of John of Islay, lord of the Isles, 15 July 1476 "... according to all their right, ancient and devised marches, as they lie in length and breadth...just as the said John, lord of the Isles...freely held or possessed...the said lands and isles..."

February 1478 Letters: granted to Margaret, queen of Scots "... according to all their right, ancient and devised marches, as they lie in length and breadth, in woods, plains, muirs, marshes, roads, paths, waters, pools, streams, meadows, grazings and pastures, mills, multures and their sequels, hawking, hunting, fishing, peat-muirs, turbaries, coal-mines, quarries, stone and lime, smithies, malting, heath and broomlands, forests and woodlands, gardens, orchards, mountains, watercourses, lakes, castles, towers, palaces, fortalices, mansions and manors, with courts and their issues, heriots, blood-wits, escheats and merchets of women, pastures, commons and free entry and exit, and the other universal liberties and privileges, with pit and gallows, sok, sak, toll, theame, infangtheif, outfangtheif, with the said justice and chamberlain ayers, and courts of sheriffs and royal bailies and their escheats, amercements, profits, exactions, rights and issues, tenants, tenandries, wards, reliefs, marriages..."

10 June 1478 Judicial proceedings: acts of the lords auditors of causes and complaints "...the said George (Blair) being infeft through the said Walter Ogilvy of Owres in and to the whole piece of land with its pertinent lying in the western part of Kethings, called Pettindwny, ...with the same bounds, marches and metts as contained in the letter of tack made to the said late James (Blair)..."

12 June 1478 Charter: revocation of the annexation of Drumcoll and charter to John, lord Carlyle "... annexed to the barony of Carlyle... according to all their right, ancient and devised marches, as they lie in length and breadth, in woods..."

13 March 1479 Judicial proceedings: acts of the lords auditors of causes and complaints "... if any of the said parties are further aggrieved in exceeding the marches and divisions of land as aforementioned, they are to have new brieves of perambulation from the king's chapel..."

7 October 1479 Letters: confirmation of charters to William Scheves and diocese of St Andrews "... according to all their right, ancient and devised marches, as they lie in length and breadth, in woods..."

11 April 1481 Procedure: offices of wardenry in the Borders
"In the presence of our sovereign lord Archibald [Douglas] earl of Angus took on the office of wardenry of the East Marches and was sworn

thereto in the presence of the three estates, and Alan [Cathcart], lord Cathcart took on the office of wardenry of the West Marches..."

March 1482 Legislation: from the Drummond and Malcolm Manuscripts

"Item, our sovereign lord has ordained [John Stewart], lord Darnley to be warden on the West Borders and commands and charges that all his lieges answer and obey him and his lieutenants in the said office in the future... Item, further, to the defence and supplying of our sovereign lord's lieges who remain on the borders and punishment of the disloyal persons who favour and supply the false and treasonous opinion of the traitor James of Douglas, our sovereign lord's highness has committed full and whole power to all his wardens to exercise their offices on all such persons within their boundaries without any exception, and he has revoked all exceptions previously granted to any persons except those persons who remain within the town and castle of Berwick. And if any exception is sought, it shall not be granted without a special and reasonable cause understood and declared by the lords of council before it is given..."

28 March 1482 Legislation "... that the said men of war shall be put in the following places...in Berwick 500...of which 200 shall always be ready for use at the command of the warden of the East marches and his lieutenants, and they are obey them and ride as often as they shall be charged to do so...60 in the Middle Marches in Cessford, 60 in Jedburgh, 20 in Ormiston, 20 in Edgerston, 20 in Cocklaw...100 men in Hermitage who shall be ready to support both the Middle and West Borders...for the Middle Marches, in Cessford, Ormiston and Edgerston, the laird of Edmonstone to be captain..."

11 December 1482 Legislation "... it is ordained that the wardens on all the marches cause warden's courts to be set and held as often as they can by law and punish trespassers, both traitors and thieves, with all rigour [and] without favour according to justice..."

James IV: Translation

4 July 1489 Legislation "... regarding the warden of the West and Middle marches and Borders opposite England, it is advised and concluded that the king's highness cause [Patrick Hepburn] , earl of Bothwell to take on that office and that he chooses good and adequate deputies...And as

regards the east border, that Alexander Home be warden of it and have similar deputies that he will answer for."

10 December 1494 Judicial proceedings: acts of the lords auditors of causes and complaints "...In the presence of the lords auditors John Halkerston, advocate for [Robert Bellenden], prior and the convent of Holyrood, [compeared] and protested that whatever Sir John of Touris of Inverleith, knight, did regarding the destruction of the marches and meiths between the lands of Warriston and the Muir of Leith, claimed to pertain to the said abbey and the lands of Inverleith, and tilling...should not prejudice the said abbey and place, and that they caused an interruption to the said Sir John in the said tilling".

8 May 1509 Charter: confirmation of a grant to John Murray of Cockpool "... James, by the grace of God king of Scots...Know that we have given, granted, and by this our present charter have confirmed, to our dear John Murray of Cockpool, knight, all and sundry the lands underwritten...freely infeft of held, to the said John Murray and his heirs, contained in his ancient infeftment, and according to the tenor of the same, of us and our successors, the kings of Scots, in fee [and] heritage, and free barony, perpetually, according to all their right, ancient and devised marches, as they lie in length and breadth, in woods, plains, muirs, marshes..."

8 May 1509 Charter: confirmation of a charter to William Ogilvy of Strathdearn and Alison Rule "...all their right, ancient and devised marches, as they lie in length and breadth, in woods, plains, muirs, marshes..."

James V: Translation

6 January 1526 (or 1525?) Letters: appointment of ambassadors to negotiate a peace with England (abstract) "The king (King James), assured of the careful thoughtfulness of his beloved counsellors Gavin [Dunbar, younger], bishop of Glasgow, Robert [Shaw], bishop of Moray, Archibald [Douglas], earl of Angus, lord Douglas, guardian and lieutenant of the East and Middle Marches, George [Crichton], abbot of Holyrood, keeper of the privy seal, Sir William Scott of Balwearie, and Master Adam Otterburn of Auldham [and Reidhall], advocate, his deputies and special ambassadors...appoints them commissioners, deputies and

ambassadors...with power and mandate to negotiate with Henry [VIII] at a time and place they see fit..."

3 August 1525 Procedure: commission to treat for peace with England

"... Archibald [Douglas], earl of Angus, lord Douglas, warden and lieutenant of the East and Middle marches, George [Crichton], abbot of Holyroodhouse..."

3 August 1525 Judicial proceeding: reduction of forfeiture "Regarding the summons raised at the instance of John Somerville, sometime of Cambusnethan, against Master Adam Otterburn of Auldham [and Reidhall] advocate to our sovereign lord, and against James [Hamilton], earl of Arran, Hugh [Somerville], lord Somerville and James Hamilton of Finnart, knight, alleged donataries to our said sovereign lord and John [Stewart], duke of Albany...and each one for their interest, to hear and see the doom of forfeiture given against the said John (Somerville) in the parliament held at Edinburgh on Monday, 7 April 1522, by the said John, duke of Albany etc., governor of this realm for a time... and declaring that the said John Somerville to have committed and incurred the crimes of lese-majesty...contained in the said doom of forfeiture...the said John (Somerville), and his accomplices, treasonably arrayed battle upon the public street with invasive weapons; and for the treasonable art and part of the expulsion of the said regents and the remainder of the lords out of the said town...they were by the said John and his accomplices by way of arms, compelled to leave the said town...and at his returning in the treasonable array of battle against the said James, earl of Arran and the invasion of him as the invasion of our sovereign lord's person, he being one of the regents of the realm and lieutenant of the East marches between England and Lothian, supported by diverse of the king's lieges under his banner with the said James, earl of Arran; declaring, therefore, the said John (Somerville) to have forfeited his life and all and sundry his heritage, annualrents, possessions, superiorities, with their pertinent and offices, with all and sundry his goods, moveable and immovable, to our sovereign lord's use and his successors...at the will of the said John, duke of Albany, protector and governor of the realm for the time, to be disposed of as is contained in the said doom of forfeiture ...with all that followed thereupon...to be made void, annulled, revoked, discerned and declared to be of no strength, force or effect...and also to hear and see the said John Somerville declared by our said sovereign lord...to be restored to the faith and peace of his highness rescinding and reducing the doom of forfeiture given against the John Somerville at

Edinburgh...thereupon, and reinstate, reintegrate and restore the said John to his honour, heritages, lands, rents, possessions, actions and goods, moveable and immoveable...as he was before giving of the said doom..."

20 June 1526 Judicial proceedings: reduction of summons of treason
Summons of treason raised against George [Home] lord Home "...
Archibald [Douglas], earl of Angus, lieutenant and warden of our sovereign lord's East and Middle marches opposite England at days of truce held by the same warden...for mutual observation of peace and truce lately contracted between the said sovereign lord and his dearest uncle [Henry V111), king of England..."

20 June 1526 Judicial proceedings: reduction of summons of treason
Summons of treason raised against Andrew Kerr of Ferniehurst "...
Archibald [Douglas], earl of Angus, lieutenant and warden of our sovereign lord's East and Middle marches opposite England at the days of truce held by the same warden...for mutual observation of peace and truce lately contracted between the said sovereign lord and his dearest uncle [Henry V111), king of England..."

14 March 1541 Legislation: private acts "Our sovereign lord...ratifies and approves...the charter and discharge underwritten made by his highness to John Wishart of that Ilk...and also in and to the lands, marches and meiths underwritten..."

Mary I: Translation

13 March 1543 The instructions to the ambassadors to be sent to the King of England for contracting of peace and marriage etc., be extended at large; The instructions of the peace and articles of new to be added thereto "...Item, that the debatable ground between Teviotdale and England be marked so that every realm know their own and the other's part of the marches where any question of plea is."

12 December 1544 Judicial proceeding: reduction of treason processes
"Regarding the summons raised at the instance of our sovereign lady, James [Hamilton], earl of Arran, lord Hamilton...against George Douglas, brother-german to Archibald [Douglas], earl of Douglas, that is to say the said George for his treasonable coming against the realm and the lieges thereof in armour with the army of England, our old enemy, in August

1542, cruelly invading the same with the said Englishmen in Teviotdale and Haddon Rigg, and also coming furnished for war against our late sovereign lord the last deceased, this realm and the lieges thereof within the bounds of the marches and Teviotdale, invading the same in company with [Thomas Howard], duke of Norfolk, wasting the same by sword and fire; and also for the treasonable solicitation and gathering of the barons and lieges also within the parts and marches and Teviotdale to the sedition against the realm and lieges thereof; and to the assistance of the said Englishmen, our old enemies, infecting the lieges of this realm by the great gifts and sums of money taken by him from [Henry V111], king of England, also for the treasonable sending of diverse messengers and letters within parts of England to the king, his council and lieutenants continually for the space of two years last in the time of war; and for the treasonable hindrance of the said George within parts of England...and also the said George for his treasonable discourse with [Edward Seymour], earl of Hertford, lieutenant to the King of England...The queen's grace, with the advice and consent of her dearest tutor and governor, absolves the said George Douglas, brother-german to the said Archibald, earl of Angus, from all crimes and points of treason and articles contained in the summons...and decrees and declares him innocent of all the things mentioned previously for now and forever, and letters to be directed hereupon to make publication hereof at all places needful in the appropriate form."

11 June 1546 Procedure: delivery of the house of Lochmaben to Lord Maxwell "...in presence of the queen's grace [James Hamilton, earl of Arran]... compeared Robert [Maxwell], lord Maxwell, and showed and declared how that our sovereign lady's house of Lochmaben was taken from him, of which he had in keeping before, and now has taken upon himself the office of wardenry of the West marches of this realm, which he may not well execute unless he has possession of the said house again..."

19 April 1567 [John Maxwell], lord Herries [of Terregles's] ratification of Terregles "... our sovereign lady...declared in parliament...the good, true and thankful service done to her majesty by her trusted cousin and counsellor Sir John Maxwell, then of Terregles, knight now lord Herries, warden of the West marches in this realm opposite England, in using and exercising the offices of wardenry and justiciary within the said bounds for the space of 22 years past or thereabouts...has thought it convenient to gratify him with the alteration of the holding of a part of his heritage,

which of before was held in ward and relief, to be held in time coming by him and his heirs of our said sovereign and her successors in free blench ferm, so that his said heirs in their minority might have some reasonable living to be sustained upon...and therefore our said sovereign infest her said cousin and Agnes Herries, his spouse..."

James VI: Translation

1567, 15 December, Edinburgh, Parliament - Additional Source 1 - Undated: December 1567 - Legislation - Concerning theft and receipt of theft, taken off the prisoners by thieves or bonds for ransoms, and punishment of the same "Item, concerning the article proposed by the barons, freeholders and inhabitants of the sheriffdom of Selkirk, Roxburgh, Lanark, Peebles, Dumfries, Edinburgh and other inhabitants of the remaining shires of this realm, bearing that it is not unknown of the continual theft, robbery and oppression committed and done within the bounds of the said sheriffdoms by thieves, traitors and other ungodly persons, having neither fear of God nor man, and especially in these troubles by reseters, fortifiers and maintainers of the said evil-given persons amongst the inhabitants and indwellers of the said sheriffdoms respectively, within diverse parts of the same, which is the chief cause and fortification of the said theft; and likewise that the thieves and broken men, inhabitants of the said sheriffdoms and other bounds of the marches of this realm facing the parts of England, not only commit daily thefts, robberies, plundering, murders and fire-raising upon the peaceable subjects of the country, but also take sundry of them, detain them in captivity as prisoners, ransom them, or let them to burghs for their entry again; and in like manner, diverse subjects of the inland take and sit under their assurance, paying them blackmail and permitting them to rob, harry and oppress their neighbours with their knowledge and in their fight without resistance or contradiction. For eschewing and stopping of the which inconveniences aforesaid, it is statute and ordained by our sovereign lord, [James Stewart, earl of Moray], his dearest regent, and three estates of this present parliament, that whatsoever person or persons reset, fortify, maintain or give meat, harbour or assistance to any thieves in their thievish stealing and deeds, either in their coming thereto or passing therefrom at any time coming, or communicate or keep tryst with them to that effect in any manner of way without licence of the keeper of the country where the thief remains had thereto, to the effect it may be known for what purpose they communicated with the said thieves within 48 hours after, or before the committing of the said crime, that the reseter, fortifier, maintainer,

assister, meat-giver and communicator with such persons shall be called for that at particular diets criminally as art and part of their thievish deeds, or otherwise civilly at the instance of the party offended upon 15 days' warning only, without diet or table; and also that the sheriffs of all shires, stewarts, bailies of regality and their deutes, and all other judges ordinary at every head court, put the said matters to the inquisition of an assize of the country at the desire and complaint of the party, and as is found, to report the same to the justice, justice clerk and their deutes within 15 days next after the matter be tried, so that this present act and statute may be put into execution upon them as the said sheriffs, stewarts, bailies of regality and judges ordinary aforesaid will answer to our sovereign lord and his dearest regent upon the execution of their office. And also for eschewing of the said great, continual and odious crimes and offences, and pacifying of the lieges in all parts oppressed within this realm, and for the common welfare thereof, it is statute and ordained that no thief take any Scotsman at any time hereafter under the pain of treason and lese-majesty, and that none of our sovereign lord's true and faithful lieges which have been taken by the said thieves and broken men shall be held to enter to them, notwithstanding any bond given for their entry, discharging them and their sureties simply in that behalf; and if any of the said thieves call or charge the principal men taken by them or their surety for their interest for payment of the pains contained in the bonds, or any part thereof, by ransom or bond not paid to the said thieves, either bygone or in time coming, they shall (by the doing of the same) incur and underlie the pains of treason and lese-majesty aforesaid; and also that our said sovereign lord's faithful and obedient subjects, which hereafter shall happen to take and apprehend any of the said thieves in their passing to commit theft, or in the actual doing thereof, or in their returning from there, in no way let them to liberty and freedom, but present them before the justice and his deutes in the tolbooth of Edinburgh within 15 days after their apprehension, if their takers (having power) sentence them not to death themselves; and also that none take assurance or sit under assurance of the said thieves, or pay them blackmail, or give them meat, drink, reset, maintenance or supply in their thievish deeds in time coming, under the pain of death and confiscation of all their goods moveable; and in like manner, when any thieves resort in stealing or reiving within the country, that all our sovereign lord's lieges dwelling in the bounds where they resort rise, cry, raise the fray and follow them, as well in their coming as passing out on horse and suit for riding and recovering of the goods stolen and reft, and apprehending of their persons to be brought to

justice, and concur with the owners of the goods and other followers to that effect, under the pain to be held partakers of the said theft; and whosoever is suspected or accused to do in the contrary, that the justice clerk grant letters at the instance of any party for calling of them to underlie the law for that at a particular diet complaining upon the premises, or any point thereof, or accuse them for the same at general justice ayres, executing the pains contained in this present act against the contraveners thereof without favour or delay; and if it shall happen any open notorious thief to resort or come to any manner of person's house, it shall be lawful to the owner of the said house to take and apprehend that thief without reproach or dishonour, and bring him to the justice to be punished according to the laws".

10 November 1579 Legislation - Concerning the choosing of inquests in causes of perambulation "Because there are many and sundry brieves of perambulation raised within this realm, wherein the raisers and pursuers of the said brieves found themselves upon no bounds evident but intend to verify and prove their claim of the boundaries and marches of the lands debatable by the persons of inquest, being men of small rent or living and some of them having no heritage, and likewise by sundry persons who know not the lands debatable, neither yet dwell in the country near the same, thinking no objection may be made against them, so they be the good and faithful men of the country, which, as some think, is honest and faithful, having gear worth the king's unlaw and subjects of the realm wherever they dwell far or near, which, if it were true, men of no heritages should be judges and also witnesses to the property of lands and take away men's heritage and lands pertaining to them and judge the same to others who have little or no right to the same. Therefore it is statute and ordained that in all time coming in causes of perambulation no persons be received upon the inquest thereof but honest, substantial men having heritage of their own and who know best the boundaries of the said lands and dwell most closely to the same, to wit, within the sheriffdom where the said debatable lands lie (if they may be had within the same) and four halves about or four next shires if they cannot conveniently be had within the shire itself, and this to be universally observed when the brieve and claim of perambulation cannot be verified by a bound document nor other authentic writ."

29 November 1581 Legislation - For execution of the acts made concerning casting down and holding down of cruives and yairs, and punishment of the transgressors thereof, slaughter of red fish and of the fry of all fish "... [John Maxwell], earl of Morton, warden of the west marches..."

29 November 1581 Legislation: private acts Ratification granted to William Kerr of Cessford "...William Kerr of Cessford, warden of the middle marches of this realm..."

22 August 1584 Legislation: private acts Ratification of a decret given in favour of [Alexander Gordon], earl of Sutherland against [George Sinclair], earl of Caithness "...of the date 17 April 1566, making and constituting the said George, earl of Caithness, his heirs and assignees heritable justiciars in that part within the bounds underwritten: that is to say, from Portenculter to Pentland Firth and from the East Sea to the West Sea, as the bounds and marches of the diocese of Caithness are extended, with diverse privileges, faculties, authority and power specially expressed and mentioned in the same... the commission shall be retreated, rescinded, abrogated, annulled and declared by decret of the said lords to have been from the beginning, at the least to be in all time coming, null and of no value, force nor effect..."

10 December 1585 Legislation: private acts Ratification of the lands of Ormiston to William Kerr, laird of Cessford "William Kerr of Cessford, warden of the middle marches of this realm..."

1586, 23 September, Holyrood, Convention - At Holyroodhouse, 23 September 1586 Legislation - Act concerning the transporting of coal and salt and cattle and sheep in England "that none of them take upon hand to transport any cattle, sheep, coal, salt or other goods prohibited by the said acts out of this realm at any time hereafter; as also that no masters, skippers, mariners nor owners of ships, crayers and other vessels receive within the same any of the said goods to be transported as said is, under the pain of confiscation of the same goods and of the crayers, ships and vessels wherein the same shall be transported, the one half to our sovereign lord's use and the other half to the apprehender and dilator; certifying them if they do in the contrary, that the same shall be

confiscated and intromitted with, and the persons, transporters and owners of the said ships and vessels shall be otherwise punished in their persons and goods with all rigour and extremity in example of others. And to the effect the contraveners hereof shall not escape punishment, ordain the provosts and bailies of burghs and towns upon the coast side and other harbours and ports, as also the warden of the east, west and middle marches and their deutes, to make diligent search and inquisition of the persons, contraveners of this act, the same persons, with the goods aforesaid, to apprehend and cause be kept to be forthcoming to the use of his majesty and of the apprehenders in manner aforesaid, and themselves to commit to ward until his majesty declares his will towards them, as the said provost, bailies, wardens and their deutes will answer to his highness upon the execution of their offices."

1587, 8 July, Edinburgh, Parliament Parliamentary Register 29 July 1587

Legislation Against transporting of victuals or keeping of the same to dearth "...our said sovereign lord, with advice of the said three estates of parliament, statutes, decrees and ordains that the wardens of the marches shall be answerable to the king for all victuals and goods transported in England defiling their marches, in doing whereof they are no further obliged to their native country nor to any Englishman in case his goods stolen defile his march; and to the effect the said wardens may be the more diligent thereupon, decrees and ordains the equal half of the said goods and victuals transported in England to appertain to the said warden, and the other half thereof to pertain and be made forthcoming to our sovereign lord's use..."

1587, 8 July, Edinburgh, Parliament Parliamentary Register 29 July 1587

Legislation - For the quieting and keeping in obedience of the disordered subjects, inhabitants of the borders, highlands and isles "...Item, since experience declares that the marriage of the king's majesty's subjects upon the daughters of the broken men and thieves of England is not only a hindrance to his majesty's service and obedience but also to the common peace and quietness between both the realms, it is therefore statute and ordained by our sovereign lord and three estates of this present parliament that none of his subjects presume to take upon hand to marry with any English woman dwelling in the opposite marches without his

highness's express licence had and obtained to that effect under the great seal, under the pain of death and confiscation of all his goods moveable; and that this be a special point of dittay in time coming... Item, it is statute and ordained that the wardens of the marches adjacent to England take diligent inquisition what Englishmen occupy any Scottish ground in pasturage or tillage, and they bill the persons, offenders, in that behalf against the treaties and seek redress according thereto as they will answer upon their allegiance, at their highest charge and peril and under the pain of incurring his highness's indignation and displeasure...

... Listed at the bottom of the page re 29th July, 1587...The Roll of the Clans -

The Roll of the Clans

The roll of the names of the landlords and bailies of lands dwelling on the borders and in the highlands where broken men have dwelt and presently dwell

- Middle March
- [Francis Stewart], earl of Bothwell
- Laird of Ferniehirst
- [Archibald Douglas], earl of Angus
- Laird of Buccleuch
- Sheriff of Teviotdale
- Laird of Bedrule
- Laird of Wauchope
- [William Maxwell], lord Herries
- Laird of Howpasley
- George Turnbull of Hallrule
- Laird of Little Dean
- Laird of Drumlanrig
- The Laird of Chisholm

- West March
- [John Maxwell], lord Maxwell
- The Laird of Drumlanrig
- The Laird of Johnstone
- The Laird of Applegarth
- The Laird of Holmends
- The Laird of Graitney

- [William Maxwell], lord Herries
- The Laird of Dunwoody
- The Laird of Lochinvar

Landlords and bailies

- Highlands and Isles
- [Ludovic Stewart], duke of Lennox
- [Sir George Buchanan], laird of Buchanan
- [Andrew MacFarlane], laird MacFarlane of the Arrochar
- [Humphrey Colquhoun], laird of Luss
- [Aulay MacAulay], laird MacAulay of Ardencaple
- [Archibald Napier], laird of Merchiston
- [John Haldane], laird of Gleneagles
- [James Cunningham], earl of Glencairn
- [John Cunningham], laird of Drumquhassle
- [James Galbraith], laird of Culcreuch
- [George Graham], tutor of Menteith
- [William Shaw], laird of Knockhill
- Harry Shaw of Cambusmoir
- [James Kinross], laird of Kippenross
- [Michael Balfour], laird of Burleigh
- [James Stirling], laird of Keir
- [Alexander Livingston], master of Livingston
- [James Stewart], lord Doune
- [Patrick Drummond], lord Drummond
- [John Murray], laird of Tullibardine
- [Duncan Campbell], laird of Glenorchy
- [John Campbell], laird of Lawers
- [James Menzies], laird of Weem
- [James Drummond], abbot of Inchaffray
- Colin Campbell of Ardbeg
- [Colin Campbell], laird of Glenlyon
- [John Stewart], earl of Atholl
- [Thomas Stewart], laird of Grandtully
- [Donald Robertson], laird of Struan Robertson
- [John Murray], laird of Strowan Murray
- [Wemyss], laird of Wester Wemyss
- [Thomas Scott], laird of Abbotshall
- [David Maxwell], laird of Tealing
- [Patrick Ogilvy], laird of Inchmartine
- [Thomas Fotheringham], laird of Powrie Fotheringham

- [William Moncreiffe], laird of Moncreiffe
- [James Stewart], laird of Ballechin
- [John MacDuff, alias Ferguson], baron of Fandowie
- [Francis Hay], earl of Erroll
- [James Ruthven], earl of Gowrie
- [Alexander Reidheuch], laird of Cultybraggan
- [James Ogilvy], lord Ogilvy
- [Alexander Ogilvy], laird of Clova
- [David Graham], laird of Fintry
- [David Lindsay], laird of Edzell
- [John Erskine], earl of Mar
- [Alexander Elphinstone], master of Elphinstone
- [George Gordon], earl of Huntly
- [John Forbes], master of Forbes
- [John Grant of Freuchie], laird of Grant
- [Lauchlan] MacIntosh [of Dunaughton]
- [Simon Fraser], lord and [Thomas Fraser of Knockie and Strichen], tutor of Lovat
- Chisholm of Cummer
- [Donald MacDonald], laird of Glengarry
- [Colin] MacKenzie [of Kintail]
- [Robert Munro], laird of Foulis
- [Alexander Ross], laird of Balnagowan
- [John Urquhart of Craigfintry and Culbo], tutor of Cromarty
- [Alexander Gordon], earl of Sutherland
- [William Sutherland], laird of Duffus
- James Innes of Touchis
- [George Sinclair], earl of Caithness
- [George Keith], earl Marischal
- [Lawrence Oliphant], lord Oliphant
- [Patrick Mowat], laird of Boquhally
- [William Sinclair], laird of Dunbeath
- [Hugh] MacKay of Farr
- Torquil MacLeod of Cogeache
- [John MacKenzie], laird of Gairloch
- [Malcolm] MacGillichallum of Raasay
- [William] MacLeod of Harris
- [Lauchlan] MacKinnon of Strathardle
- [Roderick] MacLeod of Lewis
- [Roderick] MacNeil of Barra
- [John] MacIan of Ardnamurchan

- Allan MacIan of Eilean Tioram
- [Alexander MacRanald], laird of Knoydart
- [Lauchlan] MacLean of Duart
- [Ewen MacLean], laird of Ardgour
- John Stewart of the Appin
- [Dougal] MacDougall of Lorne
- [Allan] MacDougall of Raray
- [Archibald Campbell], laird of Lochnell
- [John Campbell], laird of Cawdor
- [Robert Montgomery], laird of Skelmorlie, for Rachry
- [Dougal] MacConnachy of Inverawe
- Angus MacConnell of Dunyvaig and the Glens
- [Alexander MacAlister], laird of Loup
- [John Stewart], sheriff of Bute
- [Hector Bannatyne], laird of Kames
- [Archibald Campbell], earl of Argyll
- [Duncan Campbell], laird of Auchinbreck
- [James Campbell], laird of Ardkinglas
- [Malcolm] MacNaughton [of Dunderawe]
- [Archibald] MacLauchlan [of Strathlachlan]
- [James Lamont], laird of Lamont
- [Colin Campbell], laird of Perbrak
- [John Campbell], laird of Duntrune
- [James Scrimgeour of Dudhope], constable of Dundee, laird of Glassary
- [Colin Campbell], laird of Elangreg
- [Archibald Campbell], laird of Otter
- [Hector MacLean], laird of Coll
- [John] MacLean of Lochbuie
- [Murdoch] MacFee of Collowsay
- [John Hamilton], lord Hamilton

... and also...

The roll of the clans that have captains, chiefs and chieftains whom on they depend, often times against the will of their landlords, as well on the borders as highlands, and of some special persons of branches of the said clans

Middle March Elliotts, Armstrongs, Nicksons, Crosiers

West March Scotts of Ewesdale, Batesons, Littles, Thomsons, Glendinnings, Irvings, Bells, Carruthers, Grahams, Johnstons, Jardines, Moffats, Latimers

Highlands and Isles Buchanans, MacFarlanes Arrochar, MacNabs, Grahams of Menteith, Stewart of Balquhidder, Clan Gregor, Clan Laren, Campbells of Lochnell, Campbells of Inverawe, Clan Dowell of Lorne, Stewart of Lorne or of Appin, Clan MacKean of Ardvorlich, Stewarts of Atholl and parts adjacent, Clan Donachie in Atholl and parts adjacent, Menzies in Atholl and Apnadull, Clan MacThomas in Glenshee, Fergusons, Spaldings, MacIntoshes in Atholl, Clan Cameron, Clan Ranald in Lochaber, Clan Ranald of Knoydart and Moidart and Glengarry, Clan Lewis of the Lewis, Clan Leod of Harris, Clan Neil, Clan Kinnon, Clan Ian, Clan Chattan, Grants, Frasers, Clan Kenzie, Clan Andrew, Munroes, Murrays in Sutherland"

Question What about the East March at this time?

More on the Roll of the Clans -

THE ROLL OF THE NAMES OF THE LANDISLORDIS AND BAILLIES OF LANDIS IN THE HIELANDIS, QUHAIR BROKEN MEN HES DUELT AND PRESENTLIE DUELLIS, 1587

(Taken from the - Historical Geography of the Clans of Scotland - By T. B. Johnston, F.R.G.S. and Colonel James A. Robertson
Roll of the Landislordis and Baillies, 1587)

Landislordis and Baillies.

"The Duke of Lennox.

Ludovick, second Duke of Lennox, son of Esme Stuart, Lord of Aubigny in France. Born 1574. Had a charter under the Great Seal, July 31, 1583, of the Earldom of Lennox and various other lands, which had been erected into a dukedom. Was Great Chamberlain and High Admiral of Scotland; attended James VI. to England, created Earl of Newcastle, Duke of Richmond, and KG. Died 1624.

The Laird of Buchanane.

Sir George Buchanan of that ilk, second of that name, and, according to Auchmar, nineteenth Laird of Buchanan. The lands of this family lay chiefly in the districts of Menteith and the Lennox, and are now possessed by the Duke of Montrose.

The Laird of M'Farlane of the Arroquhar.

Andrew Macfarlane of that ilk, descended, in the male line, from Gilchrist, a younger son of Alwyn, second Earl of Lennox, of the old family.

The Laird of Luss.

Humphrey Colquhoun of Luss, who acquired the heritable coronership of Dumbartonshire from Robert Graham of Knockdolian, confirmed by charter under the Great Seal, 1583. Slain by the Macgregors after the battle of Glenfruin, 1604.

The Laird M'Cawla of Ardincaple.

Awlay, afterwards Sir Awlay Macawlay of Ardincaple, one of the principal vassals of the Duke of Lennox.

The Laird of Marchinstoun.

Sir Archibald Napier of Merchiston and Edinbellie, father of John Napier of Merchiston, the inventor of Logarithms. He possessed lands in the earldoms of Menteith and Lennox, and likewise at Ardownane (or Ardeonaig), on the south side of Loch Tay, in virtue of his descent from Elizabeth, daughter of Murdoch Menteth, and sister and one of the co-heiresses of Patrick Menteth of Rusky.

The Laird of Glennegyis.

John Haldane of Glenegeis (now called Gleneagles), descended from Agnes, the other co-heiress of the above mentioned Patrick Menteth of Rusky, through whom he possessed lands in the districts mentioned in the preceding note.

The Erle of Glencarne.

James, seventh Earl of Glencairn. Perhaps only brought here as answerable for his kinsman, Drumquhassill (see next note). Glencairn was also connected with the Highlands by marriage, his first wife being eldest daughter (by the second marriage) of Sir Colin Campbell of Glenurchy.

The Laird of Drumquhassill.

John Cunningham of Drumquhassill was served heir to his father, John Cunningham, in the £5 lands of old extent of Portnellan, Galbraith, and Tulloch, with the Islands of Loch Lomond, adjacent to the same, in the Dukedom of Lennox, 1613.—(Dumbarton Retours, No. 15.)—This family descended from Andrew Cunninghame, said to have been a younger son of Sir Robert Cunningham of Kilmaurs, and to have lived in the reign of David II.

The Laird of Kilcreuch

James Galbraith of Kilcreuch. His name frequently appears in the Privy Council Register as a Commissioner for executing the laws against Papists, and in other similar capacities.—Register of the Privy Council, vol. iv.

The Tutour of Menteith.

George Graham, tutor or guardian to John, sixth Earl of Menteith, of the Graham line, who succeeded to the earldom in 1587 and died in the following year.

The Laird of Knockhill. William Shaw of Knockhill, in Menteith.

Hary Schaw of Cambusmoir.

The Laird of Kippanross.

James Kinros of Kippenross, in Perthshire, had a charter under the Great Seal, Dec. 6, 1584, erecting Kippenross into a barony.—Reg. Mag. Sig., 1580-1593, Charter No. 764. His daughter Katherine married in 1586 George Shaw, son of William Shaw of Knockhill. Ib., Charter No. 1528.

The Laird of Burley.

Sir Michael Balfour of Burleigh, who was superior at this time of the lands of Mochaster, etc., in Menteith.

The Laird of Keir.

Sir James Stirling of Keir.

The Master of Levingstoun.

Alexander, afterwards seventh Lord Livingston, created first Earl of Linlithgow. He possessed the lands of Callander, Corriechrombie in Menteith, and other lands in Perthshire.

The Lord of Down.

James Stewart, first Lord Doune, father of the "bonnie Earl of Moray."

The Lord Drurnmound.

Patrick, third Lord Drummond.

The Laird of Tullibardin. Sir John Murray of Tullibardine, in Strathearn. He also possessed lands in Balquhidder.

The Laird of Glenorquhy.

Duncan, afterwards Sir Duncan Campbell of Glenurchy.

The Laird of Lawaris.

John, afterwards Sir John, Campbell of Lawers (whose ancestor was a cadet of the family of Glenurchy). He possessed considerable lands both in Breadalbane and Strathearn.

The Laird of Weyme.

James Menzies of that ilk, or of Weym, proprietor of extensive lands in Breadalbane, Strathtay, and Rannoch.

The Abbot of Inchaffray.

James Drummond, Commendator of Inchaffray, and laird of Innerpeffry, possessor also of lands in Balquhidder. He was brother of Patrick Lord Drummond, and was created, in 1609, Lord Maderty. His grandson, William, fourth Lord Maderty, was created Viscount Strathallan in 1686.

Coline Campbell of Ardbeich.

Brother to Sir Duncan Campbell of Glenurchy. His lands lay in the vicinity of Lochearnhead.

The Laird of Glenlyoun.

Colin Campbell of Glenlyon, descended from the house of Glenurchy.

The Erle of Athoill.

John, fifth Earl of Atholl, of the Innermeath line.

The Laird of Grantullie.

Sir Thomas Stewart of Grandtully, descended likewise from the house of Innermeath, proprietor of lands in Strathtay.

The Laird of Strowane-Robertsone.

Donald Robertson of Strowan, in Atholl.

The Laird of Strowane-Murray.

John Murray of Strowan, in Strathearn. His daughter was married after this period to Eoin dubh Macgregor (killed at Glenfruin), brother to Allaster Macgregor of Glenstrae, chief of the Clan Gregor.

The Laird of Wester Wemyss.

There were two families in Fife, Wemyss of Wester Wemyss, and Scott of Abbotshall, the heads of which are probably meant here. The family of Wemyss acquired right to an estate in Atholl, called Kinnaird, by marriage of the heiress of Inchmartine, Perthshire. They sold the property of Kinnaird to Stewart of Rosyth, but retained the superiority, and a younger son of Rosyth was the ancestor of the Stewarts of Kinnaird...

The Laird of Abbotishall. (Thomas Scott)

The Laird of Teling.

Sir David Maxwell of Teling, in Forfarshire.

The Laird of Inchmartine.

Patrick Ogilvie of Inchmartine; proprietor of lands in the south-eastern Highlands of Perthshire.

The Laird of Purie-Fothringhame.

Thomas Fothringham of Powrie, a proprietor in the Brae of Angus.

The Laird of Moncreiff.

William Moncreiff of that ilk, proprietor of the lands of Culdares and Tenaiffis in Breadalbane, which he afterwards sold to Sir Duncan Campbell of Glenurchy. These lands had been possessed by the family of Moncreiff for several centuries.

The Laird of Balleachane.

Sir James Stewart of Ballechin in Atholl.

The Barroun of Fandowie.

John Macduff, alias Ferguson, Baron of Fandowie, in Atholl, executed for his accession to Gowrie's Conspiracy, 1600.

The Erle of Erroll.

Francis, eighth Earl of Errol, proprietor of Logiealmond, part of Inchmartine, and other lands on or near the Highland line.

The Erle of Gowry.

James Ruthven, second Earl of Gowrie, and fifth Lord Ruthven, possessed lands in Strathardle and Strathbran, in the south-eastern Highlands of Perthshire. He died in 1588, in his fourteenth year.

The Laird of Cultybragane.

Alexander Reidheuch of Cultebragan. His lands lay in and near Glenleidnoch, in Strathearn. Edward Reidheuch, fiar of Cultebragan, is frequently mentioned in the records at this period.

The Lord Ogilvy.

James, sixth Lord Ogilvie of Airlie. He had large possessions in Glen-Isla and other parts of the Brae of Angus.

The Laird of Clovay.

Alexander Ogilvie of Clova was alive in 1557. James Ogilvie was served heir to

James Ogilvie of Clova, his father, in the lands of Clova, etc., 1623. The lands of this family lay principally in the Brae of Angus.

The Laird of Fintray.

Sir David Graham of Fintry, knight, a considerable proprietor in Forfarshire, was alive 1577. This family descended, it is said, from a younger son of the Grahams of Kincardine, afterwards Earls of Montrose.

The Laird of Edyell.

Sir David Lindsay of Edyell, proprietor of Glenesk, and other lands in Forfarshire.

The Erle of Mar.

John Erskine, seventh Earl of Mar, proprietor of Braemar, etc.

The Master of Elphinstoun.

Alexander, afterwards fourth Lord Elphinstone, proprietor of lands in Banffshire.

The Erle Huntlie.

George, sixth Earl, and afterwards first Marquis of Huntly, Lord of Badenoch and Lochaber.

The Master of Forbes.

John, afterwards eighth Lord Forbes, proprietor of estates near the sources of the Don, in Aberdeenshire.

The Laird of Grant.

John Grant of Freuchie.

Makintosche.

Lauchlan Macintosh of Dunaughton, Captain of the Clanchattan.

The Lord and Tutor of Lovate.

Simon, eighth Lord Lovat, and Thomas Fraser of Knockie and Strichen, his uncle and tutor.

Cheisholme of Cumber.

Alexander Chisholm of Strathglass was alive in 1578. John Chisholm of Corner is mentioned in 1613.

The Larde of Glengarry.

Donald Macdonald, eighth of Glengarry. He had a charter under the Great Seal

of the lands of Glengarry, July 19, 1574, in which he is described as "Donaldus M'Angus M'Allestare, filius et heres apparens Angusii M'Allestare de Glengarrie."

Mackanyie.

Cohn Mackenzie of Kintail.

The Laird of Fowlis.

Robert More Munro, fifteenth baron of Foulis.

The Laird of Balnagown.

Alexander Ross of Balnagown, descended in a direct line from Hugh Ross of Rarichies, second son of Hugh, fifth Earl of Ross.

The Tutour of Cromartie.

John Urquhart of Craigfintry and Culbo, tutor to his grand-nephew Thomas, afterwards Sir Thomas Urquhart of Cromarty.

The Erle of Suthirland.

Alexander, eleventh Earl of Sutherland.

The Laird of Duffus.

William Sutherland of Duffus.

James Innes of Touchis.

Not known what lands in the Highlands he possessed.

The Erle of Caithness.

George Sinclair, fifth Earl of Caithness.

The Erle Merschall.

George Keith, fifth Earl Marischal.

The Lord Oliphant.

Lawrence, fourth Lord Oliphant. He possessed among other lands, Berriedale in Caithness, on account of which he appears to be included in this Roll.

The Laird of Boquhowy.

Patrick Mouat of Boquhally, a considerable proprietor in Caithness.

The Laird of Dunnybeyth.

William Sinclair of Dunbeath, in Caithness.

Macky of Far.

Hugh Mackay of Farr, father of Donald, first Lord Reay.

Torquill M'Cloyd of Cogoych.

Torquil Macleod was the eldest son of Roderick Macleod of the Lewis, by that Baron's second marriage with a daughter of Mackenzie of Kintail. During his father's lifetime he held the estate of Cogeach, and was known by that title; but on his father's death he claimed the estates and style of Macleod of Lewis, his title to which was disputed.

The Laird of Garloch.

John Mackenzie of Gairloch.

Makgillichallurn of Raarsay.

Malcolm Macleod, or Macgillechallum of Rasay, nearest heir male at this time of the Macleods of Lewis, after the descendants of the body of Roderick Macleod of Lewis.

M'Cloid of the Harrich.

William Macleod of Harris, Dunvegan, and Glenelg, chief of the Siol Tormaid.

M'Kynnoun of Strathodell.

Lauchlan Mackinnon of Strathwardill in Skye, and of Mishnish in Mull.

M'Cleud of the Lewes.

Roderick Macleod of the Lewis, Cogeach and Assint, chief of the Siol Torcuil.

M'Neill of Barrey.

Roderick Macneill of Barra.

M'Kane of Ardnarnurchin.

John Maccoin, or Macian, of Ardnamurchan, chief of a tribe sprung from the family of the Isles.

Allane M'Kane of Ilandterurn.

The Laird of Knoydert.

Alexander Macranald of Knoydart, chieftain of a branch of the Clanranald.

M'Clane of Dowart.

Lauchlan, afterwards Sir Lauchlan Maclean of Duart.

The Laird of Ardgowir.

Ewin Maclean of Ardgour, representative of an ancient branch of the family of Duart.

Johnne Stewart of the Appin.

M'Coull of Lorne.

Dougal Macdougal of Dunolly.

M'Coull of Roray.

Allan Macdougal of Raray.

The Laird of Lochynnell.

Archibald Campbell, second Laird of Lochnell, killed at the battle of Glenlivet, 1594.

The Laird of Caddell.

John Campbell of Calder or Cadder, frequently written Caddell.

The Laird of Skermourlie, for Rauchry.

Sir Robert Montgomery of Skelmorlie, who seems, at this time, to have possessed the small island of Rachry, or Rachrin, lying near the coast of Antrim.

M'Condoquhy of Innerraw.

Dougal Macconachy (Campbell) of Inverawe, head of an ancient sept of the Campbells.

Angus M'Concil of Dunyveg and Glennis.

The Laird of Lowip.

Alexander Macallaster of Loupe, in Kintyre.

The Schiref of Bute.

John Stewart, Sheriff of Bute.

The Laird of Camys.

Hector Bannatyne of Kames, in Bute.

Erle of Ergile.

Archibald, seventh Earl of Argyll, then a minor. His principal guardian was John Campbell of Calder.

Laird of Auchinbrek.

Duncan Campbell of Auchinbreck.

The Laird of Ardkinglass.

Sir James Campbell of Ardkinglas.

M'Nauchtane.

Malcolm Macnaughtan of Dunderawe.

M'Lauchlane.

Archibald Maclachlan of Strathlachlan, or of that ilk.

The Laird of Lawmont.

James Lamont of Inveryne, or of that ilk.

The Laird of Perbrak.

Colin Campbell of Barbreck.

The Laird of Duntrune.

John Campbell of Duntrune.

Constable of Dundy, Laird of Glastry.

James, afterwards Sir James, Scrymgeour of Dudhope, constable of Dundee, and proprietor of the barony of Glassary in Argyllshire.

The Laird of Elanegreg.

Colin Campbell of Elangreg.

The Laird of Otter.

Archibald Campbell of Otter.

The Laird of Coll.

Hector Maclean of Coll.

Makclayne of Lochbuy.

John Moir Maclean of Lochbuy.

M'Fee of Colowsay.

Murdoch Macfie of Colonsay.

The Lord Hamiltoun.

Lord John Hamilton, afterwards Marquis of Hamilton, proprietor of the Isle of Arran."

<http://www.electricscotland.com/webclans/geog/chapter1.htm>

This historical geography of Roll of the Landis lordis and Baillies, 1587 (in the Highlands and the Isles) by T. B. Johnston F.R.G.S. and Colonel James A. Robertson provides fascinating insight into the Landlords and Baillies of 1587.

Back to the The Records of the Parliaments of Scotland - 1235 to 1707 -

James VI: Translation

1592, 3 April, Edinburgh, Parliament Parliamentary Register 5 June 1592

Legislation: private acts - For building of a second kirk within the parish of St Andrew "... with the whole bounds, meiths and marches thereof, in a several and distinct parish for that part of the landward of the said parish of St Andrews dwelling upon the same, to be called in all time coming the South Kirk of St Andrews..."

5 June 1592, Legislation - Regarding the validity of new bounded evidents

"...by their bounds and marches specified therein...it is statute, ordained and decreed by his highness and estates of his parliament that the bounded infeftment whatsoever either granted or to be granted by our said sovereign lord or any of his successors, or by any other superior to his own heritable tenant by the said heritable tenant's resignation, albeit the same contain a new gift with supplement of all faults, which only respects the superior granting the said infeftment and in no way should be extended to the prejudice of the third person, that the said infeftment passed upon the resignation of the tenant shall work no prejudice regarding the said bounds or marches, either in property or commonty, to any other person..."

5 June 1592 Legislation: private acts - Ratification to John Chisholm, comptroller of the ordinance "...that the said John and his foresaids shall possess and enjoy in all time hereafter the forenamed lands called the King's Wark, with all bounds, meiths and marches..."

5 June 1592 Legislation: private acts - Ratification to William Kerr, laird of Cessford "Our sovereign lord the king's majesty, with consent of his estates convened in parliament, understanding that there was an infeftment heritable made, given and granted by his highness of long time past to his well-beloved William Kerr of Cessford, warden of the Middle

Marches of this realm, and his heirs heritable, of all and whole the lands and barony of Ormiston..."

5 June 1592 Legislation: private acts - Ratification to Francis Borthwick in Ballencrieff "...to be held of our sovereign lord and his successors in fee and heritage forever by all right, marches and devices etc..."

At Stirling, 11 September 1593 - Letters: king and three estates' orders for obedience - Letters to charge, to pursue and give in indictment "And moreover, in respect that a good number of persons in the former justice courts found sureties that they should compear the third day of the next circuit court or sooner on 15 days' warning when and where it should please our sovereign lord, and underlie the law for all crimes that could be laid to their charge thereafter, and that they should abstain from theft, reset of theft and masterful oppression in time coming, each person under the pain of £100 so often as they failed, therefore ordains and commands the justice clerk and his deutes that the names which have found the said surety with their sureties to be published and proclaimed at the said market crosses of the head burghs, within the marches near England and parts nearest the highlands, and to warn and admonish all his lieges whom they offended to give in their complaints and indictments to the justice clerk and his deutes in due time, that they and their sureties may be arrested and charged and assizes duly summoned. Certifying them if they fail, that their damages and want of redress of their goods shall be imputed to their own default and negligence."

At Holyroodhouse, 29 June 1598 - Commission of lieutenancy to [William Douglas], earl of Angus "The king's majesty, his nobility and estates presently convened, considering how that his highness's peaceable and good subjects, inhabitants of the countries nearest the borders, have this long time bygone sustained open and avowed harrying, robberies and depredations of the thieves and broken men dwelling within the same borders, who also make frequent raids and incursions in England to the breaking of the peace and bringing on of many other inconveniences; for repressing of the which enormities and holding of the said borders under his highness's obedience, his majesty, with advice of his said nobility, council and estates, has made and constituted and by the tenor hereof makes and constitutes his highness's right trusty cousin and councillor William, earl of Angus, lord Douglas and Abernethy his highness's lieutenant and justice within the bounds of the east, middle and west marches of this realm opposite to England and all the sheriffdoms within

the same, together with the sheriffdoms of Peebles, Selkirk, East Lothian, Nithsdale, Galloway, Kyle and over ward of Clydesdale, as well as to burgh as to landward, regality as royalty (the inhabitants of the burghs of Ayr and Irvine only excepted), and that during his highness's will only; and likewise warden and justice within the bounds of the said west march and sheriffdoms and burghs appertaining thereto for the space of one year next to come after the date of this commission to the effect underwritten, giving, granting and committing to him his highness's full power and commission, express bidding and charge, lieutenant and justice courts within any part of the bounds of the said three marches and warden and justice courts within the bounds of the said west march as often as he shall think expedient to set, begin, affix, hold and continue, suits to make be called, absents to fine, trespassers to punish, penalties, amercements and escheats of the said courts to ask, lift and raise and for the same, if need be, to poind and distrenzie, the one half to his majesty and the other half to his own use for his labours to apply, all and sundry persons dwelling within the said bounds who have committed or hereafter shall commit murder, slaughter, witchcraft, theft, reset of theft, open and avowed robbery or any other capital crime importing the pain of deed (treason only excepted) to search, seek, take, apprehend and put to the knowledge of an assize thereof, and, as they shall happen to be found culpable or innocent, to cause justice be administered upon them according to the laws of this realm, discharging and secluding him always from receiving of any redress of goods from thieves and rogues for sparing of their lives for theft and robberies committed by them since his majesty's last being in Dumfries or to be committed hereafter unless it be for satisfaction of party, but that he cause execute them to the death for that according to their deservings, excepting always the redress of outrages against England; assizes, one or more needful, each person under the pain of £40 to summon, warn, choose and cause be sworn; deputes under him, one or more, with clerks, serjeants, dempsters and all other officers and members of court needful to make, create, substitute and ordain, for whom he shall be held to answer; days of truce with the opposite wardens for receiving and giving of redress according to the form observed in such cases to set, proclaim, appoint and keep; and to charge all his highness's subjects within the said bounds to rise and convene themselves in arms at all times and occasions for accompanying him to the said days of truce or pursuit of thieves or resisting of their theft and robbery, assuaging of house or advancement of his highness's authority and service under the pain of loss of life, lands and goods, his majesty's banner to display, the houses

or strengths of whatsoever persons within the bounds of all the said three marches to charge to be rendered under the pains of treason or horning, the disobedients to cause denounce to the horn, their escheated goods to intromit with and uptake, the one half thereof to his own use to apply, and of the other to make yearly account and payment to his highness's treasurer, the said houses if need be to assuage, raise fire and use all kind of force and war-like engine that can be had for seizure and recovery thereof; all and sundry persons standing in deadly feud and quarrel to charge, to take and give assurance under the pain of horning, the disobedients likewise to proceed against by using the execution of horning and collection of their escheated goods. With power likewise to the said lieutenant, pledges or sureties to take and cause be taken for keeping of his highness's peace, quietness and good rule in the country and for their dutiful obedience to his majesty. With power likewise to the said lieutenant to appoint, proclaim and set courts of redress for satisfying of his highness's good subjects of such bills and complaints as were not redressed during the office of Andrew [Stewart], lord Stewart of Ochiltree, late lieutenant and warden within the said bounds, according to the form and order set down by his majesty at his being in Dumfries in the month of November last. As also to charge the keepers of his highness's own houses of Lochmaben, Annan, Langholm, Crieff or other houses and places whatsoever needful for the better execution of this present commission to make the same patent and ready to him or others to be appointed by him for reset thereof at all occasions. And to the effect the said lieutenant, warden and justice may the better effectuate the same commission in all points according to the tenor thereof, his majesty promises by this commission to grant no licences nor exemption to any persons dwelling within the said bounds from him, his office, judgement and jurisdiction nor yet to remain from any raids to be appointed by him; neither shall any persons dwelling within any of the said three marches appointed to attend upon the said lieutenant by open proclamation be subject during the time of their service and actual attendance upon him to the judgement and jurisdiction of the justice general or his deutes or other judges or judgement whatsoever but specially freed therefrom and from all raids to be made by his highness or any others during the said space, discharging the said justice general and his deutes and all other judges of all proceeding against them and of their offices in that part. In addition, his majesty, with advice of the said lords, decrees and declares by this commission that the said lieutenant, his servants nor none which by his commandment shall intromit with his highness's fortalice of Lochmaben or uptake the yearly rent and duty

thereof during the time of this present service shall in any way be quarrelled nor pursued for that criminally nor civilly by any manner of way in time coming, exonerating and discharging them of the same; and discharging also all judges and ministers of his highness's laws of all proceeding against them for ever by this commission. And in case any person or persons dwelling within the bounds foresaid or any part thereof shall remain at home or absent themselves from this his highness's service and from his office, judgement and jurisdiction, with power to him in that case to proceed against them as disobedients, breakers of his highness's proclamations, and to uptake and convey upon their escheated goods thereof, the one half to his majesty's use to collect, and the other half to his own benefit to apply. Likewise his majesty promised to grant no favour nor other dispensation to any persons dwelling within the said bounds which shall suit to have any doing or favour at his highness's hands by and without the said lieutenant's knowledge, allowance or tolerance, to the hindrance always of his majesty's service to his disgrace, but shall return the same persons back again to him who shall administer justice to them as he shall be answerable thereof at his highness's hands. With power likewise to the said lieutenant to cause enquire and take up an indictment of all and sundry persons dwelling within the said bounds suspected and accused of the crimes foresaid, and to charge them to compear before him or his said deutes in his lieutenant, warden and justice courts, and to give their names in valentines to their masters or landlords commanding to enter them in the said courts and to punish the disobedients according to the laws; the prison house of Dumfries and all others prisons to command to be made patent to him at all occasions. And likewise gives power and commission to the said lieutenant and justice to cause attendance be given that no cattle nor sheep be transported out of this realm to England; and if any shall be challenged or apprehended in the transporting, to seize and intromit therewith, confiscate and escheat the same, the one half to his highness's own use, to collect and account and deliver thereof to his majesty's treasurer in his highness's name to make, and the other half to the said lieutenant's own use to apply. And if in pursuit of the said thieves and reivers or assuaging of the said houses or otherwise in the execution of this present commission or any part thereof there shall happen slaughter, mutilation, fire-raising, destruction of corns and houses or any other inconvenience whatsoever to follow, his majesty wills and grants and for his highness and his successors decrees and declares that the same shall not be imputed as crime nor offence to the said lieutenant nor persons assisting him in the execution of this present commission,

neither shall they be called nor accused thereof criminally nor civilly by any manner of way in time coming, nor incur no damage nor danger through this in their persons, lands or goods, notwithstanding any his highness's laws, acts or constitutions made in the contrary, exonerating them of all pain, crime and danger that they may incur through this for ever; and generally all and sundry other things to do, exercise and use that in the premises and for execution thereof and advancement of his majesty's authority and service as is requisite to be done, firm and stable holding and for to hold all and whatsoever things they shall lawfully do herein. And that letters be directed to officers of arms, sheriffs in that part, charging them to pass and make publication of the premises to all and sundry his highness's lieges by open proclamation at the market crosses of the principal burghs within the bounds foresaid and all other places needful, through which none pretend ignorance thereof; and to command and charge all and sundry his highness's lieges to reverence, acknowledge and obey, rise, concur and assist the said lieutenant, warden and justice in all things tending to the execution of this present commission under the pain of treason."

At Falkland, 31 July 1599 Legislation - Act regarding border thefts

"...And whereas by the ancient laws of the border there used to be no redress at all to be made except by the opposite wardens of this realm and England of goods taken by the subjects of one nation from the other, and in no way within this realm by a subject to another, but the committers of such crimes were punished to the death; and our sovereign lord, finding that the desuetude of that lovable law and custom in the rigorous execution of the persons of the said thieves has caused the greater disregard and contempt of his highness's authority and the less account by them to offend, has therefore statute and ordained that in all time hereafter within the bounds of the said marches, or any of them, according to the first laws and custom of the said borders, none of the wardens of the same nor no other officers shall in no way take the redress of the goods and gear to be plundered and stolen from the doers and committers of the same for the satisfaction of the party plundered and robbed, but shall cause execute with all rigour the laws and acts of parliament made against thieves and their harbourers and cause them be punished to the death according to their deserving as they will answer to his majesty upon the discharge of their offices. And likewise it is statute and ordained that if any person whatsoever guilty or culpable of theft or reset of the same shall happen to be fugitive for the said crime and will in any way enter to the lieutenant, warden or other officer to be appointed

in the said border for pacifying of the same and administration of justice therein, the said lieutenant, warden or other officer shall cause burn his house, put his wife and bairns out of the same and make intimation of their disobedience at the market cross of the shire, to the effect that the knowledge of the same may come to the whole inhabitants within the said sheriffdom. And our sovereign lord and estates declare that whatsoever person shall shelter, supply or entertain the said fugitive persons, their wives, bairns or gear after the said intimation shall be culpable and guilty of his previous offences and shall remain answerable to his highness and his officer for any offence to be committed by the said person fugitive thereafter. And this act to be extended as well as to highland as border."

15 November 1600 Legislation - Act against making of redress "... specially within the borders and marches..."

Perth, 9 July 1606 Legislation: private acts - Ratification in favour of George Home, earl of Dunbar of the earldom of Dunbar and other lands
"...the said George, earl of Dunbar, his heirs and assignees, of our said sovereign lord and his successors in free heritage, free earldom, lordship of parliament and free barony forever, by all rights, meiths, marches etc., coal, coal pits etc., free ish and entry with fork, sock, sak, toll, theame, infangthief, outfangthief, pit and gallows, tenants, tenancies, service of free tenants, hills, valleys, fields, free forests, vert and venison escheats and amercements of courts, agreeable to the laws of forest, wrak, wair, waith and all other liberties, freedoms, privileges, commodities etc..."

Perth, 9 July 1606 - Legislation: private acts - Erection of the abbacies of Dryburgh and Cambuskenneth and priory of Inchmahome in a temporal lordship, called the lordship of Cardross, in favour of [John Erskine], earl of Mar "...in free heritage, free lordship and free barony forever, by all rights, marches etc..."

11 August 1607 Legislation - Act regarding the union of Scotland and England "...it is statute and ordained that no subject of Scotland or England shall be pursued, charged, summoned, arrested, taken, tried, convicted or in any way troubled or punished in his body, lands or goods for any crimes, injuries or offences committed by them before the beginning of his majesty's happy reign of England, or whereof they or any of them were art or part, or in any way guilty, whereof the trial, cognition

and judgement was competent to the wardens of the marches before their suppressing..."

11 August 1607 Legislation: private acts - Ratification in favour of Sir Thomas Hamilton of Binning, knight, advocate to our sovereign lord

"...whole bounds, marches and ground of the lands and baronies of Ballencrieff, Bathgate, Drumcross, the Knowe of Drumcross, Tortiebin, Torphichen and Hilderston..."

11 August 1607 Legislation: private acts - Erection of Kelso in favour of Robert Ker, lord Roxburghe "...said lord to underlie all good offices and services tending to his highness's honour, well and profit of the realm, not only in the discharging of the office of the wardenry in the Middle Marches of this realm before the happy union of both the realms in his highness's person, but likewise in the execution of diverse other commissions for quieting of the late borders and repressing of all insolency and disorder within the same at all occasions bygone upon his great charges and expenses, in the which good offices the said Robert, lord Roxburghe has discharged his duty most faithfully, as is commonly known to his majesty and estates of this present parliament..."

24 June 1609 Legislation - Act regarding the commissioners and justices of peace "...controversies of neighbourhood for turf, fold dykes, furrows or marches of lands, foolish words or drunken discords...for peats, turf, divots, fold dykes, poindings, neighbourly marches, injurious words or small brawls..."

24 June 1609 Legislation: private acts - Act in favour of James Maxwell regarding the debatable lands "Our sovereign lord and estates of this present parliament, considering that all and sundry the lands particularly underwritten, lying opposite the borders of England, namely: the lands of Tarrasfoot, Monibihirst, Brownischeilhill, Whitlawside, Bankhead, Meir Burn, Harelaw and Harelaw Wood, with the pertinents, Rowanburn, Woodhead, Thorniewhats, Wabredhillis, with the pertinents, the lands of Barresknowes, Woodhouselees, Holehouse, Tarcoon, Brounischilburne, Auchenrivoock, with the manor place, houses, buildings, orchards, yards, with the mills and multures thereof, woods, fishings, annexes, connexes and whole pertinents of the same, all lying within the parish of Canonbie, and the lands of Glenyart, Morton and Barnglies, with the manor place, houses, buildings, woods, fishings, mills, multures and their pertinents lying within the parish of Morton, which whole lands foresaid, with the

pertinents, are limited and bounded as follows, namely: beginning at the water of Tarras running in Esk at the Broomholm up the water of Tarras and up the Perter Burn, and from that to Tinnis Hill and down the Meir Burn to the water of Liddel, and down Liddel to Rowanburn and Thorter Ingreis gates by the foot of Magilwod, and then to the foot of Nether Thorniewhatburn, running in east by the head of Knottyholm, the lands of Woodhouselees and Morton, bounding with Scotsdike, marched as well with the water of Esk as with the water of Sark, and up Sark to the march of Auchenbedrig, and from there up Barnglies to the Righeads, and from there down Irvine Burn to Esk and down Esk to the foot of Holehouse, to the marches of Bowholme, were ever held and reputed debatable lands between the two nations of Scotland and England..."

23 October 1612 Legislation: private acts Ratification in favour of William Nisbet of his infeftment of Dean and poultry-land "...lying within the bounds, meiths and marches ..."

4 August 1621 Legislation: private acts - Act in favour of Sir Archibald Douglas, laird of Whittingehame "...to the said Sir Archibald Douglas of Whittingehame, knight, his male heirs and assignees whatsoever heritably of all and sundry the lands of Whittingehame...within the meiths and marches of the commonty of Lammermuir contained in their infeftments; which charter bears and contains an erection and union of all and sundry the lands and others above-mentioned in a whole and free barony called the barony of Whittingehame, as the same under the great seal of the kingdom of Scotland of the date at Greenwich in England, 3 July 1616 more fully purports, together with the precept of sasine given according to the aforesaid charter under the testimony of the great seal and instrument of sasine..."

Charles I: Translation

- 28 June 1633 Legislation: private acts Act in favour of Sir Robert Douglas of Spott "...given and granted by his majesty under his highness's great seal, of the date at Greenwich, 29 June 1631, to the said Sir Robert Douglas, his heirs and successors specified and contained in his infeftment of the lands and barony of Spott, of all and whole the lands and that part and portion of the lordship of Dunbar bounded, meithed and marched...the said part and portion of the foresaid lands of the said lordship of Dunbar from the commonty called the commonty of Innerwick,

where the said marches began, lying within the constabulary of Haddington and sheriffdom of Edinburgh..."

At Edinburgh, 17 November 1641 Procedure: remit to the exchequer - Reference to the exchequer in favour of Robert Pringle of Stichill "The which day the supplication given in to the parliament by Robert Pringle of Stichill concerning the payment to him of certain bygone customs of the Middle Marches, whereof he was tacksman, being read in audience of the king and parliament, his majesty and estates of parliament remit the same to his highness's exchequer to be considered by them."

At Edinburgh, 17 November 1641 Legislation: private acts - Ratification in favour of Sir William Douglas of Cavers, sheriff of Teviotdale "Our sovereign lord and estates of parliament ratify and approve to and in favour of Sir William Douglas of Cavers, knight, sheriff of Teviotdale (styled in the charter underwritten William Douglas, fiar of Cavers) and to his heirs and assignees whatsoever a charter granted by the late King James VI, under the great seal, of the date at Holyroodhouse, 31 July 1618, whereby the said late King James VI gave, granted and conveyed to the said Sir William Douglas of Cavers, then styled William Douglas, fiar of Cavers, sheriff of Roxburgh, his heirs and assignees whatsoever heritably, all and whole those five merk lands called the kirk lands of Cavers underwritten, namely: the three merk land of Cruike, one merk land of Whitriggs, called Husie, and one merk land in Cavers, called Beige, with houses, buildings, yards, parts, pendicles and pertinents thereof whatsoever, together with advocation, donation and right of patronage of the parsonage and vicarage of the parish kirk and parish of Cavers, with the teinds, fruits and rents thereof whatsoever, lying within the parish of Cavers, which five merk land and kirk of Cavers above-written, with the pertinents, of before pertained heritably to the late John [Ramsay], viscount of Haddington, lord Ramsay of Melrose and Barns, and were held by him of his majesty and his successors immediately, and as a part of the temporality, patrimony and property of the lordship of Melrose...meiths and marches thereof..."

William II: Translation

- Saturday 23 July 1698 Charters: patents - Patent in favour of Patrick Hume, earl of Marchmont "...and well-beloved councillor Patrick, lord Polwarth, our high chancellor of the said kingdom, and by his predecessors and ancestors in the highest provincial commands and appointments, civil and military, entrusted to them by our most serene predecessors, the kings of Scotland, (particularly in the office of high treasurer of the said kingdom and warden of the Eastern Marches between Scotland and England)... and create this same Patrick, lord Polwarth earl of Marchmont, viscount Blasonberrie and lord Polwarth of Polwarth, Redbraes and Greenlaw..."

Anne: Translation

- 1702, 9 June, Edinburgh, Parliament - Charters: patents under the great seal "... [Robert Kerr], marquis of Lothian's patent...behaved in a most noteworthy fashion while fulfilling the very high appointment of warden of the marches..."

I would generally conclude that after the Act of 1607 regarding the union of Scotland and England that the border Marches of both Scotland and England had lost their impetus and sting but it appears that distrust and significant skirmishes still occurred in the 1600's.

By Sir Walter Scott - 1817

"...Beacons were lighted in such a manner as to signify either the threatened approach, or actual arrival, of the English army. These were maintained at Hume Castle, at the Tower of Edinburgh, or Edgerstone, near the source of the Jed, upon the ridge of the Soltra Hills at Dunbar, Dunder (Traprairie) Law, North-Berwick Law, and other eminences; and their light was a signal for the Scottish forces to assemble at Edinburgh and Haddington, abandoning to waste and pillage all the southern counties. Till the very last occasion of hostility between England and Scotland, this mode of defensive was resorted to in the latter kingdom. Cromwell found the Borders in that desolate situation in his campaign of 1650..."

It appears that towns along the Scottish frontier 'were numerous' and 'full of inhabitants' - Dumfries, Jedburgh and Selkirk were of 'principal note'. Smuggling was common and 'the most rigorous laws in both countries' prohibited all

mercantile intercourse upon the Borders' and 'every free burgher' was 'a soldier' and obliged not only 'to keep watch and ward for the defence of the town' but to march 'under the king's banner when lawfully summoned'.

Jedburgh when taken and burned by the Earl of Surrey contained six strongholds, many good houses and was twice as large as Berwick (A town that was often lost and won). Attributed to the Earl of Surrey "I assure your Grace (Henry 8) that I found the Scots at this time the boldest men and the hottest that I ever saw in any nation, and all the journee upon all parts of the army they kept is with continual skirmishes that I never beheld the like..."

"...the names of the barons who for the time possessed most influence on the Border...The Earls of Douglas...The Earls of Angus - frequently exercised the authority of warden of one or other division of the marches..."

"At a later period, the Earls of Home, or Lords of Cessford, were usually wardens of the east march; Earls of Bothwell, or the Lords of Buccleuch and Fairnihurst, of the middle...and the rival families of Maxwell and Johnstone, or the Lords of Herries, were wardens of the west march"

"After most of the Northumbrian families were destroyed in the great northern insurrection of 1569-70, a different policy line was observed." Instead of conferring wardenry on the great Border families, these offices were bestowed on men with political and military skills like Sir Ralph Sadler, Sir James Crofts and Sir Robert Carey and others who were dependants of the sovereign. Sometimes a Lord Warden General was nominated and at other times there were Deputy Wardens and Warden Serjeants (Sergeants)

The English Wardens held Courts but the Scottish Wardens were known for their 'Jedburgh Justice' of summary executions 'hanged first, and tried afterwards'. It was said that Archibald the 5th Earl of Angus delighted as much in hunting a thief as others in chasing a hare! The mode of punishment was by hanging or drowning "...Many moss-troopers are said to have been drowned in a deep eddy of the Jed near Jedburgh"

In 1468 William Earl of Douglas arranged the military regulations [warfare for border marches] "...Be it remembered, that on the 18th day of December, 1468, Earl William Douglas assembled the whole lords, freeholders and eldest Borderers that best knowledge had, at the College of Lincludin, and there he

caused these lords and Borderers bodily to be sworn, the holy Gospel touched, that they justly and truly, after their cunning, should decree, discern, deliver, and put in order and writing, the statutes, ordinances, and uses of marche that were ordained in Black Archibald's days, and Archibald his son's days, in time of warfare; and they came again to him advisedly with these statutes and ordinances which were in time of warfare before. The said Earl William seeing the statutes in writing decreed and delivered by the said lords and Borderers, thought them right speedful and profitable to the Borderers; the which statutes, ordinances, and points of warfare he took, and the whole lords and Borderers he caused bodily to be sworn that they should maintain and supply him at their goodly power, to do the law upon those that should break the statutes underwritten. Also the said William, the lords and eldest Borderers, made certain points to be treason in time of warfare to be used, which were no treason before this time, but to be treason in his time, and in all time coming" ...It illustrates the powers 'of the wardens in waging war or concluding truces'. (The Border Antiquities of England and Scotland - Vol 2 - Walter Scott Esq - London 1817)

Border Reivers

Associated with the close watch on land borders and boundaries was the activity of 'reiving' - robbing and plundering - this was not a romantic activity but an act of opportunism and criminality - that could lead to death by drowning, hanging or execution if caught and found guilty. (Borders Reivers documents - Heritage Hub, Hawick, Roxburghshire, Scottish Borders)

Reiving - National Archives of Scotland - 1498 to 1679

National Archives of Scotland - Documents on 'Reiving' date from 7 Aug. 1498

- "AD1/83 Copy indenture (in Scots) narrating disputes between Patrick, Earl Bothvile, Lord Halis, warden of the west marches, admiral of Scotland, Walter Ker of Sesfurd, Patrick Home of Fastcastell and Mr Richard Lawsome, commissioners of the king of Scotland, on one part, and Thomas, earl of Surrey, vice-warden of the marches of England towards Scotland, Sir Thomas Dercy [Percy of Northumberland?], Sir William Tyler, Sir Richard Chomeley and John Clartynton?, commissioners of the King of England, on other part, concerning exchange of fugitives accused of crimes on the borders"; to 1569-1679

"CS96/1/177 Instruments on riding of the marches etc, of Chirnsyd and Cokburnispeth commonty. Sherrifdom of Berwick". (Borders Reivers documents - Heritage Hub, Hawick, Roxburghshire, Scottish Borders)

However it has been said that with the union of the Crowns of Scotland and England under King James in 1603 'the offices' of the border marches "...became unnecessary" as the lands lying between Scotland and England were the 'debateable lands' (became less debateable?). Yet the heyday of the 'Border Reivers' is suggested as being in the last hundred years of their existence - from the beginning of the 16th Century to the beginning of 17th Century. (Wikipedia).

James VI & I (19 June 1566 - 27 March 1625) was King of Scots as James VI from 24 July 1567.

On 24 March 1603, he also became King of England and Ireland as James I when he inherited the English and Irish crown and thereby united the Crown of the Kingdom of Scotland with the crown of the Kingdoms of England and Ireland (each country remained legally separate, with their own Parliaments, judiciary, and laws, though each was ruled by James).

http://en.wikipedia.org/wiki/James_I_of_England



James 1 of England and 6 of Scotland

Thanks to Wikipedia

Union with England Act 1707 (Old Scottish Parliament)

"Act Ratifying and Approving the Treaty of Union of the Two Kingdoms of SCOTLAND and ENGLAND.

The Estates of Parliament Considering that Articles of Union of the Kingdoms of Scotland and England were agreed on the twenty second of July One thousand seven hundred and six years by the Commissioners nominated on behalf of this Kingdom under Her Majesties Great Seal of Scotland bearing date the twenty seventh of February last past in pursuance of the fourth Act of the third Session of this Parliament and the Commissioners nominated on behalf of the Kingdom of England under Her Majesties Great Seal of England bearing date at Westminster the tenth day of April last past in pursuance of an Act of Parliament made in England the third year of Her Majesties Reign to treat of and concerning an Union of the said Kingdoms Which Articles were in all humility presented to Her Majesty upon the twenty third of the said Month of July and were Recommended to this Parliament by Her Majesties Royal Letter of the date the thirty one day of July One thousand seven hundred and six And that the said Estates of Parliament have agreed to and approven of the saids Articles of Union with some Additions and Explanations as is contained in the Articles hereafter insert And sicklyke Her Majesty with advice and consent of the Estates of Parliament Resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom has past in this Session of Parliament an Act entituled Act for secureing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof is appointed to be insert in any Act ratifying the Treaty and expressly declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming Therefore Her Majesty with advice and consent of the Estates of Parliament in fortification of the Approbation of the Articles as abovementioned And for their further and better Establishment of the same upon full and mature deliberation upon the forsaid Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the same with the Additions and Explanations contained in the saids Articles in manner and under the provision aftermentioned whereof the Tenor follows..."

[legislation.gov.uk](http://www.legislation.gov.uk)

and also see -

<http://www.legislation.gov.uk/aosp/1707/7/introduction>

This legislation though shows that the union of Scotland and England did not occur legally until 1707 between 1603 and 1707 they were still separate countries though under the one King.

National Archives of Scotland

Charter by Malcolm, King of Scots - 1162 - Lothian and Clydesdale

- GD1/194/2/1 Charter by Malcolm, King of Scots, granting to Newbattle Abbey the lands of Dumpeleder with Metherauch and Maiueth and Glarnephin as far as Duniduffes eastwards as Gillepatric Mackerin formerly held the same and as he was seized therein at the King's command after perambulation of the marches of said lands between Lothian and Clydesdale by Baldewin, sheriff of Lanarc [Lanark], Galfrid, sheriff of Edinburgh, Fergus McFercher, Donald Eweinson [Ewanson], Uctred, sheriff of Lillidchu and others (not named). Witnesses: Ernald, bishop of St. Andrews; Herbert, abbot of Galsgu [?Glasgow]; John, abbot of Kelchow [Kelso]; William abbot of Melros [Melrose]; Osbert, abbot of Jeddewurthe [Jedburgh]; William and David, brothers of the King; Countess Ada, mother of the King; Ingelram, chancellor; Walter Fitzallan, steward; Richard de Morevill, constable; Nicholas, chamberlain; Earl Cospatric; Earl Duncan; Gilbert de Umfravill; William de Sumervill [Somerville]; Philp de Colevill [Colville]; Hugh Ridel. At Edinburgh (castellum puellarum). (Seal appended, imperfect.) Undated, ?1162. [Newbattle Collection. GD40/1/5]

Questions William abbot of Melros [Melrose] who was he? Osbert, abbot of Jeddewurthe [Jedburgh] who was he?

Sheriffdom or Burgh of Perth - c1205 and 1210

- B59/23/1 Early 14th century copy charter of William I declaring generally the privileges and regulations of the burgh of Perth. No foreign merchant is to trade within the sheriffdom of Perth outwith the burgh; and foreign merchants may expose their cloth for sale in Perth only between Ascension Day and August 1, during which period they may trade in Perth as though they were the King's own merchants. No village in the sheriffdom of Perth may have a tavern unless its Lord is a knight residing

in that village, and then there may be only one tavern. The burgesses of Perth are to have their merchant guild, save for the fullers and weavers. No one dwelling in the sheriffdom of Perth outwith the burgh of Perth may make dyed cloth or motley except for the King's burgesses of Perth, save for those who have previously had a charter giving them this liberty. The sheriff of Perth is to seize the cloth of those caught with illegal dyed or shorn cloth and deal with the matter as was done in the time of King David I. The King grants his peace to those bringing wood and timber to Perth, and forbids anyone to disturb those who come to sell or buy these commodities once they have entered within the lined marches of the burgh. No one from outwith the burgh of Perth shall buy or sell hides or wood save in the burgh. Strivelyn. [c 1205 & 1210]

Burgh of Cupar - 1485

- B13/22/8 Instrument narrating that in the presence of David, Lord Lyndesay of Byrie, Andrew, Lord Gray, and Alexander Lyndesay of Uchirmunse, Justiciars north of the Forth in that part for perambulating the marches between the common lands of the Burgh of Cupar, pertaining to the provost, bailies, council and burgesses, and the lands of Kerslogy, belonging to George Clapan of Kerslogy, Alexander Seton of Parbroitht, prolocutor for the assize chosen by the justiciars to perambulate the said marches, according to the tenor of the brieve of perambulation, required both parties to show their charters, evidents and rights. Then David Lyndesay, provost, in name of said Burgh, produced letters and charters of King James I and Duke Robert, Governor of Scotland, for the claims and rights of the said Burgh, but the said George refused to show his charters, whereby the assize was unable to discern and divide the marches. Upon the Moirbrakkie. 9 Jun 1485

Sheriffdom of Fife and Burgh of Cupar - 1485

- B13/22/9 Perambulation in presence of David, Lord Lyndesay of Birie, and Alexander Lyndesay of Uchirmunse, deputies of justiciary of David Earl of Craufurde, Justiciar within the sheriffdom of Fife, Perth, Forfar and Kincardine, of the marches between property of the lands of Pittyncreiff called Welcruckie, belonging to Alexander Spens of Pittyncreiff, and the property or common of the Burgh of Cupar, belonging to the provost,

bailies, burgesses and community of the same, by Alexander Seton of Parbroitht, David Ynglice of Wester, George Ramsey of Foxton, Thomas Flessler, Alan Mens, John Tarvat, burgesses of Cupar, John Foude and John Gregor, bailies thereof, elected with consent of the said Alexander Spens and David Lyndesay, provost of the said Burgh, to perambulate the said matches. 20 Oct 1485

Burgh of Cupar - 1487

- B13/22/10 Perambulation in presence of David, Lord Lyndesay of the Byris, Andrew, Lord Gray, and Alexander Lyndesay of Ochtirmonsy, justiciars in that part to perambulate the marches between the lands pertaining to the alderman, bailies and community of the Burgh of Cupar and the lands pertaining to George Claphaine of Kerslogy, according to a compromise made between them in the presence of Colin, Earl of Argile, Chancellor, David Earl of Crawford, Justiciar within Fife, Perth, Forfar and Kincardine, Robert Lord Lile, John Lord Bothwele, and John the Ross of Montgrenan. 5 Apr 1487

Cupar - 1562 and 1611

- B13/22/23 Signet letters at the instance of the provost, bailies, council and community of Cupar charging the sheriff of Fife to take cognition concerning the marches of the common Muir disputed by Christian Lermouth, relict of George Clapen of Carslogy, and George Clapen, his apparent heir 23 Jul 1562
- B13/22/24 Signet letters at the instance of the provost, bailies council and community of Cupar, against George Clapen of Carslogy, directing the sheriff to take cognition concerning the marches between the lands of Carslogy and the Muir of Cupar. 10 Nov 1562
- B13/22/36 Extract interlocutor 'in causa' provost and bailies of Cupar against George Clepane of Carslogie, concerning the marches of the common Muir 1 Mar 1611

Douglas and the Marches - 1456 to 1587

- GD1/479/2 Bond of manrent by George Turnbull of Bethoroull to George, Earl of Angus, Lord Douglas, 'Wardane of the Mydyl and Est Marches of Scotland'. Fragment of applied seal. [Miscellaneous papers formerly belonging to Mrs. Drummond Forbes, Millearne, Auchterarder. Documents contained in folder marked 'Old letters and papers and copies of old letters for Charles H. Drummond'.] 16/4/1456
- GD150/122 Notarial instrument narrating that on request of Sir Henry Douglas of Louchlewin to James, lord Hamyltoun, that he would intimate if he could declare the true boundary of the lands of Corsragwalle and Esterchell, Lord James replied that he did not know, but that he believed that he held and occupied part of the lands of Sir Henry and that Thomas Hamyltoun held and occupied part of the lands of Lord Hamyltoun, but how much on each side he did not know; he believed that an open way and standing stone were the proper marches between the said lands and that he believed that the hill in the marsh belonged to the lands of Sir Henry 16 May 1457
- SP6/20 Indenture between English commissioners (Henry, Earl of Northumberland, warden of the east marches; William, Abbot of Alnewik; Sir Ralph Percy, lieutenant of the east marches; Sir Ralph Gray of Heton, knight; Sir John Heron of Ford, knight, and Mr John Londe) and Scottish commissioners (Thomas, Bishop of Galway, Privy Seal; Archibald, Abbot of Halyredehous; Andrew, Abbot of Melros; Patrick, Lord Hales; William, Lord Borthwic; Mr Patrick Young, dean of Dunkeld; Mr Nicol Oterburne, clerk of the Register; Sir Alexander Hume of Dunclas, and Andrew Carre of Altonburn) for settlement of various points in dispute between the two kingdoms including the entertainment of Sir James Douglas, sometime Earl, and other Scottish rebels in England, and burning of burgh of Kirkcudbright by Thomas Stanley and other English subjects. At Ridenburn. 29 Sep 1458
- GD150/1014 Act by the lords of council with consent of the king's advocate and of the vicars general of St. Andrews, continuing the 'taking of the inquisition' anent the marches between the lands of Largo, pertaining to the king and to Sir Andrew Wode, his tenant, and the lands

of Hawhill and Montrippill, pertaining to the abbey of Dunfermling, which should have been taken by Robert Douglas of Louchlevin 23 Aug 1509

- GD45/16/2275 Extract contract between William Ochterlony of that ilk for Dame Agnes Betoun, his mother, and Sir Patrick Gordoun of Awohindoun, her spouse, on the one part and William Douglas of Glenberuie for Giles Grahame, his spouse, and Mr. George and Robert Douglas, their sons, on the other for the division into three of the runrig lands of Pitcouray in the regality of Keremwre, the sun third to go to the parties of the second part. (Marches detailed) 24 Apr 1587

Marches and Disputes - 1473 to 1691 (Some examples of those listed)

At face value, nearly all the examples below appear to be about internal marches within Scotland and disputes between Scots -

- GD12/48 Notarial instrument by William Bel, presbyter of the diocese of St Andrews, on agreement between Sir John Swynton, Kt, on the one part, and James Heryng of Tuliboyll, son and heir apparent of David Heryng of Glasclon, for himself and as procurator for his said father, regarding the marches between the lands of Swinton and Upsidlington as follows: that the breve of perambulation obtained from chancery by Sir John shall fall; that both parties shall cause another breve to be served on the 4 July following; that both parties shall apply to elect as justiciars in that part Archibald Hamylton of Ennervie, Kt, Hugh de Montgumry of Thornton, Alexander Cokburn of Langton, David Ranton of Bille and Archibald Polvort; that both parties shall be bound to compear at the date and place appointed before the said justiciars to proceed with the matter of the marches. Penalty for failure to proceed or compear is set at £40 scots to be paid within 40 days in the town of Haddington. Done within the burgh of Edinburgh. 12 Oct 1473
- GD26/3/40 Decreet Arbitral between Robert Lundy [Lundie] of Balgovny [Balgonie] and Thomas Schethum of that Ilk regarding the marches between the east and west halves of the lands of Schethum [Sythrum] belonging to said Robert and Thomas respectively. Arbitrators: Mr.

William Scot [Scott] of Flawcraag [Flawcraig], Thomas Multrar of Merkinch [Markinch] and Mr. Andrew Wemis [Wemyss], curate of Merkinch, Witnesses: Stephen Scot [Scott], William Scot [Scott], Archibald Lang and John Coquhoun Colquhoun]. 19/5/1491

- GD16/27/15 [Extract] Decree of perambulation of the marches between the lands of the Mains of Innerqueich and Jurdanastoun on the one part and the lands of Bello on the other part and the lands of Inschok on the one part and the lands of Wester Craig, Enirquiche and Bello on the other part. c1500
- GD16/27/4 Settlement of the marches between Lord Saltoun for himself and his successors in the barony of Carncairn and James Innes of Rothmackenzies for himself and his heirs in lands of Rothmackenzie and Muiraik. Muirak. 4/5/1540 [principal parties and judges]. [1480.85]. 22/6/1509
- GD18/1332 Copy Service of the brieve of perambulation of the marches between the barony of Pennicook [Penicuik] and lands of Newhall. 7 Oct 1518
- GD16/27/3 Notarial instrument narrating the settlement of the marches between the lands of Alyth, Pitnocre, Abirbothre and Bardmony by Donald, abbot of Coupar, as oversman in dispute between Gilbert Gray of Buttergask and James Ogiluy of Clowa. 2/11/1539
- GD16/27/4 [Copy] Settlement of the marches between Lord Saltoun for himself and his successors in the barony of Carncairn and James Innes of Rothmackenzies for himself and his heirs in lands of Rothmackenzie and Muiraik. Muirak. 4/5/1540
- GD16/41/18 Precept under the seal of Patrick, Lord Gray, sheriff of Forfar summoning Thomas Ogiluy of Wester Crag, fiar thereof, and Helen Sinclair, Lady Ogiluy, his mother, liferenter thereof, on the one part and Janet Ogstoun, Lady Petcur, on the other part to appear before him for settlement to be made of the marches between the said lands of Wester

Crag and the lands of Estir Crag. Dundee. In dorso: execution following thereon. 2/7/1552

- GD1/661/29 Instrument following decree arbitral determining the marches of the lands of Mukall, etc. in the barony of Stanewod and Mukhall belonging to Andrew Fraser of Stanewod and Mukhall and the lands of Kynnarnye in the barony of Mydmar belonging to Alexander Gordoun of Aberzeildye 13 Jun 1556
- GD1/24/2 Instrument narrating divisions and marches between lands of Lumfurd and lands of Lethentie [Lethenty]. 2/8/1560
- GD16/12/26 Letters and decreet of perambulation of the marches between the lands and barony of Alycht and the lands and barony of Bamff. [7 tags, others destroyed, no seals appended]. [665.146]. 16/8/1565
- GD1/187/5 Submission between Alexander Ross of Balnagown, with consent of Katherine McKenny, his spouse, John Innes of Innerbrakye [Inverbrecky], and Walter Innes, his son and apparent heir, on the one part, and James Dunbar of Eistor Tarbart [Easter Tarbat], with consent of Marjorie Ogylvye [Ogilvie], his spouse, on the other part, to arbitors (named) to define the marches of Eister and Wester Torbart. 16 Oct 1566
- GD40/2/9/48 Lothian papers, Volume IX. Fernieherst - 1505-1597 Sir John Forster, Sir John Forrester (Forster or Foster), Warden of the Middle March of England, to the Lairds of Fernihirst, Bedrewle, Hunthill, Bounegedworth and Edgerton. 22 May 1567
- GD1/124/31 DECREET ARBITRAL between Andrew Spalding of Assintully on the one part and Johne Makcomyvoir, liferenter of the lands of Fennygand and Johne Makcomyvoir, his son, on the other part, relative to the settlement of the marches between the lands of Assintully and Fennygand. 28 Oct, 1572.

- GD16/13/24 Notarial instrument narrating the settlement of marches between lands of Kynruf belonging to Alexander Ogilwie of Cloway and David Ogilwie of Corsmyll, his brother, and lands of Gellaye belonging to Gilbert Auchinlek of that Ilk and also of the said lands of Gellaye and the lands of Fechill belonging to the said Alexander. [Tag, seal of Gilbert Auchinlek gone]. [765.25]. 22/6/1574
- GD1/124/34 DECREET ARBITRAL between Alexander Maxwell of Teling with the consent of David Maxwell, his son, on the one part and John Makcomas, feuar of Finnegand, and John Makcomas, his son, on the other part, relative to the disputed marches between the lands of Corredone and the lands of Finnekand. 11 Nov 1577. 11 Nov 1577
- GD40/2/10/44 Lothian papers, Volume X. Fernieherst 1527-1621. Draft exemption to Sir Thomas Ker of Pharnihirst, warden justice of the Middle March, and to William Ker, apparent of Ancrum, from the army convened for repressing John Lord Maxwell and his accomplices, and from taxation for the payment of soldiers. c Apr-May 1583
- GD1/302 Extract decree of perambulation of marches of Sabat, Troop and Tankerness, Orkney 1583/1584
- GD40/2/9/70 Lothian papers, Volume IX. Fernieherst 1505-1597. King James VI to Fernihirst, as Warden of the Middle March and Keeper of Liddesdale. 3 Apr 1584
- GD40/2/10/56 Lothian papers, Volume X. Fernieherst 1527-1621. Commission to Sir Thomas Ker of Fairnyhirst, Warden of the Middle March and Keeper of Liddisdail, to apprehend rebels and the resettlers of the authors of the rebellion at Striveling. Signatures of James VI and Arran. Halyruidhous. 21 Nov 1584
- GD40/2/9/72 Lothian papers, Volume IX. Fernieherst 1505-1597. Bond by Bukcluche [Buccleuch] and other inhabitants of the Middle Marches to assist Sir Thomas Ker of Pharnyhurst as Warden and Justice of the said March. c 18 Mar 1584/1585

- GD40/2/9/77 Lothian papers, Volume IX. Fernieherst 1505-1597. Notarial Instrument, narrating that Sir John Cranstoun of that Ilk refused to subscribe the bond subscribed by certain barons of the Middle March to assist Sir Thomas Ker of Phairneherst as Warden and Keeper of Liddisdail. c 18 Mar 1584/1585
- GD3/2/12/6 Licence by King James VI to Robert, Master of Eglinton, to remain at home from army because of feud between him and John, lord Hamilton, warden of border marches (Fraser ii, no. 196). 25/11/1589
- GD149/265/Part 1/f 13 James VI to Lord Maxwell to continue assisting the Warden of the West March. 1591 October 16 1591
- GD16/27/12 Contract of excambion between James, Lord Ogiluy, and Jean Forbes, his spouse, with consent of James, Master of Ogiluy, on the one part and Sir John Carnegy of Kynnaird, kt., on the other part whereby the marches between the lands of Farnell and Mekill Carcary belonging to the said Lord and the lands of Kynnard called Cuikstoun, Balnamone and Mekill Fethy are to be settled. Kynnard, Farnell. 28/11/1592
- GD1/698/12 Extract contract and indenture between Alexander Dunbar of Boith [Boath], proprietor of lands of Petquhin, and John Hay of Lochloy, proprietor of Lochloy and Mylnehill, anent marches between their lands. The marches between the two lands are given. 'Begynnand at the vest merche stane that devydes the landis of Petquhyn ... fra the ... landis of Mylnehill ... at the north and passand est thairfra as the auld rin of the burne gangis to the waird pertaining to the said Alexander Dunbar of Boyth quhilk waird lysis west and north-west the mylne of Boyth and pasand fra the west end of the said waird cum to the said stane that devydis the saidis landis of Petquhyn ... at the sowth fra the landis of Mylnehill'. Reg. Commissar of Murray's book, 6 Aug 1594. 22 Jun 1594
- GD16/4/25 Notarial Instrument narrating the settlement of marches as in No. 24. Collow. [770.30]. 17/7/1594

- GD1/42/1/3 Contract between Andrew Arnott, minister of Scotlandwell, Allan Cowtis, elder, of Grange, John Cowtis, his son, with consent of David Broun of Fyndmouth and Thomas Tosche in Dunfermline, his curators, heritable portioners of Capildray, on the one part, and Duncan Wemys and Mr. Robert Broun, heritable portioners of Pitkany, on the other part, concerning the marches between the said lands of Capildray and Pitkany. 12 Jul 1595
- GD1/446/76 Miscellaneous discharges and other papers (15), including a petition by George Stewart of Arnetully [Arnullie] about the marches of Arnetully. [NB. GD1/446/1-81 were delivered to Capt Menzies in 1963 by Messrs Jameson, McGhie and Munro, solicitors, Elgin, conform to inventory, a copy of which has been placed with GD1/446/79.] 1595-1598
- RH15/19/15 Copy signet letters of horning at instance of George Setoun and Alexander Cluny in Tranent and Robert Thomeson in Hadingtoun, narrating that they 'upon sinister and wrangous informatioun' had been called before warden of the east march at instance of the Lady Kent in England, on a charge of stealing a horse from her, alledged to be in their possession, and at the instance of various other people, all with the same claim. 25 Dec 1602
- GD16/41/127 [Draft] Warrant to George, Earl of Dunbar, lieutenant and justice of the Marches and others to arrest Hector Turnebull of Barnehillis and Hector Turnebull of Stanlege, his father's brother, for failure to pay 2000 merks Scots to Helen Gramislaw, Lady Newtoun, in compensation for the murder of the aucht brether of the gramislawis', her brothers. [Cf. Pitcairn-Criminal Trials II, 442]. 1604
- GD16/11/10 Copy of extract of a contract between Sir John Ogilby of Innerquharity, kt., on the one part, and James Ogilvy of Cloway, on the other part, relating to the settlement of marches between the lands of Innerquharity and the lands of Auchmelchie, which marches are often altered by the action of the rivers Esk and Prosen. Innerquharity, Cortaquhy. [Registered B. of C. & S. 7 Aug 1605]. [1588.192]. 9/8/1604

- GD1/698/15 Decreet arbitral between James Dunbar of Penik and James Dunbar of Both [Boath], anent marches between lands of Meikle Penik and Bothe. The debatable land is described as 'betuix the landis of Penik and Bothe at that part of the saidis landis betuik the furd of the kirkqait passand by Bothe at the sowthe unto the boig callit the bog of the Bothe alias the waird at the miln of Bothe at the northe'. 1607. Endorsed with submission. 1 Aug 1606
- GD6/821 Instrument taken on the depositions of two aged witnesses, concerning the marches at the Corsloip, contraverted between William Mow and others. 26/11/1611
- GD16/48/60 Contract between Sir Walter Ogilvie of Fynlattare, kt., and James Ogillvie, his son and apparent heir, on the one part and Sir George Ogillvie of Dunlugus, kt., Walter Ogillvie, apparent of Dunlugus, his son and George ogillvie, son and apparent heir of said Walter, on the other part whereby all parties ratify contract, dated 20 January 1556, between deceased James Ogillvie of Cardell, on the one part and deceased Sir Walter Ogillvie of Dunlugus, kt., on the other part whereby said Sir Walter was to have the teinds of the towns and lands of Banff and Bauchlaw, without payment of duty, which latter provision is now revoked; said Sir Walter of Fynlattare and James, his son, set in tack to said Sir George, his son and grandson, the teinds of the said towns and lands for the time of the longest liver of them five and thereafter to the heir for 7 years; and said Sir Walter of Fynlattare and James, his son, set intack to the said Sir George, his son and grandson, the teinds of the lands of Boigmuchillis, Baddinhuik, Rothmackenzies, Muirak, Dunemade, Brakinhillis and half New Mill, for 19 years; and said Sir Walter of Fynlattare and said Sir George of Dunlugus settle the marches between the lands of Blairschinache pertaining to said Sir Walter and the lands of Cutlaw and Tipertie pertaining to said Sir George. Edinburghe. Another contract in the same terms. [Damaged, signatures gone except for 2 witnesses]. 11/1/1613

- GD19/39 Perambulation of marches between Lord Alexander Stewart of Gairlies and Sir Thomas Kirkpatrick of Closeburn on Pogawyne Mver. 31/3/1614
- GD1/21/2/9 Copy DECREET ARBITRAL by William Moncrieff of Kintillo and Laurence Oliphant of Pitkaithlie, judges arbitrators nominated, following on a submission by Sir David Carmichael of Balmedie and John Moir anent the deciding of the marches between the hill of Potty and the hill of Aberargie [at Courdie Muir]. Witnesses: Andrew Wemyss, Andrew Moir, George Nasmyth. [No date but backing gives date of submission as 27 February, 1663]. 26/2/1663
- GD1/698/65 Indenture between Alexander Dunbar of Both [Boath] and James Dunbar, his son, on one part, and John Hay of Lochloy, on other part, relating to marches between lands of Meikle Penick and Lochloy. 5 Oct 1678
- GD1/394/75 Warrant by the Marquess of Atholl to John Stewart of Urquhillmor relative to observance of marches 14 Apr 1680
- GD1/391/20 Instrument of interruption taken by Thomas Oliphant of Rossy-Ochill against the tenants of Mundy and Fordell for intrusion of the marches of Rossy-Ochill 4 Jun 1681
- GD1/391/24 Agreement between Thomas Condie, George Niven, Alexander and William Dick, feuars of the laird of Keir, on one part, and Thomas Oliphant elder and younger of Rossie, on the other part, setting the marches of the lands of Pitwhinartrie, Auchingounie and Rossie-Ochill 19 Aug 1687
- GD16/2/60 [Extract] Submission and decret arbitral between James, Earl of Airlie, on the one part, and John Ogilvy of Breasyde, on the other part, whereby James Carnegy of Balnamoon and Sir James Ramsay of Bamf are appointed to arbitrate on the marches lying between the Mainburne and the Glack-burne. [Registered commissary court books of Brechin 30 Oct 1691]. [63.54]. 20 Aug-Oct 1691

Debateable/Debatable Lands

"The Debatable Lands, also known as Debatable ground, batable ground or thriep lands, was land lying between Scotland and England, formerly in question to which it belonged, when they were distinct kingdoms. It signifies the same thing as litigious or disputable ground... "

- Extent of the Debateable Lands

"The Debatable Lands extended from the Solway Firth near Carlisle to Langholm in Dumfries and Galloway, the largest population centre being Canonbie. The lands included the baronies of Kirkandrews, Bryntallone and Morton. They were around ten miles (16 km) long from north to south and four miles (6 km) wide. The boundaries were marked by the rivers Liddel and Esk in the east and the River Sark in the west. For over three hundred years they were effectively controlled by local clans, such as the Armstrongs, who successfully resisted any attempt by the Scottish or English governments to impose their authority. In his history of the Border Reivers (The Steel Bonnets (1971)), George Macdonald Fraser says that the Armstrongs alone could put 3,000 men in the field. They launched frequent raids on farms and settlements outside the Debatable Lands, the profits enabling them to become major landowners. Other clans in the area were the Elwands, Ellwoods, or Elliots who extended into Teviotdale; the Nixons who were more numerous in Cumberland; the Crossars in Upper Liddesdale, with their chief stronghold in Riccarton; and the Grahams, who owned five towers in the Debatable Land. The Irvings, Olivers, Bells, Dicksons, and Littles were also present in varying numbers"

http://en.wikipedia.org/wiki/Debatable_Lands

- Esk Estuary

"...About 7 miles north of Canonbie a track leads to a large standing stone which was the northern boundary of the Debatable land. Map ref: 79 431 839. The Debatable Land extended from Tarras Moss in the north to the Esk estuary in the south. It was about three and a half miles wide. The history of this small but important territory is one of petty warfare and constant dispute.

When the Border between Scotland and England was established, three areas along the border remained in dispute. It was about the year 1450 when we first hear this district described as the Debatable Land, which, because of its size and position, obscured the other disputed regions. When the differences involving the other disputed areas were settled, this problem remained unresolved until 1551 when agreement was eventually reached.

As both countries were suspicious of any involvement of the other, the Debatable Land became a haven for all the 'broken men', drop outs and miscreants in the area. It was a sanctuary for thieves and, as would be expected, a source of great distress for those trying to establish the rule of law. Both countries claimed this land but neither had any jurisdiction over it. Both England and Scotland, however, made a joint declaration outlining their involvement, and declared that everyone should refrain from conflict and conduct themselves in an orderly manner.

Elements of the Elliots, Crosiers, Nixons, Turnbells ...and, of course, the Armstrongs, the clans that had spread into the Debatable Land, hadn't much time for declarations, and went about their business in their usual fashion. Frequent attempts were made to dislodge them by official forces, but most attempts failed and the few successes were temporary. They simply melted into the nearby wastes, and returned to resume their lawless activities when the immediate danger to them was over.

Such was the trouble caused by the Debatable Land that both Scotland and England were forced into making a joint declaration that 'all Scotsmen and Englishmen from this time forth shall be free to rob, burn, spoil and slay any person or animals or goods belonging to all who inhabit the Debatable Lands...' Eventually, It wasn't until agreement was reached to share out the land, that each country assumed responsibility for enforcing the law in their portion.

However, it took a long time for both governments to achieve some sort of order and maintain even an uneasy peace".

<http://www.borderreivers.co.uk/Border%20Features/Debateable%20Land.htm>

By Sir Walter Scott - 1828

"...you may recollect, when James, the sixth of that name who reigned in Scotland, succeeded by the death of Queen Elizabeth, to the throne of England and thus became Sovereign of the whole Island of Britain...But Master Littlejohn... lower order of animals, such as birds, dogs, cattle...are deprived of the means of communicating their ideas to each other...They have cries...by which the express pleasure or pain - fear or hope - but they have no formed speech...It is widely different with mankind...The whole island of Great Britain was now united under one king, though it remained two separate kingdoms, governed by their own separate laws...The consequences of the union of the crowns were more immediately felt on the Borders...But it was not easy to see, how the restless and violent inhabitants, who had for so many centuries accustomed to a lawless and military life, were to conduct themselves, when the general peace...left them with no enemies"

The [Scottish] Borderers were divided along family or clan lines and they lived by rapine and plundering"...on the English, or their own countrymen...or by the protection-money they exacted for leaving them undisturbed..."

"...There had been a long and deadly feud, on the West Borders, betwixt the two great families of Maxwell and Johnstone. The former house was...wealthy and powerful...The Johnstones on the other hand neither equal to the Maxwells in numbers nor in power...but they were a race of uncommon hardihood...an alliance was made betwixt (Maxwell) and Sir James Johnstone, in which they and their two clans agreed to stand by each other..."

But a major feud erupted between them and the Johnstones outwitted the Maxwells in a bloody battle the 'Lockerby lick" and the bloody acts continued between these two families. Buccleuch, the Elliots of Liddesdale and the Grahams of the 'debateable lands' were some of those who were on the side of the Johnstones. Whereas the Maxwells could count on the support of the Nithsdale Barons, Drumlanrig, Ragg, Closeburn and Creighton. While the Armstrongs and the Grahams of the 'debateable lands' plundered the English in border territory.

"...the course of justice on the Border [did begin however] after the accession of James to the English throne...even where men of rank and power were concerned...Proclamations were made, that none of the inhabitants of either side of the Border (except noblemen and gentlemen of unsuspected character)

should retain in their possession armour or weapons...the proprietors of land turned their thoughts to rural industry...But it was more than a century ere the country, so long a harassed and disputed frontier, gained the undisturbed appearance of a civilized land". (Tales of a Grandfather - History of Scotland - Second Series - Vol 1 - Walter Scott - Abbotsford 15th October, 1828 - Cadel and Co. - Edinburgh 1829)

Feud and terror

"From the 13th century to the middle of the 16th, outlaws and "border lords" reigned supreme on the contentious frontier between England and Scotland. Feud and terror, raid and reprisal, were the ordinary stuff of life, and power was held by the notorious border reivers: raiders and freebooters, plunderers and rustlers who robbed, murdered, and wreaked havoc." (The Steel Bonnets - George MacDonald Fraser - Knopf 1972)

Peel Towers

Peel towers were built along the Scottish and English borders - they were watch towers where fires could be lit by the garrison to warn of approaching dangers. These towers were the fortresses and homes of Lairds and landlords who dwelt in them while their followers lived in simple huts outside the walls.

http://en.wikipedia.org/wiki/Peel_tower

Scots' Dyke

A Scots' dyke of three and a half miles, was built in 1552 by the Scots and English. http://en.wikipedia.org/wiki/Scots'_Dyke

March Dykes Act 1661 (Old Scottish Parliament)

1661 c. 284

"Our soverane Lord . . . with consent and advice of his Estates of Parliament . . . Statuts and Ordaines that wher inclosours fall to be vpon the border of any persons inheritance the next adiacent heritor shall be at equall paines and charges in building ditching and planting that dyk which parteth their inheritance..." <http://www.legislation.gov.uk/aosp/1661/284/paragraph/p1>

March Dykes Act 1669 (Old Scottish Parliament)

1669 c. 38

"Wheras by the fourty one act of the first Session of his Maiesties first Parliament Entituled Act for planting and incloseing of ground It is provyded that whair inclosers fall to be vpon the borders of any mans inheritance The next adjacent heretor shall be at equall pains and charges in building ditching and planting that dike which divyds their inheritance And the Estates of Parliament Considering the inconveniency and difficulty the execution of that parte of the said act may meit with in lands marching together wher the marches are crooked and vnequall Or wher any parte of the bordering ground is vnfit or incapable of bearing a dyk or receaveing a ditch or hinders the compleiting of the inclosure in ane equal line For remeid whairof his Maiestie with advice and consent of the saids Estates Doth Statute and Ordain That whensoever any person intends to inclose by a dike or ditch vpon the march betuixt his lands and the lands belonging to other heretors contiguous thervnto It shall be leisum to him to require the next Shirreffs or bailliffs of Regalities Justices of Peace or other Judges ordinar To visite the marches alongst which the said dyke or ditch is to be drawne who are heirby authorized when the saids marches are vneven or otherways incapable of ditch or dike To adjudge such parts of the one or other heretors ground as occasion the inconveniency betuixt them from the one heretor in favours of the other So as may be least to the prejudice of either party And the dike or ditch to be made To be in all tyme thereafter the common march betuixt them And the parts so adjudged respective from the one to the other being estimat to the just avaiill and compensated pro tanto To decerne what remains vncompensated of the price to the party to whom the same is wanting And it is heirby Declared That the parts thus adjudged hinc inde Shall remain and abyd with the lands or tennendries to which they are respective adjudged as parts and pendicles therof in all time comeing" <http://www.legislation.gov.uk/aosp/1669/38/paragraph/p1>

Northumberland Record Office - Swinburne (Capheaton) estate records
[ZSW/1 - ZSW/59] - 12th century - 19th century

Administrative history:
The Northumberland family of Swinburne

"The Northumberland family of Swinburne has been seated at Capheaton since the 13th century. Other important centres of their property were Chollerton, Haughton and Simonburn, Stamfordham and Heugh, Matfen, Knaresdale and Allendale, Edlingham and Newtown (held by a junior branch of the family until inherited by the Capheaton line in the early 17th century), Ottercops in Redesdale, the upper North Tyne valley, and for a time, Hamsterley and Slingley in County Durham. The head of the family was created a Baronet in 1660, the title passing to a distant cousin in 1934 on the death of the father of the present owner of Capheaton, Mrs. Browne-Swinburne. The family continued to be Roman Catholic from the Reformation until the end of the 18th century (some of the junior branches remaining so after that time) and its members suffered for their recusancy in the 17th and early 18th century (for examples of this see the documents 7/1-95) although they were not very actively engaged on the Royalist side in the Civil War. The family was connected with the Earls of Derwentwater, and two of the younger sons of the first Baronet were out in the 1715 Rebellion and their estates were confiscated, but the main estates of the family were not touched

- Northumberland and the Border - Followers of Percy

Up to the time of the Reformation, the Swinburnes played an important part in local affairs in Northumberland and the Border and elsewhere, frequently as followers of the Percy family (see 1/161, 165-167 and the documents relating to North Wales in 1399-1402, 1/99, 109, 111-117). As recusants, however, they necessarily were excluded from public business until the time of the sixth Baronet, Sir John Edward Swinburne, who conformed to the Established Church and was a supporter of Fox and Grey and the reform movement. He took a prominent part in organising the militia defence of Northumberland against Napoleon's threatened invasions, and besides his interest in local improvements such as the turnpike road to Edinburgh by Carter Bar, was actively concerned in the literary, antiquarian and scientific pursuits of his time. He was a great friend and patron of John Hodgson, the local historian, and the latter seems to have used the library and records at Capheaton most extensively in compiling his 'History of Northumberland'

The records of the family date from about 1200, and give a very full picture of their estate business. About 1820, Sir John E. Swinburne (almost certainly in order to help the work of John Hodgson) had most of the early charters bound into seven handsome volumes, the first containing 213 items, and the remainder each about 80-100 items. The collection falls naturally therefore into two parts - these seven volumes on the one hand and the remaining deeds, accounts and

papers (about 15 tin trunks full and requiring much sorting) on the other. The latter date mainly from the 17th century to the mid 19th century and are mostly a continuation on a much fuller scale of the records in the volumes, with the addition of estate accounts and some family papers".

Contents:

"ZSW PART I: The first two volumes are labelled 'Miscellaneous' and contain the most interesting and unusual of the documents, especially the first volume. The third volume contains the deeds for the Edlingham estate, the fourth those for Capheaton, the strother family, Fawns and Chollerton, and the fifth volume those for Seaham in Durham, Heugh and Stamfordham, and Hawkwell. The sixth volume contains mostly bonds and receipts, and the seventh volume most of the records relating to the legal and financial difficulties of the family arising from its recusancy in the 17th century, particularly during the Civil War and the Commonwealth; there are, however, some documents about this in part 2 of the collection.

ZSW PART II: The records catalogued here as Part II of the Swinburne MSS are the contents of some 15 tin trunks which have been sorted and re-arranged. Part I is a calendar of the early family charters and other documents to the mid 17th century bound in seven volumes. These volumes have been given the Nos. 1-7; the numbering of Part II starts with item No. 8 and runs to No. 654...There are many very interesting documents in these volumes. Particular mention must be made to the 13th century charters by the Kings and Queens of Scotland relating to their lands in Northumberland (Nos. 1/1-2, 12-13, 15-16, 18-22, 24) some of which have fine seals; the charter which purports to be the earliest (1/1) appears to be a mid 13th century forgery, probably based on a genuine royal charter of the 12th century.

- Keshope Bridge and Border Warfare

The collection also contains some letters of the late 14th or early 15th century written in French, some on paper (Nos.1/101-105, 4/27, 60) of which 1/104 is an invitation to go on "a ride" into Scotland and 1/101-2 relate to a meeting between the officers of the English and Scottish Marches at Kershope Bridge at the end of the 14th century. There are a number of other documents relating to Border warfare or the turbulent conditions there (e.g. 1/58, 68, 2/42, 4/27, 6/16) one of which (6/16) being as late as 1601. In addition to Border warfare, there is a group of agreements in 1374 (Nos. 4/42-50) as to the wages and division of booty between a lesser captain and his men at arms in the war in

France and Brittany, and a letter (4/60) in very difficult French apparently from an English prisoner in Brittany about his ransom. The presence in North Wales from 1399 to about 1402 during the rebellion of Owen Glendower of Sir William Swinburne as a follower of the Earl of Northumberland has resulted in an interesting group of documents (Nos. 1/99, 109, 111-117), one (1/111) being an order to proclaim the General Pardon to the rebels in 1400 by King Henry V when Prince of Wales, and another (1/112) referring to building work at Beaumaris Castle in 1402..."

Notable Lords who were Wardens of the Marches

Scotland

Archibald Douglas - 3rd Earl of Douglas - 'Archibald the Grim' or 'Black Archibald'

Archibald Douglas - 4th Earl of Douglas - lived 1372 to 1424

Archibald Douglas - 6th Earl of Angus - lived c1489 to 22 January 1557

John Maxwell - 4th Lord Maxwell - died 9 September 1513

Robert Maxwell - 5th Lord Maxwell - lived 1493 to 1546

Sir John Carmichael - died 16 June 1600

England

Robert de Clifford - 1st Baron de Clifford (1st Warden for England) - lived c1274 to 1314

William Dacre - 3rd Baron Dacre - lived c1493 to 18 November, 1563

William Eure - Warden of the East March (1539-1548) - lived c1483 to 1548

William Eure - 2nd Baron Eure (10 May 1529 - 12 September 1594) - Warden of the Middle March and Governor of Berwick upon Tweed

Henry Carey - 1st Baron Hunsdon - lived 4 March, 1526 to 23 July 1596

Robert Carey - 1st Earl of Monmouth (1596-1598) - lived c1560 to 12 April 1639

John Dudley - 1st Duke of Northumberland - lived 1504 to 22 August, 1553

Sir John Foster - lived 1520? To 1602

Henry FitzRoy - 1st Duke of Richmond and Somerset - lived 15 June 1519 to 23 July 1536

Wikipedia

The Lord Wardens from 1297 to 1603

- The Lord Wardens of the Marches of England and Scotland by Howard Pease - London - Constable and Company Ltd - 1912 lists the Lord Wardens of both countries starting from 1297 with Robert de Clifford (England) and in 1314 Sir James Douglas ('the Good' or 'the Black' - Scotland) to 1603 for both countries - pp 194 - 201 refer.
- Sir James Douglas played his part in clearing and guarding the marches of the country with activity, prowess, and daring, and the dread of him was so great that English mothers used the name of the ' Black Douglas ' to frighten their children with. Raids into England alternated with the more peaceful duties of attending Parliaments. When King Robert went to Ireland in 1316 Douglas was appointed one of the Wardens of the kingdom ; and during the King's absence, owing to the increased activity of the English, some of his most stirring exploits were performed. (Scots Peerage by Sir James Balfour Paul - Lord Lyon King of Arms - 1890 to 1926 - Peerage of Scotland - Vol 3 - Edinburgh - David Douglas 1906)
- For Scotland, a large number of the Lord Wardens were Douglasses; and Johnstones also featured.

The History and Antiquities of the Counties of Westmorland and Cumberland - by Joseph Nicholson Esq and Richard Burn LL.D - Vol 1 - London 1771?

Ancient State of the Borders

"The History of the two counties of Westmorland and Cumberland is fo connected with Border laws and service against Scotland..."

Border service against the Scots is as ancient as the Norman adventures by William the Conqueror or his grantee Ranulf de Meffchens. Tenants of manors being obliged upon the firing of beacons or other warning to attend to their lord in the service of the Borders; at their own expense and the attendance might be as long as forty days. Some were obliged to go on horseback and others by

foot 'hence there were nag tenements and foot tenements' and the tenants 'were obliged to furnish their stipulated number respectively, on pain of forfeiting their estate to the lord'.

"...the regulation of the Borders by distinct laws, under the role of lords warden of the marches, seems to have commenced in the reign of King Edward the first of England, at the time when he affected the sovereignty over Scotland. Hostilities then became inveterate...The first lord of the warden of the marches...was Robert de Clifford of Westmorland, and hereditary sheriff of fame..."

" 'Tis true there is an account of laws made by the commissioners of both kingdoms for the Borders, of an earlier date, namely in the year 1249...purporting to be laws of the March, made and recognized by the Sheriff of Northumberland on the part of the King of England, and the sheriff of Berwick and Roxbrough on the part of the king of Scotland, upon the oaths of 12 knights of England, and 12 knights of Scotland...(but) Robert de Clifford is the first knight mentioned on the English side; and this was just five and twenty years before Robert de Clifford was born". As to whether it was a forgery we will never know as "Edward, it is well known destroyed all the public records of Scotland"

Milities Angliae

Robertus de Clifford, Robertus filius Randulphi, Robertus Malefante, Robertus Ulfeter, Willielmus de Burnvile, Willielmus de Scremefton, Willielmus de Herington, Robertus de Glendale, Fampfon de Coupland, Willielmus de Cookperte, Henricus filius Gogfridi

Milities Scotiae

Adam de Earth, Radulphus de Boucle, Willielmus de Nothinton, Robertus Bernham major of Berwick, Adam de Norham, Henricus filius Walden, Henricus de Brade, Richardus Holkerton, Robertus de Durham, Aymerus de Emfley, Adam de Newbiggin

"... instead of twelve knights...only eleven (are) mentioned on each side..."

Leges Marchiarum or the Border-Laws [Reader - mostly in Latin]

"Containing feveral Original Articles and Treaties - made and agreed upon by the Commiffiobers of the refpective Kings of England and Scotland - For the - Better Prefervation of Peace and Commerce upon the Marches of both Kingdom: From the Reign of Henry 3, to the Union of the two Crowns in King James 1 ..."by William Lord Bifhop of Carlile - London - 1894

"...Tis now a whole Century of Year fince the more Effectula Union of the Two Warlike Kingdoms of Great -Britain began to be folemnly debated in the Chief Councils of both of 'em..."

- Henricus Tertius 1249

Milites Anglia - Robertus de Clifford, Robertus filius Radulphi, Robertus Malefante, Robertus de Ulfefter, Willielmus de Burnville, Willielmus de Scremefton, Willielmus de Herington, Robertus de Glendale, Sampfon de Coupland, Henricus filius Godfridi

Milites Scotiae -Adam de Earth, Radulphus se Boukle, Willielmus de Northinton, Robertus Bernham Major de Berwick, Adam de Norham, Henricus filius Walden, Henricus de Brade, Richardus Holkerton, Robertus de Durham, Aynerus de Emfley, Adam de Newbigginn

- Henricus Sextus 1449

England - Humfridus Dux Buckingham, Johannes Dux Norfolk, Willielmus Dux Suffolk, Richardus Comes Sarum, Henricus Comes Northumbr, Johannes Comes Oxen, Johannes Vicecomes de Beamont, Radulphus Dominus de Grayflock, Thomas Dominus Fitzbue, Thomas Dominus Dakers

Milites - Thomas Nevill, Thomas Stanley, Jacobus Strangwize, Henricus Fenwick, Robertus Ogle, Thomas Errington, Thomas Lumley, Richardus Mufgrave, Thomas de Stapleton, Thomas de Moore, Johannes Hearon, Robertus Manners

Scotland -

Comites - Willielmus de Duglafs, Georgius de Angus, Johannes de Roffe, Archibaldus de Morray, Alexander de Crawford

[Others] - Willielmus Dominus Creighton, Willielmus Dominus de Sancto Claro, Willielmus Dominus Somervill, Herbertus Dominus Maxwell, Alexander Dominus

Mountgomery, Andrew Dominus Gray, Petrus Hepbourne de Hazell, Jacobus Barron de Creighton, Alexander de Vicecomes de Angus, Andreas Vicecomes de Fyffe, Simon de Glendonon, Archibaldus de Dowglafs, Willielmus de Craifton, Walterus Scott, Robertus Cleighton, Alexander Hume, David Hume, Alexander Rampley, Jacobus Rutherfoord, Nicholaus Rutherfoord, Thomas Cranfton, Willielmus de Carlille, Willielmus de Douglas, Adam Johnftone, Williemus Leywether

- Edwardus Quartus 1464

Scotland - Joannes Comes Atholl, David Comes Crawford, Alexander Comes Huntley, Colinus Comes de Argile, Robertus Dominus Maxwell, Willielmus Douglas Cleue, Gilbertus Dominus Kenedy, Jacobus Dominus de Levingftone, Jacobus Dominus Hamiltone, Thomas Dominus Earskinge, Alexander Dominus Montgomerie, Johannes Dominus Lindfey, Patricius Dominus Halles, Willielmus Dominus Borthwick

Milites - Alexander Boyd de Bruncell, Alexander Hume de Eaden, Walterus Scot de Kirkwood, Simon Glendonon de Perton, Thomas Cranfton de Eadem

England - Richardus Comes Warwick and Sarum, Johannes Comes Northumbriae, Henricus Comes Effex, Radolphus Dominus Grayftock, Henricus Dominus Fittzbeughe, Johannes Dominus Scroope de Boulton, Willielmus Dominus Hafringes, Thomas Dominus Lumley, Thomas Dominus de Lomley

Milites - Robertus Dominus Ogle, Henricus Nevill, Jacobus Strangwize, Robertus Conftable, Johanes Comiers, Willielmus Brice, Robertus Caxton, Johannes Huddlefton, Willielmus Parr, Chriftoferus Coniers, Rogerus Thornton

[Other] - Galfridus Middleton, Armingen

- Henricus Octavus 1533

Commiffioners for England - Thomas Audley, Thomas Cromwell, Edward Fox, John Treggmovell, Richard Givente

Commiffioners for Scotland - William Bifhop of Aberdeene, Adam Otterburne

- Edwardus Sextus 1549 (in English) - In the time of Princefs Mary, Queen of Scots

Commiffioners for England - Thomas Bifhop of Norwich, Robert Bowers,
Leonard Beckwith, Thomas Challoner

Commiffioners for Scotland - Robert Bishop of Orkney, Robert Lord Maxwell,
Thomas Mafter of Askinne, Lewes of St Gelaffe

- Queen Mary 1553

Commiffioners for England - Knights - Sir Thomas Cornwallles, Sir Robert Bowes

Commiffioners for Scotland - Knights - Sir Robert Carnagie, Sir John Ballendine

- Queens Elizabeth 1563

Commiffioners for England - H Scroope, John Forfter, Thomas Gargrave, John
Rockbie

Commiffioners for Scotland - John Maxwell, John Ballendine

- Queen Elizabeth 1596

Commiffioners for England - Tobie Durifme, William Bowes, F. Slingsbie, Clem
Colmer

Commiffioners for Scotland - Peter Dunkeldenf, Sir George Hume, Andrew
Kerr, Mr George Young

- King Edward the Sixth - 6th year of his Reign (in English)

The Watches and the Marches

Appendix [page 143 onwards]

"...Articles devifed at Newcaftle, the 12th and 13th September, in the 6th Year of
the Reign of our Sovereign Lord King Edward the Sixth..."

"That Watches be appointed for the Inhabitants of the faid Marches, and the
Places, with the Numbers of the Watches and other Orders of the faid Watch,
with Setters, Searches and Overfeers, to be written and appointed in as
convenient time as may be, and unto the fame be fet forth the Generall Watch
to be kept from henceforth nightly, according to the Ancient Cuftoms of the
Marches...Also, That every Man do rife and follow the Fray, upon blowing the
Horn, Shout and Out-cry, upon pain of Death...Also, That no Man recept,

harbour, lodge, or by any ways and means aid or comfort any Rebell, Fugitive, Felon, Murderer, Engliſhman of Scottſman, or practice with them, upon pain of Death...Also, That every Gentleman and Subject give information of any Thief or Receipters of Theft, to their knowledge, to my Lord Deputy Warden Generall, or to the Deputy Wardens of the Marches, or to the Sheriff of the County where the Gentleman or Subject dwelleth...Also, That no man practife with Rebell, Thief nor Murderer, but that the fame be opened to my faid Lord Deputy Generall, and that fuch Practices as hath been uſed by any of the Subjects with fuch Offenders, within one Year next before this Conſultation, be in like manner informed to my faid Lord Deputy Warden Generall, within 20 days after this Conſultation...Also, That all Dayes of Marches appointed be kept, and none to be broken nor put over of any theſe three Marches of England, and all the Marchers to attend their Deputy Wardens at the fame and others their Commandments, according to their Duties...Also, That every Deputy Warden fhall within feven days give in Writing all the Attemptats committed aſwell againſt Scottſmen as againſt Engliſhmen, to my Deputy Warden Generall, or to the Wardens within their own Offices...Also, That all other Officers, Captains and Gentlemen, fhall demure and dwell upon their own Offices, and their own Houſes, within 20 days after this Conſultation; if any now be aſſent from the fame...Also, That no Subject ſpeak with any Scottſman ; except on Licence fo to do, of my Lord Deputy Warden Generall, or of the Deputy Wardens within their own Offices...Also, That every Captain and every Officer and Gentleman ſee their Soldiers and Tenants, and fuch as are under their rule, be well horſed immediately, according to their Duties and Powers...Also, That every Officer and Gentleman at this Conſultation fhall give knowledge to their Soldiers, Tenants and every Subject under their Rules of theſe Orders for the firſt Devise and Appointment at this Affembly, to the intent every Subject may uſe himſelf accordingly, and not for want of knowledge to run in fuch pain as will be unto him or them for not doing of theſe or any others againſt the Commonwealth of the Country, or againſt the Peace and Ancient Cuſtoms of the Marches "

"The Names of the Noblemen and Gentlemen at this Conſultation - The Lord Wharton, Lord Deputy Warden Generall; Lord Eure, Deputy Warden of the Eaſt Marches; Lord Ogle, Deputy Warden of the Middle Marches; Sir Thomas Dacre, Deputy Warden of the Weſt; Sir Richard Mulgrave, Captain of Carlifle; Mr

Dunye, Deputy Captain of Berwick ; Sir John Horfley, Captain of Bamburge;
Richard Bowes, Captain of Norham; Thomas Carr, Captain of Wark; John
Mulgrave, Captain of Bewcastle; Thomas Gower, Marifhall of Barwick; Sir
Thomas Gray, Sheriff of Northumberland

Knights - Sir John Widdrington, Sir John Dalovell, Sir George Rattcliff, Sir
John Fofter

Efquires - William Penington, John Prefton, Robert Collingwood, William Swinow,
Robert Conftable

[Others] - Albany Fetherftanbalfe, Cuthbert Horfley, William Bukden, John
Bednell, William Conyers, Robert Thirlway, Nicholas Ridley, John Shaftow,
Robert Lyfle, John Medfurth, Lancelot Lyfle, Thomas Erington, Anthony
Medfurth, Chriftopher Medfurth, John Mufgrave, John Ogle, Robert Dalovell,
Robert Baines, William Strother, Gilbert Swinow, Thomas Carlyle, Thomas
Rotherforth"

The Middle March and the Watches

Appendix [page 160 onwards]

"The Order of the Watches upon the Middle Marches, made by the Lord
Wharton, Lord Deputy General of all the three Marches, under my Lord of
Northumberland's Grace, Lord Warden Generall of all the said Marches, in the
Month of October, in the Sixth Year of the Reign of our Sovereign Lord King
Edward the Sixth"

"...The Ford of Bellefter, and the Mylnerpethe to be watched nightly, with two
men at either Watch, of the Inhabitants of Bellefter; Setters and Searchers,
Thomas Blenkenfop, and John Orsby; Overfeers of the fame, Albany
Fetherftonbalfs, and Henry Walles...Between the Foot of Cowenweddborne and
Lamloye, to be watched with two men nightly, at every Watch, by the
Inhabitants of Fetherfton, and Cowenwood; Setters and Searchers of the fame
Watch Chriftopher Bowman, Nichol. Blaykloke, Overfeers of the fame Watch,
Albany Fetherftonbalfs and Harry Walles...Between Parkenford, and Shawbene
foot, to be watched nightly with two men, at every Ford between the faid
Places, with the Inhabitants of the Townhipp of the Kylls; Setters and
Searches of the fame, John Coltherd and Rowland Bell, Overfeers of the fame

Albany Fetherftonbalfs and Harry Walles...The reft of the Lordfhip of Knarefden on the outfide of Tyne, to be watched nightly with two Men about their own Houfes; Setters and Searches of the fame Watch, John Walles and Nicholas Walles; Overfeers of the fame Albany Fetherftonbalfs and Harry Walles...From Blenkenfop-Caftle to Thirlway-Caftle, to be watched nightly with two men of the Inhabitants, dwelling between the faid two Caftles...From Blenkenfop-Caftle to the Redpethe, to be watched nightly with two men of the Inhabitants dwelling within the fame...The Redpethe and Wyden to be watched with two men nightly of the Inhabitants of Redpethe and Wyden; Setters and Searches of the fame Watch, John Noble and Arche Storye; Overfeers of the fame, Albany Fetherftonbalfs and Harry Walles..."

And fo on covering fuch places as - the Lordfhip of Blenkynfop - Dougham; Blake-poule-rigg - Wyden-Eyles; Thirlwall; Gatewfyderigg; Lamleyford; Smallhomeford; Leydgate; Rydley-hall, Mylhoufe-ford and Spentgingesrake - Bellyhmburn, Houfe, Woods and Shawes; Stryndes-ford - Mydge, Wbamyne, Stedby and Alenfgren; Semacres-ford and Paton-rake - Parofchelles, Blakerlough, Howden [Roxburghshire] and Semacres; Lintbaugh-ford - Plenimell; Hawtwefyll - Plemmelyer; Michele-Yate - Hawtwefell; Bellifter-ford - Bromboufes , Bellefter-park and Lynfhell; Mylboufe; Thorngrafts; Melcarage; Waughtown; Thorngrafte and Milneboufe; Henfhaugh and Melcarig - Hairbughe; Kings-bill and Craw-cragge;

Hawtwefell "...The Township of Hawtwefell to keep a Watch of the Craw-cragge with two Men on the Day; Setters and Searches of the Night Watch and a Day Watch of Hawtwefell, John Rydley, and the Bailiff of Hawtwefell; Overfeers of thefe Watches, Nicholas Rydley, Hughe Cranaw, and Nicholas Blenkenfop Bayliff of Hawtwefell..."

And more - Moreby - Harfenden, Selfwrye, Naked-daill, Plankford and Harleye; Morely; Leyes-ford - Moreley, Taydcheffell and Wefter-dennes; Greenford, Bonebaugh-ford - Lightbirks, Boktbell; Woodhall - Hadenrigg, Medopford - Mylneford, Epend, Parkford, Gawens-ford, Woodhall Park, Owmers and Wyflyford; Parishes of Warden, Newborghe, Baronny of Langley - Tyne and Carrowflowers; Newborghe - Pethmows, Howden-Cloughe;

Barony of Langley "...The Inhabitants of the Baronny of Langley, of the outfide of the Water, to receive the faid Watch of the Newburgh Parifh at Howden-

Clough, and to keep that to the King's-bill, their wyning to Nicholas Rydley, with four Men daily between the faid Places; Setters and Searches, Richard Carneby and Roger Stocell..."

"and ...The Fords and Paffages within Newburgh Parigh, Fourftaines, Harbord, Crofgaytes, Mildam-boufe, the Nether-rack and Stoppull, to be watched nightly with two men in every Watch of the Inhabitants of the fame; Setters and Searches, Sir Thomas Robfon, Rinyan Stocoll and Matthew Robfon; Overfeers of the Watch within the South Tine, Nicholas Erington, and Matthew Turpen; and Overfeers on the Tine, Richard Carneby and Rowland Stokoll"

And more - Row-Yate; Elrington-gate; Houpbourn; Hepdemhead; Wyndoo-heades, Pyotburne-head; Synnes-Lone; Cattenwythes; Water-meetings; Monkford; Bowmans-pool, Senebriche, Dyke-nooke; Elneclough-foote and Allendaill and many many more and this is just for the Middle Marches - one of three!

Overall it appears that it was a complicated and extensive system of Night and Day 'Watches' and persons involved with those 'Watches' seemed numerous and it appeared to be an all pervading activity.

Douglas

- William (Willie) Douglas - 7th Laird of Bonjedward, Roxburghshire c1513 to after 16 August 1581. Willie Douglas was Deputy Warden of (Teviotdale and) the Middle Marches on 15/5/1576.

Over the centuries when the (middle) marches were in place- there were truces regularly in place; and safe passages frequently requested from both the Scottish and English sides of the borders). Just over the border from Bonjedward and Jedburgh was the English county of Northumberland.

Safe passages were guaranteed to and by the Douglasses of Roxburghshire and Northumberland; to and from Scotland and England and vice versa. Eg - 1545 "...About that very time Sir George Douglas sent his friend, the laird of Bonjedward, with a message to the Earl of Shrewsbury at Darlington, to represent that the lords of Scotland really desired peace with England, and to request that the King would send a safe-conduct for ambassadors authorised by the Queen and Governor. The Privy Council, on this, wrote to Shrewsbury to

inform Sir George in reply that the King had lately made proclamation on the frontiers for the entry of his prisoners, and, unless they returned into captivity and relieved their pledges, he would grant no such safe-conduct; but if they did this he was willing to give one to such ambassadors to come to the Earl of Shrewsbury. Bonjedward and others 48 who had promised service might be assured that if such ambassadors came the King would have respect to their safeguard. The Earl of Cassillis, it appeared, was willing to make his entry, for he had written to say so... "(Letters and Papers, Foreign and Domestic, Henry VIII, Volume 20 Part 1: January-July 1545 (1905), pp. I-LXII.)

- George Douglas - 8th Laird of Bonjedward, Roxburghshire c1540
Bonjedward to after 1610. George participated in the Middle Marches with Sir Thomas Kerr of Fernihurst in 1584/85 (his brother was Robert Kerr of Woodend and Ancram). At this time Sir Thomas Kerr of Fernihurst was Warden of the Middle Marches and 'Justice of the said march' (The border antiquities of England and Scotland; comprising Volume 3 - by Sir Walter Scott Esq and others - London 1817 Appendix. No. VII)

Calendar of State Papers - Scotland

1509 to 1598 - Vol 1 - by Markham John Thorpe Esq - London - Longman 1858

Scotland - in the times of Henry V111, Edward V1, Mary and Elizabeth

- Feb 22, 1548 - Drumlanrig - Scotland - in the time of Edward V1

William Douglas of Bunjedward (Bon Jedworth) to Wharton. "In behalf of Angus. Begg his Lordship to be satisfied with his answer. Offers his own services. Will send copies of two letters to Angus from the Governor and Queen."

Calendar of Border Papers - Vol 1 - 1560 to 1594 - Joseph Bain - Edinburgh 1894 (Written from an English Perspective)

- End of 1583 - (Note - Lard of Bon Jedwath, a Dowglass)

"...Signed : Thomas Musgrave.

...West Tyvidale answereth to the English W. March.

Est Tyvedale answereth to the Midle March.

In West Tyvydale.— Lard of Buckclugh, a Scott.

Lard of Bedoroule, a Trumbell.

Lard of Bon Jedwath, a Dowglass.

In Est Tyvydale.— Lard of Cesford, a Carr.

Lard of Craynston, a Carr.

In Lyddisdaile.— The cheff ruler is the Lord Bothwell, to whom the Armitag, wherof James Carr is kepar.

...Addressed at the head : To the right honorable and my singlar good lord, the Lord Burleigh lord Heigh Treaserer of England."

Calendar of Border Papers - Vol 2 - 1595 to 1603 - Joseph Bain - Edinburgh 1896 (Written from an English Perspective)

- Jan 31 - 1596-97 The Scottish to the English Commissioners (Note Douglas/Dowglas).

"We the commissioners for Scotland, do in his Majesty's name crave and insist most eamestlie, that Maister Thomas Cranston, Archibalde Wauchop sometime of Nedrie younger, James Douglas somtyme of Spot, Alixander Home sometime of Prendergaist, and Maister Archibalde Dowglas, notorious and declared trators and rebels to his Majestie (and now avowedlie receitt within England, and speciallie, the said Archbaulde within Newcastle, and the said James Dowglas in dalie companie with the Lord Evers and his deputies, expresse against the treatyis and last league), may be speedily and secretly apprehended and delivered to those appointed by his highness to receive them—according to your answer under your hands to our former articles, and his highness's requisition to your sovereign..."

(page 244)

- May 4, 1597 Demand for Scottish fugitives and reply by England.

Carlisle 4 May 1597.—" Pleaseth it your lordschippes to lett us

have your answeare by wryting, anenst our fugitives and rebelles for high treason, resett upon your borders and elsewhere in this realm ; whose names we delivered to you at Berwick, viz, Mr Archibald Douglass, James Donglasse sometime of Spott, Archibalde Wauchop sometime of Nudrie younger, Alexander Houme sometime of Prendergaist, and Mr Thomas Cranston son to John Cranston of Thirlston mains.
Subscribitur : Dunkell, George Houme, Fawdonside.

The answer of the English commissioners.

To the said requisition may it please your lordships to receive for answer first,—that we cannot understand that these persons are commorant on the borders, or limits of our commission : next, that we conceive that the treaty prescribes a certain form of requisition by one prince to the other in this case, which we wish you to peruse and consider of, not doubting but her Majesty will satisfy the demand, if so made to her. Subscribitur : T. Duresm., Will'm Bowes, F. Slingsbe, CI. Colmore.
...Copies by the English clerk. Indorsed by Burghley and his secretary."

(page 315)

Other - Calendar of Border Papers - Vol 1 - 1560 to 1594 - Joseph Bain - Edinburgh 1894 (Written from an English Perspective)

- 1580-81 Commissioners for the Borders (England)

"Commissioners appointed for the survey of the forts and castles upon the Borders.

For the East Marches. —The Bushop of Duresme, the Lord Hunsdon, the Lord Ogle, Sir John Forster, Sir Fraunces Russell, Sir Henrie Gate, Sir William Hilton, Sir Thomas Graye, Sir Henrie Widderington, Sir John Selbye, Robert Bowes, Robert Dallavell, Thomas Layton, Thomas Caverley, Cuthberte Collingworthe, William Fenwyok, Cuthberte Carnabye, William Reave.

For the Middle Marches. —The Busshope of Duresme, the Lord Hunsdon, the Lord Ogle, Sir John Forster, Sir Fraunces Russell, Sir Henrie Gate, Sir William Hilton, Sir Thomas Graie, Sir Henrye Widdrington, Sir John Selbye, Roberte Bowes, Roberte Dallavell, Thomas Layton, Thomas Caverley, Cuthberte Collingwoode, William Fenwycke, Cuthberte Carnabye, William Reave.

For the West Marches. —The Busshop of Carlisle, the Lord Scrope, Sir

Symond Musgrave, Sir Henrye Curwin, Christofor Dacre, Geordge Lamploughe, George Salfelde, William Musgrave, John Mydelton.

Henrie earle of Huntington, George earle of Cumberlande, Richard busshop of Durham, John busshop of Carlisle, Henrie lord of Hunsdon, Henrye lord Scrope.

Sir John Forster, Sir Fraunces Eussell, Sir Henrye Gate, Sir Thomas Fairefax, Sir Christofor Shilliarde, knightes.

The Deane of Yorcke, —the Deane of Durham.

Fraunces Rodes, Roberte Bowes, Fraunces Wortley, Raphe Rokebye, Henrye Cheke, Marten Byrekhede, Lawrence Meares, Raphe Hurteston, Humphrey Parfrey, Lawrence Blandston, William Bowes, Christofor Wandesforde, esquiers."

(pages 35 and 36)

- August 12, 1581 "... West Marches of Scotlande

A breiffe abstracte of the names of the lordes, aud lardes dwelliage and cohabitinge within thoffice of the West Marches of Scotlande, and of their severall marryadges and alyances.

Lordes, 2.—Maxwell, married to thErle of Angusses sister. Herries, married to one of the dowghter(s) and heires of the Lorde Herries.

Lardes, 19.—Drumblanrige, sister sonne to the Larde of Lowghenver. Johnston, married the Larde of Buckclewghes sister. Lowghenver, married the Lorde Herries dowghter. Bombie, married the Larde of Lowghenvers sister. Garlishe, sister sonne to the Lorde Herries wieffe. Skirling, and the Lorde Herries, married two sisters. Lamanton, married the Lorde Herries sister. Applegarthe, married the Lorde Somervells dowghter. Lagg, married the Larde of Drumblanrig dowghter. Cockpovlle, married the Lorde Somervills dowghter. Empsfeild, married Lorde Herries dowghter. Kirkmighell, married Empsfeild sister. Closborne, married the Bishoppe of St Andrewes dowghter. Holmendes, married with the Yrzens. Newbie, married Holmendes dowghter. Tynnell, a Maxwell, unmarried. Cawperton, married the Larde of Lowghenver sister. Provest of Glenclowden, sonne to the Larde of Drumblanrige. Cownethe, married Kirkconnells dowghter." [Written by Scropes Clerk]

(page 72)

- July 1583 The Names on the Marches.

" A note of the gentlemen and surnames in the Marches of England and Scotland.

East Marches.—England; gentlemen.—Forsters, Selbies, Graies, Strowders, Swiners, Mustians.

Surnames.—Johnsons, Vardes, Ourdes, Wallisses, Stories, Armeslrohges, Dunnes, Flukes.

Scotland ; gentlemen.—Humes, Trotters, Bromfeilds, Dixons, Craws, Crinstons.

West Marches.—England; gentlemen.—Musgraves, Loders, Curwenes, Sawfelde.

Surnames.—Greames, Rutlitches, Armestrongs, Fosters, Nixons, Tailors, Stories.

Scotland — Maxwells, Johnsons, Urwins, Grames, Bells, Carlills, Battison, Litles, Carrudders.

Midle Marches.—England; gentlemen.—Ogeles, Fenickes, Hemes, Withringtons, Medfords, Shafters, Ridleis, Carnabies.

Surnames ; Ridesdale. —Halls, Hedleys, Andersons, Potts, Eades, Dunnes, Milburnes. Tindale. —Charletons, Dodds, Milbornes, Eobsons, Yaroes, Stapletons.

Scotland; gentlemen; East Tividale.—Carrs, Yongs, Pringles, Burnes, Davisons, Gilleries, Tattes. Lidesdale.—Rudderfords, Carrs, Dowglasses, Trombles, S(c)ottes, Piles, Robsons, Halls, Olivers, Ladlers, Armestrongs, Elwoods, Nixons, Crosers, Turners, Fosters."

(page 105)

Other - Calendar of Border Papers - Vol 2 - 1595 to 1603 - Joseph Bain - Edinburgh 1896 (Written from an English Perspective)

- March 1895-96 - Award by Sir John Forster.

"Addressed, to all Christiane people, relates the deadly and detestable feuds existing between the Ogles, Wooddringtons, Fenwicks, Herons, Ramesis, Selbyes, Shaftowes, Mydfordes, Ridleys, Eringtons, Lawrences, Thorntons, Aynesbyes, Clennells, Paustons, Halls, Reades, Hedlyes, Pottes, Charltons, Robsons, Doddes, Hunters, Mylbomes, and Readheads, loyail and dutyfull subjectes of England, and

the Ellotes, Annestrongs, Crosers, Nixsons, Nobles, Larences, Hendersons, Batysons, Sympsons and Lyttles, lawfull and leige subjectes of Scotland,

—that the original offenders being slain and justified, the innocent unborn when the quarrel begane, cruelly murdered, and so on from generation to generation, contrary to the laws of Godd and nature and all other polliticke lawes, the above surnames, considering their duty as professed Christians and loyal subjects for pacifying their feuds, submitted them to the arbytrament, order, dome and judgment of Sir John Forster, knight, lord warden of the Middle Marches of England, who after due deliberation, hearing, &c, decreed that all blood feuds should cease, and offences hereafter by one nation on the other should be referred to the decision of four indifferent gentlemen, two of each nation, chosen by the parties, &c. [with other minute provisions]..."

(page 111)

Johnstone

[My interest in Johnstone - for Margaret Douglas the 1st Laird of Bonjedward married a Thomas Johnson/Johnstone; and they took the name of Douglas]

- 'SIR JOHN DE JOHNSTONE, a man of great note. In the reign of King ROBERT II. He was Warden of the west marches in 1371, and fought valiantly against the English Borderers in 1378. He d. in 1383, and was ... by his son.'
- 'SIR JOHN JOHNSTONE, of Johnstone. He was nominated by the Earl of Douglas the chief Warden of the marches, one of the sureties for keeping a truce with the English in 1398. He d. in 1420, and was s. by his son.'

(Johnstone - Marquess of Annandale - By Letters Patent, dated 4 June, 1701)

Thanks to William Douglas of Douglas History as the catalyst for this exercise.

Sally E Douglas

20th October, 2011