

**A STUDY OF SOCIETY IN THE ANGLO-SCOTTISH BORDERS  
1455-1502**

**Anne A. Cardew**

**A Thesis Submitted for the Degree of PhD  
at the  
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A STUDY OF SOCIETY IN THE ANGLO-SCOTTISH BORDERS

1455 - 1502.

ANNE A. CARDEW

Thesis submitted for the degree of  
Doctor of Philosophy of the  
University of St. Andrews.

May 1974.



I declare that the following thesis has been composed by me, that the work of which it is a record has been done by myself, and that it has not been accepted in any previous application for a higher degree.



The research work for this thesis has been carried out in the department of Mediaeval History, University of St. Andrews, under the supervision of Miss Ann J. Kettle, since October 1970 when I first registered as a research student.

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ABBREVIATIONS.

- ADA : Acts of the Lords Auditors of Causes and Complaints.
- ADC 1478-95 : Acts of the Lords of Council in Civil Causes 1487-95.
- ADC 1496-1501 : Acts of the Lords of Council in Civil Causes 1496-1501.
- ADC 1501-3 : Acta Dominorum Concilii 1501-3.
- Aln.C.M. : Alnwick Castle Muniments.
- APS : Acts of the Parliament of Scotland.
- B.I.H.R. : Bulletin of the Institute of Historical Research.
- B.M.,Harl. : British Museum, Harleian Collection.
- Bodl.,Dodsw. : Bodleian Library, Dodsworth Collection.
- Cal.I.P.M. : Calendar of Inquisitions Post Mortem.
- CCR : Calendar of Close Rolls.
- CDS : Calendar of Documents relating to Scotland.
- CFR : Calendar of Fine Rolls.
- C'ld & W'ld,N.S. : Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society (Kendal), New series.
- Cockermouth C.M. : Cockermouth Castle Muniments administered at Carlisle Record Office.
- CPR : Calendar of Patent Rolls.
- D'fries & G'way : Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society.
- E.H.R. : English Historical Review.
- Exch.Rolls : The Exchequer Rolls of Scotland.
- Fraser, Buccleuch : W.Fraser, The Scotts of Buccleuch.
- Fraser, Carlaverock : W.Fraser, The Book of Carlaverock.
- Fraser, Douglas : W.Fraser, The Douglas Book.
- G.E.C., Complete Peerage : The Complete Peerage, ed.G.E.Cokayne, revised by V.Gibbs.
- History of Northumberland : A History of Northumberland issued under the direction of the Northumberland County History Committee.

- MSA : Historical Manuscripts Commission.
- PRO, Sheriffs : List of Sheriffs for England and Wales from the earliest times to 1831 (PRO, Lists and Indexes, no.D, 1898).
- Reg.Hse., Just.Ct.MS. : Register House, Justiciary Records and Court Book, Edinburgh and the South Circuit.
- RS : The Register of the Great Seal of Scotland.
- Rot.Parl. : Rotuli Parliamentorum.
- Rot.Scot. : Rotuli Scotiae.
- RS : The Register of the Privy Seal of Scotland.
- Kymer, Foedera : T.Kymer, Foedera, Conventiones, Litterae.
- Scot.Hist.Soc. : Scottish History Society.
- Scot.Rec.Soc. : Scottish Record Society.
- Scots Peerage : The Scots Peerage, ed.J.Balfour Paul.
- Scot.Text Soc. : Scottish Text Society.
- S.H.R. : Scottish Historical Review.
- S.R. : Statutes of the Realm.
- T.A. : Accounts of the Lord High Treasurer of Scotland.

SYNOPSIS.

The thesis is a detailed descriptive survey of the society of the Anglo-Scottish borders in the second half of the fifteenth century. The survey is divided into three sections, the first providing a background to border society, the second examining the structure of that society, and the third describing how the society was governed.

As an introduction to the study of border society, the geography and economy of the frontier region are briefly described; a short survey of border towns is attempted; and the role of the Church in border society is examined, although this is mainly confined to a description of the ecclesiastical institutions in the area.

In analysing the structure of border society in the later fifteenth century a division is made between, on the one hand, the levels of society, and, on the other, the interconnections which bound the border population together. The lower ranks of border society, both urban and rural, are examined in as much detail as is permitted by the scarcity of surviving evidence. The leading families on each side of the frontier are described and their role in border society is examined.

Interconnections within border society are investigated from three aspects: the bond of kinship; connections and ties of dependency among leading border families; and relationships across the frontier. The topic of kinship bonds raises the question of the origins of border surnames, and an attempt is made to contribute to this controversy by examining the state of development of the surnames by the mid-fifteenth century. Connections between leading border families are examined under the categories of land-holding relationships, connections formed through marriage, and bonds based on employment or the more formal contracts of retainer and manrent. Interconnections, so far as they existed, between English and Scottish borderers are described as a conclusion to the survey of the ways in which border society was knit together.

The final section of the thesis is concerned with the government of border society. As a means of introduction, the background of the political relations between the kingdoms of England and Scotland is established by a detailed analysis of events during the half-century. Following this survey of how the two countries alternated between truce and open war during the period, an analysis is made of the terms of the truces signed between 1455 and 1502. This examination of truce terms, which were mainly concerned with frontier control, leads on to a survey of the operation of law-enforcement on the borders. The machinery of law-enforcement, involving the imposition of both the international frontier law and the national laws of the respective countries, is described, and standards of efficiency among judicial officers are touched upon. Aspects of law-enforcement on the borders which are of particular interest are subsequently examined, and both the general character and the causes of border lawlessness are discussed. In the examination of law-enforcement machinery the functions of officials are described, but as a conclusion to the survey of law and order on the borders the holders of the various offices are investigated.

In the conclusion to the thesis a brief generalised description is attempted of the characteristics of border people and their society in the later fifteenth century.

INTRODUCTION.

Any frontier region between two intermittently hostile states will tend to develop a society with broadly similar characteristics and problems. Such a region, as the buffer between the hearts of the two warring countries, inevitably bears the brunt of any fighting, and this experience of violence and insecurity from external forces tends to breed violence and insecurity within the society itself. Men suffering from repeated outbreaks of fighting in their locality frequently try to turn the situation to their advantage, making a declaration of war the excuse for personal gain at the expense of the enemy. Thus general lawlessness is likely to develop, since habits of looting and killing for personal gain in wartime, when such activities are regarded as legitimate, cannot easily be broken or controlled, and will certainly not cease simply because remote governments declare a truce. The people of a frontier society become inured to wartime conditions, and adapt their way of life to meet or take advantage of these circumstances.

A frontier society inevitably presents particular problems of control for the responsible governments. The need for strict control is heightened since hostilities across a border in time of truce easily develop into war and make the official peace almost meaningless. Border societies, however, tend to be exceptionally difficult to control, mainly because of the lawlessness created by recurrent warfare. Inhabitants of an area which repeatedly suffers from enemy hostility will tend to lose respect for the government responsible for war and which fails to provide protection. Also a vicious circle is created, the authorities failing to control lawlessness largely because they cannot gain the respect of the population, and this lack of respect increasing due to the authorities' failure. A more concrete obstacle to control of lawlessness can be the frontier itself, which, though generally ignored by people living nearby, can prevent the capture of

a criminal unless efficient co-operation is maintained between the governments involved, which may be in a state of cold war during a truce.

The insecurity of any frontier society, caused by intermittent warfare and the consequent tendency towards lawlessness, combined with the almost inevitable failure of the governments involved to provide adequate protection against both war and lawlessness, makes it likely that a border society will evolve its own means of self-protection. In Anglo-Scottish border society security was sought through reliance on local lords or on kinsmen. These sources of protection, though important in many societies past and present, played a particularly important part in that region, in common no doubt with many another frontier society. Reliance on local sources of protection rather than on the government, tends to breed an independence of spirit and a consequent feeling of isolation from the state whose authority is rejected. Frontier zones are usually more or less isolated from the heart of the country, and in the English and Scottish marches this isolation (more significant in the former case) was intensified by the geography of the region. This independence of attitude towards the state of which the frontier is part, tends to reduce the sense of nationality among inhabitants of a border region. This was at least true in Anglo-Scottish border society in the fifteenth century, at which period the concept of nationality was not yet fully developed, but was becoming significant in both countries.

Since the characteristics and problems of frontier societies are likely to be broadly similar, a study of any such society at any particular period may help to produce a greater understanding of frontier peoples extant or extinct. This provides a wider justification for research into Anglo-Scottish border society in the later fifteenth century than does its intrinsic interest or its place in the histories of England and Scotland.

It is essential always to bear in mind that although Anglo-Scottish

border society can be seen as a unit, with uniform general and basic characteristics, there were important differences between areas within the whole region. Naturally Englishmen and Scots living close to the frontier line shared more common characteristics than borderers of the different nationalities settled at opposite boundaries of the region. Also people living in the wild, upland districts of the borders, whether English or Scottish, had more in common with each other than with the communities of the fertile coastal plains and the towns, and vice versa. Contrasts existed between the English and the Scottish borders in such matters as law-enforcement, the character of the highest strata of society, and minor details of geography, economy and social ties, but these do not detract from the essential unity of the region. The apparently great contrast in the distances of the English and Scottish marches from their respective centres of government was not significant in reality. Although the English borders were more difficult to reach from London in terms of time than were the Scottish borders from Edinburgh, the two regions seem to have been almost equally isolated from the heart of their kingdoms due to geographical features and the independence of attitude. Certainly the Scottish kings of the half-century seem to have been no more successful than their English counterparts in controlling the marches, despite the advantage of easier accessibility and communication.

Studies of Anglo-Scottish border society have tended to concentrate on the administration of the region and on the lawlessness prevalent in the society. By limiting the period of study to a mere half-century it is possible to attempt research into some further aspects of border society. Lawlessness and law-enforcement are of great importance, since the extreme nature of the first and particular characteristics of the second were peculiar to this society. Much has been written on this aspect of sixteenth-century border society, but little detailed work has previously been done on this, or any other, aspect of the borders

in the previous century. Material for a study of law-enforcement in the later fifteenth century is limited, especially in contrast with that available for the next century, but enough evidence survives to create a fairly clear picture on most aspects of the subject. Control of the borders in time of truce depended largely on an international body of law created by English and Scottish negotiators and defined in the terms of truces, together with arrangements for its enforcement. Although much has been written by various historians concerning this march law, and quotations have often been taken from the truces, no full translation and analysis of all the truces signed during a particular period has apparently been produced. It proved worthwhile to attempt this for the second half of the fifteenth century, since such an analysis not only revealed interesting details, but also shows that changes were frequently made in order to improve the system of co-operation in border control. The terms of truces did not embody a formal, unchanging system of law-enforcement, continually repeated without attention to its effectiveness, but rather exhibited the constant concern of the English and Scottish governments with making a truce effective through the control of lawlessness. In connection with these truces, and as essential background material to the study of border society, a detailed account of Anglo-Scottish diplomacy during the half-century seemed relevant.

It is perhaps necessary to define the terms 'national' and 'international' as used in describing law-enforcement on the borders in this thesis. International law in this context, otherwise known as march law, refers to a specific body of Anglo-Scottish law and the machinery established for its enforcement. It was concerned only with relations between English and Scottish subjects in time of truce, and was relevant mainly, but not exclusively, to the frontier region. National law refers to the law and judicial administration of the respective kingdoms imposed only on their own subjects, in the borders as in the rest of the separate countries. The terms are anachronistic,

although the concept of nationality was developing, but are necessary in order to stress this important division within the system of border law-enforcement.

A study of the structure of border society and of the character of the different levels of society is hampered by an imbalance of surviving evidence. Little can be discovered concerning the middle or commercial, urban rank of this society, but this category of people was numerically small, and the unimportance of this 'middle class' within border society was perhaps its most significant feature. A more serious deficiency in surviving evidence hinders a detailed investigation of the lower ranks of border society, which constituted the mass of the population. Both the material conditions of and the social structure within this section of the society in the later fifteenth century are shrouded by uncertainty. One of the most interesting questions raised in Anglo-Scottish border history is that concerning the origin of the border kinship groups known as surnames. It has been claimed, on the one hand, that they developed out of ancient tribal units, and, on the other, that their development started much later and was caused by the insecurity of border conditions, which induced men to band together for protection. It may be that the truth lies in a combination of the two elements, but unfortunately the limitations of fifteenth-century evidence allow little light to be thrown on the problem. These kinship groups did not only involve the lower ranks of society, but the material available on leading border families at this period adds little to the controversy.

A study of the leading border families, which formed the elite of border society, can be made in more detail, although limitations in the surviving evidence make generalisations dangerous. The interest of these families in a study of border society lies in the position they held and how they maintained it; in the methods by which they extended their influence; in the part they played in royal administration of the

region; and in the connections they formed among themselves. It is interesting to note how royal authority in the borders was dependent on the power and influence of these families to make it effective, while such families exploited their responsibilities in royal administration to expand their power. It is often difficult to reconstruct the ties established between leading border families and to discover when connections were significant in terms of affinity and dependence, but such reconstruction is important in analysing the structure of border society. An appendix has been compiled of available information regarding the connections and general activities of members of a few leading border families.<sup>(1)</sup> This serves to demonstrate the limitations of the surviving evidence, especially from the Scottish side of the frontier, but is of some value in illustrating the part played by such families in border society.

The form of surname adopted in the thesis for the different border families is usually the modern one, taken from local authorities, from the standard works on the nobility of England and Scotland, or from dictionaries of surnames. Where the modern form has proved difficult to determine with certainty, the form found in the document is retained and occasionally a modern interpretation is attempted. Christian names are always given in their modern form unless this is unknown. Place names have, wherever possible, been identified from maps or dictionaries, but when the modern name is uncertain and the place not therefore clearly located, the version found in the source is followed, with or without a suggestion as to its modern form.

The source material on which the thesis is based is limited in certain ways. In the first place the amount of evidence available on most aspects of fifteenth-century border society is not great,

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1. See below, pp.451ff.

especially in comparison with the surviving sixteenth-century material. Assumptions based on later evidence are probably valid in some areas of border life, but cannot be convincing unless backed by some fifteenth-century material. The scarcity of surviving evidence for the period must not be exaggerated, however. The most serious deficiency is its unevenness, which means that some aspects of border society can be treated more fully than others. This drawback has already been noted in respect of the different levels of society. Lack of evidence precludes discussion in any detail on urban life in the borders, the criminal gangs, the development and organisation of border surnames, and other aspects of border society of less importance than these.

In another sense the available source material is uneven, since there is a contrast between the evidence surviving from the different sides of the frontier. A statement concerning the English borders cannot always be supported by Scottish evidence, and vice versa, although frequently it seems almost certain that the point applied to the whole border region. The lack of records of English border judicial sessions of the peace during the half-century is a serious deficiency, and the existence of a few Scottish border justiciary court records becomes, therefore, of particular significance. Assumptions made on the basis of such evidence concerning the entire frontier region cannot be proved. Again, Scottish laws concerning relationships with the English in wartime cannot be matched in English sources, and conversely commissions to march wardens by English kings have no Scottish counterparts in this period. The estate accounts of the Percy family, which provide invaluable material, have no equivalent in Scottish family records of the period. Such contrasts in surviving source material occur in most aspects of border society, and some licence has to be allowed in making generalisations concerning the whole border region from evidence derived from only one side of the frontier.

The sources of material on Anglo-Scottish border society in the later

fifteenth century are varied, but the most important source is probably family records. These are of particular usefulness in establishing connections between leading border families, and, although the bulk of such record collections consist of land transactions, they also contain much material of miscellaneous interest. Ecclesiastical sources, almost exclusively limited to the English borders, contain much of general interest, although on the whole they are more relevant to a study of church history. Much useful material is derived from judicial sources, confined to the justiciary court records on the Scottish borders (which, however, proved more important than all the English judicial material), and consisting on the English side of records from Chancery, the court of King's Bench, and the commissions of assize and gaol delivery. The printed calendars of Patent, Close, and Fine Rolls also contain much of relevance, but they have no Scottish equivalent. Record material of the later fifteenth century, both local and national, in its original form or, where available, printed, which appeared to have relevance to Anglo-Scottish border society, has been examined systematically and as fully as possible.

No study of fifteenth-century border society as a separate period has been published, and most writers concerned with the borders have concentrated on the sixteenth century, when source material becomes more plentiful. The most useful work on the administrative aspect of border society is that done by Dr. Rae covering the period 1513 - 1603, and his research has produced much of interest also on the social organisation of the region. Dr. Rae's work, however, is confined mainly to the Scottish side of the frontier, although, as he stresses, much of what he writes is applicable to the English borders also. G. MacDonald Fraser has produced a lively recreation of the life of border reivers in the sixteenth century, but his brief survey of border history is of little use in a study of the fifteenth century. D.L.W. Tough's study of the Anglo-Scottish borders concentrates on the Elizabethan period, but is

of considerable general use. Professor R.L. Storey's work on the north of England, including the border counties, in the fifteenth century, provides useful background material, especially on the problem of lawlessness. Other secondary works relevant to the fifteenth-century borders tend to be concerned with only one district, family, or aspect of the region. Many of the older books and articles are unreliable due to bias, concentration on legend, or lack of references, but much useful material is contained in this whole body of writing. This thesis attempts to draw together, from source and secondary material, all the available information on the society of the Anglo-Scottish borders in the period 1455 - 1502. It is hoped that it will fill a gap in the history of the borders and in the history of both England and Scotland.

SECTION I : THE BACKGROUND TO BORDER SOCIETY.

THE GEOGRAPHY AND ECONOMY OF THE BORDERS:

The Anglo-Scottish border region in the later fifteenth century consisted of the east, west, and middle marches of each kingdom, but the exact boundaries of these marches, and therefore of the region as a whole, as defined by contemporaries, are uncertain, since no detailed survey made during the period survives.<sup>(1)</sup> The exact line of the international frontier in that century is also difficult to determine, and it is certain that parts of the border were disputed and therefore not clearly defined. Evidence derived from sixteenth-century sources probably provides a fairly accurate description of fifteenth-century boundaries, since it is unlikely that they changed radically, and this can be supplemented by a few scraps of earlier information.<sup>(2)</sup>

The frontier in the later fifteenth century ran as now from Berwick in the east to the Solway Firth in the west. By the mid-thirteenth century the border was 'an old established institution'<sup>(3)</sup> and settled in its general course, but in patches the exact line of the frontier was debated throughout the medieval period, and important changes in the border took place periodically, as, for example, when Roxburgh, which had been lost, won, and lost again by the Scots, was finally recovered by them in 1460.<sup>(4)</sup> Berwick also changed hands several times, the border beginning above Berwick when England held the town and its surrounding territory, and at the mouth of the Tweed during the periods of Scottish possession.<sup>(5)</sup> The limits of Berwick's boundaries, which

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1. The earliest surviving survey of the frontier, not of the marches, was made in 1542: T.I.Rae, The Administration of the Scottish Frontier (Edinb., 1966), 21.
  2. The following passage, unless otherwise stated, is based on ibid, 21-4; G.Macdonald Fraser, The Steel Bonnets (London, 1971), 33-41; D.L.W.Tough, The Last Years of a Frontier (Oxford, 1928), 1-23. For details of sixteenth-century surveys, see ibid, 1.
  3. G.W.S.Barrow, 'The Anglo-Scottish Border', Northern History, 1 (1966), 39.
  4. J.D.Mackie, A History of Scotland (Pelican, 1964), 80, 91; see below, p. 208.
  5. Mackie, History of Scotland, 83, 86-7, 91; see below, pp. 210, 228-9.

affected the line of the frontier, were in dispute towards the end of the fifteenth century.<sup>(1)</sup> Areas of Debateable Land, where the frontier line was not settled, survived into the sixteenth century, the largest area of disputed territory (about 10 miles long and 4 miles wide) lying between the two west marches, around the rivers Esk, Sark, Lyne, and Liddel Water, covering the modern parishes of Canonbie and Kirkandrews on Esk.<sup>(2)</sup> In 1494 the inhabitants of Canonbie Priory and its lands were described as Scotsmen, while in June of the same year James IV granted to a chaplain 'the holme callit Kirkcandris' with land 'nixt about it of the debatabill land betuix us and Ingland, with al richt and clame that we have to the said holme and debatabill land.'<sup>(3)</sup> The English crown, however, disputed the Scottish claim to the district. Various meetings of Anglo-Scottish commissions were arranged during the later fifteenth century in attempts to solve the problem of this no-man's land, but no clear definition of the border there seems to have been achieved.<sup>(4)</sup> In April 1484 Richard III instructed a herald to arrange a truce, in which it was to be specified that 'no grownde on the West bordures called Batabelle Grounde be othrowise occupied than hit is at this day by any partie',<sup>(5)</sup> thus delaying a solution in the interests of temporary peace. The frontier in this period was not in all places clearly established by the

1. See below, pp. 233, 235-6, 278-9.
2. W.M. Mackenzie, 'The Debateable Land', S.H.R., xxx (1951), 111; Rae, The Scottish Frontier, 22. Robert Bowes, in surveys of 1542 and 1550, described various major areas of disputed frontiers: three on the boundary between the English east march and the Scottish middle march; two between the middle marches; and the largest between the west marches: ibid., 21-2. For more details on the Debateable Land, see below, pp. 318-9, and see map, below, inset back cover.
3. ASS, no. 34; see below, p. 304.
4. The truces of 1488, 1491, and 1492 arranged such meetings: see below, pp. 279-80 in May 1491, November 1493, May and December 1494, and May 1495 commissioners were appointed to discuss march boundaries or disputes over the Debateable Land: Rot. Scot., 11, 498, 513, 515, 518.
5. J. Gairdner, ed., Letters and Papers Illustrative of the Reigns of Richard III and Henry VII (Rolls Series, 1861-3), 1, 55-6.

English and Scottish governments, and it seems likely that many local inhabitants were unaware of the exact position of the border even where it had been definitely fixed.

The English marches in the fifteenth century covered the counties of Cumberland, Westmorland, and Northumberland, as a statute of 1452/3 enforcing the restriction of the march wardens' jurisdiction to these counties makes clear.<sup>(1)</sup> The west march consisted of the whole of Cumberland and Westmorland, while Northumberland covered the other two marches, which throughout this half-century were combined under one warden. The east march consisted of the part of Northumberland north of The Cheviot peak and Alnwick, while the larger middle march covered the rest of the shire. The east march of Scotland, like its English counterpart, was the smallest of the three marches in that kingdom, but it is not certain whether, at this period, it included the whole of Berwickshire or, excluding Lauderdale and Lammermuir, was limited to the Merse in the south-east of the shire.<sup>(2)</sup> The Scottish middle march probably stretched over the shires of Roxburgh, Selkirk, and Peebles, and was large, touching on the border the frontiers of all three English marches.<sup>(3)</sup> The boundary of the Scottish west march is uncertain, since it may have ended at the River Cree or may have included parts or even all of Wigtownshire, but it certainly seems to have covered Dumfriesshire and the stewartries of Annandale and Kirkcudbright.<sup>(4)</sup> The extent of the Scottish marches in the later fifteenth century may have been limited to the areas described by James III in 1485 as 'the

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1. *B.R.*, ii, 363; see below, p.286.

2. In the sixteenth century Lauderdale and Lammermuir were not always considered part of the march, and this may also have been so in the fifteenth century: Rae, *The Scottish Frontier*, 23.

3. Late in the sixteenth century the three shires were included in the march, but in 1525 Tweedale and Ettrick Forest were excluded: *ibid.*

4. *Ibid*, 23-4.

borderares, that is to say the mers tevidale Jedworth forest liddesdale esdale Twisdale & amanderdale' <sup>(1)</sup>, but it is not clear that this summary was comprehensive. If the king's words accurately described the whole extent of the Scottish borders, the three marches were considerably smaller at this period than in the following century.

The Anglo-Scottish border region was isolated, self-sufficient, and independent because it was cut off from the heart of the respective kingdoms by its geographical separateness, by difficulties of access, and, in England, by its distance from London. Main routes to the borders from the south of England were probably limited to the coastal plains north of Yorkshire, on the east, and Chester, on the west, on either side of the Pennines, and the route from York through the Stainmore gap to the Eden valley. Despite the short distance between Edinburgh and the borders, routes were not easy, apart from the east coast route down to Berwick. The borders could be reached through gaps between the Pentland, Moorfoot, and Lammermuir hills, but such routes were probably rough and desolate tracks, dangerous because of the lawlessness of the area. <sup>(2)</sup> Within the border region the frontier could be crossed by the coastal plains at either end of the Cheviot hills. The River Tweed was easily fordable, and there was some sort of passage across the Solway, possibly a ford, since the custody of this passage was granted to various individuals by English kings of the period. <sup>(3)</sup> Through the Cheviots there were numerous ways across the border, some well established as routes, <sup>(4)</sup> but all doubtless extremely difficult for wheeled traffic and for strangers to the region, as well as being dangerous due to the lawlessness

1. *ibid.*, ii, 170; see below, p.349.

2. See Rae, *The Scottish Frontier*, 2-3 for details on Scottish routes.

3. *ibid.* In February 1474 Sir Christopher Cressby was granted the custody for life, as was Richard Coldale in November 1461: *CCR 1461-7*, 56; *CCR 1467-77*, 423.

4. Several such routes are described in Rae, *The Scottish Frontier*, 2: e.g. from the upper reaches of the Jed into Liddesdale; from the Jed valley into Liddesdale; and from the Howmout valley to the Alwin.

prevalent in border society. The English borders could be easily crossed by the Tyne valley between Newcastle and Carlisle, and routes also existed from Lancaster over the Wharfe to Penrith and on through Inglewood forest to Carlisle, and from Carlisle down the Eden valley and away from the borders through the Stainmore gap.<sup>(1)</sup> Routes across the Scottish borders were probably more rough and difficult, crossing the hills, but some were fairly well established, at least by the sixteenth century.<sup>(2)</sup> The main towns in each region of the borders were probably connected by more or less well-used tracks, routes, for example, existing between Selkirk and both Roxburgh and Jedburgh.<sup>(3)</sup>

Various castles guarded the main routes from Scotland to the south of England. Carlisle guarded the west coast passage, while Brougham and Appleby castles were both situated on the important route south from Carlisle through the Eden valley.<sup>(4)</sup> On the east, Berwick, when in English hands, guarded the passage across the Tweed, and Norham and Wark castles stood on the line of this river, which divided the Scottish and English east marches. Ford castle, a short way south of Norham, lay on the route through the Till valley. Further south the east coastal route was guarded by the Percy castles of Alnwick and Warkworth, together with the royal castle at Newcastle. Bamburgh and Dunstanburgh castles on the coast itself may have contributed to the defence of this route. Harbottle castle in the valley of the River Coquet watched over another possible route from Scotland. Most of these vital units of defence were royal castles, but some were held by border families, on whom the king had to rely for co-operation in guarding the routes.<sup>(5)</sup> Scottish

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1. H.R. Reid, The King's Council in the North (London, 1921), 2.
  2. Rae, The Scottish Frontier, 3 describes various cross routes: e.g. from the headwaters of Yarrow to Moffatwater; from Northwick water into Eskdale; and from the Teviot valley into Ewesdale.
  3. R.P. Hardie, The Roads of Mediaeval Lauderdale (Edinb. & London, 1942).
  4. Penrith castle was built in the fifteenth century by the Nevilles, but was superfluous in guarding this route, since it lay near Brougham castle: R.L. Storey, The End of the House of Lancaster (London, 1966), 116.
  5. Brougham castle was held by the Cliffords, except during their period of forfeiture; Norham by the bishops of Durham; Wark by the Greys of Chillingham; Ford by the family of Heron; and Harbottle by the Tailbois family as lords of Redesdale and by the Ogles while the former family were under sentence of forfeiture.

castles guarding routes from England are harder to determine, but Bume castle (held by the family of that name) lay near the east coast route; the Ker family castles of Cassford and Ferniehirst were situated respectively on routes to the Kale valley from the valley of the River Coquet, and from Redesdale to the Jed valley; while the royal castle of Lochmaben guarded the west coast route from Carlisle up Ammandale.

The area covered by the Anglo-Scottish marches is a mainly upland region of mountains, hills, and moorland, incapable of cultivation and only suitable for pastoral farming. The Cheviots, Southern Uplands, north Pennines, and Cumbrian Mountains are all contained within the region, and the only areas of fertile land, well suited to arable farming, lie at each end of the Cheviots, in Berwickshire (the Merse or Tweed valley), in Cumberland (the coastal plain), and on each side of the Solway Firth. Much border land in the Middle Ages was forested, the most important forests being those of Ettrick (Selkirkshire), Jedburgh (Roxburghshire), Inglewood (Cumberland), and Rothbury (Northumberland). Due to the nature of the country border farming in the fifteenth century was mainly pastoral, but the fertile lowland plains were cultivated and borderers probably attempted to grow produce for their own consumption wherever the land might allow. The many river valleys no doubt provided enough good land to make arable farming on a small scale possible.

The vulnerability of the borders as a frontier region to the devastation of war undoubtedly contributed to and worsened the poverty of the area. 'The character of the land made parts of the north economically backward, but that backwardness was intensified by centuries of war.'<sup>(1)</sup> The effect on border lands of enemy hostility in the later fifteenth century is well documented. English inquisitions post mortem on border land-holders often found that their lands were reduced in value or worth

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1. B. Miller, War in the North (University of Hull Publications, 1960), 9.

nothing due to Scottish devastation.<sup>(1)</sup> Even coal mines in 'Tynyelfell' were described as 'valueless on account of the Scots.'<sup>(2)</sup> The accounts of Morham church reveal much land laid waste by the enemy. Upsettlington yielded no profits because it was occupied by the Scots, and it is possible that this part of the frontier was disputed.<sup>(3)</sup> The Percy estate accounts of the period also describe damage wrought by the Scots, for instance in the town of Alnwick, and it has been suggested that the resulting cost of repairs and reduction in land values from such hostility may, to a limited extent, have contributed to a decline in Percy revenues in the first half of the century.<sup>(4)</sup> Percy lands in Cumberland and Northumberland were being regularly leased long before the mid-fifteenth century, the process, which started much earlier on the Percies' border estates than on their Yorkshire and Sussex lands, probably encouraged by the insecurity of the frontier situation, which made rents a more reliable source of income than demesne farming.<sup>(5)</sup> Tenants of certain Redesdale lands had ceased to pay rents by 1495, almost certainly due to impoverishment since Redesdale was a notoriously lawless area close to the frontier. Instead they were bound to assist their lord in keeping the region free from robbers and the enemy.<sup>(6)</sup> During Richard III's reign royal commissioners leased land to four borderers, not for rent, but in return for an undertaking to maintain the king's wars and defend the border.<sup>(7)</sup> In these instances landlords possibly realised that the

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1. E.g. BBO, C 139/168, no.30; C 140/83, no.22; C 140/32, no.26; Cal.I.P.M., 2nd series, i, 67-73, 235, 260; ii, 41, 191, 340; iii, 42. The sterility of land was sometimes mentioned also.
  2. Ibid, i, 69.
  3. Durham Prior's Kitchen, Accounts of Morham Church. Upsettlington is now in Scotland.
  4. Alnwick C.B., C VIII 1i; C VI 2a; J.G.M.Bean, The Estates of the Percy Family, 1416-1537 (Oxford, 1958), 31-5.
  5. Ibid, 12-15.
  6. Cal.I.P.M., 2nd series, i, 414.
  7. Based on a 1538 statement that 60 years 'bipast' when the Liddesdale men came into England and were sworn to Richard III at Carlisle the lands were leased: J.Gairdner, ed., Letters and Papers, Foreign and Domestic of the reign of Henry VIII (London, 1893), xiii, Part II, 553-4.

meagre return to be expected from border lands made the alternative promise of service more valuable than rent. In about 1445 the people of Northumberland complained to the king that they were daily troubled by the Scots and therefore impoverished.<sup>(1)</sup> In 1472/3 Thomas Belmore attempted to justify his inability as sheriff of Cumberland (in 1452-3) to collect all the revenues due to the crown by claiming (possibly with some exaggeration) that he had been impeded by the Percy - Neville feud, and that the shire had been too poor to pay its dues. Out of the 843 north of demesne land in Cumberland, £11 worth 'lyth wast and distroied by the Scottes and the water of Eden' (presumably through flooding).<sup>(2)</sup>

Scottish border lands suffered equally from English aggression. Evidence survives of land wasted in wartime in Berwickshire, Roxburghshire, Ettrick Forest, and Galloway, and one borderer was excused an amercement because all his goods had been burnt by the English.<sup>(3)</sup> The Scottish chronicler, Fitzscotie, in describing an English raid of 1455, wrote that the Scots were 'spoilzeit of their bestiall, their cornes and houssis distroyit and brunt and sundrie gentillmen and commons hurt and slaine for the defence of their goodis and geir.'<sup>(4)</sup> Richard, Duke of Gloucester, and the Duke of Albany, in their invasion of 1482, were said by a contemporary to have burnt 'about xliiii townis and velayis' as well as burghies.<sup>(5)</sup> This same war caused 'gret distruction ... of corne and catell' in Scotland, according to a Scottish chronicler.<sup>(6)</sup> Warriors on both sides of the border also

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1. *ibid.*, s.o.s.198/9861. Earlier (possibly in 1437), inhabitants of the east and west marches complained in a petition that the Scots frequently invaded, burning, taking prisoners, and generally wreaking destruction: *ibid.*, s.o.s.128/6373.
  2. *Rot. Parl.*, vi, 63-4.
  3. *Act. Rolls*, vi, 184-5, 187, 197-8, 261, 372-3, 449-50, etc..
  4. A.J.G. Mackay, ed., The Historie and Cronicles of Scotland by Robert Lindsay of Pitcottie (Scottish Text Soc., 1899), i, 124. Fitzscotie was not contemporary to the fifteenth century, and his word cannot be taken as fact, but this account seems plausible.
  5. *ibid.*, Appendix 1, no. 31, pp. 415-6. Taken from a letter written by George Galy.
  6. J. Pinkerton, The History of Scotland from the Accession of the House of Stuart to that of Mary (London, 1797), i, appendix xxi, p. 503.

suffered from the destructive plundering raids of border criminals. A fifteenth-century Scot wrote that the borders were full of thieves 'which often spoile the cuntrie' so that 'manie rich and fertile places of Scotland lie wast and void of culture for fear of their (the thieves') invasion.'<sup>(1)</sup>

Arable farming on the borders faced difficulties both in the poorness of the land, and from enemy hostility, and was not extensively practised except on a small scale for the individual needs of families. Pastoral farming, on which a far greater proportion of borderers depended, also suffered from the effects of war but even more from the lawlessness prevalent in border society. Thieves on **their** plundering raids burnt crops, caused general devastation, injured, murdered, and stole miscellaneous goods, but the main purpose of these raids was the amassing of livestock, as the few surviving records of border crime make clear.<sup>(2)</sup>

The main occupation of borderers, outside the fertile plains, was pastoral farming, sheep, cattle, and horses being raised and grazed on the transhumance system, the animals being taken to higher pastures in summer.<sup>(3)</sup> Horses were probably reared mainly, if not solely, for borderers' own use, but wool, cloth, and cattle hides were exported from the region. In the thirteenth century Newcastle-upon-Tyne had been an important exporting centre for hides, but this trade declined throughout England, possibly because more leather was being worked within the country.<sup>(4)</sup> There is, however, evidence of hides being exported from various border ports, both English and Scottish, in the later fifteenth century, and the number of cattle stolen by border criminals implies the existence of large herds at

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1. Holinshed's Chronicles of England, Scotland and Ireland, vol.v (London, 1808; New York, 1965), 4.
  2. Reg. Hse., Just. Ct. H.S., passim; see below, p.352.
  3. G.MacDonald Fraser, The Steel Bonnets, 51.
  4. H.C.Darby, ed., An Historical Geography of England before 1800 (Cambridge, 1951), 315-6.

this period.<sup>(1)</sup> Cattle reared on the borders were far outnumbered by sheep, which, according to the impression left by surviving records, seem to have been extremely numerous. In January 1436/7 one man was granted by the Scottish king a lease of Ettrick Forest lands, on which a flock of 800 sheep were pastured, while in 1499 two borderers were granted a similar lease of forest land together with a flock of 1400 sheep.<sup>(2)</sup> Various individual Scottish criminals were accused of stealing hundreds of sheep each, and in 1443 a 'garyson of refars' was accused of having stolen 2000 sheep from different farmers.<sup>(3)</sup> A memoranda book of the Penningtons, a Cumberland family, dating from the end of the fifteenth century, contains numerous pages of accounts concerning sheep and wool sold.<sup>(4)</sup>

Some border wool was exported raw, that of England being subject to special legislation, which ordered that all wool, woolfells, and hides of the border counties and the bishopric of Durham had to be shipped from Newcastle, but allowed direct export to the Netherlands, by-passing the Calais staple.<sup>(5)</sup> Wool of the English border counties and Scottish wool was regarded as coarse and of little value.<sup>(6)</sup> Anglo-Scottish

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1. E.g. Berwick, Alnmouth, and Kirkcudbright: CPR 1452-61, 498; G. Tate, The History of the Borough, Castle and Barony of Alnwick, vol. i (Alnwick, 1866), 238-40; J. Robison, Kirkcudbright (Dumfries, 1927), 125. Individual thieves on various occasions were accused of stealing 180 oxen and cows, 40 cattle, and 200 oxen and cows: Reg. Hse., Just. Ct. MS., ff. 59d, 61, 66d. No evidence has been found of the scale of hide exports from different parts of the borders, and it is not known whether the overall trade declined as well as Newcastle exports.
  2. Exch. Rolls, ix, 470-1; RSS, no. 435.
  3. E.g. Reg. Hse., Just. Ct. MS., ff. 60d, 62, 66, 69, 77-8; J. Hardy, 'Local Documents', History of the Berwickshire Naturalists' Club, viii (1876-78), 288.
  4. Carlisle R.O., D/Pen./200.
  5. This statute operated from March 1452 and was repeated in 1465/4, 1472/3, and 1474/5, but on the latter three occasions only in regard to wool, woolfells, morling and shorling, not apparently to hides: Sir R. Nicolas, ed., Proceedings and Ordinances of the Privy Council of England (1837), vi, 117-8; H.R., ii, 393, 437, 450. Even when a new staple was established in Flanders (New Middleburgh) for border county wool, the merchants of Newcastle were licensed to ship wool outside it in 1479: CPR 1476-85, 159-60.
  6. CPR 1485-94, 269; P. J. Bowden, The Wool Trade in Tudor and Stuart England (London, 1962), 108.

truces of the later fifteenth century stipulated that no one from either country was to buy wool from the other, whether the wool were to cross the border by land or sea.<sup>(1)</sup> The main outlet for Scottish border wool seems to have been the port of Kirkcudbright, one of the most important Scottish ports, where the major trade was in wool, woollfells, and hides.<sup>(2)</sup> The amount of wool exported from Newcastle had declined sharply by the end of the fifteenth century in comparison with two centuries earlier, without the compensation of a rise in cloth exports.<sup>(3)</sup>

The main manufacturing industry, and almost the only one of any significance in the borders, was the cloth industry, but even this operated on an extremely small scale. In England the industry was centred on Kendal, where a coarse cloth was produced, and in Scotland on Dumfries, where, according to a contemporary, 'manie fine clothes specialle whites are made, which are brought up and caried into England, France, Flanders, and Germanie, where they are had in great price and estimation.'<sup>(4)</sup> Apart from the cloth industry, about which almost nothing is known in the fifteenth century, the economy of the borders was almost totally agrarian.

The Scottish borders then, as now, were lacking in mineral resources, and across the frontier mining was at a very early stage. Mines of gold, silver, copper, and lead were worked in the English border counties,<sup>(5)</sup> but only coal was mined in significant quantities. A coal mine in Cumberland was leased out by the Neville Lords Latimer, and the

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1. See below, pp.276-7.

2. J. Robison, Kirkcudbright, 125.

3. Darby, Historical Geography, 311.

4. Cowden, The Wool Trade, 56; Holinshed's Chronicles, 4.

5. OSM 1467-77, 132, 404, 506, 513; OSM 1476-85, 116. Lead was mined on Alston Moor (Cumberland), and the Percies held a lead mine at Whelpington (Northumberland): Darby, Historical Geography, 256; Alnwick C.P., C VI 2a.

Percy Earls of Northumberland were exploiting several mines on both their Cumberland and Northumberland estates by this period.<sup>(1)</sup> The Cumberland coal mines failed to yield the Percy earls much revenue, the most profitable yielding under £5 a year in the later fifteenth century, but the Northumberland coal mine of Bilton produced a revenue of about £20 a year at the same period, although by 1502 it was worthless since it could not be leased.<sup>(2)</sup> The fourth Percy earl took a particular interest in the mineral resources of his own estates and of the north of England as a whole. In 1471/2 'Hans Bucheman' was paid for examining a lead mine at Whelpington (Northumberland), and in 1485/4 a mine of gold, silver and lead was leased for a year.<sup>(3)</sup> The Earl of Northumberland, together with Richard, Duke of Gloucester, and other men, was in August 1474 commissioned to inquire into northern silver mines, and in March 1475 was granted mines in Northumberland, Cumberland, and Yorkshire.<sup>(4)</sup> In February 1486 the earl was again made a commissioner of royal mines.<sup>(5)</sup> It has been claimed that the decline in agrarian rents induced the Percies to take an interest in mineral exploitation, but that the earls had insufficient capital to exploit these resources to the full.<sup>(6)</sup> Newcastle had become an important exporting centre for coal mined on both sides of the River Tyne by the end of the fourteenth century, and the fuel was shipped both to London and parts of the Continent.<sup>(7)</sup>

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1. Ibid, XII.3.Box 2; C VI 2a, 2b; C VIII 11; Carlisle R.C., Cockermouth C.C., 29/3, 4, 9. The second Earl of Northumberland employed a supervisor of his Cumberland mines: ibid, 29/4.
  2. Bean, The Estates of the Percy Family, 51.
  3. Ibid, 49-50; Alnwick C.C., C VI 2a; Cockermouth C.C., 29/8.
  4. CPR 1457-77, 464, 506. In the latter grant a mining court was mentioned.
  5. CPR 1485-94, 69.
  6. Bean, The Estates of the Percy Family, 28, 51.
  7. Darby, Historical Geography, 258-9. Newcastle held a virtual monopoly in this trade: ibid, 320-1.

It is not clear how extensive was the volume of trade across the border, although borderers themselves probably bought and sold in any local market, regardless of the international frontier which was irrelevant to many of them. Trade between the two countries on a larger scale was regulated by the respective governments, and occasionally Anglo-Scottish commissions met to discuss mercantile intercourse, although the only item of trade mentioned in the truces of the period was wool.<sup>(1)</sup> Following a petition presented by the inhabitants of Berwick in 1482 (just after the town had been recovered by the English), Edward IV ordered that all merchandise brought from Scotland should be sold in Berwick or Carlisle, and that all goods intended for export to Scotland by Scots must be sold to them in these towns.<sup>(2)</sup> In 1429/30 the English parliament had set the penalty for exporting staple goods to Scotland as forfeiture of the goods and their double value, together with a year's imprisonment.<sup>(3)</sup> In 1436 Scots were forbidden to buy English goods from Englishmen within Scotland, and yet in 1454 the import of foodstuffs was encouraged by the Scottish parliament.<sup>(4)</sup> The export from Scotland of cattle and sheep was forbidden in 1468, and the Lords of Parliament advised the king to forbid the import of English cloth in 1473.<sup>(5)</sup> Trade was obviously disrupted whenever war broke out, although this may not have affected local marketing near the frontier. The English garrisons of Berwick and Roxburgh, before they were won by the Scots, had been provisioned by Scottish merchants, but in wartime such trade was defined as treason.<sup>(6)</sup>

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1. See above, p. 22 ; see below, pp. 276-7. For examples of commissions to discuss trade, see Rot. Scot., ii, 466 (January 1484/5), 516 (May 1495), 524-5 (September and December 1497).

2. Rot. Parl., vi, 224-5; S.P., ii, 475-6.

3. Ibid., ii, 256.

4. APS, ii, 24, 41.

5. Ibid., ii, 92, 105.

6. Ibid., i, 714; ii, 44.

For all trade between the two countries merchants had apparently to secure both a licence and safe-conduct.<sup>(1)</sup> It seems doubtful that many of the merchants involved in trade between England and Scotland were inhabitants of the borders, apart from those of Newcastle, which town was on the very edge of the region, its residents not being typical of border society.

A considerable trade in fish seems to have been carried on between England and Scotland. In 1436 the Scottish parliament ordered that salmon was only to be sold to Englishmen in exchange for gold, and the king agreed to grant safe-conducts to anyone wishing to enter Scotland to buy the fish. In 1473 the Lords of parliament were concerned that salmon was being sold in exchange for English cloth instead of gold.<sup>(2)</sup> Barrels of salmon were mentioned in 1457 as an export of Berwick.<sup>(3)</sup> Richard III in 1483 granted a licence for one Edward Gower to fetch 60 tons of fish from Scotland.<sup>(4)</sup> It is not clear whether fish was exported from the borders to either or both countries, but the number of border fisheries of which evidence survives implies that fish at least played an important part in the border diet. Among these were Scottish royal fisheries on the rivers Tweed, Teviot, and Uith;<sup>(5)</sup> English royal fisheries on the Tweed, all of which appear to have had names;<sup>(6)</sup> the

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1. For licences to English merchants by English kings, see e.g. Rot.Scot., ii, 426, 455, 531; for licences to the same by a Scottish king, see MS., nos. 84, 356; for English safe-conducts to Scottish merchants, see e.g. Rot.Scot., ii, 384, 386-7, 402, 432, 496. No licences by Scottish kings to their own merchants or safe-conducts by the same to English merchants survive, but would certainly have been granted.

2. MS., ii, 24, 105.

3. CCR 1452-61, 363.

4. MS., Parl. 1483, Index and Catalogue, 275.

5. MS., no. 2550; MS., no. 193.

6. CCR 1452-61, 162-3, 186. One Tweed fishery was attached to the town of Berwick: CCR 1476-85, 313.

'Irithmet' on the River Eden in the custody of the citizens of Carlisle;<sup>(1)</sup> 'Le Fryse Syssh' on the Tyne at Newcastle;<sup>(2)</sup> the Esk fishing grounds, which caused much international tension;<sup>(3)</sup> and fisheries belonging to the Percy Earls of Northumberland, to Bishops of Durham, and to the monastery of Whitthorn.<sup>(4)</sup> The fifth Percy earl raised a substantial revenue by exploiting one at least of his fisheries to the full. He increased the revenue of the fishery at Ovingham (Northumberland), which in 1477/8 stood at £18 a year, to £99 10s. 11½d. in 1524/5.<sup>(5)</sup>

The Anglo-Scottish borders were undoubtedly a poor region economically in the fifteenth century. The land was mainly barren, and although the cultivation of crops was possible in places, farmers faced the constant threat of devastation of land, livestock, and property by the enemy in wartime or by the plundering raids of thieves. It has been pointed out that on the English side of the border the survival of gavelkind tenure, by which land was divided up between children instead of passing intact to one heir, increased border poverty by creating farms too small to support a family.<sup>(6)</sup> Towns and industries were few and not large enough to provide a significant reserve of employment for the landless and those whom the land could not adequately support. This poverty and lack of opportunity drove many borderers to a criminal career in order to make a living.<sup>(7)</sup> It is not known whether emigration from the borders to more prosperous areas was common, but such movement was unusual among the lower ranks of medieval society generally. The poverty of the English

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1. CCR 1461-7, 82. It was granted in June 1472 to Richard, Duke of Gloucester. CCR 1471-85, 42-3.
  2. CCR 1452-61, 114.
  3. See below, pp.220, 279-80.
  4. Carlisle C.C., Cockermouth C.C., 29/6, 9; 302; Alnwick C.C., C VI 2a, 2b, 2c; J. Baine, The History and Antiquities of North Durham (London, 1852), 7-8; ibid., no. 461.
  5. Bean, The Histories of the Percy Family, 44.
  6. A.R.Reid, Council in the north, 6.
  7. Robert Bowes, in Henry VIII's reign, said this was true of Tyndale and Ledasdale, but the problem was probably widespread throughout the borders: Sir Robert Bowes, The English Border in the Days of Henry the Eighth (Newcastle, 1849), 35.

border counties in comparison with the rest of the country is shown by an assessment made in 1453 of the number of archers each shire could provide. Whereas the quota for most counties was several hundred each (for example, York 713 and Essex 368) and the average was 295, Cumberland, Westmorland, and Northumberland were assessed at 74, 56, and 60 respectively (Newcastle having to provide an additional 53).<sup>(1)</sup> An Englishman in 1536 wrote that borderers 'lyveth in much povertie and penury' in squalid dwellings, and a Scot of the fifteenth century described borderers as 'men leading in the meane season a poore beggerlie and verie miserable life.'<sup>(2)</sup>

#### Border towns:

Since the border area was essentially an agrarian region, its towns were mainly small and unimportant. The major exception was Newcastle, the importance of which was largely based on coal, but this port was only on the fringe of the border region, and was atypical of border towns. Surviving evidence concerning border towns and the activities of their inhabitants in the later fifteenth century is extremely limited, and it is impossible to provide details of urban institutions or to recreate the way of life led by the few town dwellers in border society.<sup>(3)</sup> It has been pointed out that in English border society there was no real middle (i.e. commercial, urban) class,<sup>(4)</sup> and this must certainly have applied equally to the Scottish borders. Most border towns in the fifteenth century were merely small market centres for a district, resembling large villages, a few being defended by walls. The citizens of Alnwick,

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1. Rot. Parl., v, 232. Similarly, on a tax assessment of 1503 the border counties were required to pay much less than almost all other shires: ibid, vi, 535-42.
  2. F.J.Furnivall, ed., The Fyrst Boke of the Introduction of Knowledge by A.Boorde (Early English Text Society, Extra series, x, 1893), 136; Holinshed's Chronicles, 4.
  3. The only border town for which late fifteenth-century records survive in any quantity is Peebles: Charters and Documents relating to the Burgh of Peebles 1165-1710 (Scottish Burgh Records Society, 1872). Even these printed records, however, are of little use in creating an accurate picture of border town life at this period.
  4. R.R.Reid, Council in the North, 56.

through the Percy Earl of Northumberland, received a royal licence to build a wall in Henry VI's reign, and the building is said to have been completed in the 1470s.<sup>(1)</sup> Newcastle, Carlisle, and Berwick were walled, and Peebles had four town doors, which seems to imply a wall.<sup>(2)</sup>

Fenrith and Warkworth may also have had walls, but no other English border towns and probably few Scottish ones were thus defended.<sup>(3)</sup>

The border ports of Newcastle, Berwick, and Kirkcudbright were the most important towns in the region, together with Carlisle, as an episcopal seat and the centre of the English west march, and Dumfries and Kendal, as centres of the cloth industry. The other chief towns in the border shires - Appleby, Peebles, Selkirk, Wigtown, and Roxburgh - were probably very small, and important only as market centres and in the administration of royal justice over the shires. Roxburgh was only won back by the Scots in 1460, and the castle at least was deliberately destroyed to prevent its remaining a potentially useful base for the English.<sup>(4)</sup> Several Scottish burghs of barony in the borders were created through licence of the king during the half-century, and these places secured the freedom to buy and sell, and the right to have a weekly market and a yearly fair.<sup>(5)</sup> Although local trade and the

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1. G.Tate, The History of Alnwick, 1, 236-7, 240-1, 244.
  2. An ordinance of 1468 ordered the doors of Peebles to be closed in an attempt to keep out the plague: Charters and Documents relating to Peebles, 157. Newcastle's walls needed repair in 1483, Berwick's in 1459, and Carlisle's in 1480 : CFR 1476-85, 415; CFR 1452-61, 498; Carlisle R.O., D/Lons.Deeds/C 61.
  3. H.L.Turner, Town Defences in England and Wales (London, 1971), 97-9, 100-2, 104-10. W.M.Mackenzie, The Scottish Burghs (Edinb., 1949), 39-44 claims that most Scottish burghs were fortified by a wall or some sort of enclosure by this period, but this seems unlikely in all but the most important Scottish border towns.
  4. See below, p.208.
  5. Torthorwald (Dumfriesshire)(to be called Carlyle) created a burgh of barony in 1473: R&O, 15th Report, Appendix, Part VIII, 47; 'Kyretoun' (Calloway) in 1477: R&O, no.1357; Dunglas (Berwickshire) in 1489: ibid., no.1864; Earlston (Berwickshire) in 1489: ibid., no.1907; Duns (Berwickshire) in 1490: ibid., no.1937. Only the latter two burghs secured the right to elect bailiffs and other officials.

provision of services on a very limited scale provided employment for the inhabitants of border towns, many town dwellers on both sides of the frontier were probably largely or wholly dependent for their living on farming their own crops and livestock.

The internal social organisation and government of border towns in the fifteenth century is in most cases difficult to determine in detail, if at all. Newcastle had craft guilds and a merchant company, but details of the governing bodies of the town under the mayor do not survive, although aldermen and a common gild were involved.<sup>(1)</sup> Although little is known about Newcastle at this period, the town clearly differed in character from other border towns due to its size and its position on the fringe of the border region. It was a flourishing port, through which coal, wool, and hides were exported on a considerable scale, and it had enough sizeable industries to support craft organisations as well as a merchant company, the crafts being large enough to afford a Corpus Christi Day procession.<sup>(2)</sup> In contrast to Carlisle, which was also of considerable size, Newcastle was not the administrative centre of the march in which it was situated, except possibly during the Scottish occupation of Berwick,<sup>(3)</sup> despite the existence of an important royal castle in the town. Newcastle did not apparently play a major part in border defence, although its inhabitants were rewarded occasionally during the half-century for assisting in the defence of the marches.<sup>(4)</sup> Newcastle appears to have been a centre for piracy, since several complaints were made in the later fifteenth century about captured ships being taken to the port for the disposal of both ship and cargo.<sup>(5)</sup>

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1. Extracts from the Records of the Merchant Adventurers of Newcastle-upon Tyne, vol.1 (Surtees Soc., vol.93, 1894), p.xxv; R.Welford, History of Newcastle and Gateshead (London, 1884), 1, 326, 334, 339, 374-5, 379.
  2. Extracts from Merchant Adventurers' Records, vol.1, 4-5.
  3. See below, p.291.
  4. CPR 1476-85, 415, 509; CPR 1485-94, 313.
  5. CPR 1452-61, 437; CPR 1461-7, 349; CPR 1467-77, 493, 605.

Carlisle also had a merchant company and craft gilds, and this city was governed by a mayor and eleven citizens, all elected yearly. No official of the city could be re-elected within three years of his last term of office. The mayor could not act without the majority assent of the eleven.<sup>(1)</sup> Morpeth in Northumberland was probably a centre of leather-working, since a craft of cordwainers was established there,<sup>(2)</sup> but it is unlikely to have been large enough to have had other craft organisations. A few other English border towns specialising in a particular industry, such as Kendal as a centre of the cloth trade, may have had one or more craft gilds, but proof does not survive. It is also not known whether many or any Scottish border burghs supported merchant or craft gilds at this period.<sup>(3)</sup> Among both English and Scottish border towns there was no conformity of internal government. The Scottish parliament in 1455 ordained that all royal burghs (which included Peebles, Kirkcudbright, Wigtown, Dumfries, Selkirk, and, when in Scottish hands, Berwick and Roxburgh) were to have councils of eight or twelve, depending on size, to decree 'all materis of wrang and unlaue' within the burgh.<sup>(4)</sup> Another statute of 1469 prohibited aldermen, bailiffs, and all royal burgh officials from holding office beyond one year; ordered the town council of one year to elect the succeeding council and both councils together to appoint all officials; and

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1. Carlisle R.O., Ca./2/15,70 (Ordinances of the City of Carlisle); R.S.Ferguson, A History of Cumberland (London, 1890), 206-9. The mayor was elected by the eleven, together with twenty-four other citizens chosen by them.
  2. For an Ordinary of the Cordwainers' Company, dated September 1470, see J.Hodgson, A History of Northumberland, Part II (Newcastle, 1827), ii, 430-1.
  3. Peebles did not have a merchant gild until 1621: W.M.MacKenzie, The Scottish Burghs (Edinb., 1949), 107.
  4. APS, ii, 43.

stipulated that one member of each craft should take part in these elections.<sup>(1)</sup> Burghs of barony on the Scottish borders were under the control of the lord, who, with royal licence, had created them, and, unless such burghs had secured the right to elect their own officials, these would be appointed by the lord.<sup>(2)</sup>

A considerable number of border noble and gentry families held property in local towns, in most cases probably leased to tenants rather than maintained as a town residence. The Percies, Ogles, Harbottles, and Threlkelds held pieces of property in Newcastle;<sup>(3)</sup> the Percies, Moresbys, and the Dentons in Carlisle;<sup>(4)</sup> the Thornburghs in Penrith; the Greystokes and Ogles in Morpeth; and the Parrs in Kendal.<sup>(5)</sup> On the Scottish borders, the Carlyles held property in Wigtown, the Glendinnings in Peebles, the Johnstones in Lochmaben, the McClellans in Kirkcudbright, and the Murrays in Selkirk.<sup>(6)</sup>

Border towns suffered as much as farming land from the recurrence of warfare in the frontier region. In 1482, after Berwick had been won back by the English, the inhabitants of this town complained to Edward IV of its poverty and desolation, and secured trading privileges and a monopoly of the sale of salmon caught in the Tweed. The privileges were aimed at encouraging settlement in Berwick.<sup>(7)</sup> It has been said that a large part of Appleby, burnt by the Scots in 1338, was still ruinous

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1. Ibid, 95.
  2. For details on Scottish burghs generally, see MacKenzie, The Scottish Burghs, but this provides very few details concerning border towns at this period, since the information does not survive.
  3. Bean, The Estates of the Percy Family, 158-60; Bodl.Dodsw.MS, 18,f.38; 45,f.125; R.Welford, Newcastle and Gateshead, 1, 399-400.
  4. Bean, The Estates of the Percy Family, 158-60; CPR 1485-1509, 27; T.H.B. Graham, 'The Family of Denton', C'ld & W'ld, N.S., xvi(1915-16), 48-9. In December 1480 Henry Denton was mayor of Carlisle: Carlisle R.O., D/Lons.Deeds/C 61.
  5. CPR 1467-77, 424; Hodgson, History of Northumberland, Part II,ii, 430-1, 502; Bodl.Dodsw.MS, 18,f.38d; CPR 1467-77, 334, 531-2.
  6. RMS, nos.1144, 252, 1661, 2022, 2674.
  7. See above, p.24.

in the reign of Henry VIII.<sup>(1)</sup> In December 1461 the mayor and citizens of Carlisle were granted a reduction by half of their fee farm, because of the damage caused during the siege of the city by the Lancastrian faction and the Scots. Suburbs, mills, and gates had been destroyed by fire.<sup>(2)</sup> The bailiffs and burgesses of Bamburgh were likewise granted a reduction in their fee farm and were excused all arrears in November 1468, in compensation for damage inflicted by Lancastrian rebels.<sup>(3)</sup> Earlier, in 1439, an inquisition found that following the burning of Bamburgh by the Scots only thirteen poor burgesses remained in the town.<sup>(4)</sup> In 1463/4 the burgesses of Alnwick were granted by the deposed Henry VI the right to establish a free port at Alnmouth for the shipment of certain goods, a reduced rate of customs for thirty years, and the right to hold weekly markets and two fairs yearly. This was granted to compensate for the attack on the town by rebels (i.e. Yorkists).<sup>(5)</sup> It has been noted that the revenue derived by the Percies from the borough of Alnwick declined by a quarter between 1434/5 and 1471/2, and that decayed rents were caused partly by Scottish destruction of houses.<sup>(6)</sup> The lands and privileges pertaining to the burgh of Peebles were confirmed by James II in 1451, because the town's charters had been burnt in wartime.<sup>(7)</sup> The same was done for Sanquhar in 1484 and for Lauder in 1502, since war had destroyed the charters of both burghs.<sup>(8)</sup> Dumfries was burnt by the

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1. R.S.Ferguson, A History of Westmorland (London, 1894), 148.
  2. CPR 1461-7, 82.
  3. CPR 1467-77, 114.
  4. CPR 1436-41, 270; CPR 1441-6, 403.
  5. G.Tate, The History of Alnwick, 1, 238-40.
  6. Bean, The Estates of the Percy Family, 31, 34. The annual revenue dropped from £22 12s.2d. to £17 18s.6<sup>1</sup>/<sub>2</sub>d..
  7. NES, no.431.
  8. Ibid, nos.1606,2679.

English under Richard, Duke of Gloucester, in 1482, and two years later the town's fee farm was remitted as a reward for the resistance its inhabitants had offered to the enemy.<sup>(1)</sup> The cost of defence in face of the recurrent threat of enemy hostility must have severely taxed the resources of those border towns capable of offering any resistance. The fee farm of Selkirk in 1487 and of Jedburgh in 1490 was reduced in gratitude for good service in war.<sup>(2)</sup> In November 1454 the mayor and citizens of Carlisle were granted the right to ship a certain amount of wool free of customs duties, in recompense for their expenses in maintaining continual watches for the protection of the city.<sup>(3)</sup> £100 a year for six years out of royal customs was set aside in May 1459 for the repair of the walls of Berwick.<sup>(4)</sup> In December 1483 Richard III granted £40 yearly out of Newcastle's fee farm to be spent on repairing the town walls and bridge, in consideration of the expenses incurred by the mayor and bailiffs in defending the marches. The grant was repeated about a year later.<sup>(5)</sup>

It is clear that the inhabitants of border towns were much affected by the general insecurity of this frontier zone, and they probably suffered also from the plundering of thieves. It seems unlikely that many towns had adequate means for defending themselves. Borderers of the towns and of the countryside came into contact at markets and fairs, at which produce and livestock were exchanged for basic manufactured goods worked in the towns, but it is probable that both rural and urban communities were largely self-sufficient. The inhabitants of border towns were probably mainly small tradesmen, craftsmen, and artisans, and

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1. See above, p. 19 ; Exch.rolls, ix, 297.
  2. Ibid, ix, 551-2; x, 246.
  3. CPR 1452-61, 217.
  4. Ibid, 498.
  5. CPR 1476-85, 415, 509.

the collective wealth of townspeople was doubtless not great. Only the largest towns within the borders - Carlisle, Newcastle, Kirkcudbright, and possibly Dumfries - are likely to have numbered wealthy merchants among their inhabitants, and even there only very few. The economy of the borders was too poor to sustain a commercial class of any significance, or to allow towns to flourish and expand.

THE CHURCH IN THE BORDERS:

In a study of Anglo-Scottish border society, the part played by the Church can of necessity only be discussed from the narrow viewpoint of how this institution affected the society and was affected by it. Internal matters concerning the Church, such as, for example, the efficiency of episcopal administration, the personnel of the clergy, or the severity of abuses such as non-residence and pluralism within the region, are relevant to the general ecclesiastical history of the later fifteenth century rather than to border society. The questions which arise concerning the role of the Church on the borders are on the whole almost impossible to answer from available evidence. It is possible to describe the ecclesiastical organisation of the border area and the religious houses, hospitals, and schools established within the region at this period, but it is extremely difficult to determine the amount of contact between such institutions and the border population as a whole. Even more difficult to discover is the attitude of borderers towards the Church and religion. The effects of border lawlessness and warfare on religious institutions can be described, but little can be said concerning the part played by the Church in attempting to curb this lawlessness. Altogether, it is not possible to establish whether the role of the Church in border society differed in any remarkable way from its general position throughout England and Scotland in the later middle ages.

The Anglo-Scottish borders in the fifteenth century were subject to six episcopal jurisdictions. The east and middle marches of England, as the archdeaconry of Northumberland, formed part of the see of Durham (apart from Hexhamshire which was subject to the diocese of York), while the west march constituted the bishopric of Carlisle, apart from an area of Cumberland and Westmorland which was attached to the archdeaconry of

Richmond in the see of York.<sup>(1)</sup> On the Scottish marches the bishopric of Glasgow incorporated the deaneries of Teviotdale, Peebles, Eskdale, Nithsdale, and Annandale (probably all of the middle and parts of the west march); the diocese of St. Andrews included the deanery of the Merse (probably all the east march); and the see of Galloway probably covered most of the west march as well as neighbouring non-border land.<sup>(2)</sup> The whole of the English borders lay within the archbishopric of York, and the Scottish see of Galloway had also been subject to this jurisdiction until the Great Schism brought this subjection, much weakened by the War of Independence to an end. On the erection of St. Andrews into an archbishopric in 1472, Galloway was put under its jurisdiction, but was transferred to the archbishopric of Glasgow on its creation in 1492.<sup>(3)</sup> Parts of the borders were subject to the temporal as well as spiritual jurisdiction of religious institutions, since Northamptonshire, Islandshire, and Bedfordshire in England were part of the liberty of the bishopric of Durham; Hexhamshire in the same country was a franchise in the hands of the Archbishop of York; and the regalities of Melrose and Kelso in the Scottish borders were under the independent jurisdiction of the respective abbots.<sup>(4)</sup>

A considerable number of religious orders had houses in the border counties of England and Scotland, although in comparison with the rest of England and with the heart of Scotland (i.e. Fife and the Lothians) monastic settlement was sparse.<sup>(5)</sup> Benedictine monks were established

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1. D. Knowles and R. Neville Hadcock, Medieval Religious Houses, England and Wales (London, 1953), last map at the end of the book.
  2. I. B. Cowan, The Parishes of Medieval Scotland (Scot. Rec. Soc., vol. 93, 1967), passim. The difficulties in determining the boundaries of the Scottish marches at this period explain the vagueness over deciding which episcopal jurisdiction covered which march.
  3. F. A. Powicke and E. B. Fryde, eds., Handbook of British Chronology (2nd edition, London, 1961), 281.
  4. See below, p. 315.
  5. The following list of English and Scottish border houses is taken from Knowles & Hadcock, Religious Houses, England and Wales, and from D. B. Easson, Medieval Religious Houses, Scotland (London, 1957). For the location of the border houses, see map below, endpaper; and for a comparison of the numbers of religious houses in different parts of England and Scotland, see maps at the end of Knowles & Hadcock and Easson.

at St. Bees and Wetheral in Cumberland, both priories dependent on St. Mary's Abbey, York; at Lindisfarne (Holy Island) and Tynemouth in Northumberland, priories dependent on Durham Priory and St. Albans Abbey respectively; and in cells at Coquet Island, Farne Island, and Warkworth in the same county, the last two dependent on Durham, the first on Tynemouth. The only Benedictine house on the Scottish borders was Coldingham Priory in Berwickshire, a dependency of Durham until it fell under Scottish control, the last English monks being ejected by 1462.<sup>(1)</sup> Cistercian abbeys had been established at Calder and Holm Cultram in Cumberland, Newminster in Northumberland, Melrose in Roxburghshire, Dundrennan and Sweetheart in the stewartry of Kirkcudbright, and Glenluce in Wigtonshire, the last two being daughter houses of Dundrennan. A Cistercian grange dependent on Byland Abbey (Yorkshire) existed at Bleatarn in Westmorland. Kelso Abbey was the only border house of the order of Tiron. Augustinian canons had established many border settlements: Bamburgh, Brinkburn, and Hexham priories in Northumberland (Hexham lay within the liberty of Hexhamshire); cells in the same county at Ovingham and Carham, dependent on Hexham and Kirkham Priory (Yorkshire); Lanercost Priory and the cathedral priory of Carlisle in Cumberland; Jedburgh Abbey (Roxburghshire) with its dependent priory of Canonbie, which was Scottish but lay in the Debateable Land on the west marches; and the Priory of St. Mary's Isle in the stewartry of Kirkcudbright, dependent on Holyrood Abbey. Premonstratensian canons had establishments at Alnwick and Blanchland (Northumberland), Shap (Westmorland), Dryburgh (Berwickshire), Holywood or Dercongal (Dumfriesshire), Souseat (Wigtonshire), and Tongland (Kirkcudbright), all of which were abbeys, and a priory at Whithorn (Wigtonshire). The Trinitarians had houses at Newcastle and Peebles, and at Berwick while the town was in Scottish

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1. See below, pp.42-3.

hands. Various orders of friars had established themselves in some of the more important border towns. Dominican friars were settled at Carlisle, Newcastle, Bamburgh, and Wigtown; Franciscans at Carlisle, Newcastle, Berwick, Dumfries, Kirkcudbright, Roxburgh, and Jedburgh; Carmelites at Newcastle, Appleby, and Hulne (Northumberland); and Augustinians or Austin friars at Newcastle, Penrith, and possibly Berwick. Nuns had houses at Armathwaite and Seton in Cumberland (both Benedictine priories); at Newcastle, Lambley, and Holystone in Northumberland (the first two Benedictine priories, the last a priory of Augustinian canonesses); and at Coldstream, Eccles, and St.Bothan in Berwickshire (all Cistercian priories).

The distribution of religious houses among the border counties was uneven, parts of the region apparently possessing greater attractions for settlement than others. The coastal plain of Northumberland and its off-shore islands attracted monks and canons, as did the Cumberland coastal strip, but the mountainous part of this county and the whole of Westmorland (i.e. the Lake District) was neglected, the only religious house being Shap Abbey, although there were friars at Appleby. Scottish border houses were more evenly dispersed throughout the region, although the wilder districts were again avoided. On the east, in Berwickshire, five religious houses had been established; in the central shires four, although there were no settlements in Selkirkshire (the monks of Selkirk Abbey having moved to Kelso in the twelfth century) and only the Trinitarians in Peebles; while on the western borders nine religious houses existed, four of them in the stewartry of Kirkcudbright. Friars had settled in most of the main towns. The avoidance of the wild, mountainous areas of the borders by monastic settlers was probably due as much to fear of being vulnerable to the attacks of the enemy and of thieves as to the difficulties of making a living out of such countryside.

Religious houses even in the more civilised parts of the borders did not, however, avoid the plundering raids of robbers and enemy forces, and they probably proved tempting targets for such aggression.

In the general insecurity of the borders as a lawless frontier region, religious houses, often endowed with considerable wealth and treasures, frequently suffered from such attacks by thieves or enemy forces, as well as from the general effects of war. Hexham Priory by 1479 was feeling the effects of falling revenues caused by land being laid waste by the Scots and by the plundering raids of thieves. Land was uncultivated and buildings were in ruins.<sup>(1)</sup> In 1455/6 and 1463/4 the priory of Holy Island could not collect the fruits of the chapel and altarage at Tweedmouth since all had been destroyed by war.<sup>(2)</sup> In a 1464 inventory from the priory of Durham it was recorded that the value of the liberties of Northhamshire and Islandshire was reduced due to the effects of Scottish invasions and hostility by Lancastrian forces.<sup>(3)</sup> In the fifteenth-century accounts of the cell on Farne Island payments are included for the ransoming of servants from the Scots and for the repair of buildings damaged by the enemy.<sup>(4)</sup> The prior and convent of Tynemouth in 1465 were granted £100 by Edward IV as a reward for keeping the priory 'to their great costs, jeopardies and charges from the danger and assaults of our enemies, traitors and rebels.'<sup>(5)</sup> The same king in December 1461 licensed the priory of St. Mary in Carlisle to acquire lands to the value of £20 yearly and granted it two tuns of red wine each year, because possessions of the priory in Carlisle had been devastated during

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1. The Priory of Hexham, vol.ii (Surtees Soc., vol.46, 1864), p.xvii.
  2. J.Raine, The History and Antiquities of North Durham (London, 1852), 121-2.
  3. Feodarium Prioratus Dunelmensis (Surtees Soc., vol.58, 1871), 98.
  4. Raine, North Durham, 349-57.
  5. C.L.Scofield, The Life and Reign of Edward IV (London, 1923), ii, 399.

the Lancastrian siege.<sup>(1)</sup> A similar grant was made to the priory by Richard III in 1484 on account of the destruction of its possessions by the Scots.<sup>(2)</sup> In March 1462/3 Alnwick Abbey received a royal grant of £100 'in support and relief of their losses in goods, chattels, "focalia" (fuel), and other stuff' caused by hostilities between the English and the Scots at Alnwick.<sup>(3)</sup> Various letters written by priors of Durham complained of the effects of border lawlessness. In November 1446 a prior begged John Heron not to take offence at the rescue from Redesdale of stolen cattle belonging to the priory of Durham. Heron was keeper of the franchise and the prior obviously expected retaliation from him, although the cattle had originally been stolen by Redesdale thieves. The prior requested that Heron should forbid the taking of cattle belonging to the priory, its tenants, or the prior's brethren, which may have implied other religious houses dependent on the priory.<sup>(4)</sup> In 1456 a complaint was made of attacks on Lindisfarne Priory by a local gentleman, Thomas Haggerston.<sup>(5)</sup> In the 1460s and 1470s priors of Durham complained of financial difficulties caused by loss of cattle stolen by Tyndale thieves, by a loan made to Margaret of Anjou and never repaid, and by the cost of the dispute over Coldingham.<sup>(6)</sup> The theft of £422 worth of goods from Coldingham Priory and of £57 worth from Farne Island cell by Scotsmen caused the Prior of Durham in 1464 to appeal for aid in obtaining justice.<sup>(7)</sup> The nunnery of Armathwaite had suffered a great deal from border insecurity by 1473, when Edward IV confirmed the priory

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1. CPR 1461-7, 87.

2. CPR 1476-85, 377. 2 tuns of red wine and various tithes were granted, while the priory's possessions and liberties were confirmed.

3. QDS, no.1333.

4. Durham Prior's Kitchen, Reg.Parv.III, ff.13d-14.

5. Ibid, f.74d.

6. Ibid, ff.117, 159d-160; see below, pp.42-3.

7. Ibid, f.123d.

in all its possessions. Not only had various buildings attached to the nunnery been destroyed by the Scots, and its goods, relics, books, and other treasures been burnt or stolen, but its charters and other records had also been lost or destroyed, so that confirmation was necessary.<sup>(1)</sup>

Jedburgh Abbey was said to have been burnt by the Earl of Warwick in 1464.<sup>(2)</sup> Early in the fifteenth century the Abbot of Kelso, asking a favour from the pope, complained that due to the monastery's precarious position on the borders, it often suffered severe damage from enemy hostility.<sup>(3)</sup> Despite the imbalance of surviving evidence, it is likely that Scottish border religious houses suffered as much from war and lawlessness as did the English houses in this period.

Two border priories were in a particularly vulnerable situation in this period, since Canonbie was a Scottish dependency of Jedburgh Abbey but lay on the Debateable Land between the west marches, while Coldingham was an English dependency of Durham Priory, but was situated in Scotland. In addition the Cistercian abbey of Holm Cultram in Cumberland was a daughter house of the Scottish abbey of Melrose, and in 1472 the Abbot of Melrose travelled to Holm Cultram to supervise the election of a new abbot there.<sup>(4)</sup> This latter situation did not apparently cause any difficulties during the half-century, although contact between the two houses must have been severed in wartime. The boundaries of Canonbie Friory were in question on at least one occasion in the later fifteenth century, since in November 1493 commissioners were appointed to survey

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1. CPR 1467-77, 392.
  2. J. King, History of Jedburgh Abbey (Jedburgh, 1910), 15.
  3. E.R. Lindsay & A.I. Cameron, eds., Calendar of Scottish Supplications to Rome 1418 - 1422 (Scot.Hist.Soc., 3rd series, xxiii, 1934), 177.
  4. F. Grainger & W.G. Collingwood, The Register and Records of Holm Cultram (O'ld & W'ld, Record series, vii, 1929), 149-50; Liber Sancte Marie de Melros (Bannatyne Club, 1837), ii, 596-9.

its lands and define its boundaries.<sup>(1)</sup> The Debateable Land, claimed by both kingdoms, was a haven for thieves,<sup>(2)</sup> and the priory may have suffered a great deal from this. In March 1494 English and Scottish commissioners met to discuss a complaint by the Prior of Canonbie against English thieves, who had destroyed and stolen livestock and goods.<sup>(3)</sup> The fact that the case was heard by commissioners may imply that the priory could not secure redress for such crimes through the normal march law procedures.

The priory of Coldingham suffered considerably in the fifteenth century due to its position as an English dependency in Scotland. In 1438 Henry VI granted special protection to the monks because 'from their situation on the Marches they are exposed to such constant deprivations from the king's forces when invading Scotland and the Scots when making reprisals that they have neither meat nor drink.'<sup>(4)</sup> In 1444 a prior of Durham refused to act on a commission concerning truces, partly because of old age, partly because he feared that the Scots would retaliate on the Coldingham monks.<sup>(5)</sup> A prior of Durham in 1464 complained that Patrick Hume and his men had taken £422 worth of goods from Coldingham Priory.<sup>(6)</sup> Possession of the priory of Coldingham had been fought over by the priories of Durham and Dunfermline in the late fourteenth and early fifteenth centuries, but it was the subsequent dispute between Durham Priory and members of the Hume family which caused the English

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1. CDS, no.1599.

2. See below, pp.318-9.

3. CDS, Appendix I, no.34, p.418.

4. Ibid, no.1108.

5. Durham Prior's Kitchen, Reg.Parv.II, f.183.

6. Ibid, Reg.Parv.III, f.123d.

monks to be finally expelled from Coldingham in 1462.<sup>(1)</sup> The dispute was a three-sided contest between Durham, Patrick Hume, Archdeacon of Teviotdale, and the relative but rival of Patrick, John Hume, who was recognised as prior by papal bulls of 1467 and 1469. Although priors of Durham continued for years after the expulsion to fight the case in the papal curia, and continued to appoint titular priors to Coldingham, they finally abandoned all hope of recovery. After 1472 the contest for control of Coldingham was transformed into a dispute between the Scottish king, James III, and the Hume family.

The number of men and women in religious orders on the Anglo-Scottish borders was probably very small in relation to the whole population, since most of the houses seem to have contained only few monks, nuns, or canons. Known numbers of inmates are, however, almost entirely limited to the English houses. Some of the largest religious houses were founded for over twenty inmates, Carlisle and Hexham priories, for instance having twenty-six canons, while there were twenty-two canons at Alnwick Abbey in 1491.<sup>(2)</sup> Other monasteries or nunneries probably housed in this period between ten and twenty men or women, examples being the priories of Tynemouth, St. Bartholomew at Newcastle, and Whithorn, in the last of which there were twelve canons early in the fifteenth century,<sup>(3)</sup> and the abbeys of Calder, Holm Cultram, Newminster, and possibly Shap, although there the number may have been as low as six.<sup>(4)</sup> Coldingham Priory had been founded for eighteen monks, but

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1. This passage is taken from R. B. Dobson, 'The Last English Monks on Scottish Soil', S.H.K., 46 (1967), 1-25. For details of the dispute between Durham and Dunfermline, see A. L. Brown, 'The Priory of Coldingham in the late fourteenth century', Innes Review, xxiii (1972), 91-101; and for the dispute over Coldingham after 1472, see N. MacDougall, 'The struggle for the Priory of Coldingham, 1472-1488', ibid., 102-114.
  2. Knowles & Hadcock, Religious Houses, England and Wales, 132, 140, 162.
  3. R. C. Reid, ed., Wigtownshire Charters (Scot. Hist. Soc., 3rd series, 11, 1960), 19.
  4. Knowles & Hadcock, Religious Houses, England and Wales, 79, 106, 109, 112, 168, 215.

in 1461 only two were living there.<sup>(1)</sup> All the border cells probably were built for only two or three men, that on Farne Island, for instance, being founded for a master and one other monk.<sup>(2)</sup> Other religious houses in the region contained under ten inhabitants. Lindisfarne Priory housed no more than about nine monks; Blanchland Abbey contained ten canons in Henry VII's reign; St. Bees had about six monks and a prior; Wetheral four and a prior; Bamburgh and Armathwaite probably under five inmates; Brinkburn five to ten; Lanercost and Holystone under ten (in 1432 there were seven nuns at Holystone<sup>(3)</sup>); Lambley housed only about three to six nuns; and at Seton there were probably only two women.<sup>(4)</sup>

Evidence concerning border religious orders is unfortunately scarce, but a few points may be made with relevance to their position in border society. Most priories and abbeys had considerable estates attached to them, and many borderers, therefore, came into direct contact with the border houses as tenants on their lands. Some such tenants may have relied upon the religious houses as sources of protection, while themselves providing the monks with man-power in time of need. Borderers were occasionally employed in the management of monastic estates. In October 1478 Walter, son of Andrew Ker of Cessford, was appointed justiciar and bailiff in the barony of Kelso and other lands by the Abbot of Kelso, and the grant was made in hereditary.<sup>(5)</sup> David Scott and his son, Robert, were made bailiffs by the Abbot of Melrose

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1. Easson, Religious Houses, Scotland, 50.
  2. Knowles & Hadcock, Religious Houses, England and Wales, 66. This authority also states that Warkworth, Carham, and Ovingham cells had only 2 or 3 inmates: ibid, 80, 132, 149.
  3. History of Northumberland, xv, 465.
  4. Knowles & Hadcock, Religious Houses, England and Wales, 69, 75, 80, 126, 129, 142, 163, 209, 213, 218, 228.
  5. HMC, 14th Report, Appendix, Part III, 19-20.

in April 1484, David having already held the office for five years.<sup>(1)</sup> Roland MacDowell was bailiff of the barony of Whithorn belonging to the priory in 1481, and in 1495 Alexander MacDowell held the same office.<sup>(2)</sup> The situation was almost certainly the same on the English borders, although proof is hard to find. Contact with powerful local borderers was important for religious houses since they needed both the patronage and protection of such men, and the appointment of men from leading border families to such offices may have been aimed at securing their support. Men from important local families were also employed by archbishops of York and bishops of Durham to administer their border franchises. Among the bailiffs of Hexhamshire in the later fifteenth century were William Errington, Sir John Neville, Sir Humphrey Neville, George Lumley, and Nicholas Bellingham. Among the stewards of the lordship were Nicholas Ridley and William Percy.<sup>(3)</sup> Justices of the peace and of gaol delivery appointed by bishops of Durham in Northumberland and Islandshire in this period included Robert, Lord Ogle, Robert Laners, Robert Mitford, John Cartington, John Harbottle, Henry Percy, Earl of Northumberland, and Edward Radcliffe. Among other officials, Thomas Haggerston was a receiver; Roger Heron an escheator and both constable and steward of Norham castle and lordship; Sir Thomas Grey of Chillingham was a keeper of the same castle; and John Delaval and Bertram Mitford were coroners.<sup>(4)</sup>

Important families in the borders did provide religious houses with patronage and protection. The Percies were benefactors of Alnwick Abbey, the fourth Earl of Northumberland leaving 100 marks to the house

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1. Fraser, Buccleuch, ii, 82.
  2. Reid, Wigtownshire Charters, 24-5.
  3. History of Northumberland, iii, 65.
  4. These officials, and many other local men employed by the Bishops of Durham, recur in the Durham Cursitors' Rolls of the half-century: PRO, Durham 3/45, 48-51, 54-58, 60-63.

in his will, and Eleanor, Countess of Northumberland, in 1457 alienating the advowson of a church to the abbey.<sup>(1)</sup> The same earl also left money to the friars of Hulne. In 1486 the Prior of Durham begged this earl not to withdraw his good lordship from the monks of Farne Island, saying that he trusted the earl above all lords.<sup>(2)</sup> The estate accounts of the Earls of Northumberland show regular payments to religious institutions, including Farne Island cell and Tynemouth Priory.<sup>(3)</sup> Henry Percy, the fourth earl, seems to have been closely connected with Tynemouth, since he, the Abbot of Alnwick Abbey, Sir John Pickering, and John Cartington were jointly put in charge of an annuity granted to one of the priors there in May 1480.<sup>(4)</sup> Among the benefactors of Newminster Abbey in this period were Ralph, Lord Greystoke, Ralph Widdrington, John Cartington, and Sir Henry Grey.<sup>(5)</sup> In May 1468 Robert, Lord Ogle, was licensed to grant land and the advowson of a church to the cathedral priory of Carlisle; and in June 1472 Thomas Lisle, together with his son and grandson, granted land to Brinkburn Priory.<sup>(6)</sup> The Earls of Douglas were benefactors of Whithorn Priory and of Sweetheart Abbey before their fall.<sup>(7)</sup> Walter Ker of Cessford, who was bailiff in the barony of Kelso, founded a chapel in the abbey in October 1488.<sup>(8)</sup> It is likely that such grants from

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1. Wills and Inventories of the Northern Counties of England, Part I (Surtees Soc., ii, 1835), 99-100; CPR 1452-61, 350.
  2. Durham Prior's Kitchen, Reg.Parv.IV, ff.4d-5. The prior feared the withdrawal of patronage because he refused the earl's request concerning the mastership of Farne.
  3. For example, Alnwick C.M., C III, 1a, 2a, 4a, 4b.
  4. W.S.Gibson, The History of the Monastery founded at Tynemouth, vol.i (London, 1846), 183-4.
  5. Chartularium Abbathiae de Novo Monasterio (Surtees Soc., vol.66, 1876), 249-50, 257-9, 302-5.
  6. CPR 1467-77, 83-4; Bodl., Dodsw.MS., 49, f.33.
  7. HMS, no.383; W.Huyshe, Dervorgilla, Lady of Galloway and her Abbey of the Sweet Heart (Edinb., 1913), 78.
  8. HMS, no.1800.

leading families to border religious houses were common.

The heads of border religious houses appealed on occasion to local lords for assistance, and in the insecurity of the frontier region appeals for help or protection may have been more frequent than surviving evidence suggests. In August 1450 the Prior of Durham wrote to Sir Robert Ogle, asking for his aid in the recovery of cattle stolen by Redesdale men, and in October 1464 another prior begged the same man (by then Lord Ogle) to help in securing redress for bills of complaint concerning thefts at Coldingham and Farne Island.<sup>(1)</sup> In June 1455 the Prior of Durham appealed to Sir Ralph Grey for aid in resisting the malice of enemies towards the cell of Farne.<sup>(2)</sup> It seems likely that many other English and Scottish border religious houses occasionally made similar requests for assistance and protection to local men of power and influence, since on the whole the small monastic communities, often endowed with treasures, were extremely vulnerable to attack by thieves or enemy forces. Tynemouth Priory was built within a castle and Kelso Abbey is said to have had a huge tower for protection,<sup>(3)</sup> but most priories, abbeys, and cells were probably fairly defenceless.

Children of leading families on the Anglo-Scottish borders were probably as often sent to join religious houses as were such children in any part of the two countries, but evidence is scarce. Among the members of important English border families found to have been within the local religious communities in the later fifteenth century were Richard Redmayne, Abbot of Shap in 1471;<sup>(4)</sup> William Ogle, removed from the mastership of Farne Island cell in about

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1. Durham Prior's Kitchen, Reg.Parv.III, ff.42d, 123d; see below, p.298.

2. Durham Prior's Kitchen, Reg.Parv.III, ff.90d-91; see below, p.311.

3. Tynemouth was the largest monastery in Britain to be built within a castle: Knowles & Hadcock, Religious Houses, England and Wales, 79; M.Barrett, The Scottish Monasteries of Old (Edinb., 1913), 64.

4. J.Nicolson and R.Burn, The History and Antiquities of the Counties of Westmorland and Cumberland (London, 1777), i, 625.

1486;<sup>(1)</sup> Marjory Harbottle and Agnes Strother, nuns of Holystone in 1432;<sup>(2)</sup> William 'Wetheryngton' (probably Widdrington), a friar of Hulne; William Delaval, from the priory of Brinkburn; John Harbottle, from Alnwick Abbey; William Grey, a canon of Brinkburn; and William Strother, a monk of Newminster.<sup>(3)</sup> On the Scottish borders, Robert Ker, son of Andrew Ker of Cessford, was Abbot of Kelso in the later fifteenth century;<sup>(4)</sup> Margaret Hoppringle was Prioress of Coldstream in February 1489/90;<sup>(5)</sup> Lawrence Tweedy was Subprior of Melrose in April 1484, when John Tweedy and John Dikson were monks in that abbey;<sup>(6)</sup> Edward Cockburn was Master of Luns hospital in 1492;<sup>(7)</sup> John Hume was recognised as Prior of Coldingham by papal bulls of 1467 and 1469;<sup>(8)</sup> Patrick Vaus was Prior of Whithorn from at least 1478 until at least 1499;<sup>(9)</sup> and William Douglas was a canon of Whithorn in 1473.<sup>(10)</sup> Younger sons of important border families also doubtless frequently entered the Church as secular clerics, and a few examples may be given. Robert Neville was Bishop of Durham from 1438 to 1457; William Percy (son of the second Earl of Northumberland) was Bishop of Carlisle from 1452 to 1462; and George Vaus was Bishop of Galloway from 1482 to 1508.<sup>(11)</sup>

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1. Durham Prior's Kitchen, Reg.Parv.IV, ff.4d-5.
  2. History of Northumberland, xv, 465.
  3. These last five men were all ordained in Alnwick Abbey church on 11 March 1496/7: M.P.Howden, ed., The Register of Richard Fox, Lord Bishop of Durham 1494-1501 (Surtees Soc., vol.147, 1932), 47-9.
  4. Scots Peerage, vii, 323.
  5. RMS, no.1932.
  6. Fraser, Buccleuch, ii, 82.
  7. HMC, Var.Coll., v, 67.
  8. See above, p.43.
  9. RMS, nos.1344, 2486.
  10. Ibid, no.1134.
  11. Powicke & Fryde, eds., Handbook of British Chronology, 213, 221, 291.

Among border priests of the period were John Curwen, parson of Workington; Thomas Lamplugh, parson of Lamplugh; Edward Crackenthorp, rector of Musgrave; Thomas Lowther, vicar of Addingham (Cumberland); and William Scott, rector of 'Soudoun'.<sup>(1)</sup> Hugh Dacre was Archdeacon of Carlisle from 1490 to 1509.<sup>(2)</sup>

Borderers on occasion used the local religious houses as places to lodge. In 1462-3 John Middleton stayed for fourteen weeks at Holy Island Priory, keeping eighteen horses there with him, and during the following year Robert and Henry Haggerston and their men were provided with dinners by the same priory.<sup>(3)</sup> In September 1498 Bernard, Abbot of Melrose, agreed that Thomas 'noye of Ersiltoun' (probably Home/Hume of Earlston) should lodge in the abbey, receiving a monk's portion of food (or extra if paid for), in return for releasing the monastery from a debt. Thomas promised to remain a protector of the abbey.<sup>(4)</sup>

It is impossible even to guess at the general standard of religious observance and morality in later fifteenth-century monastic houses on the borders. In 1465 the Prior of Durham complained of laxity of discipline at Holy Island, and mentioned the frequenting of taverns, dice playing, swearing, and the wearing of linen instead of wool.<sup>(5)</sup> Monks at Farne Island cell were described as irreligious and lax in 1461 and 1477, and in the latter year John Langton, Prior of Tynemouth, was suspended for contumacy and disobedience.<sup>(6)</sup> No generalisations may be drawn from such isolated references to monastic standards,

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1. Carlisle R.O., D/Pen.b.23, no.3; D/Lons.Deeds/AS 69, 71; J.E.Prescott, ed., The Register of the Priory of Wetherhall (C'ld & W'ld, Record series, 1, 1897), 455; Fraser, Sucleuch, ii, 94.
  2. J.E.Prescott, 'The Officers of the Diocese of Carlisle', C'ld & W'ld, R.S., xi (1911), 101.
  3. J.Raine, North Durham, 122.
  4. Registrum Honoris de Morton (Barnatyne Club, 1853), ii, 253.
  5. Durham Prior's Kitchen, Reg.Parv.III, f.130d.
  6. Ibid, ff.120, 136; Gibson, History of Tynemouth, 182.

especially since good behaviour would rarely have attracted comment. There is no evidence to suggest that standards among border religious houses were worse than elsewhere.

One aspect of the part played by churchmen, both religious and secular, in border society was their activity as arbitrators, royal commissioners, and negotiators in Anglo-Scottish diplomacy. Private arbitration, as an alternative to royal justice, was frequently resorted to by borderers involved in disputes, and churchmen were sometimes chosen as arbiters.<sup>(1)</sup> During this half-century men chosen for such a responsibility included John, Abbot of Calder, Edmund, Prior of St. Bees, and Richard Redmayne, Abbot of Shap.<sup>(2)</sup> Scottish churchmen almost certainly also acted as arbiters, although evidence is lacking. Commissioners to assist in the administration of law and order and to undertake other royal business were often appointed by English kings in this period, and among these were several bishops of Durham and Carlisle, a prior of Tynemouth, and William, Abbot of Alnwick.<sup>(3)</sup> No evidence of similar Scottish commissions survives, but churchmen from both sides of the frontier were employed as commissioners or ambassadors in Anglo-Scottish diplomacy. Among these were bishops of Carlisle, Durham, Glasgow, and Galloway; abbots of Alnwick, Holm Cultram, Jedburgh, Kelso, and Melrose; and priors of Carlisle, Hexham, and Durham.<sup>(4)</sup>

The most directly useful religious institutions in border society were the hospitals and schools dotted over the region. Hospitals in the border shires served various purposes. Some were for the care of lepers, for example those at Appleby, Gilwath (Westmorland), Carlisle, where the hospital also cared generally for the poor, aged and sick,

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1. See below, pp.323-4.

2. Carlisle R.O., D/Lons.Deeds/SH 25; see below, p.324.

3. See Appendix IV, below, pp.427-42.

4. See Appendix III, below, pp.422-5.

Newcastle (one of the many hospitals there), Aldcambus (Berwickshire), and Rulemouth (Spittal-on-Rule, Roxburghshire).<sup>(1)</sup> Some hospitals, such as those at Alnwick, Mitford, Warkworth (all in Northumberland), Kirkby in Kendal (Westmorland), Berwick, Jedburgh, Peebles, Roxburgh, and Trailltrow (Dumfriesshire), were established for the benefit of the poor, while the hospital at Morpeth cared for the sick generally.<sup>(2)</sup>

Others catered for travellers and poor pilgrims, for example hospitals at Newcastle, Allerburn, Bolam, Catchburne, Elishaw, Sheepwash, and Hexham (all Northumberland), at Brough (Westmorland), and probably also at some places on the Scottish borders where the function of the hospital is unknown.<sup>(3)</sup> Some hospitals were in fact almshouses for resident men, women, or poor people generally, the inmates usually living under a rule. Such houses existed at Bolton and Kirknewton, both in Northumberland and for men only; in Newcastle, where there were nine almshouses, five mixed and four for women only; at Tynemouth, for women only; at Holm Cultram, for men only; at Horndean and Lauder in Berwickshire; at Ednam in Roxburghshire; and at Holywood in Dumfriesshire.<sup>(4)</sup> The existence in the later fifteenth century but not the function of hospitals is recorded at other places on the borders, for instance at Newbiggin, Thropton, and Wooler in Northumberland; at Kirkby Lonsdale (Westmorland); at Wigton (Cumberland); at Duns, Earlston (probably), and Hutton in Berwickshire; at Rutherford and Ancrum (Roxburghshire); and probably at Annan (Dumfriesshire).<sup>(5)</sup> It is in almost all

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1. Knowles & Hadcock, Religious Houses, England and Wales, 252, 262, 272, 292-3; Easson, Religious Houses, Scotland, 135, 154. The categories of hospitals are taken from these authorities.
  2. Ibid., 138, 147, 153, 158; Knowles & Hadcock, Religious Houses, England and Wales, 251, 291, 304, 315.
  3. Ibid., 251, 256, 259, 263, 270, 277, 292-3, 305.
  4. Ibid., 256, 278, 282, 292-3, 314; Easson, Religious Houses, Scotland, 143, 147, 149.
  5. Ibid., 136, 140, 147, 154; Knowles & Hadcock, Religious Houses, England and Wales, 270, 282, 292, 313, 318. Easson states that Duns hospital was only mentioned in the thirteenth century, but Edward Cockburn was described as master of Duns hospital in 1492, see above, p.48.

cases impossible to determine the numbers that these hospitals could house and the use that was made of them by borderers.

A few schools were established in border towns by the mid-fifteenth century, and more may have existed than surviving evidence records. In 1394 Henry Percy, Earl of Northumberland, was granted a licence to found a chantry school at Cockermouth, and there was a grammar school there by Henry VIII's reign.<sup>(1)</sup> In July 1448 Henry VI licensed the second Earl of Northumberland, his son, Henry Percy, William, Bishop of Lincoln, and another man to found a chantry in St. Michael's Church, Alnwick for two chaplains, one of whom was to instruct poor boys free of charge in grammar.<sup>(2)</sup> A grammar school in Carlisle was recorded in 1333, 1362, and earlier.<sup>(3)</sup> Mention of a street called 'Schole-house-gate' in Appleby in 1453 implies the existence of a school there, and in 1478 the mayor, bailiffs, and community of the same town endowed a chantry in return for an agreement by a chaplain that he would maintain a grammar school in the town, as of ancient custom.<sup>(4)</sup> Grammar schools are said to have existed in Penrith and Kendal, as well as in Cockermouth and Appleby, by the fourteenth century, and there was a grammar school in Worpeth in Henry VIII's reign, and possibly earlier.<sup>(5)</sup> A school in Dumfries was recorded in 1330 and 1543, and in 1481 Mr. John Turnbull was described as rector of the school there.<sup>(6)</sup> The monks

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1. A.F. Leach, The Schools of Medieval England (London, 1916), 211, 322-3.
  2. CPR 1446-52, 170.
  3. Leach, Schools, 169-70.
  4. Ibid., 268.
  5. Ibid., 322-3; J. Wilson, 'Medieval Education at Carlisle', S.H.R., xi (1914), 42.
  6. G.W. Shirley, The Growth of a Scottish Burgh: A Study in the Early History of Dumfries (Dumfries, 1915), 21; J. Edgar, History of Early Scottish Education (Edinb., 1893), 126-7.

of Kelso had a school in Roxburgh before the fifteenth century.<sup>(1)</sup>

By the middle of that century the burgh of Peebles had control of appointments to the 'sculmastership of the grammar scull' in the town, and several masters are mentioned in the burgh records.<sup>(2)</sup>

It is likely that the children of most leading border families were given some education, but opportunities for education generally in the region were probably extremely limited in comparison with most other parts of England, if not Scotland. In the mid-fourteenth century Robert of Eglesfeld had founded Queen's College in Oxford for the benefit of the youth of Cumberland and Westmorland, because he regarded the inhabitants of these counties as exceptionally lacking in learning.<sup>(3)</sup> It is doubtful that the situation had improved by the fifteenth century, and the general degree of learning throughout the borders was probably extremely low.

It is inevitably difficult to determine the importance of the Church in border society, and almost impossible to assess the attitude of borderers generally to the institution of the Church and to religion. A few tentative suggestions, however, can be made. Border thieves plundered livestock from the lands of laymen and religious institutions without discrimination and probably unwittingly, and this cannot be regarded as implying disrespect for the Church or for religion. Cases occur, however, of crimes committed within churches and against churchmen in person, as well as the attacks on religious houses, and since a significant number of such crimes are listed in the few surviving records of judicial sessions, which cover few years and apply only to parts of the Scottish borders, there is a suggestion that the

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1. Liber S. Marie de Calchou (Bannatyne Club, 1846), p. xliii.
  2. Charters and Documents relating to the Burgh of Peebles, 1165-1710 (Scot. Burgh Rec. Soc., 1872), 152, 157, 172, 175, 190.
  3. Wilson, 'Medieval Education', 46.

Church and its teachings had little effect on at least certain sections of the border population. Such crimes included forethought felony at Lauder church; the killing of a chaplain; theft from people within Innerleithen church; the 'thiftwis breking of the kirk of hendriland'; slaughter of a man at Hawick church; and theft of silk cushions and other items from Jedburgh church.<sup>(1)</sup> A murder is also said to have taken place in Jedburgh Abbey in 1504.<sup>(2)</sup> In March 1442/3 David Hume of Wedderburn complained that his relative, Alexander Hume, had been permitted by the Prior of Coldingham to house thieves in the church of the priory, and that the 'garyson of refars' was stealing livestock and selling the beasts in England.<sup>(3)</sup> This was connected with the dispute over Coldingham, but the accusation of blatant disrespect for a holy building sounds convincing in a border context.

It is possible that standards among border churchmen were not high and did not deserve respect. A curate of 'Glenquhum' in July 1497 was described as being at horn (outlawed) for the killing of a man, and a border criminal, David Oliver, was nicknamed 'Nagud preist'.<sup>(4)</sup> In 1498 Richard Fox, Bishop of Durham, admonished thieves of Tyndale and Redesdale and also certain priests in the district who had been suspended or excommunicated for immorality and other irregularities, and who administered the sacraments to the thieves and criminals, knowing them to be such. All local clerics were ordered to desist from ministering to the criminals and to attempt their capture.<sup>(5)</sup> These few examples of criminal priests cannot, however, give rise to

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1. Reg.Hse., Just.Ct.MS., ff.8, 22, 37d, 68d, 69d; RSS, no.24.
  2. King, History of Jedburgh Abbey, 18.
  3. J.Hardy, 'Local Documents', History of the Berwickshire Naturalists' Club, viii (1876-78), 288.
  4. RSS, no.101; Reg.Hse., Just.Ct.MS., f.57.
  5. Depositions and other Ecclesiastical Proceedings from the Courts of Durham (Surtees Soc., vol.21, 1845), 37-41.

generalisations as to standards among the border clergy.

Excommunication was on occasion employed against border criminals, as in the above admonition, but there is little evidence that this ecclesiastical weapon had much effect in curbing lawlessness. In the same year Bishop Fox also absolved certain thieves, again from Tyndale and Redesdale, from excommunication, on condition that they discarded particular weapons and refrained from riding valuable horses (which presumably made pursuit difficult). Breach of these conditions was to lead to instant renewed excommunication.<sup>(1)</sup> In April 1500 Fox requested help from the king in the arrest of four women from Newcastle who had been excommunicated for disobeying the bishop's orders.<sup>(2)</sup> In March 1467 the Archbishop of York excommunicated the unknown criminals responsible for the burning of a village in Hexhamshire, and all those who had given aid or counsel in the affair.<sup>(3)</sup> Lord Dacre, a border official, in a letter of 1524 wrote that he was attempting to control the men of Tyndale through a method employed by Bishop Fox of Durham, apparently with success since it was regarded as worth imitating. The Tyndale men were induced to swear an oath to be true royal subjects, so that if they broke their oath they could be punished for breach of the law and they and their families could be forbidden entry to any church, which would be a severe penalty.<sup>(4)</sup>

It is likely that in general men of the Anglo-Scottish borders were in no way exceptional in their attitudes towards religion and the Church, compared with the rest of the population of England and Scotland in the later fifteenth century. The lack of evidence makes it as

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1. Ibid, 42-3.
  2. M.P.Howden, ed., The Register of Richard Fox, Lord Bishop of Durham 1494-1501 (Surtees Soc., vol.147, 1932), 128-9.
  3. The Priory of Hexham, vol.ii, 153-4.
  4. Howden, Register of Richard Fox, pp.xxxv-xxxvi.

impossible to determine such general attitudes as it is to assess the part played in border society by churchmen, both religious and secular, or the standards of ministry and morality among border clergy and in the religious houses of the region. The Church, however, certainly had no significant effect in reducing lawlessness on the borders, and a glance at the quantity and type of crime recorded in the few surviving border judicial accounts, which can probably be taken as typical of the whole period, creates a strong impression that many borderers had as little respect for divine retribution as they did for human punishment.<sup>(1)</sup>

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1. For details of border crime, see below, pp.351-4.

SECTION II : THE STRUCTURE OF BORDER SOCIETY.

A) LEVELS OF SOCIETY:

The Anglo-Scottish border region was isolated from the rest of both England and Scotland through its geography, its position as a frontier zone, and due to the particular characteristics of its society, which had developed largely as a result of this isolation. The main differentiating features of border society in the later fifteenth century were an exceptional reliance on kinship, the almost complete absence of an urban, commercial rank of society, and the extreme power of the border magnates in relation to the rest of the population. The border region, due to its agricultural poverty, lack of industry, and the consequent smallness of its towns, was backward in social development, at least in comparison with the south of England. Fluidity within border society was restricted due to the lack of opportunity for advancement in either commerce or agriculture. Border society thus remained rigidly divided between the powerful land-holding elite dominated by a few magnates and the mass of the population, dependent on pastoral or arable farming and on feudal landlords or kinship groups. Minor elements within the society were the small urban communities and landless criminals or outlaws, sometimes banded together, relying for their livelihood on plundering the rest of the population. As usual in the study of mediaeval societies, it is easier to find evidence on the important landed families than on the mass of the border peasantry.

1) The border land-holding elite:

The landed rank of society on both the English and Scottish borders was structured, containing magnates, lords, knights, and gentlemen.<sup>(1)</sup> The variations in wealth between landed families

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1. In Scotland the equivalent title for 'gentleman' was probably 'laird', as opposed to 'lord' as the title for a peer of parliament.

were obviously enormous, although the resources of most border houses are not easily calculated. The pre-eminence of the leading families was based mainly on land, but also, for some, on royal office-holding. The symbols of the power of these families were their castles or towers, dominating the landscape as one family dominated a locality. Since the border region contained very few important towns, land-holding families faced little competition in their wealth from merchants, although this also gave them small opportunity for acquiring additional wealth through trade, either by direct involvement or by marriage with merchant heiresses.<sup>(1)</sup> As has been said, social mobility in the borders was probably limited in comparison with parts of at least England at this period, and it seems unlikely that advancement into the landed elite from below was common. The absence of a 'middle class' based on commerce and industry meant that the wide gap between a peasant and a landlord was extremely difficult to bridge. The poverty of the borders, due to the natural features of the area, and the threat to land, livestock, and goods imposed by wars and lawlessness, must have restricted a peasant's capacity to build up wealth through farming, making the acquisition of gentility almost impossible.

It is unlikely that landed families shared in the disregard for nationality shown by many borderers. Members of such families held land and office under the respective crowns, were involved in the

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1. The only examples found of landed border families engaging in trade or marrying with a trading family are connected with Newcastle-upon-Tyne, a town atypical of the borders, where there doubtless were many wealthy merchants. Henry, fourth Earl of Northumberland, owned a ship, 'la Marie' of Newcastle: CFR 1476-85, 366. Sir Ralph Percy married the daughter of a mayor of Newcastle, and George, Lord Lumley, married the heiress of a wealthy merchant of that town, Roger Thornton, whose family also held land in Northumberland: CFR 1461-7, 116; see below, pp.113, 115-6.

enforcement of march law, in which nationality was a basic factor, and occasionally were in command of forces engaged in hostilities against the opposite country in wartime. Probably many of these families regarded local loyalties as more important than deference to the king, sharing the general border attitude of independence, but few were likely to have considered their nationality irrelevant, as did a large proportion of borderers.

The power of the few magnate families within border society was exceptional and 'the hold of the great ... families over the population was unusually strong.'<sup>(1)</sup> This was largely due to the isolation and insecurity of the region, which forced borderers to rely on local men of importance rather than the king for protection. As has been said, 'the more remote and ungovernable an area, the more the reliance on great estates and the patronage they carried with them.'<sup>(2)</sup> Also 'the introverted regional loyalties, so fiercely resistant to interference from without, fed the power of the great lords.'<sup>(3)</sup> Kings of both England and Scotland, realising that royal authority could only be enforced through border magnates, not in competition with them, enhanced the power of these magnates by investing them with royal offices. 'The more powerful the nobility became the greater was the king's dependence upon it: its resources were indispensable for military operations and it could make terms for putting those resources at the disposal of the crown.'<sup>(4)</sup> With the authority

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1. E. Miller, War in the North (University of Hull Publications, 1960), 16. The reference concerns the English borders and north country, but is applicable to the whole border region.
  2. J.R. Lander, Conflict and Stability in 15th century England (London, 1969), 183.
  3. M.F. James, Change and Continuity in the Tudor North (University of York, Borthwick Papers, no.27, 1965), 7.
  4. Miller, War in the North, 11.

derived from royal office-holding augmenting their landed power, the leading border families dominated the region or regions where their estates lay. Although these magnates rather than the kings maintained direct control of the borders, the English crown secured a balance of power between the Percies and the Nevilles (later replaced by the Duke of Gloucester) in the fifteenth century, while the Scottish king, James II, did defeat the border Douglases when they challenged the superior authority of the crown.

a) Leading land-holding families on the English borders:

The most powerful house on the English borders for most of the later fifteenth century was that of Percy. The bulk of this family's border estates lay in Northumberland, but the Percy earls also held extensive lands in Cumberland, as well as in many other parts of England, including Yorkshire and the bishopric of Durham. In Northumberland the main Percy estates were the baronies of Alnwick, Warkworth, Langley, Beanley and Prudhoe (all comprising a number of manors), and in Cumberland their major estate was the honour of Cockermouth (made up of almost forty manors).<sup>(1)</sup> The landed power of the Percies on the borders was secured and augmented by their control of important royal offices, in particular the east march wardenship.<sup>(2)</sup> The family had established its domination of border society during the fourteenth century, and although the rebellion of the first Earl of Northumberland against Henry IV resulted in his forfeiture, the loss

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1. J.M.W. Bean, The Estates of the Percy Family 1416-1537 (Oxford, 1958), Appendix 1, pp.158-60.
  2. Henry Percy, third Earl of Northumberland, held the offices of warden, JP, and Justice in eyre and keeper of all royal forests north of Trent; while his son, the fourth earl, held these and the offices of sheriff of Northumberland, bailiff of Tyndale, commissioner of royal mines in the north, and keeper of the castles of Bamburgh, Dunstanburgh, and Newcastle: CPR 1452-61, 538, 594-5; CPR 1485-94, 69, 120, 138.

of power was only temporary, and the second earl was restored to his inheritance in 1416.<sup>(1)</sup> Henry Percy, third Earl of Northumberland, supported the Lancastrian cause and, following his death at the battle of Towton in 1461, was attainted, most of the forfeited border estates being granted to the Neville family.<sup>(2)</sup> The earl's son, however, received custody of his father's possessions in March 1470, and in 1472/3 the attainder on his father was reversed.<sup>(3)</sup> The fourth earl supported Richard III in his usurpation but remained neutral at the battle of Bosworth, so that, after an initial period of suspicion, Henry VII confirmed him in all his offices. He was murdered in April 1489 and his young heir became a royal ward until he attained his majority in May 1498.<sup>(4)</sup>

The extent to which the Percy family dominated the borders and the whole of northern England in the fifteenth century is illustrated by the remarks of two contemporary chroniclers. One asserted that the Percies 'have the hertes of the people by north and ever had', and the other wrote that 'grete partye of the noble men and comons in thos (north) parties were towards th' Erle of Northumbarland, and would not stire with any lorde or noble man other than with the sayde Earle, or

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1. G.E.C., Complete Peerage, ix, 708-15; Bean, The Estates of the Percy Family, 3-11.
  2. See below, p. 65. Previously this earl had benefited from the forfeiture of Richard Neville, Earl of Salisbury, for on 3 June 1460 he had been granted custody for twelve years of lands in Yorkshire, Derbyshire, and Cumberland, forfeited by Salisbury: CPR 1452-61, 274.
  3. CPR 1467-77, 206; Rot.Parl., vi, 16-17. Fear of the Nevilles and their border power probably prompted this restoration, and a contemporary chronicler stated that Edward IV, as an excuse for restoring Percy 'made the countre to desire that thei myght have the ryghtfull heyre Percy... to be the Erle of Northumberland': J. Warkworth, Chronicle of the first thirteen years of the reign of King Edward the Fourth, ed. J.G. Halliwell (Camden Soc., 1839), 4.
  4. G.E.C., Complete Peerage, ix, 718; CPR 1494-1509, 138.

at leaste by his commandement.'<sup>(1)</sup> The latter statement was made as one reason why John Neville, Marquis of Montague, was unable to raise a sufficient force in the north to resist the return of Edward IV in 1471. If accurate, this implies that the Percies had established a hold on the loyalty of northerners superior to that enjoyed by the Nevilles, and this aspect of their power had not greatly suffered during the decade of forfeiture, which had given the Nevilles absolute supremacy in land-and office-holding.

The Nevilles, one of the most powerful noble families in fifteenth-century England until their fall in 1471, were the only rivals of comparative strength and influence to the Percies on the borders. The power of this family in the region was, however, based on office-holding rather than land, for their main estates lay in Yorkshire, the bishopric of Durham, and elsewhere in England. Even in the western borders, where the Nevilles since the beginning of the fifteenth century had exercised their influence and authority through the office of west march warden, Percy estates exceeded in size those of the Nevilles.<sup>(2)</sup> The balance of power between the Percies and Nevilles which existed in the north of England as a whole, seems to have been deliberately extended to the borders by the crown through the granting of the east and west march wardenships to the respective

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1. S.B. Chrimes, C.D. Ross, and R.A. Griffiths, eds., Fifteenth-century England, 1399-1509 (Manchester, 1972), 132, citing the chronicle of John Hardyng; J. Bruce, ed., Historie of the arrivall of Edward IV (Camden Soc., 1838), 6.
  2. Ralph Neville, first Earl of Westmorland, his eldest son, John, and his eldest son by his second marriage, Richard, Earl of Salisbury, held the wardenship throughout the first half of the fifteenth century, except for a break, 1435-1443, when Salisbury was fighting in France: R.L. Storey, The End of the House of Lancaster (London, 1966), 109.

families. When the Nevilles fell from power in 1471, ending their temporary domination of the whole border region, Edward IV recreated the balance of power by restoring the Percy earl and granting the west march to the custody of Richard, Duke of Gloucester. Richard, as king, and his successor, Henry VII, retained this counterbalance and check to Percy power by keeping the wardenship in royal hands.<sup>(1)</sup> The changing fortunes of the Percies and Nevilles in this half-century, each gaining and losing by the losses and gains of the other, resulted from political upheavals and their own manoeuvrings in national politics. At the same time, the rivalry of these two northern families and in particular their open feud in the early 1450s was an important factor among the causes of those national political disturbances.<sup>(2)</sup>

The disposal of the estates of Ralph Neville, first Earl of Westmorland, after his death in 1425, had caused conflict and division within the Neville family. The earldom descended to Ralph's grandson by his first wife, but, apart from an income of £20 from the issues of Westmorland to support the title, the second earl held no land on the western borders, and only two manors and some Newcastle property in Northumberland. His other inherited estates, in the bishopric of Durham, Yorkshire, Lincolnshire, and London, were also of limited extent compared to the lands of most men honoured with the title of earl. The bulk of the Neville inheritance, including the Cumberland lordship of Fenrith (the only large estate held by the main branch of the Nevilles on the western borders), descended to Ralph's eldest son by his second marriage, Richard, later Earl of Salisbury. One of Richard's brothers, George, inherited the Yorkshire barony of Latimer,

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1. See below, p.361.

2. For details of the Percy-Neville feud and its effect on national politics, see R.A. Griffiths, 'Local Rivalries and National Politics: The Percies, the Nevilles, and the Duke of Exeter, 1452-55', Speculum, vol.43 (1968).

and four border manors, one in Cumberland, the rest in Westmorland, as well as much land elsewhere in England.<sup>(1)</sup>

Richard Neville, Earl of Salisbury, suffered execution and forfeiture in December 1460 for supporting the Duke of York against Henry VI. Henry, Earl of Northumberland, benefited from this forfeiture, but he died and was himself attainted in 1461 for his support of the Lancastrian cause. Salisbury's son, Richard, was restored to his father's estates by Edward IV, and through marriage obtained the earldom of Warwick.<sup>(2)</sup> On 27 May 1462, Warwick was granted forfeited Percy lands in Yorkshire and six Clifford lordships in Westmorland, while on 11 April 1465 he received a further grant of the honour of Cockermouth (the main Percy estate in Cumberland), two more Westmorland lordships, and the office of sheriff of that county, which had formerly been hereditary in the Clifford family.<sup>(3)</sup> Three further forfeited Percy manors in Cumberland were granted to the earl in February 1469, while in May 1464 Warwick's brother, John, was created Earl of Northumberland, receiving the bulk of the Percy estates in that county.<sup>(4)</sup> To complete the Neville monopoly of power in the borders, Edward IV granted to the brothers the offices of east and west march warden and of sheriff in the county of Northumberland as well as in Westmorland.<sup>(5)</sup> This immense demonstration of royal generosity gave the Neville family unrivalled supremacy in the borders and greater power there than the

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1. Ibid, 590-1; H.F. Jacob, The Fifteenth Century (Oxford, 1961), 321-3; Cal.I.P.M., 1st series, iv, 348, 419. The manors were Bolton (Cumberland), and Heversham, Warcop, and Morland (Westmorland).
  2. G.E.C., Complete Peerage, xi, 397-8: xii, Part II, 388; see above, p.62,n.2.
  3. CPR 1461-7, 186, 434-5.
  4. Ibid, 332, 341; CPR 1467-77, 137.
  5. See below, pp.360, 379, 382.

Percies had ever enjoyed. The period of Neville domination in the borders was, however, short-lived, for Warwick's rebellion against Edward IV ended in the death of the two brothers at the battle of Barnet in April 1471.<sup>(1)</sup> The power which the Nevilles had wielded on the borders was redistributed between the Percies and Richard, Duke of Gloucester, who was appointed west march warden and, as the husband of one of Warwick's daughters, shared the Neville inheritance.<sup>(2)</sup>

Following the fall of the Nevilles, Richard, Duke of Gloucester, became an important border land-holder. He may have already been granted the forfeited Clifford barony of Westmorland, and his share of the Neville inheritance included the lordship of Penrith, as well as extensive Yorkshire estates.<sup>(3)</sup> In 1482 the duke received a massive grant of border lands and offices.<sup>(4)</sup> Gloucester's main source of power on the borders, however, as in the case of the Nevilles, lay in the wardenship of the west march.

No other family among those which played a significant part in border society during this half-century came near to rivalling the wealth and power of the Percies, Nevilles and Richard, Duke of Gloucester. Other families of the English peerage - the Cliffords, Greystokes, Dacres, Ogles, and Lumleys - had considerable border estates, but were closer in social status to the border gentry than to the two magnate houses. The revenues of the most wealthy of these families were only a third of those enjoyed by the border magnates.<sup>(5)</sup>

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1. Jacob, The Fifteenth Century, 568.
  2. See below, p.360.
  3. CPR 1467-77, 266, 483; G.E.C., Complete Peerage, 111, 294, where it is asserted, without reference, that Gloucester was granted the forfeited Clifford barony of Westmorland, no date for the grant being given.
  4. See below, pp.229-30.
  5. Chrimes, Ross and Griffiths, eds., Fifteenth-century England, 133.

The main seat of the Clifford family was in Yorkshire (Skipton), but it was also extremely powerful in Westmorland, holding the barony of Westmorland and other estates, including the manors of Brough, Pendragon, Kirkby Stephen and Mallerstang, together with the hereditary sheriffdom of the county. The family also held some land in both the other border counties, (Carleton and Skelton manors in Cumberland and 'Hertt' in Northumberland) as well as in other parts of England.<sup>(1)</sup> Thomas, eighth Lord Clifford, died at the battle of St. Albans in 1455, and his son, John, was also killed supporting Henry VI, just before the battle of Towton in 1461. Following his death, John, Lord Clifford, was attainted, and for over twenty years the family estates remained forfeit. In November 1485 John's son, Henry, was finally restored to his father's inheritance, after having received a pardon as early as 1472.<sup>(2)</sup>

The Greystoke family derived its name from the barony of Greystoke in Cumberland, but its main estates, by the mid-fifteenth century, were in Yorkshire. The family held some land in Northumberland (at Great Benton) directly from the king, and other estates in Westmorland (the manor of Dufton and messuages in Appleby) from the Lords Clifford.<sup>(3)</sup> Ralph, Lord Greystoke, succeeded his father in 1436 and died in 1487, leaving as his heir a grand-daughter, who inherited the main bulk of the Greystoke estates. Ralph's second son, John, however, succeeded to the barony of Greystoke, and on his death in 1501 the barony descended to his son, also named John. When the latter in 1508 died without heir, Greystoke reverted to the main heiress, Elizabeth, who

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1. PRO, C 139/159, no.33; C 145/321, no.52.

2. G.E.C., Complete Peerage, iii, 293-4.

3. Cal. I.P.M., 2nd series, i, 107-9, 182; iii, 517.

had become the wife of Thomas, second Lord Dacre.<sup>(1)</sup> Inheritance of the Dacre family estates was disputed between the heir male and the heir general, following the death of Thomas, Lord Dacre, in January 1457/8, but the king made a final award in April 1473. The eldest son and heir had predeceased his father, and part of the inheritance passed to the grand-daughter, Joan, wife of Sir Richard Fiennes of Sussex, who became known as Lord Dacre of the south. Thomas' lands in the border counties, which included the manors of Dacre, Irthington, Burgh by Sands and many others in Cumberland (mainly within a twenty mile radius of Carlisle), the manors of Barton and Hoff together with other lands near Appleby in Westmorland and the manor of Northcharlton in Northumberland, descended to his second son, Ralph, who became Lord Dacre of the north. Ralph was attainted following his death at Towton, but his brother, Humphrey, was pardoned in 1468, and secured a reversal of the attainder in 1472/3. Humphrey's son, Thomas, succeeded his father in 1485 and married the Greystoke heiress, thus greatly expanding the wealth of this branch of the Dacre family.<sup>(2)</sup>

Robert Ogle was first summoned to parliament as Lord Ogle in July 1461. The family was centred in Northumberland (near Worpeth and on the River Coquet), but held some land in Cumberland (at Thursby and Burgh by Sands) also, and its landed power was considerably extended when Edward IV in 1462 granted to Robert Ogle the liberty of Redesdale, forfeited from the Tailbois family.<sup>(3)</sup> Redesdale was held for ten years until the Tailbois heir was restored.<sup>(4)</sup> Robert, Lord

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1. G.E.C., Complete Peerage, vi, 197, 201-2.
  2. Ibid, iv, 7-9, 18-21; PRO, C 139/174, no.33; C 140/15, no.47; C 145/322, no.50; Cal.I.P.M., 2nd series, i, 5-6, 67-73.
  3. CPR 1461-7, 114; PRO C 140/32, no.26; Cal.I.P.M., 2nd series, iii, 16.
  4. J. Hodgson, A History of Northumberland, Part II (Newcastle, 1827), i, 62-3.

Ogle, died in 1469, and was succeeded by his second son, Owen, who lived until 1486, when his son, Ralph, inherited the title of Lord Ogle.<sup>(1)</sup> The chief seat of the Lumley family was in the bishopric of Durham, but the Lords Lumley also held land in Northumberland (near the coast between the River Coquet and Morpeth) and Westmorland (in and near Kendal).<sup>(2)</sup> At the beginning of the fifteenth century Ralph, first Lord Lumley had been attainted, but in 1461 his grandson, Thomas, secured a reversal of the attainder and was summoned to parliament as Lord Lumley. Thomas was succeeded in 1485 by his son, George.<sup>(3)</sup>

A few further members of the English nobility held land in the borders, but since their main estates lay elsewhere in England they were absentee landlords, and played no real part in border society. Border tenants-in-chief in the fifteenth century included Jacquetta, Duchess of Bedford; Anne, Duchess of Exeter; John, Viscount Welles; and Edmund, Earl of Richmond.<sup>(4)</sup>

The gentry families of the English borders tended to hold all their estates within the border counties, often in only one neighbourhood. Among the leading families of Cumberland were the Moresbys of Scalesby and Highhead, who also held land in Westmorland (near Appleby) and Yorkshire; the Penningtons of Muncaster; the Huddlestons of Millom; the Salkelds of Corby; the Radcliffes of Derwentwater; the Curwens of Workington, who were also land-holders in Westmorland (near Appleby); and the Musgraves of Wdenhall. Another branch of the Musgrave family

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1. G.E.C., Complete Peerage, x, 29-33.
  2. Cal.I.P.S., 2nd series, iii, 15, 219, 326.
  3. G.E.C., Complete Peerage, viii, 269, 272-3.
  4. CFR 1452-61, 167; CFR 1471-85, 37, 100; CFR 1485-1509, 273.

was centred on Hartley, Westmorland, and other important families of that county included the Lowthers of Lowther, who were also influential land-holders in Cumberland (between Carlisle and Penrith); the Threlkelds of Yanwath, who also held land in the latter county (at Threlkeld, near Keswick); the Bellinghams of Kirkby Kendal; the Stricklands of Sizergh and the Middletons of Middleton and Beetham, who were also land-holders in Cumberland (to the west of Carlisle and near Penrith); the Redmaynes of Levens, who had estates in Yorkshire also; the Crackenthorps of Newbiggin and Howgill, who again held land in Cumberland (just south of Carlisle); and the Parrs of Kendal, who were of great importance as land-holders in Cumberland (near and in Carlisle), and held further estates in Northumberland, Yorkshire, and other parts of England. Among the most powerful families of Northumberland were a third branch of the Musgraves, centred on Heaton and Ryal; another branch of the Middletons, of Belsay; the Greys of Morton and the Greys of Heton and Chillingham; the Herons of Ford and Chipchase; the Maners of Etal; the Widdringtons of Widdrington; the Fenwicks of Fenwick, a family also of importance in Cumberland; and the Swinburns of Capheaton.<sup>(1)</sup>

b) The Scottish border land-holding elite:

On the English borders the land-holding class consisted mainly of local-based families, of varying degrees of wealth and power. In Scotland, however, where the borders were less distant from the centre of government and the heart of the kingdom, many more non-border families held parcels of border land. Sometimes the land held was extensive, as in the case of the Gordon Earls of Huntly, who held the

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1. See map below, endpaper, for the location of these estates.

lordships of Gordon and Huntly in Berwickshire, but since the estates were held as appendages to the main family property elsewhere, such land-holders were not of great importance in border society. Among non-border Scottish families holding varying amounts of land within the border counties in the later fifteenth century were the Lords Abirnethy, the Cunningham Lords Wilmaurs, the Lindsay Earls of Crawford, the Lords Bothwick, and the Monypennys.<sup>(1)</sup>

Following the forfeiture of James, Earl of Douglas, in 1455, no one family wielded power on the Scottish borders comparable to that of the Percies. The Douglas earls had held vast border estates: the lordship of Galloway; the earldom of Wigton; the regalities of Eskdale and Stabrigorton in Dumfriesshire; the forests of Ettrick and Selkirk; the baronies of Sprouston, Hawick, Bedrule, and Smalholm, with the lands of Brendon in Roxburghshire; the regality of Lauder with the lands of Brigham and Haddington in Berwickshire; and the barony of Glenquhim in Peebleshire.<sup>(2)</sup> In addition the earls had secured hereditary control of the wardenship of the west and middle marches.<sup>(3)</sup> In the second half of the fifteenth century the forfeited Douglas estates were either retained in the king's hands, or granted to individuals, but no one family was allowed to establish a position on the borders equal to that of the over-mighty earls.

The most powerful men on the Scottish borders in the later fifteenth century were Alexander, Duke of Albany, George and Archibald Douglas, Earls of Angus, Patrick Hepburn, Earl of Bothwell, and Alexander, second Lord Hume. Albany, brother of James III, was

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1. RMS, nos. 667, 778, 1073, 1191, 2416.

2. Fraser, Douglas, 1, p. xlv.

3. RMS, no. 468.

Earl of March (part of which earldom lay in Berwickshire) and held Annandale, and his power on the borders was increased by his appointment as warden of the east and west marches in the 1470s.<sup>(1)</sup> The duke was indicted for treason in October 1479 and suffered imprisonment and forfeiture, but he escaped to France, and in 1482 invaded Scotland with an English army in order to usurp the throne from his brother. This expedition resulted in Albany's restoration to his estates and to the wardenship of the west march (although not of the east).<sup>(2)</sup> Albany continued to negotiate treacherously with England, and he was again declared forfeit in July 1483. He died in France two years later.<sup>(3)</sup>

The Douglas Earls of Angus were already important border landholders before the forfeiture of the Earl of Douglas. Chief among the border possessions of George, fourth Earl of Angus, were the lordships of Liddesdale and Jedburgh Forest, and he benefited from the forfeiture by a grant of Eskdale (Dumfriesshire) in 1459 and of the wardenship of the middle march before December 1457.<sup>(4)</sup> He also held the wardenship of the east march, as his father had before him. George died in March 1462/3 and was succeeded by his son, Archibald, who did not attain his majority until about 1470.<sup>(5)</sup> Archibald maintained the dominant position of his family on the borders, holding the office of warden in the east and middle marches in James III's

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1. See below, p.364.

2. See below, p.366.

3. Scots Peerage, i, 151-2; see below, p.366.

4. Fraser, Douglas, iii, <sup>78</sup> ~~X~~; RMS, no.670; see below, p.417.

5. Fraser, Douglas, ii, 61, 68.

reign,<sup>(1)</sup> but late in 1491 he was obliged by James IV to exchange (2) Middlesdale and Hermitage castle for lands in Ayrshire and Lanarkshire. Angus had been negotiating treacherously with Henry VII,<sup>(3)</sup> and the Scottish king, in discovering this, had no doubt remembered the dangerous consequences of an over-mighty Douglas on the borders faced by his grandfather. In November 1502 Angus and his son, George, resigned Eskdale to the crown, again under pressure, probably due to the ineffectiveness of George, as governor of the district, in controlling lawlessness.<sup>(4)</sup> The earl had not been confirmed in the wardenships of the east and middle marches by James IV on his accession, so that by the beginning of the sixteenth century the power of the Douglas Earls of Angus on the borders had greatly diminished, although they still held widespread estates elsewhere in Scotland.

The Hepburn family, in the mid-fifteenth century, was centred on Berwickshire (mainly in the south of the shire), where, from 1450, the head of the family was sheriff, the office having been secured in heredity.<sup>(5)</sup> The Hepburns' chief barony, Hailes, lay, however, in the county of Edinburgh, although the barony by the mid-fifteenth century had come to incorporate Berwickshire lands.<sup>(6)</sup> Patrick Hepburn had been created a peer of parliament as first Lord Hailes in 1452/3, but the power of the family did not dramatically expand until the reign of James IV. Patrick's son, Adam, predeceased him, and he was

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1. See below, p.365.
  2. RMS, nos.2073, 2074.
  3. See below, p.241.
  4. Fraser, Douglas, 111, 178-80.
  5. See below, p.386.
  6. RMS, no.513.

succeeded in the winter of 1482/3 by his grandson, also named Patrick. This man supported James IV in his rebellion against his father, and in consequence was created Earl of Bothwell in October 1488.<sup>(1)</sup>

Bothwell's power on the borders was steadily enlarged. In November 1488 he was made steward of Kirkcudbright, and in the following July he was entrusted with the wardenship of the west and middle marches, together with the custody of Lochmaben castle.<sup>(2)</sup> In March 1491/2 the earl was granted, as a regality, Liddesdale, which Archibald, Earl of Angus had been forced to relinquish, and in May 1495 and March 1498/9 he acquired three Roxburghshire baronies (Yetholm, Wilton and Chalmirlan Newton).<sup>(3)</sup> In September 1498 Bothwell was granted lands in the shires of Lanark, Edinburgh, and Dumfries, all of which were incorporated in the barony of Bothwell.<sup>(4)</sup> By the end of the fifteenth century the earl was probably the most powerful individual on the Scottish borders. He died in 1508.

The family of Hume was also centred on Berwickshire, within the earldom of March, and this family too owed the sudden expansion of its power on the borders to James IV. Alexander Hume acquired the title of Lord Hume in August 1473 and was succeeded in that title by his grandson in 1492, his son having died before him.<sup>(5)</sup> The grandson, also Alexander, assisted James IV in his rebellion and received many rewards, which gave him extensive power on the borders before he became second Lord Hume. In August 1489 Hume was appointed warden

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1. Scots Peerage, ii, 141-2, 151-2.
  2. RMS, nos.1799, 1874, 1875.
  3. Ibid, nos.2092, 2254, 2255, 2482; see below, p.241.
  4. RMS, no.2452.
  5. Scots Peerage, iv, 448-9.

of the east march, and in the following January he and his son were made bailiffs of Ettrick forest.<sup>(1)</sup> In April 1491 Hume became steward of the earldom of March,<sup>(2)</sup> and he held the office of great chamberlain of Scotland from the beginning of James IV's reign. The barony of Hume in Berwickshire was greatly expanded by royal grants during that reign. Alexander, second Lord Hume, died in 1506.<sup>(3)</sup>

Other noble Scottish families which were of varying though still considerable importance in border society were the Maxwells, Crichtons of Sanquhar, Erskines, Hays, Carlyles, Haliburtons, and Herries. The lords Maxwell were hereditary stewards of Annandale and were centred on Dumfriesshire (the barony of Carlaverock), but they also held land in Roxburghshire (the barony of Maxwell), Wigtownshire, and other non-border shires in the western lowlands of Scotland. The power of this family reached its height in the sixteenth century.<sup>(4)</sup> The Crichtons of Sanquhar were a Dumfriesshire family also, and, from 1452, held the office of sheriff there in hereditary. Apart from the barony of Sanquhar in that shire, the family held some non-border land. Robert Crichton was created Lord Crichton of Sanquhar in January 1487/8.<sup>(5)</sup> Thomas, Lord Erskine, inherited the sheriffdom of Selkirkshire and the attached barony of Sinton from his father in the mid-fifteenth century. The family also held land in Berwickshire, Roxburghshire, and outside the borders.<sup>(6)</sup> The Hays of Yester barony (in the shire of Edinburgh)

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1. RMS, nos.1893, 1921; see below, p.368.

2. RMS, no.2027.

3. Ibid, nos.1914, 1958, 2050; Scots Peerage, iv, 451-3.

4. Fraser, Carlaverock, i, pp.x-xxviii; Rae, The Scottish Frontier, 25, where the Maxwells are named as one of the three dominant border families of the sixteenth century; see below, pp.389-90.

5. Scots Peerage, iii, 220-4; see below, p.387.

6. Scots Peerage, v, 590-608; RMS, nos.1643, 1890; see below, pp.387-8.

and of Oliver Castle barony (Peebleshire) had held the sheriffdom of Peebles in heredity since the end of the fourteenth century. John Hay was created Lord Hay of Yester in January 1487/8.<sup>(1)</sup> John Carlyle was given the title of Lord Carlyle of Torthorwald (Dumfriesshire) in 1473/4, and the family of this man was important in the western borders, holding land in the stewartries of Kirkcudbright and Annandale as well as in Wigtownshire.<sup>(2)</sup> The Lords Haliburton held estates in Berwickshire (centred on the barony of Haliburton) and in the shire of Edinburgh. John, first Lord Haliburton, had held the office of sheriff in Berwickshire, but he granted it to Patrick Hepburn in 1450.<sup>(3)</sup> The Herries family held land in Dumfriesshire (centred on the barony of Terregles) and Wigtownshire, as well as outside the borders in the west of Scotland, and Herbert Herries was created a peer of parliament shortly before February 1489/90. The family was plagued by insanity during the second half of the fifteenth century and its estates were often in the custody of curators, appointed when successive Herries men were declared of unsound mind.<sup>(4)</sup>

Of greater importance in border society than most of these seven noble houses were the families of Ker and Scott. The Kers, divided into the branches of Cessford and Ferniehirst, dominated the middle march in the sixteenth century, and already held widespread estates in Roxburghshire in the previous century, together with the wardenship of the middle march in James IV's reign.<sup>(5)</sup> The Scott family held the lands of Kirkurd in Peebleshire, Branxholm in Roxburghshire, and

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1. Scots Peerage, viii, 425-33; see below, p.388.

2. Scots Peerage, ii, 380-86.

3. Ibid, iv, 335-7; see below, p.386.

4. Scots Peerage, iv, 401-6; RMS, nos.668, 1374; RSS, nos.532, 684.

5. Scots Peerage, v, 50-9; vii, 321-32; Rae, The Scottish Frontier, 25; see below, pp.367-8.

Buccleuch in Selkirkshire as its chief estates by the end of the fifteenth century. <sup>(1)</sup> Among other leading Scottish border families were the Douglasses of Cavers, hereditary sheriffs of Roxburghshire; the Turnbulls of Minto, Rutherfords of Rutherford, Dundalee and Chatto and MacDowells of Wakerston, all of that same shire; the Murrays of Falahill and Philiphaugh in Selkirkshire; the Blackadders of that ilk of Berwickshire; the Glendinnings of that ilk and the Tweedys of Drumelzier, both of Peeblesshire; and the Johnstones of that ilk, Kirkpatricks of Closeburn, Murrays of Cockpool, and Gordons of Lochinver,<sup>a</sup> all from Dumfriesshire. <sup>(2)</sup>

Comparisons between the land-holding class on the English and Scottish borders are difficult since evidence is limited. No single family on the Scottish borders could compare in terms of local landed resources with the Percies, once the Earls of Douglas had been forfeited. On that side of the border one or two families tended to dominate each shire, for instance the Hepburns and Humes in Berwickshire, the Percys and the Douglasses of Cavers in Roxburghshire, and the Crichtons of Manquhar and the Maxwells in Dumfriesshire, with men like the Duke of Albany, the Angus earls, and the Earl of Bothwell holding a dominant position in several parts of the borders. In England, the Percies dominated Northumberland and Cumberland and the Cliffords Westmorland, except during the 1460s when the Nevilles dominated the entire region. The rest of the landed families on the English borders, with one or two exceptions, such as the Dacres or Greystokes, probably held broadly similar amounts of land within the border counties, the wealth of a

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1. See Fraser, Buccleuch, 1, 30-64, for details of the Scott family in the later fifteenth century.
  2. For the location of the estates of leading Scottish border families, see map below, inset back cover.

few being greatly or slightly augmented by estates outside the region. The character of the Scottish border landed class was more varied, for it contained families whose landed interests were confined to the borders, families whose estates outside the borders equalled those within, and families of great power in Scotland as a whole whose border lands, though often considerable, represented only a fraction of their total wealth.

Changes within the border land-holding class occurred during the period due mainly to political upheavals. Apart from the forfeitures of major land-holders such as Henry Percy, Earl of Northumberland, John, Lord Clifford, Alexander, Duke of Albany, and James, Earl of Douglas, lesser border families also suffered reversals in their fortunes. John Heron, killed at Towton, was attainted, and his son, Roger, was not restored until 1472/3.<sup>(1)</sup> Sir William Tailbois was forfeited and executed after the same battle, his liberty of Redesdale being granted to Robert, Lord Ogle, but Sir Robert Tailbois was also restored in 1472.<sup>(2)</sup> George Rutherford of Sandestan (Sandystones?) forfeited his lands for crimes of treason towards the end of the century.<sup>(3)</sup> William, Lord Crichton, who held some border lands, was forfeited early in 1484 for his part in Albany's rebellion.<sup>(4)</sup> The loss of one family through political disasters usually meant that others gained, for forfeited lands were normally regranted, not retained in the king's hands. Such reversals of fortune, however, were frequently only temporary. Land also changed hands through marriage, sales, and grants in reward for service, but there is not enough surviving information to draw useful

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1. G.F.C., Complete Peerage, vi, 488-9.
  2. J. Hodgson, A History of Northumberland, Part II (Newcastle, 1827), i, 62-3.
  3. See below, p.103.
  4. Scots Peerage, iii, 64-6.

conclusions as to trends in the land market, the pattern of families rising through the misfortunes of others, or the moves by which families gradually expanded their landed interests.

2) Lower ranks of border society:

The amount of evidence that survives concerning the major part of the population of the Anglo-Scottish borders is extremely meagre, but a few points may be made. The conditions of life for most borderers can only be guessed at. A contemporary described Scottish borderers of the fifteenth century as 'men leading in the meane season a poore beggerlie and verie miserable life',<sup>(1)</sup> and an Englishman, early in the sixteenth century, wrote that men on the Scottish borders 'lyveth in much povertie and penury, having no howses but such as a man may buyde within iii or iiii houres: he and his wyfe and his horse standeth all in one roome'.<sup>(2)</sup> Both descriptions would, without doubt, also have applied to English borderers at this period. Isolated border farms were probably extremely vulnerable to the attacks of raiding thieves or an invading enemy force, the only means of protection for their inhabitants being in flight, but in a village community borderers may have been granted occasional refuge in the peel tower or castle of the local lord. Church towers and the fortified vicarages, which were built in some parts of the borders,<sup>(3)</sup> also probably provided protection for villagers in emergencies. The houses of border peasants appear to have been quickly and easily built, so that destruction was not disastrous. Loss of crops and livestock through war and lawlessness was the most serious threat to border farmers, and the recurrence of such losses contributed

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1. Holinshed's Chronicles of England, Scotland and Ireland, vol.v (London, 1808, New York, 1965), 4: a translation of Boethius.
  2. F.J. Furnivall, ed., The Fyrst Boke of the Introduction of Knowledge by A. Boorde (Early English Text Society, Extra series, x, 1893), 136.
  3. For examples, see A History of Northumberland (Newcastle-upon-Tyne, 1893-1940), x, 210; xii, 416.

to the poverty of the border region.

Most borderers depended on farming, both arable and to a greater extent pastoral, for their livelihood, but the size of the holdings and the numbers of the livestock of most peasants were probably small. It is likely that many, if not the majority of borderers lived close to subsistence level, farming sufficient only for their own consumption, rather than managing to produce a surplus for sale. In villages livestock were possibly pastured collectively, one herdsman tending the whole village herd. A proportion of the population must have been employed in working the lands and tending the livestock of the wealthier land-holders and in the households of border lords. The majority of borderers in the later fifteenth century were probably still dependent on land held from a lord or the employment of a lord for their livelihood, but kinship units as an alternative source of dependence and protection had already emerged as an important element in border society.<sup>(1)</sup> Within kinship groups or surnames land was held according to particular rules, probably laid down by the chief, from whom the land derived, and livestock may have been held collectively. Since many of these surnames were probably by this period engaged in large-scale criminal activity, plunder was also doubtless divided among all members of the extended family.

Apart from border surnames, whose members, bound together by kinship, occasionally or frequently sought to increase their livestock and moveable goods through crime, there also existed by the sixteenth century, and without doubt long before, gangs of borderers 'bound merely by geographical propinquity and a common desire for a career of violence' rather than by kinship.<sup>(2)</sup> The variously described thieves,

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1. See below, pp.83-8.

2. Rae, The Scottish Frontier, 7.

traitors, or rebels of eleven most likely constituted such a gang, centred on the debatable land.<sup>(1)</sup> Men of this type were probably totally dependent on crime for a living.

As little is known about the inhabitants of border towns in the later fifteenth century as about the rural communities.<sup>(2)</sup> Most of the border towns were merely market centres for a locality and therefore of very limited size, and were also dependent to a great extent on the foodstuffs that the inhabitants themselves produced. Many, if not most, townspeople probably had their own holdings and livestock, while also being involved in marketing and local supply industries or as artisans. The level of prosperity was probably not much higher than among rural border communities. Houses within towns may have been better constructed with a greater regard for permanency than the make-shift country dwellings, since some town communities enjoyed the security of walls or other fortifications. Scope for employment in border towns was extremely restricted and since there was thus no incentive for a drift from the countryside the expansion of towns must have been limited. The shortage of opportunities for employment in border towns and industries was probably one reason why landless men and those who could not secure an adequate livelihood from the land frequently turned to crime for a living.

Among a large proportion of the inhabitants in many parts of the borders, especially near to the actual border line, which in places was not clearly defined, nationality seems to have counted for little. The isolation of many border communities due to the nature of the region meant that borderers frequently lived and thought entirely in a

1. See below, pp.318-9.

2. For more on border towns, see above, pp.27-34.

local context, so that Scots living twenty miles from an English village were no more foreign to that village than Englishmen living at an equal distance, and far less foreign than men of English non-border counties. English and Scottish borderers led the same kind of life, spoke the same, or a similar, dialect, and were both part of a single society based on a geographically united region in which the national boundary was, for these reasons, largely irrelevant.

B) INTERCONNECTIONS WITHIN BORDER SOCIETY:

The insecurity of border life resulting from the lawlessness of the area and its position as a frontier zone had, well before the mid-fifteenth century, created a society in which ties of dependency were of great importance. Borderers from all ranks of society sought the protection of their superiors, and those capable of giving protection accepted the dependency of others since it provided them with reserves of manpower, and thus protection for themselves. Such dependency often arose simply from the relationship between a lord and his tenant or servant, but more formal contracts of service and protection were also made, especially between men from the higher ranks of society. Alliances based on land-holding, marriage, or mere neighbourhood were probably often formed between leading border families largely in order to provide mutual security, but concrete evidence of such is hard to find. As an alternative to reliance on a superior or the service of subordinates many borderers found security through the bond of kinship, while some criminals and outlaws banded together to form gangs for co-operation in crime as well as for protection. The search for security

created varied interconnections within border society and these are worth studying although evidence is not extensive, especially concerning the particularly interesting topics of kinship and the criminal gangs. Since positive details survive of only the more formal relationships created by written contract between borderers, a study of interconnections is inevitably confined almost entirely to the leading border families.

1) Kinship and the border surnames:

Research has shown that in the sixteenth century the organisation of society in the Anglo-Scottish borders was based, more or less equally, on 'the feudal tenure of land' and on kinship.<sup>(1)</sup> Landlords dominated a large section of society dependent on them through land-holding or service, while other borderers banded together in kinship groups, under the leadership of the head of the surname. The important land-holding families also exploited or unconsciously benefited from kinship loyalty, so that their circle of dependants was expanded, resulting in a combination of the two social elements. Devotion to the leader of a surname together with the feeling of unity with fellow kinsmen became the most important and powerful concept within border society, although social organisation remained largely based on feudal land-holding.

It has been pointed out that the border kinship groups 'were not so much survivals of primitive tribal units as the result of processes in the fourteenth and fifteenth centuries, when surnames (literally) emerged.'<sup>(2)</sup> It is difficult to ascertain how far this social evolution had developed by the mid-fifteenth century. The protracted

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1. Rae, The Scottish Frontier, 4-11.

2. Ibid, 5.

war between England and Scotland, which naturally centred on the borders, together with the geographical nature of the border region, had produced poverty, lawlessness, an independent attitude towards central government, and reliance on local lords rather than the crown, and the resulting insecurity had led borderers to seek protection from any possible source. 'In conditions of general insecurity, the social link between tenant and landlord was bound to be exceptionally strong',<sup>(1)</sup> but men who failed to secure land or employment from a border lord, turned to the alternative of dependence on their kinsmen. The head of a family was prepared to give protection to a wide circle of distant relatives since this expanded his military potential and increased his own security. As the concept of kinship became more widespread and important in border society, it affected those men who had already found security through land-holding or service and the lords giving such protection.

The first recorded use of the word 'surname' was in 1498,<sup>(2)</sup> when it was noted that 'all persons of the said surnames (i.e. those of named criminals) are banded together', but by the time kinship groups had acquired their title of 'surnames', they must have been well-established in border society. The word was used in this case in connection with Tyndale and Redesdale, and it is likely that kinship groups developed more quickly in the most lawless parts of the borders, such as these dales, Teviotdale, and Liddesdale, than in the rest of the region. The surnames mentioned - the 'Charletons, Redes, Hedleyes, Robsons, Milbournes, Wilkynsons, Cressopes, Dodds, Hogges, Hunters, Oblissons, and Fenwykkes' - were not, with the exception of the Fenwicks, important border families in terms of land-holding and office-holding

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1. Ibid.

2. See below, pp. 317-8, 318 n.1.

under the crown.<sup>(1)</sup> In Scotland, also in 1498, the word 'clans' was used in connection with the borders,<sup>(2)</sup> almost certainly denoting kinship groups, although 'surnames' was their usual title by the sixteenth century.

There is insufficient evidence to allow conclusions as to the number of border surnames in existence by the mid-fifteenth century, nor can the extent to which the organisation of such kindred groups resembled sixteenth-century practice be determined. It seems likely, however, that the theories of land-holding, justice, descent of the leadership, and responsibility for their members within the groups described as surnames or clans by contemporaries were already largely formed by this period. Among the sixteenth-century surnames land-holding was based on each group's own, probably tribal, concepts, and the allocation of land and plundered booty was the responsibility of the chief, as was justice within the surname. The chief undertook to protect his kinsmen, before the law and in any danger, and sometimes assumed responsibility for them in the interests of royal law-enforcement.<sup>(3)</sup> The leadership of a surname did not always lie with one man, nor was primogeniture the rule for succession, since a strong chief was of paramount importance.<sup>(4)</sup> Within a clan land was probably not necessarily all held from the chief, but the bond of kinship

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1. No members of these surnames were sheriffs or JPs in the border counties, with the exception of the surname Fenwick, nor do they seem to have been tenants-in-chief. In the sixteenth century, according to a contemporary, the Charltons were the most important surname in Tyndale, having about half the population under their control, followed by the Robsons controlling about a quarter of the population, and the Dodds and Milbournes, individually controlling the other quarter: Sir Robert Bowes, The English Border in the Days of Henry the Eighth (Newcastle, 1849), 30. It is unknown whether these families wielded comparative power in Tyndale in the fifteenth century. It seems certain that the power of these surnames developed through kinship, rather than being based on landed wealth.
  2. See below, pp.328-9.
  3. See below, pp.327-9.
  4. For details of sixteenth-century surnames, see Rae, The Scottish Frontier, 6-7.

superseded any relationship between clan members and outside lords from whom land was held. The border districts where surnames existed or were concentrated in the fifteenth century are likely to have been identical to those where large numbers later flourished, that is the middle marches of both kingdoms, the Scottish west march and parts of its English counterpart, and, in particular, Tyndale, Redesdale, Teviotdale, and Liddesdale.<sup>(1)</sup>

Since many members of a surname might have identical first names, causing confusion in identification, nicknames were frequently adopted. Many Scottish border nicknames of the later fifteenth century are recorded, giving further proof of the established nature of kinship groups by this period, and although only extremely sparse record of such names from the English borders appears to have survived, it is likely that they were equally common among clansmen on that side of the frontier. In Edward IV's reign Roger Hogeson called 'lang hoge' and Richard Dobynson called 'Dic Dobynson' were indicted by an English jury, and in November 1498 Henry VII ordered the sheriff of Northumberland to summon by proclamation 'William Hedle otherwise called Weykspere; Hogge of Hedle his brother; ... Crysty Mylbourne son of Cryspy of Hedle; William alias Willy Charleton; ... Cok Fenwyk "the maugh" of Willy Charleton; 'and several other inhabitants of Tyndale and Redesdale.'<sup>(2)</sup> Among the Scottish border nicknames of this period are found: 'Robert Elwald callit zongridar'; 'Gerrard with the prik'; 'Wilzame Armistrang callit Slittrik'; David Scot called 'Lady'; David Oliver called 'Magud preist'; 'Longus' John Oliver and 'Parvus' John Oliver; Davidson called 'grace behind him'; Robert Turnbull called 'Muriale'; Richard Armstrong called 'skan'; James Rutherford called

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1. Ibid, 6; C. MacDonald Fraser, The Steel Bonnets (London, 1971), 38-9.

2. PRO, KB9/339; CFR 1494-1509, 160.

'Wag'; Adam Scot 'vocat curvius'; John Garrok called 'ginkyne'; and John Turnbull called 'chas. udding'.<sup>(1)</sup>

Surnames had obviously become an established part of border society by the mid-fifteenth century, whether or not they existed in large numbers, but it is less certain that the concept of kinship had significantly affected border gentry families, whose power was based on land-holding. Family feeling was a potent factor in most medieval societies, but kinship and the extended family in the border context was something exceptional. Many of the main riding surnames or 'those families who were the principal reivers'<sup>(2)</sup> in the sixteenth century, for example the Busgraves, Ogles, Herons, Widdringtons, Bulkeholds, Humes, Scotts, Mers, Johnstones, and Maxwells, were still apparently conventional gentry, land-holding families in the previous century, not markedly different from their social equivalents in other parts of the two kingdoms. There is little evidence of particular importance being placed on family feeling within this section of border society, but the concept of the extended family, which later significantly affected the land-holding class, must have been first developing by this period among the gentry houses. It is almost certain that feuding, a result of a sense of kinship, was more common among such border families than in most parts of England and Scotland.<sup>(3)</sup> When security was required in connection with royal justice, it was frequently given by members of the same family, although it seems to have been more common, at least in Scotland, for landlords to stand pledge for their tenants or other feudal dependants.<sup>(4)</sup> There is

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1. R.N. no.589: Reg. Hse., Just. Ct. M., ff. 54, 56d., 57, 65, 66, 70d., 79, 79d., 85d.
  2. MacDonald Fraser lists the main sixteenth-century riding surnames: Fraser, The Steel Bonnets, 56-65.
  3. See below, pp.319-22.
  4. Reg. Hse., Just. Ct. M., passim; see below, pp.186, 332-3.

some evidence of members of the same gentry family collaborating in crime, a practice which developed into the habitual raiding of the riding surnames.<sup>(1)</sup> On the English borders, for example, in Henry VII's reign, four Delaval men joined in armed assault; Thomas Lancaster, aided by three of his kinsmen, committed murder; and four Layburn gentlemen were found guilty of breaches of the peace.<sup>(2)</sup> Scottish border justiciary court records for the end of the century reveal crimes committed by groups of Scotts, Rutherfords, Douglasses, and Turnbolls.<sup>(3)</sup>

Kinship was clearly an important factor in Anglo-Scottish border society by the later fifteenth century, and had begun to affect the land-holding families as well as having produced surnames. It is difficult, however, in this period to determine the relative importance within the society of kinship as opposed to dependency based on land-tenure or service. Kinship, as a concept, inevitably leaves less proof of its existence and importance than these more formal relationships. Certainly, however potent a force kinship had become, these other ties of dependency still played a vital part in border society. The dependency for protection of the mass of a lord's tenantry and servants on that lord cannot be assessed, but this type of security was most likely still as important as kinship among the lower ranks

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1. Such collaboration in crime merely stresses the importance of family relationships in border society, and did not resemble the activities of the criminal gangs of gentlemen found in other parts of late mediaeval England: see J. Bellamy, Crime and Public Order in England in the Later Middle Ages (London, 1973), 69-88.
  2. PRO, KB 8, 3, part II; KB 9/411; KB 9/421.
  3. Reg. Hse., Just. Ct. MS., passim.

of border society. Connections based on land-holding, marriage and service among leading border families can, however, be studied in some detail, although the degree to which such relationships were prompted by a desire for security is hard to determine.

2) Connections and ties of dependency between leading border families:

i) Ties of land-holding between the leading border families:

a) The English borders:

Most of the leading English border families held some land direct from the king and some from local landlords, while they themselves acted as landlords for tenants equal as well as inferior to them in social standing. The mass of the tenantry of any land-holder consisted of men of small means, usually dependent on the lord for protection but important to his security only in terms of collective man-power. The land-holding connection could also be significant in terms of dependence when it existed between important men in border society. In some such cases land-holding may have been the basis of a mutually protective alliance between gentry families or one of the means by which the few dominant houses secured the dependence or at least the support of the gentry, essential in the maintenance or extension of their power. It has been pointed out that 'the tenurial link, spanning the generations, had its importance as implying a relationship which was larger than the life of any single individual', and the same historian believed that 'mesne tenants were likely to be involved in a more stable tradition of dependence ... and service ... than those who were merely employed' by lords.<sup>(1)</sup> Although it is difficult to

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1. H.B. James, 'The First Earl of Cumberland (1493-1542) and the Decline of Northern Feudalism', Northern History, 1 (1966), 49.

ascertain the significance of land-holding relationships among important border families in terms of affinity and dependence, it is worth examining such connections.

The Percy Earls of Northumberland were the greatest border tenants-in-chief for most of this half-century, and, since their estates incorporated much of Northumberland and Cumberland, they were landlords to numerous important border families. Surviving Percy estate accounts provide the names of many such tenants, and these can be supplemented by inquisitions post mortem of the period.

The honour of Cocker-mouth bailiffs' accounts, which intermittently cover the half-century, show that members of a large number of the leading families of the western borders were tenants in Cumberland of the Earls of Northumberland. Among these were the Curwens, Penningtons, Lamplughs, Threlkelds, Calkelds, Leghs, Thornburghs, Middletons, Redmaynes, Musgraves, Crackenthorps, and Lancasters.<sup>(1)</sup> Various other border gentlemen were named in inquests as having held land in Cumberland from the Percy earls. An inquest held on the death of John Skelton in 1457/8 declared that this man had been a tenant in that county, and the recurrence of the name in the Percy accounts for 1478/9 shows that the family continued to be so.<sup>(2)</sup> Other Percy tenants revealed by inquisitions included: William Stapleton, Hugh Lowther, William Colville, Thomas Syneux of Sevenhouse, Sir Christopher Horesby, Sir Thomas Broughton, Thomas Harington, and Alexander Highmore.<sup>(3)</sup> Humphrey, Lord Dacre, held some land from the fourth Earl of Northumberland in Cumberland, as well as land from a list of

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1. Carlisle R.O., Cocker-mouth C.M., 29/4, 5, 6, 9, 10; 302.
  2. Ibid, 29/5; PRO, C 139/167, no.11.
  3. PRO, C 139/170, no.48; C 140/51, no.20; C 140/71, no.54; Cal.I.P.M., 2nd series, ii, 93, 191; iii, 373, 374, 396.

other men of the county.<sup>(1)</sup>

Percy tenants in Northumberland during the later fifteenth century are revealed in the Alwick estate accounts, and again many of the leading families of the county are shown to have held land from the earls. These included the families of Fenwick, Folbery, Bertram, Brother, Craster, Aners, Tailbois, Bilbourne, Peron, Ogle, Colingwood, and Cure.<sup>(2)</sup> Inquisitions post mortem show that other Percy tenants in Northumberland included Robert and Thomas Musgrave (from a family centred on the western borders), John Pitford, John Cartington (who held Cartington manor), Thomas Garre of Newton, Thomas Elderton, Roger Thornton, Nicholas Fetherstonehaugh, Sir Ralph Harbottle, Sir Ralph Grey of Chillingham, and Sir George Lumley.<sup>(3)</sup>

The land-holding bond between the Percies and other leading border families may, in many cases have been insignificant, especially when the amount of land held was small, but frequently the bond of tenancy was strengthened by further ties of employment, marriage, or retainer.<sup>(4)</sup>

Although the Nevilles were the only comparable rivals to the Percies in the north of England as a whole, their power in the borders was based mainly on royal office holding, and the amount of land held in the border counties by various members of the family was small. The Nevilles' capacity to form alliances with border families through land-holding was, therefore, limited. When Richard Neville, Earl of Warwick, and his brother, John, were granted forfeited Percy border

1. Ibid, 1, 71-3; see below, p.94.

2. Alwick C.A., C III 4b; C VI 2a, 2b, 2c, 4a, 4c, 4d; C VIII If, Ig, Ii.

3. PN, C 139/156, no.15; C 139/168, no.29; C 139/163, no.9; C139/171, no.2; C 140/75, no.37; C 140/75, no.50; C 141/3, no.27; Cal.1.P.A., 2nd series, i, 144, 276; ii, 576; iii, 217, 326.

4. See below, pp.154ff.

estates, they became landlords to former Percy tenants, but the relationship so suddenly imposed was obviously not significant in terms of dependency, and may never have become so since it was only temporary.

The only surviving border estate accounts of the Neville family covering the later fifteenth century seem to be those of George, Lord Latimer, and his heir, who held, among their extensive estates in various counties, the manors of Bolton in Allerdale (Cumberland), and of Heversham, Horland, and Warcop in Westmorland.<sup>(1)</sup> Although these accounts reveal the names of several border gentlemen holding office under the Neville lord,<sup>(2)</sup> they do not prove that these men were among Latimer's tenants, who were almost all borderers of less social importance. Since these border estates were so limited in size, they could not have provided much potential for securing the support of local gentry families through land-holding.

Land-holding connections did exist between the Nevilles and a few leading border families, as inquisitions post mortem show. Robert Musgrave of Heton (Northumberland) held land in that county from Ralph Neville, second Earl of Westmorland, and John Thornton held land there from the fourth earl.<sup>(3)</sup> William Stapleton was a Cumberland tenant of Richard, Earl of Salisbury, and two women, Elizabeth, widow of Robert Crackenthorp, and Margaret Crackenthorp held land in Westmorland from Salisbury's son, Richard, Earl of Warwick.<sup>(4)</sup> Elizabeth also held land from George, Lord Latimer, in Cumberland, as did Thomas Sevenhouse,

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1. CFR 1485-94, 339; Carlisle R.O., Records of the Latimer (Neville) Estates, 28/22-30; Alnwick C.M., XII. 3. Box 2: Receivers' Accounts for the estates of the Lords Latimer.

2. See below, pp.170ff.

3. PRO, C 139/156, no.15 (dated 1454/5); Cal.I.P.M., 2nd series, ii, 412 (dated 1502/3).

4. PRO, C 139/170, no.48 (dated 1457/8); C 140/7, no.6 (dated 1462/3); C 140/29, no.42 (dated 1468/9).

who, however, only held one tenement from this lord, the bulk of his property being held from the Percy Earl of Northumberland.<sup>(1)</sup> Sir Ralph Grey, a Percy retainer and tenant, also held land from Ralph, Earl of Westmorland, in Northumberland.<sup>(2)</sup> It is doubtful that any of these connections through land-holding were significant as ties of dependency, since the amount of land involved cannot have been extensive.

The leading land-holding family in Westmorland was that of Clifford, and due to the survival of a feodary the freehold tenants of the Clifford barony of Westmorland in 1452 and 1482 are known.<sup>(3)</sup> Henry, Lord Clifford, was not formally restored to his father's estates until November 1485, but inquests taken at the beginning of the sixteenth century suggest that he had been taking issues and profits as lord of these estates before the attainder had been reversed.<sup>(4)</sup> Following the forfeiture of John, Lord Clifford, the barony was granted to Richard, Earl of Warwick,<sup>(5)</sup> but it is doubtful that land-holding in itself would have created a significant bond between former Clifford tenants and the earl.

1. Cal.I.P.M., 2nd series, ii, 93 (dated 1497/8).
2. PRO, C 140/17, no.27 (dated 1464/5).
3. The feodary was drawn up in 1452 and revised thirty years later. Two copies survive, one of which lists the 1482 tenants, the other those of 1452: PRO, Awards Indexes: IND.17122; Bodl., Dodsw.MS., 80, f.83. The dating has been worked out, together with other details, and the feodary printed by F.W. Hagg, 'The Feoffees of the Cliffords from 1283 to 1482', Old & New, NS., viii (1908), 253 ff.; F.W. Hagg, 'Appendix to "The Feoffees of the Cliffords"', Old & New, NS., xxii (1922), 336 ff.
4. Cal.I.P.M., 2nd series, ii, 514-20.
5. CR 1461-7, 186. G.L.C., Complete Peerage, iii, 294 asserts that the barony of Westmorland was granted to Richard, Duke of Gloucester, but, if this is accurate, the grant must have been made after Warwick's fall, for the lordship of Appleby (an alternative name for the barony) was included in the 1462 grant to Warwick.

Among the tenants of the barony in 1482, most of whom were members of border gentry families, were Thomas Blenkinsop, Thomas Sandford, Richard Busgrave, Hugh and John Lowther, Richard Neville, Lord Latimer, Humphrey, Lord Dacre, Ralph, Lord Greystoke, Sir Christopher Moresby, Sir Thomas Curwen, John Crackenthorp of Newbiggin, John Crackenthorp of Howgill, John Lancaster, Thomas Radcliffe, Thomas Wharton, and Thomas Warcop. In 1452 most of the tenants were from the same families, the christian names differing. Although the Lords Clifford also held land in Northumberland and Cumberland, the only known border tenants of theirs outside the barony of Westmorland during the later fifteenth century were William Stapleton and Alexander Highmore, both of whom held land in Cumberland.<sup>(1)</sup>

The inquisitions held after the death of Humphrey, Lord Dacre, reveal not only many of his tenants, but also many of the landlords from whom he held border land.<sup>(2)</sup> Unfortunately the information is mainly limited to Cumberland, but it was in that county that the family's chief estates, the lordships of Dacre and Gilsland, lay. Humphrey held his Cumberland estates in various proportions from the king, Sir John Middleton, Sir Christopher Moresby, John Crackenthorp, William Threlkeld, John Denton, Ralph, Lord Greystoke, Henry Percy, Earl of Northumberland, Sir Thomas Harington, the heirs of Sir William Windsor, and Queen's College, Oxford. The Dacre properties in Westmorland were held from the king, Henry, Lord Clifford, Thomas Warcop, Richard Ristwald (Restall), Thomas Wharton (all three freeholders of the Cliffords), and the heirs of Thomas Twyng (Thweng). Among the tenants of the barony of Gilsland at Humphrey's death were Richard Lowther,

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1. PRO, C 139/170, no.48; Cal.I.P.M., 2nd series, iii, 42.

2. Ibid, i, 5-6, 67-73.

Roland and John Vaus, Thomas Beauchamp, Sir Gerard Ciddrington, Thomas Delanore, Sir Thomas Curwen, John Skelton and the heirs of Clement Skelton, Sir William Martindale and the heirs of Roger Martindale, Owen, Lord Ogle, the heirs of Sir William Legh, Sir William Stapleton and others of the same family, Sir John Middleton, Thomas and John Denton, and Sir William Marington. It is interesting to note that in a few cases the Dacres were tenants and landlords of the same family, and this was probably common, since it is clear that leading border families were much interconnected through land-holding.

A considerable number of Greystoke border tenants are known, and many of these would have become tenants of Thomas, Lord Dacre, following his marriage to the Greystoke heiress.<sup>(1)</sup> The inquisition post mortem into the lands of Ralph, Lord Greystoke, found that Richard Busgrave, Thomas Radcliffe, and Henry and Richard Hutton were among the Greystoke tenants in Cumberland, and that Wancelot Threlkeld, William Stapleton, and again Thomas Radcliffe were among those in Westmorland.<sup>(2)</sup> The Clifford feodary shows that Radcliffe, Threlkeld, and Thomas Lancaster<sup>(3)</sup> held land of Lord Greystoke as sub-tenants in the barony of Westmorland. A rental of the Greystoke barony (Cumberland), dated 1470, listed John Walkeld and Robert Lowther as tenants, together with many men below the rank of border gentry.<sup>(4)</sup> Among the Northumberland tenants of Ralph, Lord Greystoke, were Robert, Lord Ogle, Sir John Scrope of Masham (whose chief estates were in Yorkshire), and Sir Ralph Ciddrington.<sup>(5)</sup>

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1. See below, p. 114. The barony of Greystoke descended to the heir male, only reverting to the heiress in 1508.

2. Cal. I.H.S., 2nd series, i, 108-9, 183.

3. See above, pp.93-4.

4. Carlisle B.O., D/HG 16.

5. PBO, C 140/32, no.26; C 139/161, no.14; Cal.I.H.S., 2nd series, ii, 340.

Land-holding connections between other leading English border families are more difficult to ascertain, but from the few examples available it seems clear that neighbouring families were much interconnected in this way, holding land from several landlords equal or superior to them in social status, while also acting as landlord for similar families. Most border gentry houses were tenants-in-chief of the crown for varying amounts of land, and also frequently held land from local religious houses or bishops. Inquisitions post mortem provide evidence of the following connections in border society.

Robert Busgrave held land in Northumberland from the king, Henry Percy, Earl of Northumberland, and Thomas Wisle; Thomas Busgrave held land in the same county from Sir Ralph Widdrington and from the same earl; and Richard Busgrave held land in Cumberland from the king, the feoffees of the late Earl of Northumberland, and from Thomas Parr, as well as being a tenant of Henry, Lord Clifford, in Westmorland.<sup>(1)</sup> Sir Ralph Widdrington, in Northumberland, held from the king, Henry and Roger Widdrington, Ralph, Lord Greystoke, Ralph, Lord Ogle, the Lords Scrope of Upsall and Welles, Sir James Strangeways, Sir Roger Hastings, Nicholas Thornton, Thomas Horsley, William Swinburn, Robert Raines, Henry Fenwick, and Ralph Grey.<sup>(2)</sup> In the same county, Sir Ralph Harbottle was a tenant of the king, the Earl of Northumberland, the Priors of Tynemouth and Bamburgh, Ralph Scrope, and Ralph, Lord Ogle.<sup>(3)</sup> Sir Robert Ogle held land from the king, Thomas, Lord Scrope of Upsall, Ralph, Lord Greystoke, and Robert Polbery in Northumberland, and from

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1. PRO, C 139/168, no.29; Cal.I.P.M., 2nd series, i, 144, 291-3 (inquests dated 1457/8, 1487/8, 1491/2).
  2. Ibid, ii, 340 (dated 1502/3).
  3. Ibid, ii, 576 (dated 1504/5).

Ralph, Lord Dacre, and the Bishop of Carlisle in Cumberland.<sup>(1)</sup> In Westmorland Sir William Redmayne was a tenant of William Parr, and Sir Thomas Strickland was a tenant of Thomas Parr, George Neville, Lord Lumley, and of Margaret, Countess of Richmond.<sup>(2)</sup> Sir Christopher Moresby held land in the same county from Henry, Lord Clifford, and Christopher Pickering, and land in Cumberland from the king, the Bishop of Carlisle, Henry Percy, Earl of Northumberland, Thomas Wharton, and from the Prior of St. Mary's, Carlisle.<sup>(3)</sup> Hugh Lowther was also a Percy tenant in Cumberland, as well as holding land there from Ralph, Lord Greystoke, and Richard, Duke of Gloucester, and land in Westmorland from Lord Clifford.<sup>(4)</sup> Thomas Denton, in Cumberland, held from Thomas, Lord Dacre, and Sir Thomas Curwen.<sup>(5)</sup>

b) The Scottish borders:

Surviving evidence of land-holding connections among the leading families of the Scottish borders is much more sporadic than that concerning their English counterparts. Examples can be given of some border tenants and landlords of the families of Douglas, Hume, Hepburn, Ker, and Scott, but no comprehensive description of their landed connections is possible, and in the case of other border families information is so scarce that no useful picture can be drawn of their relationships based on land-holding. Many leading border families, such as the Blackadders, Cockburns, Crichtons, Carlyles, Hays, Hoppringles, Johnstones, Kirkpatricks, MacClellans, Maxwells, Rutherfords, and Tweedys, held some land direct from the crown, but it is difficult to ascertain their other landlords and their tenants. It seems

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1. PRO, C 140/32, no.26 (dated 1469/71).
  2. PRO, C 140/85, no.49; Cal.I.P.M., 2nd series, ii, 270 (dated 1482/3, 1499/1500).
  3. Ibid, ii, 191, 194 (dated 1498/9).
  4. PRO, C 140/51, no. 20 (dated 1475/6). Henry, Lord Clifford, had not in fact yet been restored.
  5. PRO, C 139/166, no.22 (dated 1456/7).

likely, however, that the situation was similar to that on the English borders, and that leading Scottish border families were interconnected to a considerable extent through land-holding, whether or not such connections were significant in terms of dependency and family alliances.

During the first half of the fifteenth century the Earls of Douglas held vast tracts of border land,<sup>(1)</sup> and a great many of the leading border families must have been their tenants. Immediately after the forfeiture of James, ninth Earl of Douglas, all his tenants-in-chief became direct crown tenants, but much of the forfeited land was sooner or later granted again by the crown to individuals, thus imposing new landlords on the existing tenantry. Various other branches of the house of Douglas flourished on the borders in the later fifteenth century, and some of their tenants are known.

The most important Douglases at this period were the Earls of Angus, and among their tenants were many of the major border families. The Humes were tenants of the Angus earls, and had also held land from the Earls of Douglas before 1455. On 14 May 1469, Archibald, Earl of Angus, gave sasine to George Hume of Wedderburn of lands in Jedburgh Forest, and in January 1474/5 sasine of the same lands was given by the Earl's bailiffs to George's son, David.<sup>(2)</sup> George and his brother, Patrick, in May 1470 were granted land in Berwickshire by the Earl of Angus as a consequence of their marriages to the heiresses of the previous tenant, John Sinclair of Hermiston.<sup>(3)</sup> Later in the same year the Hume brothers bound themselves in manrent

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1. See above, p.71.

2. HMC, Report on the Manuscripts of Colonel David Milne Home of Wedderburn Castle (1902), 22-3. George had resigned the lands in favour of his son in November 1474.

3. Ibid, 22; Reg. Hse., GD 111/1; see below, p.128.

to the earl, who promised never to allow John Sinclair's son, William, to secure his claim to the lands.<sup>(1)</sup>

Alexander Hume, Chamberlain of Scotland, was a tenant of Archibald, Earl of Angus, in Berwickshire, having in January 1488/9 been granted the mains of Earlston in fee and heritage. The same lands had in fact earlier, in or before August 1484, been sold to Hume by the earl, and the later grant may have been only a confirmation. In October 1489, Angus resigned Earlston to the king in favour of John Hume of Whitrig, and Alexander Hume must have become a tenant of his relative, if he still held the lands.<sup>(2)</sup> Patrick Hume of Polwarth at the beginning of the sixteenth century became a Berwickshire tenant of the fifth Earl of Angus.<sup>(3)</sup>

Another border family holding land from the Earls of Angus who had also held from the forfeited Earls of Douglas, were the Scotts. In February 1469/70, Archibald, Earl of Angus, granted to David Scott of Buccleuch and his son, Walter, the keeping of Hermitage castle for nineteen years, together with lands to maintain the office. The connection of land- and office-holding was continued throughout the half-century, and the bonds between the two families were cemented by marriage.<sup>(4)</sup> The same earl, in June 1478, leased lands in his lordship of Selkirk for nine years to his son-in-law, David Scott, and in February 1484/5 gave sasine to David's father of Mangerton in Liddesdale.<sup>(5)</sup>

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1. Fraser, Douglas, iii, 99-101.
  2. HMC, 12th Report, Appendix, Part VIII, 118.
  3. Fraser, Douglas, iii, 174-6: a sale of land dated 14 December 1500.
  4. Fraser, Buccleuch, ii, 67; see below, p.127.
  5. Reg. Hse., GD 224/932, bundle 38, 892, bundle 20. Mangerton had been resigned by Thomas Armstrong.

The Scotts also held border lands from a different branch of the house of Douglas, at the beginning of the sixteenth century and for at least some time before. A George Scott, tenant of William, son and heir of James Douglas of Drumlanrig, came to an agreement in April 1501 with his landlord as to the manner in which his lands of 'Laris' should be held. Unless Scott could show by charter that he held in blench farm (i.e. paying nominal rent), he would be obliged to hold in future by ward and relief.<sup>(1)</sup> James Douglas of Drumlanrig married Janet, daughter of David Scott of Buccleuch, and in the contract, dated 5 November 1470, it was agreed that David should become the tenant of James' father, William, in lands he already held, if lawyers found that this would not prejudice his heritage. If this was found to be impracticable, David was to pay William 400 marks down, and four instalments of 200 marks.<sup>(2)</sup> The outcome of this agreement is not known.

Members of both branches of the Ker family, which came to be centred on Cessford and Ferniehirst respectively, had been tenants of the Earls of Douglas before 1455, and in the following half-century the family held land from at least two branches of the house of Douglas. By 1476 Thomas Ker had acquired Ferniehirst, which he held from the Earls of Angus, and in September 1489 a Thomas Ker, probably the same man, was retoured (i.e. found by an inquest) heir to his father in the east dominical lands of Selkirk by George, Master of Angus.<sup>(3)</sup> Walter Ker of Cessford became, in August 1450, the tenant of William Douglas

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1. Fraser, Buccleuch, ii, 104.

2. Reg. Hse., GD 224/905, bundle 24.

3. Scots Peerage, v, 50-1; Fraser, Douglas, iii, 125-6. Thomas was described as son of Adam Ker, but this does not appear to have been a normal family name, and may be an error either by Fraser or the original scribe, for Andrew.

of Cavers, when he bought the lands of 'Blackpule' in the barony of Cavers from this man.<sup>(1)</sup> In December 1499 Sir William Colville resigned lands in the same barony to the superior, William Douglas, in favour of Andrew Ker of Over Crailing, who was to be enfeoffed in heredity.<sup>(2)</sup>

Miscellaneous references to tenants and overlords of the different branches of the house of Douglas reveal some of the border families with whom they were connected, although the land-holding bond did not necessarily imply a close alliance. The Elliots (always called Elwalds at this period) were tenants of the Douglases of Cavers before February 1497/8, when Robert Elwald was returned heir to his grandfather of the same name in lands within the barony of Cavers.<sup>(3)</sup> The Douglases held Cavers direct from the crown as a barony until in May 1488 James III, trying to raise support against his rebellious nobles, transformed Cavers into a regality, on condition that Douglas gave military service 'in proper person with his kindred, men, friends and partakers, whom he can assemble or raise.'<sup>(4)</sup> Failure to keep the condition was to annul the charter, and the usurpation of James IV meant that Cavers remained a barony. William Douglas of Cavers held land from Archibald, Earl of Angus, for in November 1470 the earl granted William lands in Liddesdale in fee and heritage as a reward for past service.<sup>(5)</sup> In March 1491/2 William Douglas of Cavers was given sasine of lands in Roxburghshire by George Murehead, and, either following normal custom or because of

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1. Ibid, 111, 430.

2. HMC, 7th Report, Appendix, Part I, 729.

3. Ibid.

4. Ibid.

5. Ibid, 728.

unusual circumstances, Douglas declared 'with a loud and intelligible voice' that the transaction had been made without any hint of compulsion, so that his rights could not be questioned.<sup>(1)</sup>

Among the tenants of the Douglases of Drumlanrig were the Turnbulls. In September 1479 Robert Turnbull resigned Broadlee in the barony of Hawick to William Douglas of Drumlanrig, from whom he held the land.<sup>(2)</sup> On 15 December 1502 James Douglas of Drumlanrig granted 'Quithop' (Whitterhope ?) in the same barony to John and Ninian Murray, through their assignee, Walter Scott. The Murrays, victims of crimes committed by Stephen Turnbull, had been owed money by Stephen's surety and brother, Philip Turnbull of 'Quithop', but since Philip's moveable goods were not of sufficient value to meet the debt, the sheriff of Roxburghshire, in charge of the case, had tried to sell 'Quithop'. These lands proved to be so reduced in value that a purchaser could not be found, and so 'Quithop' was granted to the Murrays instead of the sum owed.<sup>(3)</sup> The Murrays thus became Douglas tenants, although Turnbull may later have been able to redeem the lands.

The Douglas Earls of Morton held some border lands concentrated in Peeblesshire, together with their barony of Morton in Dumfriesshire, which in February 1473/4 was under the overlordship of Alexander, Duke of Albany.<sup>(4)</sup> James, Earl of Morton, in March 1460/1, as overlord of Peeblesshire lands, confirmed a charter of Patrick, son of William, Lord Graham, granting lands there to his brother, Sir Walter Graham.<sup>(5)</sup>

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1. Ibid, 729.
  2. Fraser, Buccleuch, 11, 75.
  3. Ibid, 11, 100.
  4. RMS, no.993; Reg. Hae., GD 150/156.
  5. Reg. Hae., GD 120/1.2.

The same earl, in November 1465, granted lands and a tower in the lordship of Annandale to a Patrick Graham.<sup>(1)</sup> Among other tenants of the earls in Peeblesshire were members of the Livingston family and a James Giffard of the shire of Edinburgh.<sup>(2)</sup>

A few further Douglas land-holding connections are known. George, Lord Seton, in 1479, granted lands in the lordship of Lauderdale (Berwickshire) to his son-in-law, Hugh Douglas of Borgue.<sup>(3)</sup> George Douglas of Leswalt in 1459 promised certain Wigtownshire lands on a six-year lease to Robert Vaus of <sup>arroch</sup> Barnbarach when he (presumably George) and his heirs left the land.<sup>(4)</sup> William Douglas of Cluny granted lands in the lordship of Traquair (Peeblesshire) to George Tait of 'Pryn' in 1463.<sup>(5)</sup> George Rutherford of 'Sandestan' (Sandystones ?) was a tenant of the Douglasses of Lochleven in the barony of Longnewton (Roxburghshire) until he forfeited his lands for crimes of treason. James IV in February 1499/1500 requested Robert Douglas of Lochleven to enfeoff Patrick Hepburn, Earl of Bothwell, in the lands forfeited from Rutherford.<sup>(6)</sup>

The important border house of Hume held much land, including the barony of Hume, direct from the crown, as well as holding from the Douglas Earls of Angus.<sup>(7)</sup> Several members of the family in the later fifteenth century were tenants of Alexander, Duke of Albany, in his earldom of March. George Hume of Wedderburn, together with his wife,

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1. Reg. Hse., GD 150/135.
  2. Reg. Hse., GD 150/131, 171-3, 178, 184, 195.
  3. RMS, no.1415.
  4. R.C. Reid, ed., Wigtownshire Charters (Scot.Hist.Soc., 3rd series, 11, 1960), 168.
  5. RMS, no.781.
  6. Reg. Hse., GD 150/146, 199; RMS, no.2522.
  7. Ibid, nos.512, 514, 525; see above, pp.98-9.

Marion Sinclair, Patrick Hume of Polwarth (George's brother), and Alexander, second Lord Hume, all held Berwickshire land within this earldom.<sup>(1)</sup> The main branch of the Hume family held border lands from various other overlords. Alexander, father of the first Lord Hume, was in 1447 granted lands in Berwickshire and the office of deputy sheriff there by John, Lord Haliburton.<sup>(2)</sup> Alexander, grandson and heir of Lord Hume, obtained an eight-year lease of Fogo (Berwickshire) from Alexander Seton of Tullibody in April 1473, and ten years later was granted half this land by George Gordon, Earl of Huntly, to whom Seton (brother of George) had resigned Fogo and other lands.<sup>(3)</sup> Alexander, Lord Gordon and Master of Huntly, enfeoffed Hume in the mains of Gordon, under reversion, on 26 March 1491.<sup>(4)</sup> In June of that year James IV required John Scott, baron of Wilton, to receive Alexander, Lord Hume, as his tenant in Roxburghshire lands, which had come into the king's hands through the death without lawful heirs of John Turnbull, a bastard.<sup>(5)</sup> Hume's son, also Alexander, was granted lands in the same shire by William, Lord Borthwick, in March 1493/4.<sup>(6)</sup>

A few further examples of Hume landed connections may be given.

George Hume of Wedderburn and Ayton held land from the Prior of

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1. Marion Sinclair was given sasine of lands in November 1475; HMC, 14th Report, Appendix, Part III, 66; George was enfeoffed in September 1476: HMC, Report on the Manuscripts of Colonel David Milne Home of Wedderburn Castle (1902), 23. Patrick and his heirs were granted lands by the duke in May 1483, just before the latter's forfeiture, as a reward for faithful service, and the grant was confirmed in June 1488 by James IV: RMS, no.1745. In January 1478 Alexander Hume received lands recently resigned by an Edward Redpath from Albany, and further grants of lands in the same shire followed in June 1478 and December 1482: HMC, 12th Report, Appendix, Part VIII, 115, 155.
  2. RMS, no.305.
  3. HMC, 12th Report, Appendix, Part VIII, 134-7. The family of Seton changed its name to Gordon.
  4. Ibid, 137.
  5. Ibid, 143. Scott agreed, although he delayed to seek legal advice.
  6. Ibid, 145.

Coldingham, and Hume's son and heir, John, was given sasine of Berwickshire lands by Edward Cockburn, Master of Buns hospital, in October 1492.<sup>(1)</sup> In October 1483 Walter Ker of Cessford enfeoffed John Hume of Whitrig and Carlston in the lands of Smalholm (Roxburghshire), which had been resigned by Walter's brother, Thomas. In exchange John granted lands in Crailing and Rownam in the same shire to Thomas the following day, and in June Alexander Hume, overlord of these baronies, enfeoffed Thomas' heir, Andrew, in the same lands.<sup>(2)</sup> David Hoppringle may have been a tenant of Alexander, Lord Hume, in Strick forest, as well as Hume's deputy in the office of ranger.<sup>(3)</sup> Alexander, second Lord Hume, assumed wardship over William Turnbull in December 1493 through a royal grant.<sup>(4)</sup> It seems likely that many leading border families held some land from the Humes, but unfortunately evidence is lacking.

The Hepburns were among the leading Scottish border families, and Patrick Hepburn, Earl of Bothwell, was one of the most powerful men on the borders by the end of the fifteenth century. Much of the Hepburn border land was held directly from the king, but evidence as to other landlords from whom the family held, and as to Hepburn tenants, is scarce and limited to the end of the century. In May 1494 the Earl of Bothwell bought two Roxburghshire baronies, Yetholm and Wilton, from Andrew MacDowell of Wakerston and John Scott of Wilton respectively. Both baronies were to be held from the grantors of the king.<sup>(5)</sup>

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1. RC, Report on Milne Home MSS, 26, 182; NHC, Var.Coll., v, 67.
  2. NHC, 12th Report, Appendix, Part VIII, 162-3; Fraser, Douglas, iii, 117-8.
  3. A. Pringle, The Records of the Pringles or Hoppringills of the Scottish Border (Edinb. & London, 1933), 105.
  4. RC, no.23.
  5. RCS, nos.2254, 2255.

In March 1498/9 Patrick, Lord Lindsay, sold Bothwell the barony of Chalmirlan-Newton in the same shire, but it was to be held directly from the king.<sup>(1)</sup> Ralph Ker of Primsideloch was given sasine of the lands of Thirlstane (Roxburghshire) by Bothwell in May 1495, and Walter Scott of Branxholm was likewise given sasine of lands in the Stewartry of Annandale (Dumfriesshire) by the earl in 1493, and was further enfeoffed by him in 'Grymslaw' in the lordship of Crichton (Roxburghshire) in October 1500.<sup>(2)</sup> Sasine of Annandale lands was also given by Bothwell in January 1492/3 to John Caruthers.<sup>(3)</sup> John Gordon of Lochinvar in November 1497 claimed to hold lands from the Earl of Bothwell, but it was asserted before the Lords of Council that they were crown lands.<sup>(4)</sup> At the Jedburgh justice ayre held in the spring of 1495, Bothwell, as lord of Liddesdale, became pledge for many men, including Elliots, Croziers, Armstrongs, Nixons, and Turnbells.<sup>(5)</sup> It seems likely that the chiefs of these surnames would have been the earl's tenants or sub-tenants, and would previously have been thus connected to the Douglas Earls of Angus when they held Liddesdale.

Besides holding lands from the Douglasses, Humes, and Hepburns, members of the Ker family were tenants of various other overlords, including the king.<sup>(6)</sup> A William Ker in 1482 was granted Berwickshire lands in the earldom of March by Alexander, Duke of Albany.<sup>(7)</sup>

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1. Ibid, no.2482.
  2. National Register of Archives, Survey 182, Scott Kerr of Sunlaws; Reg. Hse., GD 224/933; Fraser, Buccleuch, ii, 102.
  3. Reg. Hse., GD 78/3.
  4. ADC 1496-1501, 90.
  5. Reg. Hse., Just. Ct. MS., ff. 25d-27.
  6. See above, pp.100, 105.
  7. RMS, no.1573. The grant was confirmed by the king in 1484 after Albany's forfeiture.

Andrew, son of James Ker of Gateslaw, was a tenant of Walter Scott of Buccleuch from July 1493.<sup>(1)</sup> Walter Ker of Cessford held lands in Roxburghshire from John, Lord Lindsay, William, Lord Abernethy, William Cookburn of Skirling, and Henry Wardlaw.<sup>(2)</sup> Few Ker tenants of the period are known, but at least three members of the Tait family held lands in the barony of Cessford on lease from Walter Ker before 1494.<sup>(3)</sup> John Ker of Caverton in April 1497 enfeoffed Thomas Dixon of Ormiston (Roxburghshire) in lands within the barony of Glenquhim (Peeblesshire)<sup>(4)</sup> Sasine of the lands of 'Rekilton' (Roxburghshire) was given to Thomas, son and heir of Patrick Rekilton of that ilk, by Andrew Ker of Over Crailing in July 1500.<sup>(5)</sup> Many of the borderers pledged by members of the Ker family at sessions of judicial ayres<sup>(6)</sup> may have been their tenants, but no evidence survives to prove this.

The border family of Scott held land from the crown, the Douglasses, the Hepburns, the Kers, and from various other landlords, probably far more than surviving records provide evidence of. In 1454 David Scott purchased lands in the barony of Wilton (Roxburghshire), which lands were to be held from Henry Wardlaw in fee and heritage. Further alienations of land in the same barony were made later by Wardlaw to Robert Scott of Murehouse and John Scott of Thirlstane, but the latter in 1494 sold the barony (or at least his lands in it) to Patrick, Earl

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1. Reg. Hse., GD 224/890, bundle 4.
  2. HMC, 14th Report, Appendix, Part III, 12, 17-18, 21. Henry Wardlaw of Torry in May 1468, acknowledged having received 240 marks in ancient payment for the lands of Hownam from Walter, son of Andrew Ker of Cessford, but by 1484 Hownam was in the hands of the Fernie-hirst Kers, under the Humes: see above, p. 105. The situation concerning this estate is not clear, for in April 1489 the same lands of Hownam were resigned by John Ker of Caverton to his overlord, Walter Ker of Cessford: HMC, 14th Report, Appendix, Part III, 19.
  3. Reg. Hse., GD 6/593, 595.
  4. Reg. Hse., GD 90/Sec. 1/64.
  5. Reg. Hse., GD 150/260.
  6. See below, p.186.

of Bothwell.<sup>(1)</sup> Robert Scott of 'Hanyng' held Peeblesshire lands from Sir James Crichton of 'Carnis' from 1463, and David Scott succeeded his father, Sir Walter Scott of Kirkurd, as tenant of William, Lord Crichton, in Roxburghshire lands in September 1470.<sup>(2)</sup> James Scott of Kirkurd was granted lands in the barony of Chalmirlan-Newton (Roxburghshire) by David, Lord Lindsay in 1484.<sup>(3)</sup> In December 1488 Sir Thomas Turnbull leased lands in the same shire to Robert, son of David Scott of Buccleuch, for ninety years.<sup>(4)</sup> Walter Scott of Branxholm leased further lands there from the Abbot of Melrose in June 1500.<sup>(5)</sup>

References to tenants of the Scotts are rare. William Geddes at the beginning of the period and James Geddes towards the end held land in the barony of Kirkurd (Peeblesshire) from the Scotts, as did John, son and heir of John Lindsay of Covington and son-in-law of David Scott, but only temporarily, in the right of his wife.<sup>(6)</sup> In September 1500 Simon Caruthers of Mouswald received sasine from Walter Scott of Buccleuch of lands he had bought in the Stewartry of Annandale.<sup>(7)</sup> As in the case of the Kers, many of the men, for whom members of the Scott family stood surety at sessions of itinerant justices, may have been tenants on the Scotts' border estates.<sup>(8)</sup>

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1. Fraser, Buccleuch, ii, 52; Reg. Hse., GD 224/892, bundle 15; see above, p.105.
  2. EMS, no.771; Reg. Hse., GD 224/890, bundle 9.
  3. Fraser, Buccleuch, ii, 83-4.
  4. Ibid, ii, 91; Reg. Hse., GD 224/890, bundle 4.
  5. Reg. Hse., GD 224/891, bundle 10.
  6. Reg. Hse., GD 89/315, 318; Fraser, Buccleuch, ii, 74. Lindsay resigned his lands, which had been his wife's dowry, held under reversion, in return for a sum of money in January 1475/6. His wife had presumably died.
  7. HMC, 15th Report, Appendix, Part VIII, 59.
  8. See below, p.187.

From these few examples of land-holding connections on the Scottish borders it can be seen that families of major importance in the area did hold land from one another, and usually from a number of different landlords, including the king. Interconnections among the whole group of leading families were probably far more widespread than the limited evidence allows to be proved, but were unlikely to have been significant in terms of the need for security.

Conclusion: Land-holding created a complex network of connections among leading border families on each side of the frontier, but it is impossible to determine whether the relationship in itself was ever the sole basis for a close alliance between such families. The diversity of the landed connections of many, probably most, border houses makes this seem unlikely. Land-holding could bind a peasant in dependence on his lord, if his whole livelihood was derived from that lord, but such enforced dependence was avoided by men who held land from several different lords. In such cases the landlord could no more rely on the support of his tenant than the tenant could rely on the protection of his lord. On this upper level of border society, therefore, land-holding connections probably counted for little, and men wishing to form a protective alliance, to bind themselves in service in exchange for protection, or to secure the dependence and service of another, had to establish more formal ties based on a contract such as marriage or retainer.

ii) Marriage among leading border families:

The evidence available for studying the marriage connections of leading Anglo-Scottish border families is limited and unsatisfactory. Apart from a few marriage contracts, dispensations for marriages (which may not necessarily have subsequently taken place), and occasional scraps of legal or miscellaneous record providing proof of a match, the evidence for border marriage is usually unreliable or unsubstantial. Border wills are rare and of almost no use on this subject. Many of the marriages noted by English local border historians without citing authorities may have been taken from the notoriously unreliable Heralds' Visitations.<sup>(1)</sup> Some Scottish information on border marriages is likewise unsubstantiated by references, and the sources may have been equally unreliable. Apart from the uncertainty attached to many of the marriages for which apparent evidence survives, the amount of information on marriage among leading border families is limited. The marriages of numerous important families leave no trace, so that generalisations about marriage among this whole section of border society can only be conjectural. Even when the marriage of an heir seems reasonably certain, the matches of younger brothers and sisters can be difficult to discover, so that the general policy of a particular family with regard to marriage cannot be known. Further, even when a marriage between two families is certain, it is often difficult to determine how close or lasting such an alliance was. Despite these difficulties, however, it is of interest to note some of the connections formed through marriage between leading border families, and it is possible to draw some conclusions, however tenuous.

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1. For such a Heralds' Visitation see A Visitation of the North of England c1480-1500 (Surtees Soc., vol.144, 1930).

Evidence of marriage connections between border families cannot be taken as necessarily implying significant alliances, nor can it be assumed that the need for security encouraged by border conditions often or ever prompted such relationships. Marriages were sought for various reasons, even on occasion at least in the borders in order to heal a feud.<sup>(1)</sup> Apart from the need to produce heirs, landed families sought through marriage to expand their estates and extend their influence, as well as to lighten the burden of dependent daughters. As has been said of a typical father in the English nobility, 'to possess distinguished sons-in-law added greatly to his worship, his worldly repute. The disposal of the hand of a daughter was his chief opportunity to forge a valuable connection.'<sup>(2)</sup> The desire for alliance to gain security and protection probably also did frequently enter into the policies of border families with regard to marriage. Although the need for a mutually protective alliance in the insecurity of border society may not often have been a primary consideration in the formation of marriage contracts, families related through marriage were likely to support each other, since both had an interest in maintaining estates which might pass to the children of the match.

a) The English borders:

Members of the English nobility whose landed interests were largely centred on the borders often arranged marriages with local noble or gentry families, but they frequently also formed marriage alliances with other members of the peerage from different parts of the country.

1. See below, pp.119, 121-2, 122 n.1, 135.

2. K.B. McParlane, The Nobility of Later Medieval England (Oxford, 1973), 84-5.

Among the most important noble houses connected with the borders, those of Neville, Percy, and Clifford, only a few of their marriages were relevant in the context of border society. The Nevilles and Percies had been linked through marriage in the first half of the fifteenth century,<sup>(1)</sup> but no new alliances were subsequently formed. The important Cumberland family of Huddleston was connected with the Nevilles, for Sir John Huddleston was employed by George Neville, Lord Latimer, or rather by his custodian, Richard, Earl of Warwick,<sup>(2)</sup> while Sir John's sons, Richard and William, married Margaret, Warwick's natural daughter, and Isabel, daughter of John Neville of Montague.<sup>(3)</sup> Following her first husband's death in the 1480's, Margaret became the wife of another Cumberland man, Lancelot Threlkeld.<sup>(4)</sup> It has been said that George Neville, Archbishop of York, also had an illegitimate daughter, who was married to Thomas Tunstall, a younger son of a family with landed interests in Yorkshire and Westmorland.<sup>(5)</sup> Two daughters of William Neville, Earl of Kent, married into families with border connections. Joan was the wife of Sir Edward Beetham of

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1. Eleanor, sister of Richard Neville, Earl of Salisbury, had married Henry Percy, second Earl of Northumberland, and Ralph Neville, second Earl of Westmorland, had married the Percy earl's sister, Elizabeth, who died in 1437, the earl her brother dying in 1455: G.E.C., Complete Peerage, ix, 716; xii, part ii, 549-50.
  2. See below, p.170.
  3. H.S. Cowper, 'Millom Castle and the Huddlestons', C'ld & W'ld, N.S., xxiv (1924), 201; Cal.I.P.H., 2nd series, i, 75; G.E.C., Complete Peerage, ix, 94.
  4. W. Jackson, 'The Threlkelds of Threlkeld, Yanwath, and Crosby Ravensworth', C'ld & W'ld, ix (1888), 312. Threlkeld had previously been married to Eleanor Radcliffe: A History of Northumberland (Newcastle-upon-Tyne, 1893-1940), x, genealogical table opposite p.280. The date of Richard Huddleston's death is not certain, but he predeceased his father, who died in 1494, and he was alive in 1483, and he was not included in a list of John's sons in January 1486: H.S. Cowper, 'Millom Castle and the Huddlestons', 208; CPR 1476-85, 363; Bodl. Dodsw. M.S., 41, f. 113.
  5. W.H. Chippindall, 'Tunstall of Thurland Castle', C'ld & W'ld, N.S., xxviii (1928), 299.

Westmorland (died 1472), and Elizabeth was the wife of Richard Strangeways (died 1488), who held land in Northumberland, although his main estates were in Yorkshire. (1)

From the house of Percy, Sir Ralph, brother of the third Earl of Northumberland, was the first husband of Eleanor Acton, daughter of a mayor of Newcastle, and a daughter of his, Margaret, may have been the wife of Sir Ralph Harbottle of Northumberland, who held land from the Percy earl. (2) George, son of Sir Ralph, married, in or before July 1491, Eleanor, daughter of Sir William Hilton and widow of Owen, Lord Ogle. (3) In the Clifford family, the daughters of Thomas, Lord Clifford, who died in 1455, were all married to non-border, mainly Yorkshire land-holders, except for one, who was the wife of Richard Musgrave of Hartley, the heir of a family which held land in Westmorland from the Cliffords. (4) One of the daughters of Henry, Lord Clifford, is said to have married Cuthbert, son and heir of Sir Edward Radcliffe of Northumberland. (5)

Other less important noble families, whose estates were more concentrated in the borders, or at least in the north of England, tended to marry more often with families in that region than with noble houses from other parts of the country. Families connected through marriage with the Dacres in this period included the Fitzhughs (a Yorkshire

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1. G.E.C., Complete Peerage, v, 285-6; J.S. Roskell, 'Sir James Strangeways of West Harlsey and Whorlton', Yorkshire Archaeological Journal, xxxix (1958), 474.
  2. W. Percy Hedley, Northumberland Families, vol.i (Newcastle, 1968), 34; A History of Northumberland, ii, 322; see above, p.91.
  3. Eleanor had married Ogle in 1467 and he had died in 1486: G.E.C., Complete Peerage, x, 32.
  4. Ibid, ix, 437-8; see above, p. 94 . It has been convincingly claimed that the Cliffords sought alliance with the Musgraves due to the latter family's acquisition of large estates through marriage with the Stapleton heiresses: M.E. James, 'The First Earl of Cumberland (1493-1542) and the Decline of Northern Feudalism', Northern History, i (1966), 43-4; see below, p.116.
  5. J. Nicolson and R.Burn, The History and Antiquities of the Counties of Westmorland and Cumberland(London,1777),i,287. The Radcliffes held land from the Cliffords: see above, p.94.

family with some land in Northumberland), and the Farris, Greystokes, and the Dentons (all from the western borders). Ralph, second son of Thomas, Lord Dacre, married Eleanor, daughter of William, Lord Fitzhugh, and his younger brother, Humphrey, married Sir Thomas Farr's daughter, Habel.<sup>(1)</sup> Humphrey's son, Thomas, Lord Dacre, made an extremely advantageous match in about 1488, for he married the Greystoke heiress, Elizabeth. Custody of the heiress, a royal ward, had been committed to Lord Clifford, 'who kept her at his castell, Browham in Westmoreland, from whom Thomas Lord Dacre without leave asking, but not without perill to his person, did take her, married her, and by her had yssue.'<sup>(2)</sup>

An illegitimate daughter of Humphrey, Lord Dacre, is said to have been the wife of Richard Denton, a Cumberland gentleman from a family which held land from the Dacres.<sup>(3)</sup> In the first half of the fifteenth century the Dacres had been related through marriage to both the Nevilles and the Cliffords, for Thomas, Lord Dacre, who died in January 1458, had been the husband of Philippa, daughter of Ralph Neville, Earl of Westmorland, while Dacre's daughter, Joan, had been married to Thomas, Lord Clifford, who was killed in 1455.<sup>(4)</sup>

In the Greystoke family, Ralph, Lord Greystoke, who died in 1487, had taken as his first wife (in about 1437) Isabel, daughter of William, Lord Fitzhugh. His son, Robert, who predeceased him, had two non-

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1. G.B.C., Complete Peerage, iv, 18, 20.
  2. The Household Books of the Lord William Howard of Naworth Castle (Surtees Society, lxxiii, 1878), 391. Humphrey, Lord Dacre, held land from Ralph, Lord Greystoke: see above, p.94.
  3. T.H.E. Graham, 'The Family of Denton', C'ld & W'ld, N.S., xvi (1915-16), 48-9; see above, p.95.
  4. G.B.C., Complete Peerage, iii, 293; iv, 7.

border wives, but two of Ralph's daughters are said to have married (1) Northumberland men, Sir William Bowes and Sir Thomas Grey of Chillingham. Eleanor, a granddaughter of Ralph by his second son, John, was probably the wife of Sir Ralph Eure, a land-holder of the Bishopric of Durham, Yorkshire, and of Northumberland, who was killed at Towton in 1461. (2) A sister of Sir Ralph Eure married (before 1460) Robert, eldest son of Robert, first Lord Ogle, (3) and among the other border families connected to the Ogles were the Herons, Widdringtons, Hiltons, and possibly the Maners and Middletons, all of which were, like the Ogles, centred on Northumberland. Isabel, daughter of the first Lord Ogle, was in February 1478 described as the wife of John Widdrington and the widow of John Heron. The Widdringtons held land from the Ogles. (4) Owen, second Lord Ogle, married Eleanor, daughter of Sir William Hilton on or before 26 May 1467, and two Ogle women, Joan and Elizabeth, are said to have married Robert Maners and Sir William Heron of Ford, Elizabeth remarrying Sir John Middleton after the death of her first husband. (5) Among the marriages contracted by the Lumley family, George, Lord Lumley, took to

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1. Ibid, vi, 198-9; C.H. Hunter Blair, 'The Sheriffs of Northumberland', Archaeologia Aeliana, 4th series, xx (1942), 69, 71.
  2. A History of Northumberland, xii, 495; W. Percy Hedley, Northumberland Families, i, 187-8.
  3. G.E.C., Complete Peerage, x, 31.
  4. Ibid, x, 31, note d; see above, p.96.
  5. G.E.C., Complete Peerage, x, 32; C.H. Hunter Blair, 'The Sheriffs of Northumberland', 67-8; C.H. Hunter Blair, 'Members of Parliament for Northumberland, 1399-1509', Archaeologia Aeliana, 4th series, xii (1935), 115-6. In grants of the custody of Norham castle by bishops of Durham to Sir Robert Ogle in 1435 and to Sir John Middleton in 1483, men acting as sureties included, in the first case, Sir John Maners and Robert Maners, and, in the second, Owen, Lord Ogle, which implies that the families of Maners and Middleton were on good terms with the Ogles: J.Raine, The History and Antiquities of North Durham (London, 1852), 7-8, 10-11.

wife Elizabeth, the daughter and heiress of a wealthy Newcastle merchant, Roger Thornton, and a sister of George married Bertram Harbottle of Northumberland.<sup>(1)</sup>

It is difficult to discover all the marriages of the period contracted by noble families with border connections, especially those involving younger brothers and sisters of the heir. It is not, therefore, in most cases clear what proportion of each family's marriage alliances involved contracts with local families as opposed to marriages with other noble houses from different parts of England. Evidence on the marriages of gentry families of the English borders is also incomplete, but it seems certain that most such families, like the less important noble houses, tended to confine their marriage alliances to those other families whose estates were in the same neighbourhood, or at least county, as their own.

The Musgrave family, divided into two branches, held land in all three border counties, and their marriages were correspondingly wide-ranging. Sir Richard Musgrave of Hartley (Westmorland), who died in 1464, married Elizabeth, daughter of Sir Thomas Beethan, a land-holder from the same county, and had three sons and six daughters. Two of the sons, Thomas and Richard, married the daughters and co-heiresses of Sir William Stapleton of Edenhall (Cumberland), and, on acquiring this estate, the Musgraves of the western borders made Edenhall their chief seat. The six daughters are said to have become the wives of Thomas Gait (not apparently a member of an important border family), Thomas Middleton of Middleton (Westmorland), Thomas Ilderton of Northumberland, William Thornburgh of Cumberland, and Thomas and Robert Warcop of the

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1. *C.B.C., Complete Peerage*, viii, 273-4; *Bodl. Dodsw. M.S.*, 32, f. 125 d.

same county.<sup>(1)</sup> Sir Richard's eldest son, Thomas, married his four sons and four daughters to members of border gentry families. The sons married daughters of Thomas, Lord Clifford, John Crackenthorp, and William Colville (his two co-heiresses), all land-holders on the western borders; and the daughters became the wives of Thomas Sandford, Christopher Lancaster (both from the same region), Nicholas Ridley of Northumberland and another John Crackenthorp, probably the son of the last.<sup>(2)</sup> Edward Musgrave, who died in 1542 and was son and heir of the Musgrave-Clifford marriage, was married twice, to Alice, daughter of Thomas Radcliffe of Derwentwater (Cumberland) (marriage licence dated January 1484), and to Jane, co-heiress of Sir Christopher Ward of Yorkshire (licence dated October 1496).<sup>(3)</sup> John Heron of Chipchase (Northumberland), sheriff of the county in 1494, had as his first wife Margaret, daughter of Richard Musgrave of Hartley, probably the younger son of Sir Richard and the husband of one of the Stapleton co-heiresses.<sup>(4)</sup>

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1. G.E.C., Complete Peerage, ix, 437; Nicolson & Burn, The History of Westmorland and Cumberland, i, 594.
  2. Nicolson & Burn, The History of Westmorland and Cumberland, i, 594; T.H.B. Graham, 'The Border Manors', C'ld & W'ld, N.S., xi (1911), genealogical chart facing p.54; CPR 1471-85, 189. Nicholas Musgrave was one of the sons whose wife was a Colville heiress, but when in 1485 this couple's 'castle or house' at Hayton was attacked, two of the assailants were named 'Colwell' (presumably Colville). Possibly, therefore, this marriage had caused trouble, although there may be no connection between the two incidents: CPR 1476-85, 545-6. An earlier connection between the families of Musgrave and Lancaster may be implied by a petition to Chancery in about 1455, which complained that various men, including Thomas of Musgrave, had committed assault at the instigation and with the support of Dame Katherine de Lancaster: PRO, C.1. 24/227.
  3. G.E.C., Complete Peerage, ix, 438.
  4. W. Percy Hedley, 'The Herons of Chipchase - Additional Notes', Archaeologia Aeliana, 4th series, xxxv (1957), 138.

Another branch of the Ausgrave family was centred on Heaton and Ryal, near Newcastle-upon-Tyne, but few of their marriages have come to light. In 1487/8 Joan, daughter of Thomas Ausgrave of Ryal, was described as the widow of William Fenwick, whose family held land both in Northumberland and Cumberland. Another daughter of this Thomas must have married into the Mitford family of Northumberland, since on the same occasion Robert Mitford was described as a grandson of Thomas.<sup>(1)</sup>

The Huddleston family of Millom (Cumberland) were connected through marriage to the Nevilles and probably also to the Dacres, since Richard Huddleston has been described as the husband of Elizabeth, daughter of Lady Isabel Dacre (wife of Humphrey, Lord Dacre).<sup>(2)</sup> Further marriages between the Huddlestons and local gentry families are known. In 1456 John Swinburn (a member of a family centred in Northumberland) settled land in Cumberland on his son and heir, Robert, on the occasion of the latter's marriage to Elizabeth, daughter of Sir John Huddleston.<sup>(3)</sup> Elizabeth's mother was Mary, daughter of Sir Henry Fenwick of Fenwick (Northumberland), but there was discord between the families of Huddleston and Fenwick in 1460, when John Huddleston sued John Fenwick of Wallington (Northumberland) for forcible entry.<sup>(4)</sup> Elizabeth Huddleston appears to have had three husbands, for Sir Edward Redmayne of Levens (Westmorland) is said to have married Elizabeth, daughter of Sir John Huddleston and widow of Sir William Legh of Isell (Cumberland).<sup>(5)</sup>

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1. Cal.I.P.N., 2nd series, i, 144.
  2. Nicolson & Burn, The History of Westmorland and Cumberland, ii, 11-12.
  3. W. Percy Hedley, Northumberland Families, i, 135, 137.
  4. A History of Northumberland, xii, genealogical table opp. p.352; P.S. Dendy, 'Extracts from the De Banco Rolls relating to Northumberland, 1308-1558', Archaeologia Aeliana, 3rd series, vi (1910), 80.
  5. W. Greenwood, 'The Redmans of Levens', Old & New, N.S., iii (1903), 299.

In October 1482 a contract of marriage was drawn up between Sir John Huddleston and Sir John Pennington, arranging that the latter's son and heir, John, should marry Huddleston's daughter, Mary.<sup>(1)</sup> In 1474 the families of Pennington and Huddleston had been in dispute, and this marriage may have represented an attempt to heal the quarrel.<sup>(2)</sup> The wife of Sir John Huddleston's second son, also Sir John, was Johanna, daughter and co-heiress of Sir Miles Stapleton of Yorkshire.<sup>(3)</sup> Two nieces of this Sir John, Margaret and Joan, were married to Lancelot Salkeld and Hugh Fleming before October 1502.<sup>(4)</sup>

The Penningtons were centred on Muncaster in Cumberland, and the families to whom they were related through marriage in this period included, besides the Huddlestons, the Radcliffes, Eures, Lamplughs, Layburns, Rigmaidens, Stricklands, and Curwens. Two John Penningtons of the fifteenth century (whose further identity is not clear) are said to have been married to Elizabeth, sister of Thomas Radcliffe of Derwentwater, and to Joan, daughter of Sir William Eure and widow of Sir Robert Ogle. The licence for the latter marriage was obtained in October 1472.<sup>(5)</sup> On 8 February 1486/7 an agreement was made between Sir John Pennington and James Layburn of Cunswick (Westmorland) arranging the marriage of Sir John's daughter, Margaret, widow of Sir

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1. Bodl. Dodsw. MS., 41, f. 113d.
  2. In 1474 John Pennington and Sir John Huddleston made bonds to the king in 500 marks that they would stand to arbitration in their disputes and, meanwhile, stop fighting: CCR 1468-76, 365.
  3. PRO, Prob. 11/17:21 Fetiplace - Huddleston's will was proved in 1512.
  4. Cal.I.P.M., 2nd series, iii, 137.
  5. W.N.Thompson, 'The Derwentwaters and Radcliffes', C'ld & W'ld, N.S., iv (1904), 300; G.E.C., Complete Peerage, x, 31. Joan and John Pennington were related in the third degree, so that a dispensation must have had to be obtained.

John Lamplugh, and James' son, Thomas.<sup>(1)</sup> There were disputes between the Penningtons and Lamplughs during this period, despite, or perhaps because of, the marriage of Margaret and John.<sup>(2)</sup> In 1489 another daughter of Sir John Pennington, Katherine, was contracted in marriage to John, son and heir of Nicholas Rigmaiden of Lancashire,<sup>(3)</sup> and her sister, Elizabeth, was the wife of Sir Walter Strickland from Westmorland.<sup>(4)</sup> Christopher Curwen of Workington (Cumberland), who died in April 1499, is said to have been the husband of Anne, daughter of John, eldest son of Sir John Pennington.<sup>(5)</sup>

Of the other leading families of the western English borders connected by marriage, a few examples may be given, but evidence is sparse. Sir Richard Baskeld, sheriff of Cumberland in the 1450s and 1460s, was married to Jane, daughter and heiress of Roland Vaus, also a sheriff in the same county.<sup>(6)</sup> Katherine, one of Sir Richard's daughters, was the second wife of Sir Christopher Curwen, and her jointure later caused trouble, for towards the end of the century Katherine sent a petition to the chancellor complaining against her husband's son (probably her stepson), while the latter, Thomas, petitioned against Katherine's father, both cases concerning the jointure.<sup>(7)</sup>

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1. Carlisle R.O., D/Pen. Family Docts./bundle B/Part 1, no.3.
  2. See below, p.321.
  3. Carlisle R.O., D/Pen. Family Docts./bundle B/Part 1, nos.4, 5, 5a.
  4. Cal.J.P.H., 2nd series, 111, 136; Carlisle R.O., D/Pen./200 - where Sir John Pennington described Sir Walter as his son-in-law.
  5. Cal.I.P.H., 2nd series, ii, 516; W. Jackson, 'The Curwens of Workington Hall and Kindred Families', C'ld & W'ld, v (1881), 200.
  6. T.H.B. Graham, 'The Manor of Corby', C'ld & W'ld, N.S., xiv (1914), 247; see Appendix V, below, p.444.
  7. W. Jackson, 'The Curwens of Workington Hall and Kindred Families', C'ld & W'ld, v (1881), 200; PRO, C 1.192/67, 196/69.

Another of Sir Richard Salkeld's daughters, Margaret, married Thomas Blenkinsop of Westmorland,<sup>(1)</sup> and in January 1461 Alexander Featherstonehaugh made a settlement on the marriage of his son and heir, Nicholas, to Maud, daughter of Richard Salkeld.<sup>(2)</sup> On 27 March 1490 a dispensation was granted for the marriage of Walter Strickland to Elizabeth Salkeld.<sup>(3)</sup>

Lancelot Threlkeld, another Cumberland sheriff, was married twice, to Eleanor, daughter of Thomas Radcliffe of Derwentwater, and to Margaret, an illegitimate daughter of Richard Neville, Earl of Warwick, and the widow of Richard Huddleston.<sup>(4)</sup> Three of Lancelot's sisters were, it has been said, the wives of Sir Christopher Moresby, also a sheriff, Sir Brian Stapleton of Westmorland and Yorkshire, and of Sir Hugh Lowther.<sup>(5)</sup> Two of Lancelot's daughters were married to James Fickering and his brother, William, also of Westmorland and Yorkshire.<sup>(6)</sup>

In August 1456 Hugh Lowther and William Lancaster made a contract of marriage between Hugh's son, also Hugh, and William's daughter, Mabel, for which match a dispensation was to be sought.<sup>(7)</sup> Another contract of marriage between these two families was signed in August 1499, when it was arranged that William, son of Christopher Lancaster, was to marry Elizabeth, daughter of Hugh Lowther. There had been disputes

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1. Nicolson & Burn, The History of Westmorland and Cumberland, 1, 583.
  2. Bodl. Dodsw. MS., 49, f. 24.
  3. HUC, 5th Report, Appendix, Part I, 330.
  4. W. Jackson, 'The Threlkelds of Threlkeld, Yanwath, and Crosby Ravensworth', Cild & W'ld, ix (1888), 312. In June 1472 Sir Lancelot Threlkeld granted to Thomas Radcliffe the marriage of his son to Eleanor, Thomas' daughter: Bodl. Dodsw. MS., 45, f. 117.
  5. W. Jackson, 'The Threlkelds', 311.
  6. Ibid, 312.
  7. Carlisle R.O., D/Lons. Deeds/LO 111.

between the families, and this marriage may have been an attempt to settle their differences.<sup>(1)</sup> In April 1499 an indenture was signed by Robert Martrem and Geoffrey Lancaster, by which the latter was to marry Martrem's daughter, Isabel.<sup>(2)</sup> Sir Hugh Lowther and Sir Thomas Curwen arranged the marriage of Lowther's son, John, and Curwen's daughter, Lucy, in January 1502.<sup>(3)</sup> A dispensation for the marriage of William, son of Richard Redmayne of Levens, to Margaret, daughter of Walter Strickland, was granted in July 1458, and in April 1498 a contract was signed for Walter, son and heir of Walter Strickland, to marry Agnes, daughter of Richard Redmayne.<sup>(4)</sup> In 1478/9 it was arranged that Jane, daughter of Sir Thomas Strickland, should become the wife of Thomas, son and heir of Robert Middleton, a dispensation having already been obtained.<sup>(5)</sup> The Middletons were probably also related through marriage to the families of Bellingham, Redmayne, Beetham, and Thornburgh in this period.<sup>(6)</sup> Anne, a daughter of Sir Christopher Moresby, was in July 1499 described as late the wife of James Pickering, and her father is said to have been married to Elizabeth, daughter of Sir John Barr.<sup>(7)</sup> The families of Vaus and Crackenthorp, both of which

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1. Ibid, 10 112 and 114. The fathers of the couple in May 1499 stood to the award of arbiters concerning the projected match and agreed to keep the peace.
  2. Ibid, D/ions. Deeds/F 20a.
  3. Ibid, 10 116.
  4. HMC, 5th Report, Appendix, Part I, 330; W. Farrer, Records Relating to the Barony of Kendale, J.F. Curwen, ed., (Old & New, Record series, iv-vi, 1923, '24, '26), ii, 128, 384.
  5. Bodl. Dodsw. MS., 149, f. 147; HMC, 5th Report, Appendix, Part I, 330.
  6. It has been said that Sir Roger Bellingham was the husband of Isabel, daughter of Thomas Middleton of Middleton; that Isabel's sister, Margaret, was the wife of Richard Redmayne of Over Levens; that Sir Robert Middleton married Anne, daughter of Roger Beetham; and that Margaret, daughter of Sir Geoffrey Middleton, was married to Roland Thornburgh: Nicolson & Burn, The History of Westmorland and Cumberland, i, 118, 125; A History of Northumberland, ix, 254; W. Farrer, Records of Kendale, iii, 278.
  7. CBE 1494-1509, 177; J.E. Clay, The Extinct and Dormant Peerages of the Northern Counties of England (London, 1913), 157.

provided sheriffs of Cumberland, were probably connected through marriage.<sup>(1)</sup> Sir Henry Fenwick, sheriff of the same county, who died in 1459, left six co-heiresses by his wife Joan, daughter of Sir William Legh of Isell (Cumberland). These daughters married John Denton of Cardew, Christopher Moresby, Sir John Huddleston, Sir Thomas Lamplugh, John Skelton, and John Radcliffe or Derwentwater.<sup>(2)</sup>

In Northumberland the leading gentry families doubtless inter-married to the same extent as on the western borders, but information concerning such marriages in the later fifteenth century is limited. Several of the families whose members acted as sheriffs of Northumberland during this period were related through marriage, although in some cases the marriage had taken place early in the century and the alliance may not have continued after the death of the couple involved. Sir John Maners, who died in 1438, was the husband of a daughter of Sir John Middleton of Belsay, and Sir John Bertram, who died eleven years later, married as his first wife Isabel, daughter of Sir William Heron.<sup>(3)</sup> Agnes, a daughter of Sir John Widdrington, was by 1411 the widow of Henry Lilburn, and her brother, Roger Widdrington (died 1451) married Elizabeth, daughter of Sir Thomas Grey of Heton.<sup>(4)</sup> Sir John Middleton in 1421 married Isabella, daughter of Roger Thornton, and Sir John Heron married Isabella's sister, Cecily, widow of George Middleton of Belsay.<sup>(5)</sup>

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1. S. Jackson, Papers and Pedigrees mainly relating to Cumberland and Westmorland (C'ld & W'ld, Extra series, v and vi, 1891, 1892), i, 105, where it is claimed that a John Vaus, living in the reign of Richard III, was married to a daughter of the Crackenthorp family.
  2. A History of Northumberland, xii, genealogical table facing p.352; Bodl. Dodsw. MS., 45, f. 43d.
  3. C.H. Hunter Blair, 'Members of Parliament for Northumberland, 1399-1509', Archaeologia Aeliana, 4th series, xii (1935), 90, 95-6.
  4. W. Percy Hedley, Northumberland Families, vol.ii (Newcastle, 1970), 103-4; W. Percy Hedley, 'The Early Widdringtons of Widdrington' Archaeologia Aeliana, 4th series, xxxv (1957), 5.
  5. A History of Northumberland, xiii, genealogical table facing p.326; W. Percy Hedley, 'The Herons of Chipchase - Additional Notes', Archaeologia Aeliana, 4th series, xxxv (1957), 138.

Among Northumberland marriage connections more directly relevant to the period, Roger Fenwick, sheriff towards the end of the century, was the husband of Bertram Harbottle's daughter, Agnes, while his father, John Fenwick, married twice, firstly Mary Strother (from a family with Northumberland and Yorkshire interests) and secondly Elizabeth Widdrington.<sup>(1)</sup> A woman of the Fenwick family, of unknown christian name, is said to have married Sir Roger Grey, possibly the father of Thomas Grey of Horton.<sup>(2)</sup> In 1493 an indenture was drawn up arranging the marriage of Thomas, son of Thomas Grey of Horton, to Isabel, daughter of Henry Swinhoe.<sup>(3)</sup> A dispensation was granted in September 1491 for Joan, daughter of Sir Nicholas Ridley, and John Heron to marry, and by or in 1484 John, son of Gerard Heron, was married to Constance, sister of John Swinburn of Magna Heton.<sup>(4)</sup> Marjory, daughter of Robert Mitford, was the wife of James Delaval, whose son, John, married Anne, daughter of Sir Thomas Grey of Chillingham.<sup>(5)</sup> John Cartington, who died in 1505, was the husband of Sir Robert Claxton's daughter, Joan, and their daughter, Anne, married Sir Edward Redcliffe, sheriff of Northumberland.<sup>(6)</sup> Thomas Haggerston of Islandshire, who died in 1531, married Elizabeth, daughter of George Collingwood of Wslington (Northumberland).<sup>(7)</sup>

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1. A History of Northumberland, xii, genealogical table facing p.352.
  2. C.H. Hunter Blair, 'The Sheriffs of Northumberland', Archaeologia Aeliana, 4th series, xx (1942), 73.
  3. Wills and Inventories of the Northern Counties of England, Part I (Surtees Soc., 1835), 116.
  4. Bodl. Dodsw. MS., 45, f. 55d, 49, f. 5.
  5. W. Percy Hedley, Northumberland Families, i, 148.
  6. C.H. Hunter Blair, 'WPs for Northumberland', 116-7; Cal.I.P.M., 2nd series, iii, 10.
  7. Wills and Inventories of the Northern Counties, 104-5.

These examples of marriages among the leading English border families make it clear that this section of society within each county or neighbourhood was bound together by intermarriage. The amount of intermarriage among the limited number of important families in each neighbourhood meant that papal dispensations often had to be sought to allow marriage despite consanguinity.<sup>(1)</sup> The marriage alliances of a family such as the Musgraves or the Fenwicks, both of which held land on both the east and west borders, were more widespread than those of, for instance, the Penningtons, who were centred only in Cumberland. Marriage may occasionally have been planned in order to heal a dispute, as in the case of the Howthers and Lancasters, but it did not always prevent, and may sometimes have caused, hostility between the families involved, as with the Penningtons and Lamplughs, or the Buddlestons and Fenwicks.<sup>(2)</sup> Due to lack of evidence it is rarely possible to determine when a close bond of mutual support was created between families through intermarriage alone, nor in which cases marriage either led to, or developed out of, further ties of dependency.

b) The Scottish borders:

The Scottish border elite consisted of a few families of paramount importance in border society, families local to the region but of importance only in a limited area, and noble houses of great power in Scotland generally but with only minor border interests.<sup>(3)</sup> Few of the families involved limited their marriage alliances to the border region, but many examples can be given of intermarriage within the

1. See above, pp.119 n.5, 121, 122, 124.

2. See above, pp.118, 120, 121-2.

3. For details, see above, pp.70-7.

group of leading houses during the later fifteenth century.

The border Douglases were bound in marriage with a great many of the important noble and non-noble families from throughout the region. In Isobel Douglas was the first wife of Alexander, second Lord Hume, until their divorce in May 1476 on the grounds of consanguinity, and in October 1479 Janet Hume was described as the wife of James Douglas.<sup>(1)</sup> Members of the Hume family were connected to the Douglas Earls of Angus by land-holding and warrant.<sup>(2)</sup> A daughter of James Douglas, Earl of Morton, was the wife of Patrick Hepburn, Earl of Bothwell, and William Douglas of Drumlanrig married, before June 1482, a daughter of Sir Robert Crichton of Languhar.<sup>(3)</sup> In May 1491 Edward Maxwell of Tinswald (Dumfriesshire) granted lands to Margaret Douglas, widow of his son, Herbert, and Margaret later married John, first Lord Carlyle, as his third wife.<sup>(4)</sup> A marriage contract was signed in June 1492 for Marion, daughter of the fifth Earl of Angus, to marry Cuthbert Cunningham, second Earl of Glencairn, who held some land in Berwickshire and Dumfriesshire. Marion's sister, Janet, may have married Andrew, second Lord Herries.<sup>(5)</sup> Archibald, the fifth Angus earl, was in 1498, following the death of his first wife, contracted in marriage with Janet, daughter of John, Lord Kennedy, but it is doubtful that the marriage took

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1. WOC, 12th Report, Appendix, Part VIII, 177; ADA 1466-94, 91.
  2. See above, pp.98-9.
  3. Scots Peerage, ii, 152; iii, 222. Lord Crichton, a descendant of the above Sir Robert, stood surety for William Douglas of Drumlanrig before the Lords of Council in April 1500: ADG 1496-1501, 413.
  4. RHS, no.2039; Scots Peerage, ii, 385. In November 1495 Archibald Douglas, Earl of Angus, promised to 'supplee, mantein, and help' John, Lord Carlyle, but it is not clear how this Margaret Douglas was related to the earl: Fraser, Douglas, iii, 149-51.
  5. Ibid, iii, 131-4, 149-51; RHS, no.2416. There was trouble over the Herries marriage, and it is not certain whether he ever married Janet Douglas: Scots Peerage, iv, 405-6.

place.<sup>(1)</sup> An Elizabeth Douglas, probably the daughter of Archibald Douglas of Cavers, was the wife of Sir Alexander Stewart of Garlies (Galloway), who died in about 1500.<sup>(2)</sup> A daughter of George, first Earl of Angus, is said to have married Sir David Hay of Tester following the death of her first husband in 1440.<sup>(3)</sup> Janet, daughter of William Douglas of Bruulanrig, married Sir John Gordon of Lochinvar as her second husband, and in 1470 Hugh Douglas of Long was the husband of Christine, daughter of George, Lord Seton.<sup>(4)</sup> The Douglases were connected to the important border families of Ker and Scott in various ways, including marriage, for one of the daughters of William Douglas of Cavers was the wife of Andrew Ker of Altonburn and Cessford; James, son of William Douglas of Bruulanrig, was betrothed to Janet, daughter of David Scott of Buccleuch by a contract of November 1470; and David, brother of this Janet Scott, was on 24 February 1471/2 contracted in marriage to Jane, daughter of George Douglas, fourth Earl of Angus.<sup>(5)</sup> In the latter contract alternative marriages between the two families were arranged to secure the alliance if the projected match were to fail, and bonds of manrent were exchanged.

The Hume family was connected through marriage to the Hepburns, for Helen, sister of Alexander, first Lord Hume, married in February 1448/9 Adam, son of Patrick Hepburn, first Lord Hailes, and Alexander, son of the first Lord Hume, was the husband of his cousin, Elizabeth,

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1. Fraser, Douglas, ii, 107. If the marriage did take place, it was not long-lasting, probably due to the jealousy of James IV, for Janet became the king's mistress: R.L. Mackie, King James IV of Scotland (Edinb., 1958), 92-3.
  2. Scots Peerage, iv, 151.
  3. Ibid, viii, 429.
  4. Ibid, vii, 117; RHL, no.1415.
  5. Scots Peerage, vii, 323; Reg.Hse., GD 224/905, bundle 24; Fraser, Buccleuch, ii, 70-72. For details of further connections between the Douglases and the Kers and Scotts, see below, pp.180, 181.

daughter of Adam Hepburn and Helen.<sup>(1)</sup> Helen, having been widowed, married (before 1480) Alexander, Lord Erskine, as his second wife.<sup>(2)</sup> Nichola, daughter of Alexander, second Lord Hume, married Patrick Hepburn, second son of the Earl of Bothwell, after the death of her first husband, Andrew, second Lord Herries.<sup>(3)</sup> Other important families with border connections to whom the Humes were related through marriage in this period included the Montgomeries, the Sinclairs, the Crichtons, the Lindsay Marls of Crawford, the Kers, and the Hoppringles. Alexander, first Lord Hume, married as his second wife a daughter of Alexander, Master of Montgomerie, and Hume's sister was the wife of John Sinclair of Hermiton, whose two heiresses were subsequently married to George Hume of Wedderburn and his brother, Patrick Hume of Polwarth.<sup>(4)</sup> The son of this Patrick, Alexander, is said to have been the husband of a daughter of Robert, Lord Crichton of Sanquhar.<sup>(5)</sup> John Lindsay, Earl of Crawford, whose family held Dumfriesshire lands, married before 1493 Marion, daughter of Alexander, second Lord Hume.<sup>(6)</sup> This Lord Hume took Nichola, daughter and heiress of George Ker of Samuelston (Samieston?), as his second wife, after his divorce from Isabel Douglas, and his brother, John Hume, was contracted in marriage to a daughter of James Ker of Gateshaw soon after March 1472.<sup>(7)</sup> A daughter of Patrick Hume of Polwarth married Andrew Ker of Ferniehirst before November 1501, and members of the Ker family were tenants and

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1. Scots Peerage, ii, 148-9; iv, 446-7, 448-9; Fraser Buccleuch, ii, 39. In the marriage contract between Adam and Helen it was agreed that if the match failed to take place, other members of the families should marry.
  2. Scots Peerage, v, 607-8.
  3. Ibid, iv, 454.
  4. Ibid, iv, 448, 451.
  5. T.L. Ormiston, The Ormistons of Teviotdale (Exeter, 1951), 97.
  6. Scots Peerage, iv, 454.
  7. Ibid, iv, 453; T.L. Ormiston, The Ormistons, 86-7; HMC, 12th Report, Appendix, Part VIII, 89.

bailiffs to the Humes.<sup>(1)</sup> David, son and heir of George Hume of Wedderburn, was by 1490 the husband of an Isobel or Elizabeth Hoppringle.<sup>(2)</sup>

Hepburn marriages with important border families included alliances with the Cunningham Lords Kilmaurs, the Haliburtons, the Fers, and the Gordon Earls of Huntly, as well as with the Douglases and Humes.

Alexander Cunningham, Lord Kilmaurs (from 1463), who held land in various parts of the borders, is said to have married Margaret, daughter of Adam Hepburn of Skiles.<sup>(3)</sup> Margaret, a daughter of Patrick, first

lord Skiles was the wife of Patrick, second Lord Haliburton, a dispensation for their marriage having been obtained in 1448, and after her

first husband's death Margaret married Andrew, son of Andrew Fer of Cessford.<sup>(4)</sup> The Fers of Cessford were political allies of the

Hepburns in the events surrounding the abduction of James III in 1466.<sup>(5)</sup>

George, second Earl of Huntly, married his daughter, Margaret, to

Patrick Hepburn, Earl of Bothwell, early in 1491.<sup>(6)</sup> Both earls held land in Berwickshire.

Various other examples may be given of later fifteenth-century marriages involving important families connected with the Scottish borders. Unfortunately the examples are mainly limited to Dumfriesshire families. John Carlyle, created Lord Carlyle in 1473/4, married

1. Scots Peerage, v, 59; see above p.105; see below, p.183.

2. Scots Peerage, iii, 280-1; A. Pringle, The Records of the Pringles or Hoppringle of the Scottish Border (Edinb., 1918), 29-30.

3. Scots Peerage, iv, 234.

4. Ibid, iv, 335; vii, 324. The Hepburns in 1450 had been granted the office of sheriff of Berwickshire, together with land in the shire, by John, Lord Haliburton, in gratitude for aid and advice: RMS, no.558.

5. G. Donaldson, Scottish Kings (London, 1967), 105.

6. Scots Peerage, ii, 152-3.

as his first wife (contract dated March 1432/3) Elizabeth, daughter of Sir Thomas Kirkpatrick of Closeburn in Dumfriesshire, where the Carlyles also held land, and a Marion Carlyle, daughter of this lord, was the wife of Herbert Lord Herries of Terregles (also in Dumfriesshire) by 1466.<sup>(1)</sup> William, nephew and heir of Lord Carlyle, by the same year was married to Janet Maxwell, probably the daughter of John, Master of Maxwell, from a family centred on the Lothian shire.<sup>(2)</sup> John's son, the fourth Lord Maxwell, was the husband of Agnes, daughter of Sir Alexander Stewart of Garlies by February 1491/2, and Maxwell obtained bonds of manrent from his wife's father and brother.<sup>(3)</sup> On 29 March 1454 George Crichton, Earl of Caithness and lord of the barony of 'Tibberis' (Dumfriesshire), granted the barony to his daughter, Janet, on account of the marriage to be contracted between her and John, Master of Maxwell.<sup>(4)</sup> John's aunt, a daughter of Herbert, first Lord Maxwell, was married in about 1440 to Gilbert, Lord Kennedy, who died in about 1479, and Kennedy was bound in manrent to his wife's brother, the second Lord Maxwell.<sup>(5)</sup> Kennedy also formed a bond of manrent with Alexander, Lord Montgomerie, whose grandson married Kennedy's daughter, Katherine.<sup>(6)</sup> Another Dumfriesshire family, the Crichtons of Sanquhar, also made several local marriages. A daughter of Sir Robert Crichton, the first sheriff of Dumfries, was the wife of

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1. Ibid, ii, 385-6; iv, 403-4; RHS, no.1654.
  2. Ibid, no.1690; Fraser, Carlaverock, i, 156.
  3. RHS, no.2087; Scots Peerage, iv, 151-2; see below, p.149.
  4. Fraser, Carlaverock, ii, 433.
  5. Scots Peerage, ii, 454; F.J. Grant, Charter Chest of the Marldon of Wigtown (Scot. Rec. Soc. xxxvi, 1910), 7-8.
  6. Scots Peerage, iii, 432; Grant, Wigtown Charter Chest, 7-8.

David Herries of Terregles by July 1459, and Robert, second Lord Crichton, married in about 1491 a Marion Maxwell.<sup>(1)</sup> The Crichtons also allied in marriage with the hereditary sheriffs of Selkirkshire, the Erskines, for Alexander, third Lord Erskine, before 1466 became the husband of Christine, sister of the first Lord Crichton, who himself married as his second wife the heiress of Sir John Erskine of Kinnoull (Perthshire), in or before 1457.<sup>(2)</sup>

Although many of the leading Scottish border families were ennobled in or before this period, some non-noble families, in particular those of Ker and Scott, matched or exceeded the importance within border society of a number of these noble houses. Most non-noble border families were restricted in their landed interests to the region, and their marriages seem usually to have been similarly limited to alliances within border society. Evidence on the marriages of such families is not extensive, but examples can be given.

The Ker family in the later fifteenth century was related to the Douglasses, Humes, and Hepburns, and to several other border houses in various shires. The first wife of Andrew Ker of Cessford was a daughter of William Douglas of Cavers, but by 1473 he was married to Margaret Tweedy of Drumelzier (Peeblesshire).<sup>(3)</sup> Two of Andrew's sons, Walter and Thomas, took to wife after 1487 Agnes, daughter of William, Lord Crichton, (and widow of Alexander, Lord Glamis) who held land in several border shires, and Margaret, the heiress of Thomas Ker of Ferniehirst.<sup>(4)</sup> In February 1484 Walter Ker of Cessford's son,

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1. Scots Peerage, iii, 222, 224-5; RMS, no. 734. Robert, second Lord Crichton, in 1496 was curator of Herbert, son of David Herries, who was of unsound mind: ADC 1496-1501, 29-30.
  2. Scots Peerage, iii, 222-3; v, 607-8.
  3. Ibid, vii, 323; RMS, no. 1167; see above, p. 127.
  4. Scots Peerage, v, 50; vii, 324, 329; RMS, no. 2223; ADA 1466-94, 150. In September 1470 Walter Ker and his father were bailiffs of William, Lord Crichton: Reg. Hse., GD 224/890, bundle 9.

Robert, was contracted in marriage to Christina, daughter of James Rutherford of Roxburghshire, and a year later another contract was signed for the marriage of Robert's sister, Elizabeth, to Christine's brother, Philip, heir to his father, a dispensation being obtained in November 1485. Before October 1495 Philip had died, and Elizabeth Ker remarried Sir Walter Scott of Buccleuch.<sup>(1)</sup> Elizabeth was also contracted in marriage to Andrew, son and heir of Dougall Colwell of Eskerston (Roxburghshire), before July 1498, when her father sued Dougall for breach of this contract.<sup>(2)</sup> Ralph Ker of Brysidedloch, second son of Thomas Ker of Carniehurst, married as his second wife a Margaret Rutherford, and Ker stood surety for Lawrence Rutherford at the Jedburgh justice ayre of November 1502.<sup>(3)</sup> On the same occasion Mark Ker of Dolphinton, who was a son of Walter Ker of Gessford and who had acquired his title through his marriage with the heiress of John Ainslie, became pledge for a Ralph Ainslie.<sup>(4)</sup> The first wife of Ralph Ker of Brysidedloch was from a Falkirkshire family, the Murrays of Malahill, and on at least one occasion members of the two families joined in crime, for at a Jedburgh justice ayre session in 1493 Walter Ker and John Murray jointly produced a remission for killing and theft at the time of the Duke of Albany's rebellion.<sup>(5)</sup> In August 1495 Thomas Dixon of Gwisston (Roxburghshire) gave sasine of lands in Peeblesshire to his

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1. Scots Peerage, vii, 329-30, 331.
  2. MS 1496-1501, 265.
  3. Scots Peerage, v, 53; Reg. Hse., Just. Ct. 14., f.60. Ker's first wife, however, was still alive in March 1501/2: MS, no.776.
  4. Scots Peerage, vii, 331; Reg. Hse., Just. Ct. 14., f.598. Walter Ker of Gessford had been granted by the crown the wardship of the property and marriage of the heirs of John Ainslie of Dolphinton, and in March 1485 he assigned the wardship to his son, Mark, from which action the marriage probably resulted: MS, 14th Report, Appendix, Part III, 28.
  5. Scots Peerage, v, 52-3; Reg. Hse., Just. Ct. 14., f. 10d.

son of the same name and to the latter's wife, Elizabeth, daughter of William Ker of Yair, fifth son of Andrew Ker of Cessford. In January 1499/1500 Elizabeth's father was ordered by the Lords of Council to pay her father-in-law money owed in connection with this marriage.<sup>(1)</sup>

Land held by the Scotts was not confined to one border shire, and the marriages they arranged in this period involved families from various parts of the borders. Sir Walter Scott of Buccleuch, who died before February 1469, married Margaret Cockburn of Henderland (Peeblesshire), and the connection between the two families appears to have been lasting, for in November 1502 Sir Walter's great grandson, of the same name, stood pledge before justices for a John Cockburn.<sup>(2)</sup> Sir Walter's grandson, also Walter, in June 1465 was contracted in marriage to Katherine, daughter of John Lindsay of Covington (Banarkshire), who also held land in Peeblesshire, but since Walter died without issue the marriage may not have materialised.<sup>(3)</sup> Walter's sister was the wife of the same John Lindsay's heir, also John, who in January 1475/6 resigned to his father-in-law lands in Peeblesshire which he had held as the dowry of his wife.<sup>(4)</sup> David and Janet Scott, brother and sister of Walter, were both married to members of the house of Douglas.<sup>(5)</sup> Another sister appears to have been the wife, or at least the betrothed, of Simon Carruthers of Mouswald (Dumfriesshire), for in July 1498 Simon sued Walter Scott of Buccleuch for withholding money owed by his grandfather, David, in connection with a marriage contract between Simon

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1. F.J. Grant, Charter Chest of the Earldom of Wigton (Scot. Rec. Soc., xxxvi, 1910), 56; ADC 1496-1501, 364; Scots Peerage, vii, 325.
  2. Fraser, Buccleuch, i, 45; Reg. Hse., Just. Ct. SS., f. 52d.
  3. Fraser, Buccleuch, i, 54; ii, 66; RHS, no. 2355.
  4. Fraser, Buccleuch, ii, 74. The land had been held under reversion, and in exchange for its resignation John received money. His wife had presumably died.
  5. See above, p. 127.

and David's daughter, Isabel.<sup>(1)</sup> David, in his will, made bequests to an Archibald Carruthers, who may have been the husband of a Marion Scott, but a woman of this name was in 1486 the wife of Gavin Johnstone.<sup>(2)</sup> Among other marriages involving the Scott family, Janet, daughter of Sir David Scott of Branxholm, was the wife of Roger Grierson from Dumfriesshire, who died at Flodden; Robert Scott of Winchester was the husband by 1458 of Elizabeth, daughter of Walter Tweedy of Brunzelzier (Dumfriesshire); and at some period in the fifteenth century John Scott was married to 'Mawys' Turnbull (from a Roxburghshire family), after a dispensation had been obtained.<sup>(3)</sup>

The families of Johnstone and Kirkpatrick, both from Dumfriesshire, were allied in marriage in this period. Two cases brought before the Lords of Council in July 1498 and January 1499/1500 respectively involved Isabel Johnstone and her husband Robert Kirkpatrick on the first occasion, and Margaret, one of the heirs of the late Herbert Johnstone, and her husband, Roger Kirkpatrick, on the second.<sup>(4)</sup> Both families were also connected through marriage with the Maxwells, for in 1470 Thomas Kirkpatrick of Closeburn had a wife called Mary Maxwell (possibly a daughter of Herbert, first Lord Maxwell), while a Johnstone

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1. ABC 1496-1501, 276.
  2. Fraser, Buccleuch, ii, 92-4; RMS, no.1661. Fraser, Annandale, i, p.xxvii describes Sir Adam Johnstone's wife, Marion Scott, as the widow of Archibald Carruthers of Houswald.
  3. A.H. Murray, ed., The Lag Charters (Scot.Rec.Soc., lxxviii, 1958), 3-4; H.C., Var.Coll. v, 30-1; The Priory of Coldingham (Curtees Soc., xii, 1841), 236 - the dispensation was in a document, written apparently in the mid-fifteenth century, among the records of Coldingham Priory.
  4. ABC 1496-1501, 245, 367.

man probably married a daughter of John, fourth Lord Maxwell. The prolonged and vicious Maxwell-Johnstone feud in the sixteenth century shows that marriage did not necessarily result in a lasting alliance.<sup>(1)</sup> John Johnstone, who died in 1493 probably married Janet Herries, and his daughter was apparently the wife of Archibald Carruthers of Kouswald.<sup>(2)</sup> Thomas Kirkpatrick of Glesburn took as a second wife a Janet Douglas, and his nephew (son of an illegitimate brother) is said to have married a woman of the same name.<sup>(3)</sup> Thomas' son and heir, Sir Thomas, is said to have had three wives, Janet Pittend (from a family which held land in the Orknesses); Marion, daughter of Guthbert Murray of Cockpool (in the same shire); and a daughter of Robert, Lord Crichton of Sanquhar (Standard of Scotland). In 1491 Thomas Kirkpatrick, the father, was a tenant in the barony of Sanquhar.<sup>(4)</sup> The marriage with Marion Murray, possibly arranged in connection with the settlement of a feud in which the Kirkpatricks had allied with the Maxwells against the Murrays, was not a success. In July 1498 John Murray of Cockpool complained before the Lords of Council that his sister had been badly treated by Thomas, who had denied her bed, board and clothing for the past nine years, leaving her with her father and, after his death, with her brother, thus

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1. RPS, no.1007; R.C. Feid, 'The Early Kirkpatricks', D'fries & G'way, xxx (1951-2), 85; Fraser, Carlaverock, i, 171; G. Macdonald Fraser, The Steel Bonnets (London, 1971), 174-80, for a description of the sixteenth-century feud. In April 1485, when a feud between the Maxwells and the Murrays of Cockpool was settled, Thomas Kirkpatrick was allied with the Maxwells: Fraser, Carlaverock, i, 150; ii, 442.
  2. Janet Herries bore Johnstone one child at least, but it is not certain that they were married; Fraser, Annandale, i, pp. xxi-xxiii.
  3. R.C. Feid, 'The Early Kirkpatricks', 84, 87. Adam Kirkpatrick of Pennessax (Stewartry of Annandale), son of this nephew, appointed William Douglas of Drumlanrig his procurator in January 1499/1500: R.C., 15th Report, Appendix, Part VIII, 12.
  4. R.C. Feid, 'The Early Kirkpatricks', 86, 87; 1885, nos. 452, 1885.

dishonouring her. The case was sent to a spiritual judge and ended in divorce. (1) A further ally of the Maxwells and Kirkpatricks in the feud was Robert Charteris of Ainsfield (Dumfriesshire), whose daughter Margaret was by March 1501 the wife of John, son and heir of Roger Kirkpatrick. (2)

The Roxburghshire family of Rutherford was connected through marriage with the Kerrs, (3) and with various families from different border shires. James Rutherford of Rutherford was by 1488 the husband of Margaret Kinross, whose family held land in several parts of the borders. (4) One of James' granddaughters, Catherine, a royal ward, forfeited her portion of lands in January 1502/3 because of her

connexions with her kinsman, James Stewart of Traquair ( Peeblesshire), but in 1505 the couple obtained a dispensation for their marriage. (5)

Robert Rutherford of Clatto married a daughter of Sir John Glendinning, who in January 1466/7 made the couple a grant of Roxburghshire lands. (6)

Robert's sisters, Katherine and Helen, married William Cockburn of Henderland ( Peeblesshire) and Sir Thomas Borthwick of Colinton ( Berwickshire), and an Elizabeth Rutherford was the wife of Robert Ormiston of Roxburghshire. (7)

In June 1500 a dispensation was granted for the marriage of George Rutherford and Elizabeth Turnbull, and in November 1502 Robert Turnbull of 'Blindhalch' stood pledge for a Robert Rutherford, who had obtained a remission for stealing cushions from a church. (8)

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1. ABC 1496-1501, 25<sup>8-9\*</sup>; for the Maxwell-Murray feud settlement, see below, p.148.

2. ABC 1501-3, 12. \* R.C.Reid, 'The Early Kirkpatricks', 90.

3. See above, p.132.

4. ABC, no.1569.

5. Scots Peerage, vii, 367; Reg. Hse., GD 114 no.8 (2nd part).

6. Scots Peerage, vii, 370; ABC, no.899.

7. Scots Peerage, ii, 98; vii, 369; F.L.Ormiston, The Ormistons of Pevisdale (Exeter, 1951), 9-10.

8. Reg. Hse., GD 114 no.13; Just. Ct. MS., f. 69d.

There was enmity, however, between other members of the two families, for in April 1499 the Turnbells, guilty of killing a John Rutherford, obtained a remission for the crime, as did Peter Turnbull in November 1502, after he had killed James Rutherford and destroyed property belonging to George Rutherford of Longnewton.<sup>(1)</sup>

Conclusion: Examples of marriage among leading Scottish border families confirm the conclusions reached concerning their English counterparts. Families tended to form marriage connections with their neighbours in the region or regions where their estates lay, so that the marriages of families whose estates were spread throughout the borders were more wide-ranging than those of families limited to one district. Reported marriages between the same families were fairly frequent as the number of disquisitions for consanguinity shows, and in such cases a close alliance is almost certainly implied.<sup>(2)</sup> When in a marriage contract provision was made for alternative marriages between the two families if the projected match should fail to materialise through the death of either party, it seems clear that an alliance was desired above all else.<sup>(3)</sup> Marriage may often have resulted from previous relationships based on land-holding, employment, or enmity, or may have led to such connections being formed, as in the case of the Humes and both the Douglases and Kers, or the Kers and the Rutherfords and Burreys.<sup>(4)</sup> At times during the half-century families connected by marriage appear to have been at enmity, and their disputes may have arisen out of the match, but a marriage

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1. Ibid., f. 68 d; RSE, no.371. For an explanation of remissions, see below, p.347.

2. See above, pp.126, 129, 132, 134, 136.

3. See above, pp.127, 128 n.1.

4. See above, pp.126, 128-9, 132.

may, on at least one occasion, have been arranged in order to settle a feud.<sup>(1)</sup>

Evidence on the marriages of leading border families is incomplete, but it seems that marriage between such landed families and merchants or their relatives was extremely rare, if not unknown, in most parts of the borders, whereas in other regions of England, if not Scotland, marriages between landed and trading families were becoming common.<sup>(2)</sup> It is probable that, since the Anglo-Scottish border region was essentially agrarian in its economy, without any important towns, for mercantile families could compare in wealth to the leading land-holding houses.

Although surviving evidence is limited and perhaps unrepresentative, it does appear that large numbers of children surviving to a marriageable age were fairly common among border families, and it is possible that borderland were particularly fertile and tough. No major border families seem to have died out in this period through lack of heirs, although estates were occasionally split between co-heiresses. The number of children whose marriages are recorded (possibly inaccurately, however) in some families is remarkable. Sir Richard Musgrave left three sons and six daughters, of whom all except possibly one married, as did the four sons and four daughters of Sir Richard's eldest son, Thomas. Sir Henry Denkirk left six co-heiresses, all married. Andrew Ker of Cessford had six sons and a daughter, at least five of whom married (one was a churchman), while David Scott of Buccleuch had seven married children, three sons and four daughters. Sir Alexander Burne is said to have had seven children; his eldest son,

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1. See above, pp.135, 136, 137.

2. See above, p.59 n.1.

the first Lord Home, four; and the latter's grandson and heir, ten; but it is not certain how many of all these children survived to a marriageable age. The high number of men of the same surnames listed in the few extant records of Scottish border justiciary court sessions certainly implies large families and a high survival rate.<sup>(1)</sup>

The connections within border society based on marriage were without doubt one factor in the creation of ties of loyalty and dependence among the leading families, and marriage was most likely more important in this respect than land-holding. It seems probable, however, that marriage was often the result of a previous connection between two families, and that matches were more often inspired by a desire for material gain rather than the need to form alliances for protection or the acquisition of man-power.

iii) Bonds of retainer and manrent and ties of employment between leading border families:

a) Introduction:

Interconnections based on land-holding and marriage among leading border families may often have been important in determining ties of affinity within border society, but were probably only of limited significance in the creation of ties of dependency, through which service was exchanged for protection and patronage. Throughout England, and probably Scotland also, at this period men sought to bind themselves to local lords and magnates in order to secure protection and the possible means for advancement. In the insecure atmosphere

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1. Reg. Use., Just. Ct. PS., passim.

of the borders, where lawlessness was rife and the effects of repeated warfare often severe, the need for protection and enhancement of power through powerful connections was intensified. It was also common practice in this century for lords capable of providing patronage to endeavour to maintain and strengthen their power by establishing a body of local support on which they could rely. Again on the borders the desire for this local support was intensified due to the recurrence of private war (feuding), the need for defence against raiding bands, and the frequency with which royal service on the frontiers was demanded. Many families aimed at securing both support from below and protection from above. A landlord could rely for support on those tenants whose entire livelihood depended on him, as could an employer of household servants in the same position, while the head of a family or burgher could rely on his kinsmen, through the binding power of kinship in border society, but the support and loyalty of other men had to be bought, either with cash or a promise of patronage and support. Similarly a tenant or servant, dependent on one lord, could expect protection in exchange for the man-power he represented, and a clansman could rely on his kin, but when desiring the protection of other lords had to enter into a specific agreement. The bonds formed in such cases involved a guarantee of service by one party in exchange for a promise of protection and patronage, often accompanied by some form of payment, by the other. These relationships could be based on annuities or employment, often in a sinecure, but the most formal and binding contracts of service and protection were, in England, indentures of retainer, and, in Scotland, bonds of manrent.

## 1) Indentures of retainer:

In England, well before the fifteenth century, unpaid feudal military service based on land-holding had been superseded by retaining, or contractual service for wages, and retaining had come to involve service in peace as well as war, and the promise of patronage as well as wages by the lord. Apart from the military resources acquired by a lord through retaining, which were particularly relevant in the border region where war and feuding were common, a retinue could be an impressive symbol of wealth and power, providing the means for local predominance and the influencing of courts of justice. Also, by retaining men who held, or could be manoeuvred into holding, local royal offices, a magnate could gain control over government and politics in a particular area.<sup>(1)</sup> It has been said, in relation to the fifteenth century that 'a magnate's reputation and political influence was to a large extent dependent upon the size and social quality of the company which, wearing his livery, would ride with him, both locally and when he went to attend parliaments and councils.'<sup>(2)</sup>

It has been claimed that in Edward IV's reign a change took place in retaining, a promise of good lordship superseding the payment of a retaining fee, and indentures becoming civil rather than predominantly military in character.<sup>(3)</sup> The few surviving indentures of retainer

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1. K.B. McFarlane, "Bastard Feudalism", B.I.H.R., xx (1943-5), especially pp.163-4; W.H. Dunham, 'Lord Hastings' Indentured Retainers, 1461-1483', Transactions of the Connecticut Academy of Arts and Sciences, xxxix (1955), especially pp.10,29,60-1. The number of border sheriffs retained by the Percies shows that this magnate family certainly exploited the latter aspect of retaining: see below, p.392.
  2. R.L. Storey, The End of the House of Lancaster (London, 1966), 10.
  3. Dunham, 'Indentured Retainers', 9,53,57,62. The claim is based on Lord Hastings' retaining indentures (1461-1483), among which only 2 of 69 recorded money fees, the rest involving good lordship only, and which omitted mention of war booty. K.B. McFarlane, The Nobility of Later Medieval England (Oxford, 1973), 104-5 argues that long before the end of the Middle Ages the main point of retaining had come to be service in peacetime for prestige rather than in war.

involving borderers in the later fifteenth century were all, however, still mainly military in purpose, as befitted the needs of a frontier region, and there is no definite evidence of the change occurring on the borders in that century. <sup>(1)</sup> All the surviving border indentures involved annual fees, most in addition specifying wages for actual military service, and the contracts were made to last for life, in accordance with the statute of 1396. <sup>(2)</sup> In all cases service was provided in person and was required of men but the king, and usually held at home and abroad, the retainer often agreeing to give counsel as well as services, and to manage the lord's business, when given reasonable warning, accompanied by his own son, kinsmen, and friends. It was often stated that the retainer should be sufficiently armed, armed, and equipped for services. Most of these border indentures involved conditions providing that the lord could receive a proportion of booty captured in war by the retainer or his followers, and could have the right to important prisoners of war, no less as could a nobleman send to the captor.

English records of the practice of retaining had been subject to statutory restrictions since the reign of Edward I, when an attempt had first been made to curb the abuses of retainers through which justice was endangered. By the beginning of the fifteenth century only temporal peers were legally permitted to give liveries to retainers (as opposed to resident household servants), since this practice was held to encourage maintenance, and only knights and

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1. The small number of surviving bonds of retainers makes generalisation difficult, but certainly the grey coats were still paying retaining fees in the 1480s, although their expenditure on retaining did decrease by the end of the century. See below, p.167.
  2. Austin, 'Indentured retainers', 12. For the surviving border indentures, see below, pp.155, 171, 172, 174, 175, 176-7.

squires were allowed to accept retaining liveries. A statute of 1461 prohibited the giving of liveries to retainers by anyone, except at the king's order to men engaged on royal service. Retaining may have been prohibited absolutely by a 1468 statute, but, whether or not the exception concerning lawful service was intended to exclude peers from the prohibition, magnates continued to retain with impunity for the remainder of the century and beyond.<sup>(1)</sup> The Percy lords of Northumberland certainly continued to pay retainers after 1468.<sup>(2)</sup> The extent to which borderers respected or disregarded all the retaining statutes is unknown, but in 1469 a border gentleman, Thomas Sandford of Escham, retained John Cliburn of Hampton, apparently contravening the 1468 statute, unless Cliburn became a resident household servant, which seems unlikely since he was also described as a gentleman. In return for life service against all men, excluding the king, against Cliburn (John's father), Thomas Curwen (his father-in-law), and all his brethren, Cliburn was promised maintenance, 40s. a year as fee, and one gown a year of Sandford's clothing (i.e., a livery).<sup>(3)</sup> There seems to have been widespread lack of respect for the crown and the law it administered among borderers, and it may well be that laws concerning retaining and maintenance were generally ignored.

The distance of the borders from the centre of government forced the high lords to rely on local men for the maintenance of law and order,

1. The degree of violation on individual and collective levels, see the P.H. Griffiths, The History of Feudalism and Change of Legal Procedure (Oxford, 1974), pp. 173-174; also, 'Introduction' *ibid.*, 67-74. Griffiths argues that feudal service did exclude peers, and that the early 1460s legislation on royal livery was a result. He does not stress the lawfulness of the service involved; and he points out that no legislation was directed against magnates until 1468, and that it was taken place *ibid.*, 74-77.

2. See below, p. 167.

3. Carlisle B.O., D./Lons. deeds/33 119.

and, since the power of local magnates depended largely on the support they could attract, while the power of lesser landlords depended largely on the backing of magnates, the crown could not afford to prohibit retaining, despite the threat to law and order which the practice could present. The 1463 statute explicitly excepted the wardens of the marches from the prohibition on retaining.<sup>(1)</sup> There is some evidence, including the above Sandford-Oliburn contract, that retaining on the borders was not limited to the magnates, and that not only knights and squires became retainers, although this situation clearly contravened the retaining statutes. In January 1467/8 a Westmorland yeoman, William Bradley of Gnypp (Snipe), became Thomas Sandford's man for life through the signing of an indenture. Bradley was to receive 13s. 4d. yearly and a promise of good lordship, in return for service with his friends and all he could induce to help.<sup>(2)</sup> The same Thomas Sandford secured the life service in peace and war of Henry, William, and John Bulker of Lutterwick Crag in October 1470. Instead of receiving a fee, the three men bound themselves in 240 to do this service, and to abide an arbitration award, promising in particular never to become the servants of John Balkeld, with whom Sandford had been in dispute as early as 1465.<sup>(3)</sup> Thomas Sandford, together with his son and heir, William, gave a promise of maintenance (as far as was lawful and right) in the recovery of some property to a John Wilkinson in March 1477. The Sandfords were to be tender masters, as they were to other tenants, and Wilkinson was to do them service.<sup>(4)</sup>

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1. See below, p.168.

2. *Carlisle C.C., W./Lons. Feeds/30* 63.

3. *Ibid*, 33 61,65. In August 1465 an award had been made between John Balkeld and Thomas Sandford to settle all their disputes.

4. *Ibid*, 33 76.

These limited examples show that a formal indenture of retainer was not the only means of creating a bond of service and protection. Besides written agreements providing service, whether or not explicitly as a feud retainer, ties of dependency were also often based on annuities, pensions, or grants of land, given usually as rewards for past service, but implying or stating the expectation of continued loyalty and support. (1)

The Percy Earls of Northumberland in this period paid as many annuities as retainers, fees, and it is likely that the two methods of buying support were usually effective. (2) Although evidence on this form of dependency as well as on retaining in the English border counties is scarce, it seems probable that bonds exchanging service for patronage or protection, together with a regular payment, whether embodied in a formal indenture or in an informal agreement, were common among the leading families.

An idea of the size of the retinues that some leading border families could muster is provided by certain scraps of evidence, but it is not certain whether the forces involved comprised indentured retainers, annuity- or pension-holders, resident household servants, or a mixture of all three. When Edward IV landed in the north of England in 1471 to recover the throne, he was joined by 'two good knyghts Syr Lilliam Garre, and Ser James Harrington (both of whom were connected with the borders), with two good bands of men, well arrayed, and habled for warr, the number of vi<sup>c</sup> men'. (3)

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1. *McKerlane, "Bastard Feudalism"*, 167.

2. J. H. S. Bean, *The Estates of the Percy Family, 1416-1537* (Oxford, 1958), 95-6 and see below, p.154.

3. J. Bruce, ed., *Historia of the Arrivall of Edward IV* (London Soc., 1838), 7.

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muster roll, apparently of the fifteenth century, which lists the 'servants, tenants, and inhabitants' of the Westmorland estates of Walter Strickland, together with their weapons, has survived.<sup>(1)</sup> The total number of men at Strickland's disposal was 250, of which 69 were bowmen with horse and harness, 74 were 'bylmen' with the same, 71 were bowmen without 'hors harness', and 76 were 'bylmen' without horse and harness. Eleven household servants were included, each having a horse, harness, and bow. Most of the men were equipped with a 'jakk' or leather coat of mail, only one wearing a 'mail coat', and several wore a mallet or iron helmet. In 1503 the great Tudor travelled to Scotland to settle her marriage to James IV of Scotland, and her journey was described by John Young, Somerset Herald, who commented on the number of liveried horsemen accompanying the leading borderers, who met the queen at various places on the way. Henry Percy, Earl of Northumberland, whose magnificent costume and retinue obviously impressed the herald, brought a following of 300 horsemen. Richard Neville, Lord Batimer, had a retinue of 50 horse; Lord Bowley one of 40; and Sir Ralph Harbottle, who met Margaret outside Newcastle, was also accompanied by 40 horsemen. The retinue of Lord Mores was mentioned, but its size was not estimated. The Prior of Tynemouth brought 30 liveried men; Humphrey Tisle and the Prior of Crinkburn together came with 20 horsemen; Sir Ralph Cure, sheriff of Northumberland, was accompanied by 200 horsemen, some of his livery and some men of the county 'with spears and bowes, in jackets'; and Henry Grey, sheriff of Northhamshire and Islandshire for

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1. J. Nicolson and E. Burn, The History and Antiquities of the Counties of Westmorland and Cumberland (London, 1777), i, 96-7.

the Bishop of Durham, had a following of 100 liveried horsemen, as did Ralph Widdrington.<sup>(1)</sup> These figures may not represent the total number of men at the disposal of these leading borderers, and it seems likely that many other important border families had comparable resources of manpower, paid for by ordinary wages, annuities, or retaining fees.

#### ii) Bonds of manrent:

The equivalent of retaining in fifteenth-century Scotland was the binding of bonds of manrent, by which a man bound himself in service to a lord in return usually for a promise of maintenance and protection. The practice of using written bonds of manrent had not, however, yet become common, and few such documents survive for this period. It is hard to make generalisations on the basis of the few surviving fifteenth-century bonds of manrent involving borderers, but some points may be mentioned.

A bond of manrent was a contract of service made by one man to a superior and did not necessarily involve a promise of patronage in exchange. Among the few border bonds there are instances of manrent service being offered in exchange for grants of land, with no mention of maintenance,<sup>(2)</sup> and it is possible that on occasion manrent was paid for simply by a fee. When protection and patronage was promised in exchange for a bond of manrent, as it was in most of the surviving border contracts, separate letters of maintenance were apparently given by the lord. On one occasion a mutual contract of maintenance

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1. John Heland, De Rebus Britannicis Collectaneorum (London, 1770), iv, 271-2.

2. See below, pp. 182, 185.

was sealed without mention of consent, and this may have been fairly common practice.<sup>(1)</sup>

Bonds of consent, while usually securing the same mutual benefits of service in exchange for protection and patronage as retaining in England, were more clearly, and perhaps normally, arranged as a result of particular circumstances. Examples may be given of consent bonds involving border families being employed to help heal a feud, to strengthen a marriage contract, and to secure an agreement concerning settlement of land-holdings. In September 1486, John, Lord Maxwell, and Guthbert Murray of Cockpool, each backed by their kinsmen, made an instrument to settle the feud between them which had led to a serious skirmish. A truce was to be made for the deaths of various persons and disputes were to be decided by an independent panel, but most importantly an attempt was made to prevent future hostility by the enforcement of bonds of consent. Guthbert Murray was to bind himself and his heirs in consent to Lord Maxwell and his heirs, excepting his allegiance to the king and his service to Andrew Stewart, Lord of Ardsdale; three other murrays were to provide life service to the lord; and Lord Maxwell was to give them all fees and letters of maintenance. If Maxwell desired any other of the men present 'in the field' to bind themselves in consent to him, this was to be done.<sup>(2)</sup> Guthbert Murray of Cockpool was later involved in another, similar arrangement, for in May 1491 he complained to the Lord's Auditor that Robert Carlyle had withheld a letter of consent from him, despite an arbitration decree. Carlyle agreed to hand over the letter.<sup>(3)</sup>

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1. See below, p.185.

2. Fraser, Carliaverock, ii, 446-8.

3. Ann 1466-94, 156.

On the occasion of John, Lord Maxwell's marriage to Agnes, daughter of Alexander Stewart of Carlisle, in February 1490/1, Maxwell obtained bonds of manrent, which were to last seven years, from his new father-in-law and from the latter's son, Alexander, who had previously, in August 1486, made a five-year bond of manrent with Maxwell.<sup>(1)</sup> The Stewarts' service to the Earl of Bothwell was excepted from the later bond. Several bonds of manrent involving leading border families were contracted in connection with agreements concerning land- or office-holding.<sup>(2)</sup>

Some border bonds of manrent of which evidence survives appear to have been made simply to acquire service and probably maintenance, not in connection with other issues, but it may be that the information in such cases is deceptive, and the ulterior motives are concealed. On 23 May 1457 James, first Lord Hamilton, became 'man of special service and retinew' for life to George, Earl of Angus, through a bond of manrent. Hamilton promised service against all men but the king and queen.<sup>(3)</sup> In October 1490 John, Lord Maxwell, received a bond of manrent from Robert Hamilton of Preston, who promised service, excepting his loyalty to the king and to Lord Hamilton.<sup>(4)</sup> James, son and heir of Patrick Cockburn of Newbigging, in August 1462, bound himself in manrent and service to William Haitland of Bedington.<sup>(5)</sup> John, Lord Hay of Yester, is said to have obtained bonds from Thomas Dixon in 1501 and from Walter Hunter of

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1. Fraser, Carlaverock, ii, 446, 448. For a further border bond involving marriage, see below, p. 181.
  2. See below, pp. 179, 180, 181, 182, 183, 185.
  3. HOC, 11th Report, Appendix, Part VI, 29.
  4. Fraser, Carlaverock, ii, 448.
  5. ABS, vii, 160.

sealed in 1502, but no details are known.<sup>(1)</sup>

Unlike retaining, amrent was rarely the subject of legislation in or before this period, although in March 1457/8 and April 1491 inhabitants of towns were forbidden to bind themselves in amrent and to ride to war with anyone but the king, burgh officials, or the lord of the burgh.<sup>(2)</sup> The king, himself, on at least one occasion, promised maintenance in return for service, thus creating a dangerous threat to justice. In March 1455 James II, probably to help suppress a first the Douglas revolt, promised to 'mainteine, equippe, and defend' James Douglas, of Craigmillar' in all his actions, 'civil and quarrellis laichful, laifful and honest as our own speciall favour shall becom.' In return 'waddy' Douglas bound himself in 'amrent and service' for life to the king, putting his lands at the disposal of the royal retinue.<sup>(3)</sup>

Lords of amrent could, as legally binding agreements, be enforced at law. In July 1476 two cases concerning amrent were tried before the lords' Auditor. Sir William Northwick was ordered to pay Gavin Crichton the £25 he claimed as his fee, since it was proved that a letter of amrent had been sealed by them both, and at the same time William, Lord Crichton, was ordered to pay an identical fee to James Northwick, for they also were found to be bound in amrent.<sup>(4)</sup> In the second case Alexander Cunningham, Lord of Aulre, successfully sued Robert Cure of Howallan (Ayrshire) for non-fulfilment of his bond of amrent and service. Cure claimed that

1. *W.S. Soc., Genealogy of the Hayes of Tweeddale* (Edinb., 1835), 22.

2. *W.S. Soc.*, ii, 50, 2247.

3. *W.S. Soc., Var. Coll.*, v, 10-11.

4. *W.S. Soc.*, 1466-24, 42.

Lord Ailmaurs had broken his part of the bond, but the Lords Auditor ordered him to do homage and service as the obligation bound him.<sup>(1)</sup> In January 1484/5 Robert Charteris of Amisfield accused Alexander Kirkpatrick of wilfully withholding the third of his 'wynning' taken 'be aventur of war', and the Lords of Council implied that the accusation was just (although they delayed judgment on the matter), since Alexander was man to Robert before all others, as was shown in letters of 'mantrantschip and service'.<sup>(2)</sup> This case seems to imply that manrent, like English indentures of retainer, could involve conditions as to the profits of military service.

The wording of the few border bonds of manrent of which details survive varies considerably, but the basic agreement for service given in exchange for letters of maintenance or occasionally some other promise was probably the same in all bonds.<sup>(3)</sup> The contracts were made to endure for a few years, for life, or even beyond the life of one or both parties when their heirs were included in the bond. A fee was sometimes, and possibly normally, granted in return for service, but maintenance alone or an arrangement concerning land-holding or employment was often apparently the only reward promised for service. The nature of the service owed was at times specified, men agreeing to serve in peace and war, in support of lawful actions and quarrels only, with all their kinsmen, friends, and followers, or in giving counsel as well as active service. Allegiance to the King was usually excepted from the promise of service against all men, and so sometimes was loyalty to another lord, whether a chief kinsman or someone to whom a different bond of manrent had been

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1. Ibid, 56.

2. ibid 1478-95, 95<sup>\*</sup>

3. For details of manrent bonds, see above, pp.148, 149, 150; see below, pp.179, 182, 184, 185.

given. The lord's side of the contract normally included a version of the undertaking to 'maintaine, supplye and defend' his servant in all lawful causes.

Information on bonds of conquest in fifteenth-century border society is scarce, and it is likely that the practice was not yet widespread, being probably limited to the few great important families. Scottish borderers may have bought the support and loyalty of their neighbours, as in the past, through the payment of conditions and provision of legal services, but the service demanded is lacking, and surviving evidence does not allow this to be proved. It is possible that the practice of consciously creating ties of dependency was far less developed on the Scottish borders in the period than in England, but this impression may be caused solely through the dearth of evidence.

### iii) Employment as a tie of dependency:

The number of officials and servants required to administer and work in the households and estates of leading families on the borders, as elsewhere, meant that such families had an extensive source of patronage at their disposal. The most important household and estate offices under a magnate or wealthy baron or knight could attract members of gentry families. To a certain extent masters could rely on the support and loyalty of their employees, while servants could expect protection from their employers, and by the mid-fifteenth century in England many household servants were employed through indentures of retainer, which created a more formal bond.<sup>(1)</sup> On the

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1. Mortimer "Pastoral Dependence", 166.

Scottish borders also, instances occur of bonds of manrent being used to strengthen an employment contract.<sup>(1)</sup> A powerful bond of loyalty could be created when generations of one family were employed in the same household. Loyalty and partisanship were encouraged, at least in England, by the giving of liveries to household officials, who, unlike non-resident retainers, were never prohibited by law from wearing such. Most squires, barons and knights on both sides of the border probably maintained a resident household head of armed men for protection and the furtherance of their interests.

Apart from the necessity of employing men to man castles and households, employment could also be used as patronage specifically to secure the support of useful men. In England, it was the practice to convert the friendships of groups of men into what was, virtually sinecure, the holder doing what work there was by deputy.<sup>(2)</sup> Courtiers, who could influence the king, or local landholders, whose support was desired, were often granted such offices by patronage and were paid substantial fees. Other offices, besides sinecures, may also have been granted to sinecures to create ties of dependence on the English side of the border, and it is likely that a similar practice was not uncommon in Scotland at this period. It is impossible to prove the cases of employment in which sinecures were granted for this purpose on the borders, but it seems probable that such patronage was exploited by the leading houses in order to expand their influence and power.

1. See below, pp.179, 180, 181, 183.

2. See below, The ability of later medieval England, 107.

b) Retaining and employment among English border families:

Information on the retainers, annuity-holders, and employees of most leading English border families, with the exception of the Percies, is sparse, but since the Percy earls of Northumberland dominated border society for most of the later fifteenth century, this exception is vital. Although the Percies, as the dominant border family, must have retained and employed on a far greater scale than any other single family, it is likely that, had similar estate accounts of other families survived, it would be seen that the same means of establishing local connections and ties of dependency were exploited throughout the elite of border families. Retaining may have been forbidden for any but peers, but the granting of annuities and sinecures was open to any family with adequate resources, as was the use of patronage from the household and estate offices at their disposal. Many lesser families probably paid fees and annuities both to men of lower rank and to fellow members of the gentry in attempts to dominate a locality. The Northumberland and Cumberland Percy estate accounts reveal a large number of important borderers, as well as lesser men, receiving retaining fees, annuities or wages from the earls of Northumberland, and thus illustrate the ways in which the Percies dominated the borders through a web of connections with families, which themselves had frequently received precedence in a neighbourhood through similar means.

Of the Cumberland families listed above <sup>(1)</sup> which held land from the Percy earls as lords of the honour of Cockermouth, at least twelve had further connections with the Percies through retaining or

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1. See above, p.90.

employment. From the Curwen family, Thomas was receiving a retainer's fee for life by the early 1440s, and in 1453/4 the same man, by then knighted, was still being paid.<sup>(1)</sup> The only Percy indenture of retainer found, was drawn up on 16 December 1460 between Percy, third Earl of Northumberland and Christopher Curwen, son of Thomas. Christopher was 'beleft' and retained for life in return for a yearly fee.<sup>(2)</sup> Payment of all fees and annuities would obviously have been suspended during the period of captivity suffered by the Percy family, but by 1483/4 Christopher Curwen and his son, (or possibly his father) de Thomas, were receiving fees, and in 1503 Thomas (the son) was described as a knight of the fifth earl's livery.<sup>(3)</sup> Christopher was knighted by the Earl of Northumberland in August 1482 during the Scottish campaign.<sup>(4)</sup> An annuity of 100 shillings being paid to Thomas Curwen by the Percy earl at the beginning of the sixteenth century was described as a payment made to Curwen and his ancestors 'for ancient concord'.<sup>(5)</sup>

Sir John Remington in 1453/4 was still receiving an annuity that he had been granted for life on 1 October 1443, and he was involved at this later date in the dispute between the Percies and Nevilles through his support of the first family.<sup>(6)</sup> In December 1470 John Remington, his son, was granted as a reward for faithful service the

1. Carlisle B.O., Cockenouth C.O., 29/2,3.
2. Ibid, B./Lons. Deeds/108. The document is much damaged and the amount of the fee is uncertain. 'beleft' was commonly used as a synonym for 'retained'.
3. Cockenouth C.O., 29/8; Lalond, De Retur iv, 271-2.
4. Brit. Mus., Harl. MS., 293, p.208.
5. Cockenouth C.O., 29/9.
6. Ibid, 29/3; D.A. Griffiths, 'Local Rivalries and National Politics: The Percies, the Nevilles, and the Duke of Exeter, 1452-55', Speculum, 43 (1968), 596.

office of bailiff of Coupland for life by Henry Percy, the restored Earl of Northumberland, who called Pennington his 'dear esquire'.<sup>(1)</sup> John's own son, Sir John Pennington, was involved with John Langlugh in a dispute over the master-forestership of Percy forest-land in the Cumberland lordships of Eskdale and Westdalehead at the beginning of the sixteenth century, and the Percy earl awarded that since the office had been granted to the two men jointly, neither was to exercise it without the other's assent.<sup>(2)</sup> Sir John had been knighted by the Earl of Northumberland in 1482, was receiving a fee by at least 1483, and was described as a knight of the earl's livery in 1503.<sup>(3)</sup>

Various members of the Langlugh family were retained or employed by the Percy Earls of Northumberland. On 2 September 1441 John Langlugh was retained with the earl for a fee of ten marks, and he was still receiving this payment in 1445/3, at which date William Langlugh was reeve of Cockerouth.<sup>(4)</sup> Another John Langlugh, or possibly the same man, was a bailiff in the borough of Dalton in 1446/7, an office he held until at least 1463/4, when he was also collector of rents and taxes in Dalton, reeve of Ravenslaw, steward and receiver for the earl in Cumberland, and master-forester.<sup>(5)</sup> Sir Thomas Langlugh in December 1561 received a grant of the offices of steward and master-forester of lands forfeited from the late Earl of Northumberland, possibly being allowed to continue in

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1. Carlisle R.O., D/Pen. Family Docts./b.A/no.3.
  2. Ibid, D/Pen. Catalogue. This catalogue of Pennington documents described an award by the earl in this dispute, dated 1504, but the actual document (ref. D/Pen./b.47 no.35) is missing. The award, however, is recited in the report of the 10th Report, Appendix, Part IV, 228.
  3. Brit. Mus., Harl. MS., 293, p.208; Cockerouth C.H., 302; Leland, de Rebus, iv, 271-2.
  4. Cockerouth C.H., 29/2.
  5. Ibid, 29/5, 6, 8; 302.

offices already held, and in 1478/9 Sir Thomas was receiver for the Fourth Earl of Northumberland.<sup>(1)</sup> At the same date and up to at least 1483/4 Gilbert Lamplugh was a bailiff in the barony of Wigton and Robert Lamplugh was receiving a fee, while another Thomas Lamplugh in 1500/1 was bailiff and collector of rents and fines in Wigton and reeve of Swerton.<sup>(2)</sup> It seems clear that these offices were in the hereditary control of this family, in practice if not through a specific grant.

By the will of the Fourth Earl of Northumberland, dated 1485, Lancelot Threlkeld received a fee and annuity.<sup>(3)</sup> This son was retained with the Percies for a fee of 120 from at least 1483/4, and was lieutenant of Cocker-mouth castle by the end of the century, probably succeeding to the office on the death of his father in August 1483, since the latter, also called Lancelot, held the lieutenantship in 1478/9. The son was described as a knight of the fifth Percy earl's livery in 1503.<sup>(4)</sup>

Other Cumberland families, whose members held land from the Percy earls and were also connected through retaining or employment, included the Loghs, Crackenorths, Meltons, Stapletons, Guntors, Wroughtons, Highcross, and Oneres. William Leigh in 1493/4 was receiving an annuity of ten marks for life, and was involved at that time in the dispute between the Percies and the Nevilles. His son, Sir William Leigh, was paid a fee in 1478/9.<sup>(5)</sup> Thomas Crackenorth

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1. CPE 1461-7, 87; Cocker-mouth C.R., 29/5, 6.
  2. Ibid., 29/5, 6, 8, 9.
  3. Hills and Inventories of the Northern Counties of England, Part 1 (Surtees Soc., 1835), 99-100.
  4. Cocker-mouth C.R., 29/6, 8, 9; Cal.I.P., 2nd series, ii, 517; Beland, De Robus, iv, 271-2.
  5. Cocker-mouth C.R., 29/3, 5; Griffiths, 'Local Rivalries and National Politics', 596.

in the same year was bailiff of the honour of Cockermouth.<sup>(1)</sup> In 1483/4 Clement Skelton and John Skelton of Branthwaite were paid fees by the Earl of Northumberland, but the reason for the payments was not stated. In the same year and as late as 1500/1 *messaduke* Skelton was clerk of the court of Egremont, an office he had held since at least 1478/9.<sup>(2)</sup> Sir William Stapleton was described as one of the feedmen of the fourth Percy earl in 1485.<sup>(3)</sup> William and Richard Towther each received a fee of 100 shillings from the Percy receiver, the first in 1453/4, the second in 1483/4, but it is not known whether they were retained or employed.<sup>(4)</sup> John and Sir Thomas Broughton were both annuity holders from the second and fourth Earls of Northumberland respectively, and Sir Thomas was lieutenant of Cockermouth castle in 1483.<sup>(5)</sup> Alexander Highmore was receiver of the honour of Cockermouth in the early 1440s, and a life retainer by 1453/4, when he was also supervisor and governor of the Percy mines in Cumberland. Another man of the same name, probably a son, was paid a fee in 1483/4, as was a Richard Highmore, but the reason for these payments is not clear.<sup>(6)</sup> In the same year Ralph Hare received a fee, but again the reason was not stated.<sup>(7)</sup>

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1. Cockermouth C.H., 29/3.
  2. *Ibid*, 29/5, 8, 9.
  3. Leland, *De Rebus*, iv, 186-7.
  4. Cockermouth C.H., 29/3, 8.
  5. *Ibid*, 29/2, 3, 8; 302.
  6. *Ibid*, 29/2, 3, 8.
  7. *Ibid*, 29/8.

A few further examples of members of leading families of the western borders who were either retained or employed by the Percy earls, stress~~ing~~ the widespread influence which could be exerted by the earls of Northumberland through such connections, which involved so many of the dominant land-holding houses of the district. Henry Mollingham of Westmorland was receiving an annuity from the Percies out of the profits of the Broughton coal mines in 1453/4, and several Mollinghams of Cockermouth and Burneside were involved with the Percies in their conflict with the Nevilles.<sup>(1)</sup> The Martindale family held land from the earls of Northumberland in Cumberland. Sir William Martindale was a supporter of the Percies in their dispute with the Nevilles in the early 1450s, at which time he was steward of Cockermouth and a retainer of the second earl. George Martindale also received a fee in 1478/9 and 1483/4.<sup>(2)</sup> Thomas Radcliffe of Derwentwater was paid a fee in 1483/4, together with Edward Radcliffe, who was lieutenant of Cockermouth castle and master-forester. Edward also held the offices of steward and feodary for the earl in Cumberland at the beginning of the sixteenth century, and Thomas was granted a life annuity by the terms of the fourth earl's will.<sup>(3)</sup> A John Suddleston in 1483 was reeve of Galdbeck Underfell for the Percies; Richard Beaulieu was granted a life annuity on 31 August 1450 by the second earl of Northumberland; and Nicholas Irton was retained for five marks a year from 3 September 1441.<sup>(4)</sup>

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1. *Ibid.*, 29/3; Griffiths, 'Local Rivalries and National Politics', 600.

2. *Ibid.*, 596; Cockermouth C.M., 29/2, 3, 4, 5, 6, 8.

3. *Ibid.*, 29/7,8,9; Hills and Inventories of the Northern Counties, 99-100.

4. Cockermouth C.M., 302; 29/2, 3.

In Northumberland, as in Cumberland, the Percy earls had established connections of retainer or employment with a large number of the leading families, many if not most of which held land from the house of Percy. Of the Northumberland families listed above<sup>(1)</sup> as Percy tenants, at least seventeen were further connected with the earls through retainer or employment. The Fenwick family was centred on Northumberland, but held land from the Percies both there and in Cumberland. Sir Henry Fenwick was lieutenant and constable of Bekeborough castle in the first half of the fifteenth century, when he was also camerarius (chamberlain) of the earl's Northumberland estates (or part of them). John Fenwick in 1443 was receiving an annuity of 100 shillings for life by the hands of the Alnwick receiver.<sup>(2)</sup> After the restoration of the fourth earl in 1470, William Tolbery was a Percy tenant, and on 20 May 1474 this man was granted a life annuity in return for service. Tolbery was a deputy for the earl on the marches in 1479/80.<sup>(3)</sup> William Bartram, a tenant of the second earl, was retained for life in December 1440 at a fee of 113.6s.8d., and three years later was holding the office of forester of Rothbury for life.<sup>(4)</sup> Thomas Strother was constable of Alnwick castle for the Earl of Northumberland from at least 1471/2 until the first year of Henry VII's reign and possibly until his death, which occurred within two years.<sup>(5)</sup> John Strother, probably Thomas' son, was deputy-constable of Alnwick in the 1470s and was retained for

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1. See above, p.91.

2. Bekeborough C.S., 29/2, 3; Alnwick C.S., C III. 1a.

3. Ibid., C III. 2a; C VI. 2b.

4. Ibid., C VIII. 1e; C III. 1a.

5. Ibid., C III. 2a; C VI. 2a, 2b, 4a, 4b; C VIII. 1f, 1i. By 1487/8 he was described as dead.

life on 11 May 1474, while another John Strother of Warkworth in 1458 provided mainprise for Sir Ralph Percy, which implied a fairly close relationship.<sup>(1)</sup> Sir Robert Womersley was employed by the fourth earl, earl as master-forester of Scotland in the decade after the earl's restoration, while Thomas Womersley was one of the earl's deputies on the marches in 1479/80.<sup>(2)</sup>

Many other Northumberland families were both tenants and employees of the Percies. The Lilburns held land in the county from the earls, and by at least 1471/2 John Lilburn was receiving a retaining fee of 20 from the issuer of the barony of Alnwick. By 1482/3 John's son, of the same name, was also being paid a fee, and this son was under-sheriff in Northumberland to the earl in 1474. By 1486/7 John Lilburn, the younger, was constable of Alnwick castle.<sup>(3)</sup> The Berons were an important family in Northumberland

and held some land from the Percies. In 1457 John Beron of Ford was one of a group providing security that Richard Percy would remain in prison, showing that his relationship with the Percy family was closer than that of a mere tenant with his landlord.<sup>(4)</sup> John's son, Roger, was receiving a fee by 1473/4, and in the will of the fourth earl of Northumberland, dated 1489, it was stated that John, son and heir of the late Roger Beron of Ford, should receive a £20 annuity from the age of sixteen, as his father had done.<sup>(5)</sup>

A John Beron of Lockenfield was paid a fee in 1469/6, and it may

1. Ibid., C III. 2a; C VI. 2b, 2c; CCR 1452-61, 205.

2. Alnwick C.S., C VI. 2b, 2c.

3. Ibid., C III. 2a; C VI. 2a, 4b, 4d; see below, Appendix V, p.444.

4. CCR 1454-61, 223.

5. Alnwick C.S., C VI. 2b; Wills and Inventories of the Northern Counties, 99-100.

have been this John Heron who in 1479/80 was clerk of the earl's court of Newburn and Corbridge.<sup>(1)</sup> Another important Northumberland family, which held Percy land, was the family of Cole, ennobled during this period. William Cole was constable of Crudhoe castle under the fourth earl, and Gilbert Cole was a deputy of the same earl on the marches in 1479/80.<sup>(2)</sup>

Members of the Collingwood family were tenants of the Percies, and in the 1480s Robert and Thomas Collingwood held the offices of receiver and bailiff of Sadon respectively under the Earl of Northumberland. By 1488/9 Thomas was bailiff of Warwick, receiving a life fee of 60s. On 20 May 1483, the fourth earl stood surety for Robert Collingwood, when, together with Sir Thomas Grey of Whillinsdon, he was granted a lease of Durham castle by the Bishop of Durham.<sup>(3)</sup> A £10 annuity was granted by Edward IV to Robert Collingwood in December 1480, and regranted in survivorship to him and his son, John, by Henry VII in December 1485, as a reward in both cases for good service done on the east and middle marches.<sup>(4)</sup> This service was no doubt performed under the command of the Percy earl as warden, and it is probable that Collingwood was brought to the king's notice by the earl. The Acre family, centred on the bishopric of Durham, held some land from the Percies in Northumberland. In the will of the fourth Percy earl, Sir William Acre was bequeathed

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1. Almsick C.P., C VI. 2c, 4a.
  2. Ibid., C VI. 2a, 2c. In 1479/80 William Cole was described as late constable of Crudhoe.
  3. Ibid., C III. 4a; C VI. 4a, 4d; C VIII. li; J. Raine, The History and Antiquities of North Durham (London, 1852), 11-12.
  4. OPP 1476-85, 237; OPP 1485-94, 82.

a fee, and the same man was described as a knight of the earl's livery in 1485.<sup>(1)</sup> The Northumberland families of Cartington, Carr, and Ilderton all held land from the Percies. John Cartington was a retainer of the Earl of Northumberland in 1443, receiving a fee of 40 shillings, and his son by 1471/2 was steward of the earl's court, an office he held until at least 1488/9, when he was receiving the enormous fee of £23 a year. He was entitled chief steward by 1479/80, at which time he was also being paid an annuity of £7 for life. Richard Cartington was clerk of the court in 1479/80.<sup>(2)</sup> Henry Carr in 1471/2 claimed expenses from the Percy receiver for a journey he had made from York to Newcastle, presumably on the earl's business. Robert Carr of Alnwick was a deputy for the fourth earl on the marches in 1479/80, by which date Edward Carr was bailiff of the barony of Alnwick, a position he held until 1488/9 or later, receiving also an annuity of 60s. 8d. for life.<sup>(3)</sup> Thomas Ilderton in 1443 was constable of Alnwick castle and receiving an annuity for life, and this same man in November 1454 and June 1460 provided mainprise for Henry Percy, Lord Poynings, Earl of Northumberland from 1455. John Ilderton was deputy constable of Alnwick in 1471/2.<sup>(4)</sup>

Other Northumberland families connected with the Percies through retainer or employment as well as land-holding included the Thorntons, Fetherstonehaughs, Harbottles, Greys, Widdringtons, Lises, and Swinburns. Roger Thornton was under-sheriff in

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1. Wills and Inventories of the Northern Counties, 99-100; Leland, De Rebus, iv, 186-7.
  2. Alnwick C.M., C III. 1a, 2a, 4a; C VI. 2a, 2c, 4a, 4b, 4c, 4d; C VIII. 11.
  3. Ibid, C III. 4a; C VI. 2a, 2c, 4a, 4c, 4d.
  4. Ibid, C III. 1a; C VI. 2a; CFR 1452-61, 113, 274.

Northumberland to the Percy earl at Michaelmas 1481, and was  
 knighted by the same earl in August 1482 during the Scottish campaign.<sup>(1)</sup>  
 Relations between the Thorntons and Percies had, however, at one time  
 been strained, since in February 1462 Roger Thornton of Witton  
 (Northumberland), taking advantage of the third earl's attainder,  
 secured a crown grant of a manor, on proof that his father had been  
 unjustly expelled from the land by the second Earl of Northumberland.<sup>(2)</sup>  
 Nicholas Fetherstonehaugh was described as a servant of the fourth  
 Percy earl when, in October 1488, he was granted a fee of six marks  
 for life.<sup>(3)</sup> Sir Ralph Harbottle was the Earl of Northumberland's  
 under-sheriff at Michaelmas 1483, and had been knighted by the earl  
 the previous year in Scotland. By this earl's will, Sir Ralph was  
 bequeathed an annuity, but from 1479/80 at least he had also earned  
 a fee as constable of Prudhoe castle.<sup>(4)</sup> A John Harbottle was  
 receiver for the Percies in the baronies of Alnwick, Warkworth,  
 Beanley, and Rothbury during the 1480s, and either he or another John  
 Harbottle was clerk of the court, bailiff, and minister of Alnwick  
 in 1488/9. Another man of the same name was receiving a life  
 annuity of £10 from the Percy earl in 1443.<sup>(5)</sup> Sir Ralph Grey of  
 Chillingham was a life retainer of the Percies in 1443, and his son,  
 Thomas, was receiving a fee by the beginning of Henry VII's reign.<sup>(6)</sup>

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1. Brit. Mus., Harl. MS., 293, p.208; see below, pp.227-8.
  2. CPR 1461-7, 116.
  3. Bodl., Dodsw. MS., 49, f. 24.
  4. Brit. Mus., Harl. MS., 293, p.208; Wills and Inventories of the Northern Counties, 99-100; Alnwick C.M., C VI. 2c; see below, Appendix V, p.444.
  5. Alnwick C.M., C III. 1a,2a,4a; C VI. 2c,4a,4b,4c,4d.
  6. Ibid, C III. 1a; C VI. 4a, 4b.

The Earl of Northumberland provided security for Sir Thomas Grey of Chillingham in May 1483 and March 1484, when the Bishop of Durham leased Norham castle to him, on the first occasion for a year (sharing the lease with Robert Collingwood), and on the second for seven years. Both Thomas Grey of Chillingham and Thomas Grey of Horton were knighted by the fourth earl on his Scottish expedition, and one of them was under-sheriff to the earl in Northumberland at Michaelmas 1480. Sir Thomas Grey of Horton was receiving a fee of ten marks for life as a retainer of the Percy earl by 1479/80.<sup>(1)</sup>

Sir Ralph Widdrington was another of the knights who received their knighthood from Henry Percy, fourth Earl of Northumberland during his Scottish campaign in 1482. Sir Ralph was also a beneficiary of this earl's will, and was receiving a £10 annuity in 1488/9.<sup>(2)</sup> Roger and John Widdrington were both described as master of the forests in the Percy bailiffs' accounts for the Northumberland estates for the year 1471/2. John held this office the previous year and until at least 1472/3, and this man was also under-sheriff to the Earl of Northumberland from 1474. Roger Widdrington was constable of Warkworth castle in 1471/2.<sup>(3)</sup> When in July 1474 the Earl of Northumberland made an indenture with Richard, Duke of Gloucester, which amounted to a bond of retainer, the Duke promised not to 'accept nor reteigne into his service any servant or servantes that was or any tyme seth hath been with the said Erle reteigned of

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1. Ibid, C III. 2a; Raine, North Durham, 11-12; Brit. Mus., Harl. MS., 293, p.208; see below, Appendix V, p.444.
  2. Brit. Mus., Harl. MS., 293, p.208; Wills and Inventories of the Northern Counties, 99-100; Alnwick C.M., C III. 4a.
  3. Ibid, C VI. 2a; C VIII. 1f, 1g; see below, Appendix V, p.445.

fee, clothing or promise', but an exception was made of John Widdrington.<sup>(1)</sup> Of the Lisle family, Robert, William and George were receiving fees from the Percy earl in 1471/2, while John was janitor of Alnwick castle in 1485.<sup>(2)</sup> Various members of the Swinburn family were employed by the Percies. John Swinburn was a receiver in 1471/2; Thomas Swinburn was receiver in the baronies of Prudhoe and Langley in the 1470s; George Swinburn held the same office for all the Percy estates in Northumberland in 1509, with Simon Swinburn as his deputy; and Ralph Swinburn at the same date was bailiff of Byker.<sup>(3)</sup> A branch of the Swinburn family also held land from the Earls of Northumberland in the honour of Cockermouth in Cumberland, and the accounts for these Percy estates show that a John Swinburn was being paid a retaining fee in the early 1440s and in 1453/4, when he was also receiver of Cockermouth and bailiff of Allerdale. The latter office in 1483/4 was held by a Henry Swinburn, who was also bailiff and collector of rents and farms in 'Werdall' in the early sixteenth century.<sup>(4)</sup>

The Percy earls, in common with other great English houses, were prepared to spend a large amount of money in buying local support. It has been calculated, through a detailed study of the Percy accounts of both their border and non-border estates covering the fifteenth century, that extraordinary fees (that is, fees not connected with administration) from 1416 to 1461 'formed the greater part of the

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1. Alnwick C.M., Y II. 28; see below, pp.175-6.

2. Ibid, C VI. 2a, 4a.

3. Ibid, C III. 2a, 4b; C VI. 2a, 2b.

4. Cockermouth C.M., 29/2, 3, 4, 7, 8.

permanent charges on the revenues' of the Earls of Northumberland, and that from 1469 to 1489 these fees consumed nearly a third (27.11%) of the fourth earl's total fixed income.<sup>(1)</sup> The burden of extraordinary fees fell on both the northern and southern Percy estates. The same historian connects the expansion of extraordinary fees, which occurred from 1430 onwards on the border and southern estates, with the political conditions leading up to the Wars of the Roses, and asserts that the desire or need to build up their power led the Percy family into debt.<sup>(2)</sup> The expenditure on retaining fees and annuities certainly appears, as claimed, to have declined sharply by the early sixteenth century.<sup>(3)</sup> The border estate accounts may reveal only a proportion of the men retained there by the Earls of Northumberland in this period, since some retainers may have received fees from the revenues of the wardenship, for which no separate accounts survive. It seems unlikely, however, that this would affect the above conclusions.

The capacity of the Earls of Northumberland to build up a body of retainers was greatly increased by their hold on the wardenship of the east and middle marches, maintained throughout most of the half-century. If the international sphere of royal judicial administration was to be made effective in the borders, it was imperative that the warden, as the chief official, should be the most powerful individual in his march. The vast wages paid to the wardens were intended to provide wages for forces against lawlessness and, in

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1. Bean, The Estates of the Percy Family, 93-4, 130, 133.

2. Ibid, 94, 107.

3. Ibid, 135-6; Cocker-mouth C.M., 29/7; Alnwick C.M., C III. 4b.

wartime, the Scots, as well as covering the cost of march administration and rewarding the warden for his duties. The normal way of establishing military reserves in the fifteenth century was through retaining, and the crown expected wardens of the marches to secure the military support of local gentlemen (who also usually had reserves of fighting men at their command) in this way, as the explicit exception of wardens from the 1468 statute against retaining shows. The statute contained the provision that it would not extend to 'any wardens of the marches toward Scotland for any livery, badge or token of them to be given from Trent Northward, at such time only as shall be necessary to levy people for defence of the said Marches.'<sup>(1)</sup> The expansion of the Percies' personal power on the borders through retaining was, therefore, encouraged and to a large extent paid for by the crown. The office of warden also provided the Percy earls with a source of patronage, since they had the power of appointment to the subordinate offices of march administration.

The main rival to the Percies on the borders, in terms particularly of retaining, was almost inevitably the warden of the west march, who enjoyed similar advantages from the office, although the warden of the east and middle marches, which together were larger and considered more vulnerable than the west march, was paid considerably more than his counterpart in the west.<sup>(2)</sup> The wardenship of the west march during this period was in the hands of the Neville family until their fall in 1471, but unfortunately almost no evidence survives concerning the retainers of the Neville wardens, Richard, Earl of Warwick, and his father, Richard, Earl of Salisbury. It has

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1. S.R., 11, 428-9.

2. See below, p.285.

been cleverly calculated that Sir Richard Musgrave, Hugh Lowther and 'heads of other prominent Cumbrian families' were retainers of the main branch of the Neville family because they were dismissed from the office of JP when the Yorkists fell from power in 1459, reappointed by Edward IV in 1461, remained in office during Henry VI's readeption, but were dismissed on Edward's restoration.<sup>(1)</sup> Unfortunately, however, very few other names in fact emerge from the application of this test. Richard Calkeld, John Crackenthorp (of Westmorland) and Sir Henry Fitzhugh (a Yorkshire land-holder although a JP in Cumberland) may possibly have also been Neville retainers according to this theory. This main branch of the Neville family held very little land in the borders, which meant their capacity to secure support through employment and the granting of sinecures was limited. The lack of evidence on Neville border retainers is unlikely to imply that few existed, for the limited extent of the family's border estates combined with the necessity of forming local contacts and enlisting support to make the office of warden effective, makes it almost certain that the Neville wardens established ties of dependency with leading families through retaining fees, annuities, and perhaps the granting of offices on their non-border as well as their border estates as sinecures. The wardenship itself would have provided patronage, but the names of subordinate officers to the Neville earls do not survive. A few examples of border families connected to different branches of the Nevilles by retaining or employment can be given.

George Neville, Lord Latimer, who held manors on the western borders, was insane by 1451, and custody of his lands was granted to

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1. R.L. Storey, The End of the House of Lancaster (London, 1966), 123.

his brother, Richard, Earl of Salisbury, warden of the west march. Salisbury's son and successor in the wardenship was granted the same custody, but on George's death in December 1469 the wardship of his young heir was granted to Thomas Bouchier, Archbishop of Canterbury, so that the Neville warden lost control of these estates.<sup>(1)</sup> Sir John Huddleston, whose sons married into the Neville family, was steward of Bolton (Cumberland) for Lord Latimer's custodian, Warwick, in 1462 and until at least February 1467.<sup>(2)</sup> This, and other stewardships on Neville border estates, may have been a sinecure. William Musgrave was receiver of the Cumberland and Westmorland Latimer estates in 1476/7 and 1481/2, and George Musgrave and Sir John Musgrave were receiver and steward respectively in 1514, which shows that the connection was lasting.<sup>(3)</sup> It is not known whether any Musgraves were employed when Warwick was in control of the Latimer estates, but Sir Richard Musgrave is said to have been a retainer of the main branch of the Neville family.<sup>(4)</sup> Humphrey, Lord Dacre, was steward of Bolton by 1476 for at least six years, and his son, Thomas, held the same office by 1514.<sup>(5)</sup> In August 1454 Robert Neville, Bishop of Durham, granted an annual fee of £6.13s.4d. for life to Ralph Dacre, as a reward for good service.<sup>(6)</sup>

Lord Latimer's steward for the manor of Heversham (Westmorland) between 1447 and 1455 was Sir Thomas Strickland, and on 1 September

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1. G.E.C., Complete Peerage, vii, 479-82; CPR 1461-7, 71; CPR 1485-94, 339; for details of the Latimer border estates, see above, pp.64-5.
  2. Carlisle R.O., Records of the Latimer (Neville) Estates, 28/28, 29; see above, p.112.
  3. Alnwick C.M., XII. 3. Box 2; Carlisle R.O., Latimer Records, 28/30.
  4. Storey, The End of the House of Lancaster, 123.
  5. Alnwick C.M., XII. 3. Box 2; Carlisle R.O., Latimer Records, 28/30.
  6. PRO, Durham 3/44.

1448 Strickland's son and heir, Walter, made an indenture of retainer with Richard Neville, Earl of Salisbury.<sup>(1)</sup> In exchange for 10 marks a year in peacetime and the customary wages for a man of his rank in war, Walter was to be 'horsed, armed, and arrayed', ready for service at home or abroad, against all men but the king. Salisbury secured the right to a share of Strickland's war booty, and to the person of any important prisoners, provided that the retainer was compensated for their capture. Sir Thomas Strickland's successor in the stewardship of Heversham was Sir Edward Beetham, who held the office until at least 1466.<sup>(2)</sup> In 1459 a Roger Beetham was in the service of Richard, Earl of Warwick, at Calais, and in November 1460 William Beetham of Carlisle, with another Cumberland man, Robert Colville, stood mainprise for Sir Thomas Neville.<sup>(3)</sup>

The Latimer manors of Warcop and Morland (Westmorland) were under the stewardship of Sir Thomas Parr between 1447 and 1457/8, and following his death (which occurred before December 1461), his second son, John Parr, succeeded to the office.<sup>(4)</sup> John was still steward in 1466, but ten years later his elder brother, Sir William Parr, sheriff of Westmorland, held the stewardship of these manors and of the manor of Heversham.<sup>(5)</sup> Sir Henry Fenwick was steward of the Cumberland manor of Bolton in 1447/8, but by 1450/1 he had been replaced in the office by Sir Thomas Neville, who retained the post

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1. Carlisle R.O., Latimer Records, 28/23,24,25,26; HMC, 5th Report, Appendix, Part I, 330. For a muster roll of the forces at Strickland's disposal, see above, p.146.
  2. Carlisle R.O., Latimer Records, 28/27, 28, 29.
  3. W. Farrer, Records relating to the Barony of Mendale (ed., J.F. Curwen) vol.ii, (O'ld & W'ld, Record Series, v, 1924), 228; CFR 1452-61, 289.
  4. CFR 1461-71, 3; Carlisle R.O., Latimer Records, 28/23-28.
  5. Ibid, 28/29; Alnwick C.M., XII. 3. Box 2.

for at least seven years.<sup>(1)</sup> Among other officials on the Latimer border estates, Henry Swinburn was collector of cornage (a local, royal tax on land) in Cumberland from 1463 until at least early in 1467; John Middleton was a valet and retainer in 1452/3 and for five years or more; and Sir Lancelot Threlkeld was receiver and collector of cornage in 1481/2.<sup>(2)</sup> In February 1471 a Richard Middleton provided mainprise for Richard Neville, Earl of Warwick, while the grandfather of Lancelot Threlkeld, Sir Henry Threlkeld, had in 1431 contracted to serve Warwick's father, the Earl of Salisbury, with eight men-of-arms in France, implying in both cases a fairly close relationship between the families.<sup>(3)</sup>

On 27 April 1462, Richard Neville, Earl of Warwick, contracted indentures of retainer with three squires from the western borders, Thomas Blenkinsop, Christopher Lancaster (son and heir of Hugh Lancaster), and Robert Warcop the younger. All three men were 'beleft and withholden' for life to the earl against all men but the king, and all were to be 'wel and convenably horsed, armed and arrayed'. Service was to be given, after reasonable warning, at all times and in all places, and Warwick was to receive a third of the retainers' war profits, a third of a third of the booty won by those retainers' men who were also taking wages or expenses from the earl, and the person of any important captives, so long as the captor was rewarded. Blenkinsop's retaining fee was £3.6s.8d., Lancaster's was 5 marks during his father's life and £5 thereafter, while in the

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1. Carlisle R.O., Latimer Records, 28/23-27.
  2. Ibid, 28/25-29; Alnwick C.M., XII. 3. Box 2.
  3. CFR 1461-71, 295; Carlisle R.O., D/Lons. Deeds/T 51.

indenture retaining Warcop the amount of fee to be paid was omitted. (1)  
 In the month when these indentures were made, a Thomas Warcop of  
 'Lambreset' was Warwick's receiver in Westmorland. (2) As receiver  
 he was ordered to pay an annuity of 5 marks to Thomas Sandford, who  
 had signed an indenture of 'bileving' with Warwick. Thomas Hutton  
 of Hutton John was also granted an annuity (of £5) by Warwick in  
 August 1461, in return for service done and to be done, while in the  
 1460s a Robert Hoton received a fee from the estates of Lord Latimer. (3)

In the Percy - Neville feud of the early 1450s, Neville adherents  
 included Sir John Conyers, Sir James Pickering, Sir Henry Fitzhugh,  
 and Sir Henry Scrope, all of whom were Yorkshiremen but with border  
 connections, and Thomas Delamore, sheriff of Cumberland from 1452 to  
 1453. (4) Ralph, Lord Greystoke, Roland Vaus, John Skelton, and  
 Thomas Delamore, all from Cumberland, were described in 1454 as  
 servants of Richard Neville, Earl of Salisbury, and Hugh Lowther is  
 said to have been a Neville retainer. (5) Sir James Strangeways, a  
 Yorkshireman but also a land-holder in Northumberland, was connected  
 with the Earl of Salisbury and his son, Warwick, and may have been a  
 retainer of theirs. (6) Strangeways was a feoffee of George Neville,  
 Lord Latimer, for his Westmorland manors. (7)

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1. PRO, E 326/6415; E 101/71/5, no.945; E 327/185.
  2. Carlisle R.O., D/Lons. Deeds/AS 59.
  3. C.H. Hunter Blair, 'Two Letters Patent from Hutton John near Penrith, Cumberland', Arch.Ael., 4th series, xxxix (1961), plate xxxiv, facing p.368; Carlisle R.O., Latimer Records, 28/28-29; Alnwick C.M., XII. 3. Box 2.
  4. Griffiths, 'Local Rivalries and National Politics', 592, 595.
  5. Storey, The End of the House of Lancaster, 122-3; see above, p.169.
  6. J.S. Roskell, 'Sir James Strangeways of West Harlsey and Whorlton', Yorkshire Archaeological Journal, xxxix (1958), 461-2.
  7. As an inquisition post mortem taken in 1469/70 found: PRO, C 140/32, no.28.

Although the Neville family enjoyed a period of unrivalled supremacy on the borders, following their acquisition of the forfeited Percy estates, it is unlikely that they managed to secure the loyalty of many Percy tenants or retainers. There are no known indentures of retainer from the period of Neville domination between either Richard, Earl of Warwick, or his brother, John, Earl of Northumberland, and local families, nor is it known whether the Percy estate officials were replaced or retained in their posts. When the Nevilles fell from power, the wardenship of the west march was granted by Edward IV to his brother, Richard, Duke of Gloucester, who thus acquired the resources for retaining inherent in the office, but little is known of border families connected to the duke. In October 1473 Henry Denton of Cumberland bound himself as a retainer to Gloucester, promising service in peace and war against all men but the king, in return for a fee of 100s. during the life of Denton's father, and of 10 marks after the latter's death. Denton was to be 'sufficiently horsed, harnessed, and accompanied' and was to receive expenses when engaged in service, while the duke claimed the usual proportion of his retainer's war profits and those of the retainer's men, and a right to any important prisoners of war.<sup>(1)</sup> On 4 October 1471 William Burgh of Yorkshire, who also held land in Northumberland, sealed an indenture with Richard, Duke of Gloucester, through which he promised service for life in peace and war against all men but the king, in return for an annual fee of 10 marks. Again, Gloucester secured the usual share of war profits.<sup>(2)</sup>

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1. Carlisle R.O., D/Lons. Deeds/D 65.
  2. C.S. Perceval, 'Notes on a selection of ancient charters etc. from the muniment room of Sir John Lawson of Brough Hall', Archeologia, xlvii(1882), 195. This same William Burgh had earlier been in the service of Gloucester's brother, George, Duke of Clarence, for on 26 March 1463 Burgh became 'servant and sworn man' to Clarence promising service against all but the king, in return for his appointment as constable of Prudhoe castle and steward of its lordship. Clarence had been granted Prudhoe following its forfeiture from Henry Percy, Earl of Northumberland: ibid, 189.

Thomas Hutton of Hutton John continued to receive from Gloucester the annuity from the issues of the lordship of Penrith previously paid to him by the Earl of Warwick.<sup>(1)</sup> The only known under-sheriff of Cumberland to Gloucester was John Crackenthorp (at Michaelmas 1477), while Sir John Huddleston is said to have been deputy warden under the duke.<sup>(2)</sup>

A list of knights and bannerets created in 1482 by the Duke of Gloucester during his Scottish campaign reveals important borderers who served under his command, but it is not known whether any of these men were bound to the duke by retainer or less formal ties of dependency. The men knighted included Thomas Grey of Wilton, Richard Huddleston, John Widdrington, Thomas Lumley, Henry Percy, and Ralph, Lord Greystoke; while among those who became bannerets were Robert Greystoke, John Grey of Wilton, James Strangeways, William Redmayne, Brian Stapleton, Peter Middleton, Ralph Widdrington, Thomas Grey of Mark, Roger Thornton, George, Lord Lumley, and Ralph Bowes.<sup>(3)</sup>

On 28 July 1474 Henry Percy, Earl of Northumberland, made an indenture with the Duke of Gloucester, promising 'to be his faithfull servant the said Duc being his good and faithfull lorde.' Apart from the exchange of service and good lordship, the indenture contained two important conditions, which distinguished the contract from an ordinary indenture of retainer. Gloucester promised not to 'aske challenge nor clayme' any office or fee held by the earl, whether granted to Percy by the king or any other man, nor to interrupt him or his servants in the

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1. Hunter Blair, 'Two Letters Patent from Hutton John', plate xxxv, facing p.369; see above, p.173 . Payment was made by Gloucester from 22 December 1475.
  2. H.S. Cowper, 'Millom Castle and the Huddlestons', Cild & W'ld, N.S., xiv (1924), 207; see below, Appendix V, p.443.
  3. Brit. Mus., Harl. MS., 2077, p.271; 293, p.208.

execution of such offices. In addition the duke undertook that he would not 'accept nor reteigne into his service any servant or servantes that was or any tyme seth hath been with the said Erle reteigned of fee, clothing or promise according to thappoyntment taken bitwix the said Duc and Erle by the Kinges highness and the lordes of his counsell' at Nottingham on 12 May 1473.<sup>(1)</sup> Edward IV, it seems, was keen to maintain a balance of power on the borders and to prevent rivalry in retaining and employment between the two magnates whose wages as wardens, as well as their personal wealth, provided them with vast resources for forming such ties of dependency.

Examples of ties of dependency based on retaining, annuities, or employment among other leading English border families in the later fifteenth century are hard to find. No border retainers of the Lords Clifford are known, although in September 1493 Henry, Lord Clifford, granted an annuity of 10 marks for life to Ralph, son of Sir William Eure, in return for service done and to be done.<sup>(2)</sup> Robert Shaw and John Dent, neither of whom were from border gentry families, were under-foresters of Mallerstang forest for John, Lord Clifford, until his death and forfeiture.<sup>(3)</sup> Christopher Boresby, William Lancaster, Sir Roger Bellingham, and John Fleming were under-sheriffs of the Clifford lords in Westmorland.<sup>(4)</sup> John Fleming of Rydal (Westmorland) on 9 December 1467, became a retainer of Ralph, Lord Greystoke, in return for a fee of £4 and wages during actual service corresponding to those

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1. Alnwick C.M., Y.II.28. John Widdrington was excepted from the last promise, and he may have been retained by both men.
  2. Bodl., Dodsw. MS., 83, f. 50.
  3. CPR 1461-7, 111.
  4. See below, p.384.

paid by the king 'to men of such degree' in wartime. Fleming promised service at home, across the sea, or in Scotland, and agreed that Lord Greystoke should receive the usual share of booty.<sup>(1)</sup>

Although there is such a dearth of information on ties of dependency among leading border families in England apart from the Percies, it seems likely that most of these families would have used employment and the granting of annuities, if not formal bonds of retainer, in order to secure the support of men regarded as potentially useful to them. The more wealthy and important a family, the greater were its resources for distributing fees and offices, but lesser gentry families also probably attempted to thus buy support, as far as they were able. At the same time such families also sought to become retainers and servants of the most powerful borderers, in order to secure maintenance and protection.

c) Bonds of manrent and employment among Scottish border families:

Limited evidence survives of connections based on bonds of manrent and on employment between leading Scottish border families in the later fifteenth century, and it is uncertain whether such relationships were often or ever created simply to secure an alliance with a family whose support or protection could be of use. The nature of Scottish evidence on ties of dependency or alliance among border houses is unsatisfactory since no estate accounts survive for the period. It is not known whether the most important borderers regularly paid annuities and wages to men from other leading families specifically in order to secure their support. There are no means of

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1. Dunham, 'Indentured Retainers', 64-5.

comparing the practice of the Percy Earls of Northumberland in this respect with the ways in which Scottish wardens attracted the local support necessary to make the office of warden effective. Kinship must have played a part, but this alone can rarely have been adequate, and in the case of non-border wardens particularly, such as Andrew Stewart, Lord Avandale, and John Stewart, Lord Darnly, the establishing of local connections by other means was almost certainly vital.

Information on the household and estate officials of leading Scottish border families is scarce, and of those known, mainly bailiffs,<sup>(A)</sup> many can be discounted as irrelevant to a study of interconnections among such families, since they were either kinsmen or from the lower ranks of society. For example, bailiffs of James Douglas of Drumlanrig in March 1494/5 included George, William, and James Douglas, Gilbert McCawill, and Patrick Brown.<sup>(1)</sup> The bailiffs of William Douglas, uncle of the first Earl of Morton, in November 1466 included William Douglas of Drumlanrig, John Menzies, and John 'Tailzefer'.<sup>(2)</sup> James Hume was a bailiff of George Hume of Ayton in November 1470; John Trottar for Lord Hume in November 1478; and Thomas and William Dixon for Adam Hepburn in January 1443/4.<sup>(3)</sup> The deputies of Scottish border sheriffs were likewise, on the whole, either kinsmen or men of little importance in border society.<sup>(4)</sup> The apparently more common employment of kinsmen on the Scottish than on the

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1. Fraser, Buccleuch, ii, 99.

2. HMC, 15th Report, Appendix, Part VIII, 37.

3. HMC, Report on Milne Home MSS., 24, 182, 262.

4. See below, p.391, 391 n.4.

A. In Scotland, at this period, the word 'bailiff' could denote either a permanent estate manager or a man given the specific and temporary task of dealing with a land transaction. For a clear example of the first type of bailiff see RMS, no. 786.

English borders, may have reflected a greater stress on the concept of kinship on the Scottish side of the frontier. It is possible that apart from bonds of manrent, which may have been more common than surviving evidence suggests, kinship counted above all among all ranks of Scottish borderers, and that other ties of dependency were of only secondary importance. It remains likely, however, that employment as well as manrent was of some significance in banding families together, and a few examples of connections based on employment, together with any surviving bonds of manrent, are worth giving.

The position of dominance on the Scottish borders held by the Earls of Douglas in the first half of the fifteenth century may have meant that as many local families were connected to, and dependent on, these magnates as in the case of the Percies for most of the century across the frontier. After the fall of these Black Douglases in 1455 no one family rose to a comparable position of supremacy on the borders, but the most important branch of the house of Douglas were the Earls of Angus, whose connections with border families have left some record. On 24 May 1452 an indenture was drawn up between George, fourth Earl of Angus, and Sir Archibald Douglas of Gavers, together with his son and heir, William. Angus appointed the two Douglases joint keepers of Hermitage castle and bailiffs of Liddesdale, promising to 'supple, maynetene, and defende' them in all rightful causes and quarrels. In return Archibald and William 'ar becummyn men, and be thir lettres becummyns men of speciale retinew' to the earl and his heirs during Archibald's lifetime, the period for which the offices were to be held. Service in peace and war against all men but the king was promised.<sup>(1)</sup>

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1. Fraser, Douglas, iii, 78-9.

In this case kinship alone was apparently not considered a sufficient guarantee of loyalty. In January 1474/5 Archibald's grandson, of the same name, was one of three bailiffs to the fifth Earl of Angus in the regality of Jedburgh forest.<sup>(1)</sup> George, Earl of Angus, in December 1457, appointed his 'right well beloved cousin', Andrew Ker of Cessford, bailiff of the same regality for life, and promised him maintenance, in return for which Ker became man to the earl. A previous bond of service between the two men was mentioned.<sup>(2)</sup> Andrew Ker and his son Walter were bailiffs in Liddesdale to Archibald, Earl of Angus, in April 1472, as was an Adam Ker in Jedburgh forest in January 1474/5.<sup>(3)</sup> Walter Ker of Cessford still acted as a bailiff for Angus in October 1484, dealing with lands in Berwickshire, while in September 1489 Ralph Ker was a bailiff in Selkirkshire for George, Master of Angus.<sup>(4)</sup>

At the end of November 1470 Archibald, Earl of Angus, received bonds of manrent from George Hume of Wedderburn and his brother, Patrick, who, through marriage with two Sinclair heiresses, had become tenants of the earl. In return for their service, Angus promised to defend the brothers in their enjoyment of the lands and to give them letters of maintenance.<sup>(5)</sup> The same earl also undertook to 'supplee, mantein, and help' John, Lord Carlyle, together with his family and friends in all lawful actions and quarrels in November 1495.<sup>(6)</sup> On 9 February

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1. HMC, Report on Milne Home MSS, 23.
  2. HMC, 14th Report, Appendix, Part III, 19.
  3. HMC, 7th Report, Appendix, Part I, 728; Report on Milne Home MSS, 23.
  4. HMC, 12th Report, Appendix, Part VIII, 118; Fraser, Douglas, iii, 125-6.
  5. Ibid, iii, 99-101.
  6. Ibid, iii, 149-51.

1469/70, David Scott of Buccleuch and his son, Walter, were granted by Archibald, Earl of Angus, the custody and governorship of Hermitage castle for nineteen years. Two years later a marriage contract was signed for Angus' sister to marry David Scott's second son (and by then heir), also named David, and the Scotts were granted again the custody of Hermitage, together with the office of bailiff in Liddesdale, Ewesdale, and Eskdale, on this occasion for thirteen years, but extended within two months to seventeen years. In return for a promise of maintenance from the earl, the Scotts bound themselves to him in manrent for the period during which they should hold the offices.<sup>(1)</sup> In February 1484/5 Robert Scott of 'Hanyng' and Walter Scott were among the bailiffs of the Earl of Angus in Liddesdale.<sup>(2)</sup> Among the other bailiffs on the border estates of the Angus earls in this period were John Atkinson, Henry Hately of 'Wellerstain', John Lermouth of Marlston, John Turnbull, John Gledstanes, William, son of James Waig of Bemerside, and Robert Turnbull.<sup>(3)</sup> The relationship between the Turnbulls and the Angus Douglases may have been fairly close, since in November 1493 George, Master of Angus, became pledge for Robert Turnbull at a session of the justice ayre, and in the same month of 1502 Angus stood pledge for the appearance of Edward Turnbull before the court.<sup>(4)</sup>

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1. Fraser, Buccleuch, ii, 67, 70-73.

2. Reg. Hse., GD 224/892, bundle 20.

3. Atkinson was a bailiff in Jedburgh Forest in January 1474/5; Hately and Lermouth were bailiffs in Berwickshire in October 1484, while in August 1483 Hately acted as attorney for Archibald, Earl of Angus; John Turnbull and Gledstanes were bailiffs in Liddesdale in February 1484/5; Waig, as a bailiff, dealt with Berwickshire lands in January 1488/9; and Robert Turnbull was described as bailiff of George, Master of Angus in February 1499/1500: EMC, Report on Milne Home MSS, 23; 12th Report, Appendix, Part VIII, 117-8; Reg. Hse., GD 224/892, bundle 20; ADG 1496-1501, 394.

4. Reg. Hse., Just Ct. MS., ff. 15, 66.

A few connections between other branches of the Douglas family and borderers are of interest. On 15 May 1468 a Hugh Douglas 'of ye granton' bound himself in manrent for life to James Douglas, first Earl of Morton, who held some border land, in return for an undertaking by the earl that he would secure Hugh in certain Galloway lands. Besides service, Hugh promised never to lay claim to the earl's lordship of Dalkeith.<sup>(1)</sup> In November 1486 James Livingston, a tenant of the Morton earl in Peeblesshire, also bound himself in manrent to his landlord, in return for which Douglas discharged Livingston and his heirs, who were included in the bond of manrent, from all feudal services attached to the lands. Livingston promised to serve Morton in all lawful actions and quarrels, to warn him of danger, to defend him, and to give him counsel.<sup>(2)</sup> In October 1456 Thomas Johnstone, brother of the lord of Johnstone, was employed as attorney by James Douglas (Earl of Morton from March 1457/8).<sup>(3)</sup> Edward Crichton was a bailiff of William Douglas, uncle of the first Earl of Morton in November 1466, while in March 1469/70 William Douglas of Cavers was a bailiff of William, Lord Crichton.<sup>(4)</sup> Robert, Lord Crichton of Sanquhar, acted as pledge before the Lords of Council in April 1500 that William Douglas of Drumlanrig and his followers would keep the peace.<sup>(5)</sup> This William Douglas was one of the Duke of Albany's bailiffs in Dumfriesshire in August 1473, together with Archibald Carruthers of Nouswald, Thomas Kirkpatrick of Closeburn, John Gordon of Lochinvar, George Hayes, William Johnstone of 'Merlorybank',

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1. Ibid, GD 150/142.

2. Ibid, GD 150/209.

3. Ibid, GD 150/121; Scots Peerage, vi, 353.

4. HMC, 15th Report, Appendix, Part VIII, 37; Reg. Hse., GD 224/890, bundle 9.

5. ADC 1496-1501, 413.

and Henry Kirkpatrick of Knock.<sup>(1)</sup> In July 1474 an Alexander Douglas was a bailiff of the Herries family.<sup>(2)</sup>

Evidence as to connections between other leading families is even more scarce than in the case of the Douglases. Only one bond of manrent involving a member of the Hume family has been found. In July 1482 George, Earl of Huntly, appointed Alexander Hume (later second Lord Hume) bailiff for life in two Berwickshire lordships and leased him land there. In return Hume bound himself in manrent to Huntly. The connection between the two families was not new, since Hume's grandfather, Alexander, first Lord Hume, had in November 1471 been appointed bailiff in Berwickshire by Huntly's brother, Alexander Seton of Tullibody. Both Humes the following July had been made bailiffs in one lordship for six years by Huntly, and in April 1473 the younger man had secured the office of bailiff in three lordships for life from Seton, who subsequently resigned his land in Berwickshire to Huntly.<sup>(3)</sup> Patrick, son of David Hume of Wedderburn, was a bailiff for Alexander, Duke of Albany in the earldom of March in June 1478.<sup>(4)</sup> Among the employees of the Hume family, David Hoppingle is said to have been deputy to the second Lord Hume as ranger of Yarrow ward in Ettrick forest,<sup>(5)</sup> while John Rutherford of Hundølee,<sup>a</sup> Ralph Ker, and William Hoppingle were bailiffs of the same man in June 1484, dealing with a land transaction in Roxburghshire.<sup>(6)</sup>

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1. A.L. Murray, ed., The Lag Charters (Scot. Rec. Soc., 88, 1958), 12.
  2. Ibid, 13.
  3. HRC, 12th Report, Appendix, Part VIII, 136-7, 138-9.
  4. Ibid, 115.
  5. A. Pringle, The Records of the Pringles or Hoppingwills of the Scottish Border (Edinb. & London, 1933), 105.
  6. Fraser, Douglas, 111, 117-8.

On 12 June 1487, William Cockburn of Skirling bound himself in manrent for life to Patrick Hepburn, Lord Hailes (later Earl of Bothwell). Cockburn promised service in peace and war together with his men, kinsmen, and friends, and that he would warn Hepburn of danger, give him counsel, put his 'howsis strenthis' at Hepburn's disposal, and 'be in howssalde or ratenew' at the will of his lord.<sup>(1)</sup> Sir Alexander Stewart of Garlies and his son may have been bound in manrent to Bothwell, for they excepted their loyalty to the earl when making a bond of manrent with John, Lord Maxwell, in February 1490/1.<sup>(2)</sup> Robert, son of John Gordon of Lochinvar, claimed to be 'man and servitour til Patrik, Erle of Boithule' in January 1501/2, which may also have implied manrent.<sup>(3)</sup> Servants of the Hepburn earl included Alexander Scott, who in 1493 was a bailiff for Bothwell in Annandale, and George Ormiston, Archibald Herriot, and Hugh and David Douglas, who were specially appointed as bailiffs by the earl in October 1500, to act in Roxburghshire.<sup>(4)</sup> George Sinclair and Alexander Gordon both acted as deputies to Bothwell as steward of Kirkcudbright, while in 1490 William Hoppringle, William Borthwick, and Ralph Ker are said to have acknowledged the earl's pay as warden, which might imply that they were his deputies in the wardenship, or at least in some way employed by him.<sup>(5)</sup> In March 1494/5 George Turnbull of Hall-Rule

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1. Fraser, Buccleuch, ii, 88-9.
  2. Fraser, Carlaverock, ii, 448.
  3. ADC 1501-3, 133-4.
  4. Reg. Hse., GD 224/933; Fraser, Buccleuch, ii, 102.
  5. Sinclair was deputy between January 1489/90 and September 1491, and Gordon in 1500-1: Exch. Rolls., xi, 383\*; Murray, The Lag Charters, 15-16; Reg. Hse., GD 10/618; Pringle, The Records of the Pringles, 129-30.

was captain of Hermitage castle under the Earl of Bothwell as lord of Biddesdale. (1)

On 2 December 1454 a Thomas Robson made a bond of 'manrenschip' with Andrew Ker of Altonburn (later of Cessford), promising service throughout his life under Andrew or his rightful heir. In return for this bond, Ker granted Robson certain lands and promised to 'warande and defend' him in possession 'agayn al men and women', but if Robson 'may nouch joyse and brouke the saide mayn landis for opyn wer of Inglischmen', then he was to receive a fee of 100s. yearly while the war lasted. (2) On 10 June 1453, the same Andrew Ker sealed a mutual life indenture of maintenance with Sir Robert Colville of Oxnam. Each man was to be 'lele and treu' to the other, giving support in all actions and quarrels, excepting their allegiance to the king and their loyalty to the Earl of Douglas. It was agreed that disputes between their men should be settled by Ker and Colville, without either taking sides; that neither party was to 'mak frendschip na concorde' in 'fedis or maugreis' (feuds or quarrels) without the advice and consent of the other; and that, in the absence of either of them abroad, they should arrange for aid to be given, if requested, by their men. (3) William Elwald (Elliot) was in February 1501/2 described as a follower of Andrew Ker of Ferniehirst, which may imply that he was receiving some form of payment from Ker in order to secure his loyalty. (4) Andrew Ker of Cessford and his son, Walter, were

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1. Reg. Hse., Just. Ct. MS., f. 25d.

2. HMC, 14th Report, Appendix, Part III, 9-10.

3. Ibid, 9.

4. HMC, 7th Report, Appendix, Part I, 729.

bailiffs of William, Lord Crichton, in March 1469/70, and in 1482 Walter Ker was described as squire to Alexander, Duke of Albany.<sup>(1)</sup>

Members of certain leading Scottish border families often or occasionally stood pledge for men from other important families at the few border sessions of judicial ayres for which records survive.<sup>(2)</sup>

It is tempting to assume in such cases that the two families involved were closely allied or the two men bound by some tie of dependency, but this may not necessarily have been true, since landlords were often prepared to provide surety for their tenants at law, without having any closer tie with them. Many of the criminals involved were only minor members of important families (rather in the nature of clansmen, since most of the families concerned were assuming or had assumed the character of clans), so that the individual relationship between the man and his pledge need not have implied an alliance between their two families. However, in some cases, the connection of surety may have been significant in terms of ties of affinity within border society, and a few examples are worth giving. At the various judicial sessions, Alexander, second Lord Hume, stood pledge for Robert Turnbull and William Scott, and, together with John Murray of Falahill and David Hoppringle, for Andrew Turnbull; Andrew Ker of Ferniehirst became pledge for David Oliver, Walter Robson, Andrew and other Turnbells, and Adam Rutherford; Walter Ker of Cessford and others of that branch of the family pledged Olivers, Turnbells, Robsons, Elliots, Douglasses, Tait, Lawrence Rutherford, and John

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1. Reg. Hse., GD 224/890, bundle 9; HMS, no.1573.

2. For details of pledging and references to these judicial sessions, see below, pp.331ff.

Murray; while Walter Scott of Buccleuch and other Scotts pledged Robert Elwald (Elliot), William Tait, Adam Turnbull, William Douglas, John Cockburn, and George Dixon.<sup>(1)</sup> Further, George Rutherford provided surety for Patrick and Arthur Crawford; John Rutherford for Patrick Douglas; James Hoppringle for Patrick Gledstones; William Hoppringle for James Rutherford; John Murray for Robert Turnbull; John Douglas, Earl of Morton, for William Murray; and Patrick Hepburn, Earl of Bothwell, together with George Turnbull, stood pledge for various Hiddesdale men, including Elliots, Armstrongs, Croziers, Dixons, and Turnbells.<sup>(2)</sup>

Ties of affinity among leading Scottish border families in the later fifteenth century are difficult to discover, and although various connections, through land-holding, marriage, manrent, and employment, did obviously serve to band families together, it is not certain that Scottish borderers were as consciously concerned as English families to secure such ties. Even bonds of manrent seem usually to have been contracted in connection with particular circumstances, not as an end in themselves. It is not known whether Scottish border lords granted offices as sinecures or exploited employment to attract support. Possibly on the Scottish side of the border, even among the leading families, kinship was already by this period the most important factor in determining ties of affinity and dependence within society. It may be, however, that the scarcity of surviving information on bonds of manrent, the granting of annuities, and on employment on the Scottish borders has produced a distorted impression of contrast between

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1. *Reg. Hse., Just. Ct. Sc.*, *passim*. ff. 9, 10d, 13d, 14d, 15d, 23, 24, 54d, 55-56d, 60, 63, 63d, 65, 66d, 71, 72, 78, 78d.

2. *Ibid*, ff. 14d, 15d, 19, 22d, 23, 25d-27, 40.

the practices and motives of leading families on either side of the border, in respect of ties of dependency.

6.2 Interconnections in border society: Conclusion:

A study of interconnections among the leading families of Anglo-Scottish border society in the later fifteenth century cannot be satisfactory since surviving evidence is limited in various ways. Facts survive, whereas motives rarely do, so that examples can be given of interconnections without in many cases it being possible to determine whether the relationship involved was circumstantial or significant in terms of ties of affinity and dependence within border society. This applies particularly to connections of land-holding and employment (although prolonged relationships of either kind could create powerful bonds of loyalty), but even marriage did not necessarily presuppose either a past or future alliance of significance between the two families involved. Only English border retaining payments and indentures provide absolute proof of ties of dependency, formed solely for the exchange of support and service for protection and maintenance, between leading borderers. Scottish bonds of manrent usually achieved the same end, often in connection with other relationships, but very few bonds involving borderers survive and it is possible that manrent was not common on the Scottish borders at this period. It may be that kinship was far more important on both sides of the border (but particularly perhaps in Scotland) as a factor in the search by leading families for man-power and protection than surviving evidence allows to be proved. The importance of kinship in this respect was probably greater among the less powerful and wealthy land-holding families,

whose resources for attracting support were limited, and in the areas where the clan system was more fully developed. Whatever was the relative importance of different ties of affinity and dependence in border society, it does seem certain that landlords were attempting to expand their power and influence and to protect themselves by securing local support through the establishment of various relationships. Simultaneously, borderers from all ranks of society sought the protection of more powerful men by promising their support and military service (not always through a formal contract) or by obtaining employment in a lord's service. The lawlessness, poverty, exposure to the dangers of war, and the resulting insecurity of border society in the fifteenth century must have encouraged protection through alliance or dependence. Despite the shortage of surviving proof, it seems likely that the majority of leading border families, both English and Scottish, attempted to form connections which protected them, both through the acquisition of support and man-power, and through reliance on the superior strength of others.

Interconnections across the border:

It has been written of sixteenth-century border society that 'involuntary violation of the frontier was frequent and <sup>natural</sup> ~~normal~~'; that 'both feud and friendship ignored the international boundary'; and that 'the boundary had meaning only for those in very close contact with their respective central governments'.<sup>(1)</sup> English and Scottish borderers joined together in feuds, crime, marriage, and sport, and

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1. T.J. Rae, The Administration of the Scottish Frontier, 1513-1603 (Edinb., 1966), 10-11.

'national feeling was almost meaningless'.<sup>(1)</sup> Although there seems little doubt that all these statements were equally applicable to the Anglo-Scottish borders throughout the previous century, the writing of a Scot in about 1549 implies that such intercommunication may have been curbed at an earlier period. The Scot wrote:<sup>(2)</sup>

'In ald tymis it was determit in the artiklis of the pace be the tua vardanis of the bordours of Ingland and Scotland, that there suld be na familiarite betuix Scottis men and Inglis men, nor mariage to be contrakit betuix them, nor conventions on holy dais at gemmis and plays, nor marchandres to be maid among them, nor Scottis men til entir on Inglis grond vitht out the kyng of Ingland save conduct, nor Inglis men til entir on Scottis grond vitht out the kyng of Scotlandis save conduct, quhou beit that there var sure pace betuix the tua realmis (i.e. even during peace). Bot thir sevyn zeir bygan, thai statutis and artiklis of the pace ar adrullit, for there hes been as grit familiarite and conventions, and makyng of marchandreis, on the bourdours this lang tyme betuix Inglis men and Scottis men, baytht in pace and in veir'.

The passage may represent the insignificant and inaccurate yearning back to a mythical golden past of an elderly man, while 'in ald tymis' and 'this lang tyme' are phrases so vague as to make deductions concerning the fifteenth century dangerous, but it is worth studying interconnections across the border in the latter half of that century to determine whether there was any contrast with the later period. Evidence, however, is not abundant.

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1. Ibid; G. MacDonald Fraser, The Steel Bonnets (London, 1971), 65-73 provides a fuller description of Anglo-Scottish intercommunication in the sixteenth century and the problems this created for the authorities.
  2. J.S.H. Murray, ed., The Complaynt of Scotlande (Early English Text Soc., Extra series xvii, 1872), 107-8.

Despite the assertion by the Scottish writer that 'in all tymis' statutes and the terms of truces had prohibited intercommunication between Englishmen and Scotsmen, there is only limited evidence of such legislation in the later fifteenth century. The Scottish parliament enacted at various times during the century that any Scot remaining in England against the king's will would be regarded as a traitor (March 1429/30); that no Scot was to take an Englishman as overlord or seek his protection without the king's or warden's permission, on pain of treason (October 1436 and October 1455); that an Englishman entering Scotland without safe-conduct could lawfully be taken prisoner (October 1455); that no Englishman could hold a religious or secular benefice in Scotland (October 1466); and that in wartime all intercommunication or crossing of the border without licence was illegal and punishable as treason (1448 and October 1455).<sup>(1)</sup> No equivalent fifteenth-century English legislation has been found, and although the clause in the 1352 Statute of Treasons concerning adherence to the king's enemies had obviously established all interconnections across the border in wartime as treason,<sup>(2)</sup> the Anglo-Scottish truces of the period rarely touched on the subject of non-criminal relations between English and Scottish borderers in peacetime. In February 1489/90, however, John Heron, bailiff in Redesdale for Sir Robert Tailbois, bound himself to the king, under penalty of £500, to execute his office and to allow no conventicles or secret meetings between Englishmen and Scotsmen in Redesdale.<sup>(3)</sup> This may imply that all contact was discouraged, but possibly only the secrecy was feared.

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1. AFS, ii, 19,23,44,86; i, Appendix IV, pp.350-2.

2. For the 1352 Statute of Treasons, see J.G. Bellamy, The Law of Treason in England in the Later Middle Ages (Camb., 1970), ch.4.

3. CDS, no.1556.

No national or international laws (i.e. enacted by the respective governments or promulgated in the terms of Anglo-Scottish truces) explicitly concerning inter-racial marriage seem to have been in operation in the later fifteenth century, although in the next century 'marriages between Scots and English were frequent; both states legislated continuously to prevent this, but unsuccessfully'.<sup>(1)</sup> This lack of legislation might imply either that intermarriage was uncommon or not even taking place at this period, or that it occurred, frequently or occasionally, but was not noticed, or was not considered a problem, by the authorities. No evidence of marriage between English and Scottish borderers survives, but this need not imply that such an event never occurred, nor even that it was uncommon. The true situation can only be guessed at.

Among the main branches of the leading border families it is unlikely that intermarriage ever took place during this half-century, for no hint of it occurs among the surviving records of their marriages. Only a fraction of marriages involving such families are known, but the information is probably representative. The royal officials set in charge of the borders were chosen from this elite of land-holding families, and such borderers, having closer contact with their respective governments as well as more experience of the world outside the borders than an average peasant, were likely to have had a sense of nationalism, which would have tended to dissuade them from inter-racial marriages. Also, in terms of material gain such marriages would have been unsatisfactory and risky, since the two countries were independent and often at war. It is possible that unimportant relatives of these

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1. Wae, The Scottish Frontier, 11.

leading families and members of land-holding families in isolated districts near the border line may have married across the frontier, but intermarriage was probably very rare within this rank of society generally. In March 1485 Margaret Percy, niece of James, Earl of Douglas, and described as born in Dalkeith, was granted a licence to live in England, obviously as the wife of a member of the Percy family, but since Douglas, and probably his niece also, had been a refugee in England since 1455, the significance of this apparently inter-racial marriage is reduced.<sup>(1)</sup>

Among certain sections of the lower ranks of border society intermarriage between Englishmen and Scots may have been common by the later fifteenth century. Contact certainly existed, if only through crime, between borderers of the two kingdoms, and it seems likely that marriage would, occasionally or even frequently, have resulted from such contact. Nationality was of little relevance to many borderers, and may rarely have been considered in the choice of marriage partners. This need not imply that intermarriage was necessarily widespread on this level of society, for the whole tenor of the lives of most peasants, in the borders as elsewhere, tended to be limited to a fairly narrow locality. Borderers living close to the frontier were naturally more likely to marry 'foreigners' than those living on the boundaries of the border region. The border population of professional criminals probably contained a far higher proportion of mixed marriages than the rest of border society, for English and Scottish thieves commonly co-operated and ranged over long distances in their plundering activities.

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1. CPR 1476-85, 540. The earl was captured in Scotland in July 1484: see below, p.233.

There is no doubt of the contacts through crime between a number of English and Scottish borderers. The few surviving Scottish justiciary court records are full of references to men intercommuning with English criminals or bringing them into Scotland in order to join in theft and murder.<sup>(1)</sup> The negotiators of the Anglo-Scottish truces of the period were much concerned with the problem of borderers escaping justice by fleeing across the border,<sup>(2)</sup> but although many criminals may have thus taken advantage of the political frontier, many also probably ignored the border completely, some even, possibly, being unaware of its location. It is not known whether criminal relationships between English and Scottish borderers usually resulted from previous connections, nor whether they often led to further connections, but both seem likely. Frequent contact between border officials of both nationalities was essential to the efficient administration of international march law, but it is unlikely that such enforced co-operation often produced closer relationships.

Trade between English and Scottish subjects was limited by legislation,<sup>(3)</sup> but it is likely that borderers ignored, or were unaware of, such controls, and that men from the two countries bought and sold together at markets close to the frontier with their usual disregard for nationality. In sport also Anglo-Scottish borderers probably met together, as at the sixteenth-century "international" sporting events such as football and horseracing.<sup>(4)</sup> The negotiators of truces during the period found it necessary to forbid the crossing of the border for

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1. Reg.Hse., Just.Ct.MS., passim.
  2. See below, pp.264ff.
  3. See above, pp.21-2, 24-5.
  4. Rae, The Scottish Frontier, 11.

hunting, fishing, fowling, or any sport or pastime, unless a licence was first obtained from the landlord into whose estate the borderer wished to cross.<sup>(1)</sup> This was not an attempt to prohibit inter-connections across the border, but a precautionary measure to prevent hostile incidents arising out of the apparently normal and common practice of ignoring the frontier in the pursuit of sporting interests. The problem of animals straying across the border and inflicting damage on lands and crops was also dealt with in Anglo-Scottish truces in order to prevent hostility,<sup>(2)</sup> but it seems probable that, apart from the problem of stray animals, many borderers would have disregarded the frontier in their search for new pastures for their flocks and herds.

In the thirteenth century some English and Scottish families had held land in both countries, but the Wars of Independence ended this situation. Only the Percies continued to retain some sort of claim to the Scottish castle and forest of Jedburgh until 1404, thus causing their rivalry with the Douglasses, who held these lands.<sup>(3)</sup> Margaret of Anjou, following her flight with Henry VI to Scotland in 1461, was believed by Edward IV to have promised various English lands to Scottish nobles in return for aid. Later, in 1482, Richard, Duke of Gloucester, was granted, in expectation of Albany's usurpation of the Scottish crown from James III with English aid, 'the Contreys and grounde in Scotlande, called Liddalesdale, Eisdale, Ewsdale, Anandirdale, Maltopdale, Cliddesdale, and the Westmerches of Scotlande'.<sup>(4)</sup> Neither promise of

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1. See below, p.277.

2. Ibid.

3. Bean, The Estates of the Percy Family, 6-7; J.M.W. Bean, 'The Percies and their Estates in Scotland', Arch.Ael., 4th series, xxxv (1957), 93, 99.

4. See below, pp.209 n.3, 229-30.

lands was ever realised, and since the two countries, despite such threats, remained independent of each other during the later fifteenth century, men did not hold land on both sides of the border.

The amount of emigration from one country to the other at this period cannot be measured, but it is certain that a considerable number of Scots did settle in England, seeking denization, and it is likely that the movement was not entirely one-way. In a truce of 1484 the negotiators agreed that the names of Scots living in England would be sent to the Scottish king, but no mention was made of Englishmen in Scotland, implying that there were few or even none.<sup>(1)</sup> Probably then, as now, the richer country tended to attract more settlers from the poorer than vice versa. It is impossible to determine how far emigrants retained contact with their native country, thus forming interconnections between England and Scotland, but within border society the severing of such ties was most unlikely. The degree to which within the border area borderers 'emigrated' across the frontier is unknown, but the landless element probably sought employment wherever possible, while criminals sought the most convenient 'hide-out' as a base. Criminals who fled their country to escape justice, sometimes stayed across the border for years or even took an oath of allegiance to become a subject in the country of refuge.<sup>(2)</sup> English wardens, through their commissions, were empowered to take such oaths from any Scot wishing to settle and become an English subject,<sup>(3)</sup> and it is likely that Scottish

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1. See below, pp.267-8.

2. See below, pp.264-5.

3. E.g., Ret.Scot., ii, 378. In April 1455 a Scottish chaplain, William Howes, swore allegiance before Sir Henry Percy, warden of the east march, promising to be a true Englishman: CFR 1461-7, 518.

wardens did likewise. Of the Scots that swore allegiance or were made denizens in England during this half-century, few came from the borders and none settled there,<sup>(1)</sup> but movement of settlement within the borders was probably far more informal, the frontier being ignored rather than consciously crossed. Scots settling in England had to obtain a licence to do so, which could be extremely expensive, and had to pay a special tax, 'lot and scot',<sup>(2)</sup> but few borderers probably concerned themselves over, or were even aware of, this. Regulations concerning Englishmen settling in Scotland are unknown, and may not have existed.

There is some evidence of English prejudice against Scots, even on the borders. The ordinances of various Newcastle guild companies are said to have prohibited the taking of Scots as apprentices, and members of the cordwainers' company of Morpeth were likewise forbidden to train Scots or to allow them to work in the town.<sup>(3)</sup> At some time in the fifteenth century a Percy tenant placed himself at the mercy of the Earl of Northumberland at the Alnwick baronial court for having taken in a Scots woman, contrary to a rule.<sup>(4)</sup> In June 1491 a Yorkshire man sought sanctuary at Durham because he had ordered a Scot to be hung without legal trial.<sup>(5)</sup> Five years later the vicar-general of Durham swore that one James Wilson from Scarborough was English, for the rumour that Wilson was a Scot had made his life very difficult, even

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1. In this period 9 Scots were made denizens and 193 were given mandates to reside, having sworn allegiance: e.g., CPR 1461-7, 55-6, 93, 182, 230, 468; CPR 1467-77, 13, 106, 447-8, 482-3, 555-6; CPR 1476-85, 46, 128, 192-4, 231-4, 268-70, 300-1, 507; CPR 1485-94, 191, 344, 381; CPR 1494-1509, 74, 116, 136.
  2. E.g., CPR 1485-94, 344, 381; see below, p.246 n.2.
  3. R. Welford, History of Newcastle and Gateshead (London, 1884), i, 326, 334, 339, 374; J. Hodgson, A History of Northumberland, Part II (Newcastle, 1827), ii, 430-1.
  4. G. Tate, The History of the Borough, Castle and Barony of Alnwick, vol.1 (Alnwick, 1866), 339.
  5. Sanctuarium Dunelmense et Sanctuarium Beverlacense, (Surtees Soc., v, 1837), 19.

causing him to be put in the stocks.<sup>(1)</sup> Various men, almost all born in the borders but living outside the region, found it necessary to secure witnesses to their English parentage, since they had been 'wrongfully noysed, slaundered, and defamed' as Scotsmen and had obviously suffered from this. One had been 'grievously hurt in his names and goods' due to such a misunderstanding.<sup>(2)</sup> The opinion of a fifteenth-century English chronicler, who wrote of the Scots 'hit ye hardle for to tryste unto hem, for they hyn evyr foude fulle of gyle and dyssayte',<sup>(3)</sup> was perhaps typical of the English attitude of prejudice. The hostility was probably reciprocated by Scotsmen against the English. The isolation of the borders as an entire region, the similarities between English and Scottish border societies, and the lack of importance placed on nationality by borderers, most likely meant that there was less mutual prejudice on the borders than in the rest of England and Scotland.

The Scottish border society constituted a separate unit, isolated and independent, with a social structure different in several ways from that of most parts of both kingdoms. The region was divided, but geographical divisive factors were more significant than the national frontier, while social divisions counted for more than nationality. The structure of society on each side of the frontier, within the border area, was similar, as were the connections among the landed elite and among ordinary borderers, but the lower ranks of society had more contact across the border than the important land-holding families, whose sense of nationality was doubtless stronger.

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1. J. E. Bowden, ed., The Register of Richard Fox, Lord Bishop of Durham, 1494-1501 (Surtees Soc., 147, 1932), 29.
  2. English Miscellanies (Surtees Soc., lxxxv, 1888), 35-52.
  3. J. Gairdner, ed., Collections of a London Citizen (Gairdner Soc., N.S., xvii, 1876), 224.

SECTION III : THE GOVERNMENT OF BORDER SOCIETY.

A) THE BACKGROUND OF ANGLO-SCOTTISH DIPLOMACY:

A) THE BACKGROUND OF ANGLO-SCOTTISH DIPLOMACY:

The second half of the fifteenth century cannot be seen as a distinct phase in Anglo-Scottish relationships, since this period saw a continuation of the long series of badly-kept truces, which would occasionally disintegrate into open war only to be patched up again. The flight of James, Earl of Douglas, to England after the suppression of his revolt in 1455, gave the English government a weapon with which to interfere in Scottish affairs, while at the same time the progressive weakening of the English crown under Henry VI and the subsequent civil war provided the Scottish government with ample opportunity to exploit the difficulties of the neighbouring country. The situation at the beginning of the period, therefore, was not conducive to peace. The treaty of perpetual peace, cemented by marriage, which was concluded in 1502, did, however, mark a definite step towards closer contacts and future union. It was a peace treaty intended to last, as opposed to a truce in a protracted war.

1455 - 1460:

In 1455 England and Scotland were technically at peace under a truce made in the summer of 1453 to last until 21 May 1457.<sup>(1)</sup> Early in the summer of 1455, however, James II blatantly violated the truce with a surprise attack on Berwick. On 9 July, Henry VI wrote to various men, including the Bishop of Durham and the Earls of Northumberland and Westmorland, thanking them for resisting and repulsing the Scots, who by besieging Berwick had broken the truce.<sup>(2)</sup> A safe-conduct issued on 8 June to several Scots, including the chancellor and chamberlain, may have been connected with this incident, showing that the English government was ready to reply through negotiation rather than hostility.<sup>(3)</sup>

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1. Rot.Scot., ii, 363-8. This truce in fact confirmed and extended an earlier truce of 1451.
  2. Sir H. Nicolas, ed., Proceedings and Ordinances of the Privy Council of England (1837), vi, 247-50.
  3. Rot.Scot., ii, 374.

James II did expect retaliation, for in the October session of parliament statutes were drawn up, concerned with defence, conduct in war, and definitions of treason.<sup>(1)</sup> Border landowners were ordered to be prepared, with their men, for service under the wardens' command, and border garrisons were arranged, with 200 'speres' and 200 'bowis' to serve on the east and middle marches, 100 of each on the west march, all to be paid for by a tax on barons and freeholders. A beacon system was planned to warn of an English invasion and of the size of the invading force.<sup>(2)</sup> Rules governing plunder, the taking of prisoners, and conduct in the army were to be made known to all men in any force raiding into England.<sup>(3)</sup> The English government did not, however, retaliate, and the truce remained in existence.

The reason for this sudden aggression by James II is not clear. The Yorkist victory at St. Albans in May 1455 had placed Henry VI under the control of the Duke of York, and it has been suggested that the Scottish attack was made at the request of Margaret of Anjou.<sup>(4)</sup> By August of this year the exiled Earl of Douglas was receiving a pension from the English crown, and had granted his border castle of Threave to the English. Although no attempt was in fact made to realise this grant and the castle soon surrendered to the Scottish king, James probably feared hostility by the protectors of his rebel, and his attack

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1. APS, ii, 44-5.
  2. Watches were to be set at various places and the watchers were to light one beacon to warn of an approaching enemy force, two to stress the urgency of the invasion, and four together if the invading army was exceptionally large. Beacons were to be prepared at the passage between Roxburgh and Berwick, at Hume, 'Eggerhop' castle, 'Soltray ege' (Soutra Hill) and at Edinburgh castle to warn Fife and progressively the rest of lowland Scotland.
  3. For details, see below, pp.288-9.
  4. A.I.C.Dunlop, The Life and Times of James Kennedy, Bishop of St. Andrews (Edinb., 1950), 157.

on Berwick may have been an attempt to forestall this.<sup>(1)</sup> It is likely that James' primary motive was merely to take advantage of the weakening of the English government by civil disturbances in order to attempt the recovery of territory that had previously been Scottish.

Two instances of hostility at sea occurred in 1455, but such events seem to have been common and rarely put the truce at risk. In January and in the following December commissions were issued by Henry VI, first to the mayor of Sandwich, then to the mayor of Dartmouth and the sheriff of Devon, concerning a ship, 'la Marie', from St. Andrews captured by Englishmen contrary to its safe-conduct.<sup>(2)</sup> Again in December, two merchants (from London and Florence respectively) made a bond with the Earl of Northumberland, promising that if the earl restored to William Caribres, a Scottish merchant, the ship that had been seized from him, and it was discovered that the safe-conduct which Caribres had claimed was in fact void, then the ship or its value would be restored to the earl.<sup>(3)</sup>

After the events of 1455, there may have been an attempt to restore amicable relations through negotiation, for in May 1456 a three-month safe-conduct was granted by the English government to a group of important Scots, including the warden of the west march.<sup>(4)</sup> It is probable that the initiative lay entirely on the English side, naturally keen for peace against the distractions of civil disturbances. The Scots failed to respond, and on 10 May James II renounced the truce on the excuse of continual violations of it by Englishmen.<sup>(5)</sup> As he had done the previous year, without success, James requested assistance from

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1. CPR 1452-61, 245; Dunlop, Bishop Kennedy, 157.

2. CPR 1452-61, 224, 301.

3. CCR 1454-61, 111. Caribres acted as a negotiator in Anglo-Scottish diplomacy: see below, Appendix III, p.426.

4. Rot.Scot., ii, 375.

5. Dunlop, Bishop Kennedy, 166.

Charles VII of France against England, but again there was no response.<sup>(1)</sup> The Scottish renunciation of the truce was received by the Duke of York, then controlling Henry VI's government and on 26 July he replied in terms of extreme aggression. In Henry's name he denied James' royal title, asserted English overlordship of Scotland, and threatened punishment for this act of hostility.<sup>(2)</sup> This Yorkist attitude had earlier been exhibited in the grant of a pension to Douglas, when James' right to the crown had been questioned.<sup>(3)</sup> Inevitably, war broke out.

In July men of the northern counties of England were ordered to join the Duke of York in resisting a Scottish invasion,<sup>(4)</sup> and Sir Ralph Grey, captain of Roxburgh castle, wrote to the Bishop of Durham warning him that James II had sent various men 'with othyr ryght power to ost to the Newcastle', and that this force was about to enter England, the Scottish king planning to join it at Roxburgh.<sup>(5)</sup> It has been claimed that the invasion of Northumberland described in the Auchinleck chronicle and there dated August 1459, in fact took place in 1456.<sup>(6)</sup> The English monks of Coldingham priory, always in a vulnerable position isolated as they were on Scottish soil, suffered from Scottish hostility in either this or the previous year, for in June 1456 the Prior of Durham begged Sir Alexander Hume for assistance in restoring the monks, who had obviously been evicted.<sup>(7)</sup> The Scots may have attempted a second siege of Berwick, for in March 1457 Henry, Earl of Northumberland was rewarded

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1. Ibid, 164, 167.

2. Rot.Scot., ii, 375.

3. CPR 1452-61, 245.

4. GDS, no.1277.

5. J.Raine, The History and Antiquities of North Durham (London,1852),p.iv.

6. Exch.Rolls, vi, p.xliiii; Dunlop, Bishop Kennedy, 168-9; T.Thomson, ed., The Auchinleck Chronicle (Privately printed, 1819),20,56-7. The chronicle stated that James II with a large force 'brynt and heriit' 20 miles into England, destroying towers and fortresses.

7. J.Raine, ed., The Priory of Coldingham (Surtees Society,xii,1841),181-2.

for resisting a siege there, but possibly this reward may refer to the hostility of 1455.<sup>(1)</sup> The October session of the Scottish parliament involved discussion of the summer war, and it was reckoned that English expenses had exceeded their own. An unofficial abstinence from fighting - 'specialte and peax' - had already been established on the east and middle marches, to last until Candlemas (2 February), and a desire for its extension to the west march and beyond the set date was expressed with the expectation that the English would agree. Despite this, preparations were made for defence. All men between the ages of sixteen and sixty were to be ready for service when summoned by horn or beacon, and their weapons were to be inspected at periodical weapon-showings, as was common practice in Scotland. The nobility were to provide guns and carts for their transportation.<sup>(2)</sup> Another unproductive appeal was made to France.<sup>(3)</sup>

Although in February 1457 the Earl of Northumberland was commissioned to prepare Berwick and the east marches for defence against an expected attack by the Scots,<sup>(4)</sup> hostilities were not apparently revived this year, but gave way to negotiations. In March the same earl asked the king for letters of safe-conduct for Scottish ambassadors, and these were granted in May and renewed in June, when English commissioners were appointed to treat with the Scots.<sup>(5)</sup> The result was a two-year truce, signed on 20 June.<sup>(6)</sup> At the end of July an English safe-conduct was made available to any Scots wishing to pursue cases in English courts

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1. CPR 1452-61, 356.
  2. APS, ii, 45.
  3. Ibid, 46; Dunlop, Bishop Kennedy, 171.
  4. CPR 1452-61, 346.
  5. Rot.Scot., ii, 378-9.
  6. Ibid, 379-83.

of justice against Englishmen during the truce, and its equivalent was doubtless provided by the Scottish crown.<sup>(1)</sup>

This truce was again an uneasy one. In September 1457 a mandate was issued by the English government to sheriffs of the border counties, Yorkshire, Nottinghamshire, and Derbyshire, who were to proclaim that all men should be prepared for service in defence of the marches against 'those who have done anything on behalf of James, king of Scots, contrary to the truce.' Richard, Earl of Salisbury, warden of the west marches, and Henry, Earl of Northumberland, warden of the east, were to conduct the defence. Another similar mandate was issued two months later.<sup>(2)</sup> In October Roxburgh castle was hastily provisioned, probably through fear of a siege.<sup>(3)</sup>

The desire to maintain the truce survived and negotiation continued, despite these implications of hostility and repeated breaches of the peace on the borders. A group of Scottish nobles, who were given safe-conducts in March of the next year, may have been ambassadors, for in July English commissioners were assigned the task of negotiating breaches of the truce and its preservation with Scottish representatives.<sup>(4)</sup>

Apart from a raid into Scotland by the Earl of Douglas, backed by the Earl of Northumberland, which may have taken place in October,<sup>(5)</sup> there is no evidence of open hostility between the two countries in 1458. In minor ways, however, the truce was repeatedly broken. In February 1459, James II appointed two men as negotiators concerning such infractions, in particular to seek restitution for £1000 worth of booty plundered by a 'Wyl. Biget' and his accomplices.<sup>(6)</sup> In July Scottish commissioners

1. Ibid, 384.

2. CPR 1452-61, 400, 405.

3. Ibid, 405.

4. Rot.Scot., ii, 386-8; CDS, no.1295.

5. Exch.Rolls, vi, p.1x.

6. RMS, no.677.

were granted safe-conducts to treat at Newcastle over breaches of the truce,<sup>(1)</sup> while English commissions were established in Norfolk and Suffolk to investigate an act of piracy against a Scottish ship.<sup>(2)</sup> The existing truce expired in July, and the failure to renew it immediately was probably due to a backlog of grievances requiring redress rather than to hostility on either side. In September a new truce was concluded to endure until July 1463, and this was confirmed by Henry VI the following February.<sup>(3)</sup> By June negotiations were again in progress, possibly again concerning violations of the peace, and another act of piracy against a Scottish ship was investigated at Yarmouth in May.<sup>(4)</sup>

The truce was shortlived, for in August 1460 the Scots laid siege to Roxburgh, and possibly to Berwick also.<sup>(5)</sup> It has been asserted that much secret diplomacy had been carried on during 1459 and possibly earlier, both the Lancastrian and Yorkist factions bidding for Scottish aid.<sup>(6)</sup> The sixteenth-century historian, Bishop John Lesley, stated that as early as 1458 James II had promised support to the Lancastrian cause in return for the surrender of English territory that had once been Scottish,<sup>(7)</sup> but whatever offers James may have made to either party, it is likely that he did not intend to commit himself to anything until it was to his advantage to do so. Scotland was in a strong position and her king was well aware of this. His expedition against

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1. Rot.Scot., ii, 390.
  2. CPR 1452-61, 517.
  3. CDS, no.1304; Rymer, Foedera, xi, 426-36; Rot.Scot., ii, 393-8.
  4. Ibid., 399-400; CPR 1452-61, 607.
  5. CDS, no.1307-8.
  6. Dunlop, Bishop Kennedy, 204-5.
  7. J.Lesley, The History of Scotland from the death of King James I in the year 1436 to the year 1561 (Bannatyne Club, 1830), 29-30.

Roxburgh showed that James believed direct action was as important as diplomacy in achieving his ambition, the recovery of former Scottish possessions. On 12 August Richard, Earl of Salisbury and northern sheriffs were commissioned to levy forces to relieve the siege of Roxburgh and Berwick, and the Scots were said to have invaded the marches with a great army.<sup>(1)</sup> Roxburgh fell to the Scots, as did Wark, and both castles were destroyed so that they could not again be of use to the enemy. At the siege of Roxburgh, however, James II was killed by an exploding cannon, leaving an heir aged only nine, and the resulting weakening of the Scottish government somewhat reduced the advantage the country had recently held over England.<sup>(2)</sup>

1460 - 1465:

As winter approached, the Scots withdrew from the English borders, and the army that the Earl of Salisbury had been commissioned to raise was not apparently used against them.<sup>(3)</sup> Fear of further aggression from the north seems to have prompted an English government mandate, dated October 1460, to the mayor, aldermen, and sheriff of Newcastle, ordering that the town should be kept 'free from all alien service and power'; that all disturbances be avoided; and that the town should 'be circumspect in receiving strangers and wayfarers lest they take upon themselves the governance of the town.'<sup>(4)</sup> This mandate reveals the weakness and insecurity of the English government, and the regency government of Scotland did not cease to exploit the situation as James II had done.

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1. CPR 1452-61, 589, 612. But there is no other evidence of a Scottish siege of Berwick, and possibly this was a false alarm in that respect.
  2. Dunlop, Bishop Kennedy, 212; J.Hodgson, A History of Northumberland (Newcastle, 1858), Part I, 322; J.D.Mackie, A History of Scotland (1966), 95; A Chronicle of the Kings of Scotland (Maitland Club, 1830), 78.
  3. C.L.Scofield, The Life and Reign of Edward IV (London, 1923), i, 117.
  4. CPR 1452-61, 659.

In December 1460, Margaret of Anjou visited Scotland to request aid against the Yorkists. At first the demand was probably refused, but after the death of the Duke of York at Wakefield that same month, Mary of Gueldres, the queen mother, in control of the regency at that time, agreed to meet Margaret at Lincluden Abbey. An agreement was reached on 5 January, and was confirmed at York a fortnight later by an assembly of Lancastrian nobles. The terms of this pact are not known, but may have included a proposal of marriage between Henry VI's son, Edward, and James III's sister.<sup>(1)</sup> Accompanied by a Scottish force, Margaret returned to England, but it was these soldiers who antagonised so many people against the Lancastrian cause by their unruly conduct on the march south.<sup>(2)</sup>

The victory of the Yorkists at Towton in March 1461, and Edward IV's accession to the throne, caused Henry VI with his wife and son to flee the country, and help was again sought from Scotland.<sup>(3)</sup> They were given shelter by Bishop Kennedy, the chief royal minister, but at this point the first sign of a split between the bishop and Mary of Gueldres, rivals for control of the regency, emerged, caused by the difference in their attitudes towards the English political situation. Kennedy was consistent in favouring the Lancastrian cause, but Mary, whose uncle was the Yorkist ally Philip, Duke of Burgundy, wavered in her policy towards England.<sup>(4)</sup> On 23 April a safe-conduct was issued to two

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1. Scofield, Edward IV, i, 134; E.F.Jacob, The Fifteenth Century (Oxford, 1961), 523.
  2. Ibid, 524.
  3. Edward IV at this time suspected that Margaret had promised the Scottish regency government seven English 'sherifwicks', her son in marriage to James III's sister, and that England would join the Franco-Scottish alliance. Also he believed that she had offered the archbishopric of Canterbury to James Kennedy, Archbishop of St. Andrews; many English bishoprics to Scottish clerics; and English lands to Scottish nobles: J.O.Halliwell, Letters of the Kings of England (London, 1848), i, 123-5.
  4. Jacob, The Fifteenth Century, 526; Dunlop, Bishop Kennedy, 215ff.

Scottish ambassadors, presumably sent by Mary, to meet Edward IV in person on the borders,<sup>(1)</sup> but any negotiations the queen mother may have conducted with Edward were broken off when on 25 April Berwick was surrendered to the Scots in the name of Henry VI.<sup>(2)</sup> Edward's demands for the delivery of the fugitives were ignored, for the Lancastrian bribe had secured Mary's support, at least temporarily.<sup>(3)</sup> Margaret of Anjou began to receive loans from the Scottish crown,<sup>(4)</sup> and with the help of Scottish forces resisted the Yorkist campaign on the borders for over three years. Carlisle was besieged in June 1461, but John Neville, Lord Montague, who with his brother, Richard, Earl of Warwick, led the Yorkists in the north, prevented its surrender.<sup>(5)</sup> In the same month an attack on Durham was repulsed. Subsequently fighting was centred on the castles of Bamburgh, Dunstanburgh, and Alnwick, although there were also some Yorkist raids into Scotland.<sup>(6)</sup>

Edward IV, having failed to gain the support of the Scottish government, began negotiations with potential rebels against it. In June 1461 he appointed ambassadors, including the Earl of Douglas, to treat with the Earl of Ross,<sup>(7)</sup> and a pact was signed the following February. By

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1. Rot.Scot., ii, 402; CDS, no.1314.
  2. Jacob, The Fifteenth Century, 527.
  3. J.O.Halliwell, Letters of the Kings of England (London, 1848), i, 125.
  4. Exch.Rolls, vii, 62, 76, 80, 85, 139.
  5. In December 1461, the citizens of Carlisle were granted a reduction of the fee farm, together with the custody of a royal fishery, on account of the siege they had suffered at Lancastrian hands: CPR 1461-7, 82. The priory of St. Mary's in Carlisle was also granted favours in compensation for destruction of their property within the town: ibid, 87. Richard Salkeld, a borderer, was rewarded in 1467 for defending Carlisle against the rebels and the Scots: CPR 1467-77, 26.
  6. Scofield, Edward IV, i, 180; Jacob, The Fifteenth Century, 528; P.M.Kendall, Warwick the Kingmaker (London, 1957), 103-12; G.Ridpath, The Border History of England and Scotland (Revised P.Ridpath. Berwick, 1848), 296.
  7. Rot.Scot., ii, 402.

this the rebels became Edward's pensioners, subjects, and liegemen, and agreed to help the English king in the conquest of Scotland. Once conquered, the country was to be divided between the rebels and the Earl of Douglas, to be held of England by homage and fealty. A promise was given that the Scots would be included in any treaty Edward might make with James III, which implies that the plan was rather half-hearted.<sup>(1)</sup> Nothing came of it except possibly two raids by Douglas in 1463, which, if they did occur, were repulsed.<sup>(2)</sup> In July 1461, Edward tried to induce all Scots living in England to take an oath of allegiance to him.<sup>(3)</sup>

The English king did not abandon his attempts to come to terms with the Scottish government. In August 1461 the Earl of Warwick was appointed ambassador to negotiate a truce, and the next month a safe-conduct was put at the disposal of Scottish ambassadors.<sup>(4)</sup> The death of Charles VII of France in July may have induced the Scots or at least Mary of Gueldres' party to negotiate with Edward, for Charles had supported the Lancastrian cause, while his successor, Louis XI, had in the past showed sympathy towards the Yorkists, although as it turned out, Margaret of Anjou secured an alliance with Louis in June 1462.<sup>(5)</sup> A new English ambassador was appointed in November 1461, while another safe-conduct was issued for Scottish negotiators,<sup>(6)</sup> but nothing came of this and it is doubtful that any negotiation took place.

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1. Ibid, 405-7.

2. W.C.Dickinson, Scotland from the Earliest Times to 1603 (Edinb., 1965), 224. No reference is given for the source describing these raids.

3. CDS, no.1318.

4. Rot.Scot., ii, 402-3.

5. Jacob, The Fifteenth Century, 523, 532.

6. Rot.Scot., ii, 403-4.

Fighting continued on the borders throughout 1462 and 1463. Bamburgh castle, in the custody of the Yorkist Sir William Tunstall, fell to his Lancastrian brother, Sir Richard, in the autumn of 1462, but was retaken after a siege in December. Sir Ralph Percy, who was made governor of this castle and Dunstanburgh, restored Bamburgh to the Lancastrians in the spring and it became their last border stronghold, finally being surrendered in June 1464.<sup>(1)</sup> In October 1462 Margaret of Anjou returned from a visit to France, where she had sought and received aid, and landed in Northumberland. She besieged and took Alnwick and Dunstanburgh castles, but sought safety at sea when Warwick's army advanced on her at Bamburgh. The expected French fleet failed to arrive, and after a severe storm Margaret was forced to take refuge in Berwick in November. The Earl of Warwick recaptured the three castles, but all, through the action of individuals, were handed back to the Lancastrians. In the summer of 1463 Henry VI joined his wife in an attack on Norham castle, but after a decisive victory over them by the Yorkists, Margaret fled to France with her son, leaving Henry at Bamburgh. The Lancastrian rising of December resulted in their capture of Norham, but when peace was made between Edward IV and Scotland their total defeat soon followed. A Lancastrian force was overcome at Hexham in May 1464, and the following month the castles of Alnwick, Dunstanburgh, Norham, and finally Bamburgh fell to the Yorkists.<sup>(2)</sup>

In December 1463 a truce was signed between Edward IV and the Scottish government, now led by Bishop Kennedy since Mary of Gueldres

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1. Jacob, The Fifteenth Century, 529-32. The castle and town suffered severe damage, and on 12 November 1468 the bailiffs and burgesses of Bamburgh were pardoned arrears in the fee farm because of the destruction in the town: CPR 1467-77, 114.
  2. Jacob, The Fifteenth Century, 529-33; P.M.Kendall, Warwick the King-maker (London, 1957), 103-12.

had recently died. This change of policy on Kennedy's part was probably caused by the Anglo-French truce, concluded that summer,<sup>(1)</sup> which had isolated Scotland, and by the Yorkist victory, which had induced Margaret of Anjou to flee to France, and which had made the Lancastrian cause seem doomed to failure. The truce was to last until October 1464, and the Scots promised not to support rebels against Edward, who in turn sent the Earl of Douglas to Ireland as a sign of similar intent.<sup>(2)</sup> Negotiations for a firmer peace between the two countries followed in the spring of 1464,<sup>(3)</sup> and at the beginning of June a fifteen-year truce was concluded, to take effect from 30 October, when the existing truce would expire.<sup>(4)</sup> A meeting was arranged for July, when commissioners were to discuss redress for breaches of the truce.<sup>(5)</sup> The desire for a secure peace, probably greater on the English than on the Scottish side, was still not satisfied, and in October Edward IV empowered commissioners to negotiate for a peace treaty to replace the truce.<sup>(6)</sup> Safe-conducts were issued to Scottish ambassadors in March 1465,<sup>(7)</sup> but nothing had been settled by June, when English commissioners were again instructed to treat for peace and for a marriage alliance.<sup>(8)</sup>

It is likely that the delay in these negotiations was caused by mutual suspicion. Trouble had been caused by the capture of a Scottish

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1. Jacob, The Fifteenth Century, 532, 534.
  2. Rot.Scot., ii, 409; Dunlop, Bishop Kennedy, 239-40.
  3. English and Scottish commissioners were appointed in April, and a new English commission in May: Rot.Scot., ii, 409-11.
  4. Ibid, 412.
  5. Ibid, 413.
  6. Ibid, 415.
  7. Ibid, 416.
  8. Ibid, 417.

ship in violation of its safe-conduct, aboard which were James III's brother, the Duke of Albany, and the Bishop of Aberdeen. Although a commission had been set up by Edward in July to investigate the affair, the anger of the Scots almost induced them to declare war, encouraged by a rumour that Edward and Louis of France were planning a joint invasion of Scotland.<sup>(1)</sup> Edward IV, on the other hand, suspected that Henry VI was being harboured in Scotland, despite the promise made in the truce, but the capture of Henry in July 1465 removed this barrier of suspicion.<sup>(2)</sup> Negotiations were in progress again by the end of the year, for in September Scottish ambassadors were granted safe-conducts to meet their English opposites at Newcastle in December, and in November the English commissioners were appointed.<sup>(3)</sup> On 12 December the existing truce was prorogued until 1519, but neither a peace treaty nor a marriage alliance was achieved.<sup>(4)</sup>

#### 1465 - the late 1470's:

With the ending of the Lancastrian threat in the north of England relations between Edward IV and Scotland became less strained. Once Bishop Kennedy had decided to recognise Edward he committed himself to this policy by accepting a pension from the English crown, as did the Bishop of Aberdeen. Following Kennedy's death in 1465 the Boyd family secured control of government, and by June 1468 Robert, Lord Boyd, was also receiving a pension from Edward.<sup>(5)</sup> Negotiations continued in the late 1460s (by which time James III had reached his majority), to ensure

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1. CPR 1461-7, 348-9; Scofield, Edward IV, i, 335; Dunlop, Bishop Kennedy, 246.
  2. Ibid, 248; Scofield, Edward IV, i, 381.
  3. Rot.Scot., ii, 418; CDS, no.1362.
  4. Rymer, Foedera, xi, 557-8; Rot.Scot., ii, 419-20.
  5. Dunlop, Bishop Kennedy, 245; Scofield, Edward IV, i, 388-9; CDS, no.1379.

that the truce was maintained.<sup>(1)</sup> A fairly serious breach of the truce may have taken place, for a grant from the English king to Richard Salkeld in June 1468 described how Salkeld, apparently during his term of office as sheriff of Cumberland in 1465-6, was taken prisoner by certain Scots and forced to pay a ransom, while acting in defence of the west march.<sup>(2)</sup>

Tension developed in England when the Earl of Warwick turned against Edward IV. It seems that the Scots may have taken advantage of the temporary upheaval in England, for when, in September 1469, a Lancastrian rising on the borders forced the cancellation of a parliament, the reason given was a threatened invasion by 'rebels and adversaries of France and Scotland.'<sup>(3)</sup> Any hostility that may have been generated between the two countries at this time, however, did not prevent meetings being held for conservation of the truce. In May 1470 a Scottish embassy was given a safe-conduct to attend a border diet, and in July English commissioners were appointed to treat the following month for maintenance of the truce.<sup>(4)</sup> In August 1471, by which time Edward IV had regained comparative security, another discussion of truce infractions was arranged to take place at Alnwick in September, and English sheriffs were commanded to give warning that anyone having a complaint against a Scot should attend this diet.<sup>(5)</sup>

The idea of an Anglo-Scottish marriage was again raised, and in August Edward instructed ambassadors to discuss this.<sup>(6)</sup> Further

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1. In October 1466 commissioners were assigned to meet in December to discuss conservation of the truce and redress of grievances: Rot.Scot., ii, 420. Safe-conducts were granted in February 1467 to five important Scots, and in April 1469 to Scottish ambassadors: CDS, nos.1368, 1383.
  2. CDS, no.1379 - the timing, however, is not clear, and the incident may have occurred earlier, when the countries were at war.
  3. CCR 1468-76, 115. Possibly Edward in 1470 was plotting with the Scottish government for aid against Warwick, for in May a Scot was allowed to enter England on business concerning Edward's 'wele and suretee': CDS, no.1386.
  4. Ibid, no.1386; Rot. Scot., ii, 422.
  5. Ibid, 429-30; CCR 1468-76, 208.
  6. Rot.Scot., ii, 429.

discussion of the proposal may have taken place in the spring of 1472, when perpetual peace was negotiated and breaches of the truce were redressed,<sup>(1)</sup> but nothing yet came of it. In the following spring both kings confirmed the truce, at the request of the Duke of Burgundy, who desired English aid and realised that insecurity on Edward's northern border would prevent it being given. The duke attempted to obtain a peace treaty, but James III would only confirm the truce for two years.<sup>(2)</sup> A determined effort was made at a diet in September to ensure the keeping of the peace on the borders. It was decided that the wardens should hold more frequent march diets for the redress of grievances, and six such meetings were arranged for the near future.<sup>(3)</sup> All complaints since March 1472 were to be settled and all illegally captured prisoners (together with any ransoms obtained) and ships were to be restored through the efforts of the wardens. Border officials were ordered to be more conscientious in the matter of redress. At this same diet, nine Scottish merchants received monetary compensation for injuries inflicted on them by Englishmen in the east march,<sup>(4)</sup> and in November Edward paid a debt owed to other Scottish merchants by Robert, late Lord Ogle, and others.<sup>(5)</sup>

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1. Ibid, 434. The meeting took place at Newcastle on 25 April, English commissioners having been appointed in March, and Scottish ambassadors having received safe-conducts in the same month: Rot.Scot.,ii,430-3. In the calendar of Close Rolls a mandate to sheriffs is described, which ordered proclamation to be made that no English subject should 'hurt, take or make any impediment' to any Scot 'that may be to the breach or violation of the truce' that had been prorogued at a Newcastle diet of 25 August last, particularly in the period up to July 1473, when a new diet was to be held. The document is dated 25 March 1472, but it seems possible that this is an error for 25 May, while the date given for the Newcastle diet should perhaps be 25 April, not August: CCR 1468-76, 236.
  2. Rot.Scot.,ii,436; Rymer, Foedera,xi,772-3; Scofield, Edward IV,ii,53.
  3. Rymer, Foedera,xi,788-91. The first of such meetings was to be held at Newbyggynfurde (Newbigginford) on 20 October; the next within eight days at Ridaneburne (Reddenburn); the next within eight days at Gamyllispeth (Gamelspath); the next four days later at Bell; the next fifteen days later at Loumabanestane (Lochmabenstone) - specifically to deal with Annandale and Eskdale; and the final one eight days later at Kerschopbrig (Kershope-bridge). Meetings between English and Scottish commissioners had also taken place earlier in 1473. In April Scottish ambassadors had received safe-conducts to enter England to deal with breaches of the truce, and in May English commissioners were appointed to meet the Scots at Newcastle or Alnwick the following month: Rot.Scot.,ii,436-8; Rymer, Foedera,xi,787-8.
  4. CDS, no.1412.
  5. Ibid, Appendix i, no.23, pp.407-8.

An English commission was appointed in October to investigate piracy by Yorkshire men against a Scottish ship carrying fish.<sup>(1)</sup> Sometime in 1473 or 1474 James III also paid compensation for naval hostility, granting £20 to an Englishman whose ship had been forfeited while under safe-conduct.<sup>(2)</sup>

Despite these efforts to redress breaches of the truce on land and sea, relations were strained in 1473 between England and Scotland. The pillaging of a Scottish ship, the 'Salvator', after it had been wrecked off Bamburgh in March, caused much hostility, and the matter was not finally settled until late the following year.<sup>(3)</sup> On 13 July James wrote to the Earl of Northumberland in reply to complaints of 'gret attemptatis committit be oure liegis of Liddalisdale uppoun Inglismen' in breach of the truce, complaining in turn of the inhabitants of Tyndale and Redesdale, who 'daili makis depredacionis and hereschippis' against Scots.<sup>(4)</sup> The harbouring in Scotland of John de Vere, Earl of Oxford, a rebel against Edward IV, caused the English king to complain, but in September the Scottish government sent a reply, saying that the original safe-conduct granted to him (in April 1471 for six months<sup>(5)</sup>) had not been renewed, and that Edward had been equally guilty in harbouring the Scottish rebel Robert, Lord Boyd.<sup>(6)</sup> James III had even made overtures to Louis XI at about the same time as he confirmed the truce

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1. CPR 1467-77, 409.
  2. T.A., i, 67.
  3. Scofield, Edward IV, ii, 102; see below p.219 . The problem was discussed at the diet held in Sept.1473: Rymer, Foedera, xi, 789-90.
  4. CDS, Appendix i, no.24, pp.408-9 - misdated 1475, according to N.A.T. Macdougall, 'James III: A Political Study, 1466-1488' (unpublished Glasgow University Ph.D. Thesis, 1968),42,note 1.
  5. RMS, no.1017.
  6. CDS, Appendix i, no.25, pp.409-10; Scofield, Edward IV, ii, 62-3; Macdougall, 'James III', 44-5.

with England. In May 1473 the Milanese ambassador in France wrote that Scottish ambassadors had been at the French court for some time offering to make war on England in the event of Edward invading France, in return for a pension to cover the cost of such aggression. 'They are not yet dispatched, but they are given good hope', he added.<sup>(1)</sup> Edward may have had suspicions of this, for he cancelled a safe-conduct to Scottish commissioners granted in April for a June meeting, although he issued a new one in July.<sup>(2)</sup> The fact that the truce was maintained throughout this year may have been due to the desire for alliance with England among a majority of Scottish nobles, which prevented James III's aggression from leading to open war.<sup>(3)</sup>

In the spring of 1474 the countries were still close to war. In April Scottish defence forces were assembled on the west and middle marches to resist a threatened raid by the Duke of Gloucester, and a rumour of imminent hostilities between the kings of England and Scotland reached the Milanese ambassador in France by June.<sup>(4)</sup>

In May 1474 the Scottish parliament advised James to send an embassy to England to obtain redress for the 'Salvator' and for breaches of the truce in general, to ensure the keeping of the peace.<sup>(5)</sup> Only the day before Edward had issued a safe-conduct for Scottish ambassadors, as he had done in March, presumably to no effect.<sup>(6)</sup> The situation had become

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1. Cal.State Papers (Milan), i, 174-5.
  2. APS, ii, 105; Rot.Scot., ii, 436-7; Macdougall, 'James III', 42; Scofield, Edward IV, ii, 59.
  3. Macdougall, 'James III', 43.
  4. Cal.State Papers (Milan), i, 180; T.A., i, 49.
  5. APS, ii, 106.
  6. Rot.Scot., ii, 441-2.

less tense, and in July Edward again instructed commissioners to negotiate a marriage.<sup>(1)</sup> The question of the 'Salvator', a stumbling block to peace, was put before a commission in August,<sup>(2)</sup> and two months later a truce and marriage alliance was signed.<sup>(3)</sup> James, son and heir of the Scottish king was betrothed to a daughter of Edward IV, Cecilia, and though the marriage was not to take place until the children grew up, Edward agreed to pay the dowry in advance in instalments. In the event of the death of either child, another marriage was to be arranged. The truce which in 1465 had been extended to 1519 was ratified and confirmed, but it was still not converted into a peace treaty. The day before this truce was concluded, James declared that all his claims against Edward concerning the 'Salvator' were acquitted.<sup>(4)</sup>

This marriage alliance was significant in Anglo-Scottish diplomacy, for it marked a turning point in James III's policy towards a desire for peace. The regular dowry payments served as an alternative to a French pension, which, despite many requests, had never been forthcoming, and James ceased his repeated offers to the French king to make war on England. During the next few years careful arrangements were regularly made for the safe carriage of the money to Scotland.<sup>(5)</sup> For the remainder of the decade the two countries were at peace, and James showed an inclination to strengthen further the alliance by proposing additional marriages. In 1477 he suggested that his sister, Margaret, should marry

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1. Ibid, 443; Rymer, Foedera, xi, 814-5.
  2. Rot.Scot., ii, 445.
  3. Ibid, 445-50.
  4. Rymer, Foedera, xi, 820-1. In February 1475 Thomas Spens, Bishop of Aberdeen, received 500 marks restitution for the 'Salvator' incident: ibid, 850.
  5. Ibid, xi, 836-7, 842-3; xii, 40-1; CDS, nos. 1444, 1445, 1449, 1451, 1452.

Edward's brother, the Duke of Clarence, and that his brother, the Duke of Albany, should marry Edward's sister, Margaret, the widowed Duchess of Burgundy. Edward politely made excuses to refuse the proposals.<sup>(1)</sup> In December of the next year English and Scottish commissions discussed marriage between James' same sister and Anthony, Earl Rivers, brother-in-law to Edward, and a contract was actually signed. Although arrangements for Margaret's journey to England were made, the marriage never materialised, but this did not jeopardise good relations between the two kings.<sup>(2)</sup>

The late 1470s - 1483:

Despite these attempts to secure a firmer bond of peace, and the apparent harmony of the late 1470s, by May 1480 England and Scotland were at war. During the truce, as usual, border relations had often been hostile, but not it seems exceptionally so. One source of constant irritation, the fishgarth on the River Esk, had erupted so far as to require its discussion by commissioners of both countries in February 1475 and again in August.<sup>(3)</sup> The fishgarth was some kind of trap built by Cumberland borderers in the lower waters of the Esk to prevent salmon rising to the upper waters, which lay in Scotland. The Scots in the area naturally objected to this contraption and repeatedly destroyed the fishgarth, which the English would then repair.<sup>(4)</sup> In July 1475 James III complained to the Earl of Northumberland of breaches of the truce, and that the traitor, Robert Boyd, was being harboured in Alnwick.<sup>(5)</sup>

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1. Scofield, Edward IV, ii, 187-8; Macdougall, 'James III', 85-6; H. Ellis, Original Letters illustrative of English History, 1st series (London, 1824), 16-17.
  2. Rot.Scot., ii, 456; Scofield, Edward IV, ii, 251-2; Macdougall, 'James III', 87-9.
  3. Rot.Scot., ii, 450, 452.
  4. C.M.L. Bouch, Prelates and People of the Lake Counties: (Kendal, 1948), 127-8.
  5. CDS, no. 1430.

In May 1476 four Newcastle men were commissioned to investigate acts of piracy in breach of safe-conducts and truces with foreign princes, and this probably involved Scotland.<sup>(1)</sup> In June the following year a Yorkshire commission was appointed to inquire into a report that a number of Scottish men and women were wandering through that county, burning buildings.<sup>(2)</sup> When Edward IV wrote to Dr. Alexander Legh, an ambassador of his in Scotland, in 1477, he mentioned a Scottish complaint about robberies, for which the Duke of Gloucester, as warden, was to make restitution.<sup>(3)</sup> It has been suggested that James III was again intriguing with France for a pension in return for aggression against England, since in May 1476, March 1478, and November 1479 he secured safe-conducts from Edward, ostensibly for a pilgrimage to Amiens.<sup>(4)</sup> There seems no reason, however, to suppose that the desire to go on pilgrimage was not genuine, and previous negotiations between James and Louis had been conducted through an ambassador, though James might have hoped for greater success if he went to France in person. James did not in fact travel abroad at this time, whatever may have been his intention.

By 1479 the truce was disintegrating. In October the Duke of Albany was indicted for treason before Parliament, and was charged with deliberately violating the truce with England despite holding the office of warden.<sup>(5)</sup> It is likely that Albany represented and led a powerful section of the Scottish nobility who were opposed to peaceful relations with England, and that his hostility towards his brother, James III, arose out of this.<sup>(6)</sup>

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1. CPR 1467-77, 605.
  2. CPR 1476-85, 50.
  3. J.O.Halliwel, Letters of the Kings of England (London, 1848), i, 147-8.
  4. Rot.Scot., ii, 453, 455, 457; Macdougall, 'James III', 90-1.
  5. APS, ii, 126.
  6. Macdougall, 'James III', 63; citing: M.P.McDiarmid, 'The Date of the "Wallace"', S.H.R., xxxiv (1955), 26-31, which suggests that this anti-English poem was written between 1474 and 1479.

Possibly Albany was encouraged by Louis XI, for as early as July 1475 there was a rumour in existence that the duke had poisoned his brother and made himself king, at the instigation of the French king.<sup>(1)</sup> Another serious breach of the truce had taken place before February 1479, when Edward IV, through his ambassador, complained that at a recent day of truce on the borders Scots had murdered one Robert Lisle and had taken Sir Henry Percy and other gentlemen prisoner, not merely in the presence of the Scottish warden's lieutenant, but actually by his authority.<sup>(2)</sup>

A letter of October 1480 from the Milanese ambassador in France blamed the Anglo-Scottish war on Louis XI, who had induced the Scots to attack in order to distract Edward IV from interfering in France. The ambassador claimed to have seen a letter from James III asking for aid in the form of gunners and artillery.<sup>(3)</sup> It seems likely that the French king had helped to cause the war, but through encouraging Albany and the anti-English faction, not by negotiation with James III. James probably remained keen for peace with England, as his repeated proposals of marriage imply, and only appealed to Louis for aid once war had broken out. Possibly the most to blame for the war was Edward IV, who may have tired of paying the dowry and felt secure enough not to need an alliance with Scotland, especially as he was receiving a French pension.<sup>(4)</sup> It was Edward who first threatened war, early in 1480, and seems to have deliberately aggravated the outbreak of hostilities. The English king declared that James had failed to do homage for his kingdom as he was bound to do; that he had wrongfully disinherited the Earl of Douglas; and that, unless Berwick was surrendered and the Scottish heir sent to England as surety

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1. Cal.State Papers (Milan), i, 198.
  2. CDS, Appendix i, no.28, pp.412-14; Macdougall, 'James III', 119 asserts that the date 1475/6 is a mistake for 1479.
  3. Cal.State Papers (Milan), i, 244-5.
  4. Macdougall, 'James III', 116.

that his marriage with Cecilia would be celebrated, war would be instigated against Scotland. The only justification given for this blatant assertion of hostility and supremacy was the repeated violation of the truce by Scottish borderers.<sup>(1)</sup>

War soon followed. On 12 May the Duke of Gloucester was appointed lieutenant-general of the army which was to fight the Scots in retaliation for infractions of the truce.<sup>(2)</sup> The next day it was arranged that Norham castle was to be provisioned with 'bumbards, cannon and other habiliments of war' for the defence of the marches against the Scots.<sup>(3)</sup> In June commissions of array were sent to the border counties of England and to Yorkshire, and it was claimed that Scots had burnt townships and houses and killed or captured English subjects on the borders.<sup>(4)</sup> There is sparse evidence on the course of the war in its first year. The Earl of Angus ravaged Northumberland for three days, burning Bamburgh, and Gloucester together with the Earl of Northumberland may have retaliated with a similar raid into Scotland in September, for the latter wrote then to Robert Plumpton, saying that the Scots 'in great number are entred into Northumberland, whose malice with Gods helpe I entend to resist', and asked for his aid.<sup>(5)</sup> Meanwhile both Edward and James were preparing for war on a larger scale. Edward was raising money through benevolences, collecting ships, and stocking up while Gloucester in the north recruited

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1. CDS, no.1436 - misdated 1475/6: Macdougall, 'James III', 119; Scofield, Edward IV, ii, 276-7.
  2. CPR 1476-85, 205; Rot.Scot., ii, 458 - misdated 12 January 1482/3 unless Gloucester received a second commission for renewed hostilities on the later date, when Edward IV was again intriguing with Albany: see below, p. 230.
  3. CPR 1476-85, 213.
  4. Ibid, 213-4.
  5. Macdougall, 'James III', 118; Scofield, Edward IV, ii, 294; T.Stapleton, ed., The Plumpton Correspondence (Camden Society, 1839), 40; J.Pinkerton, The History of Scotland from the Accession of the House of Stuart to that of Mary (London, 1797), i, Appendix xxi, p.503.

soldiers, repaired Carlisle's walls and generally supervised border defence.<sup>(1)</sup> Through March to June various men were appointed to carry arms and provisions for the defence of the English marches and the expedition into Scotland.<sup>(2)</sup> In February and April 1481 ships were commissioned for the war, the mayor of Newcastle being put in charge of the operation.<sup>(3)</sup> A week later mariners were sought since Edward had ordered an armed force to go to sea to resist the Scots.<sup>(4)</sup> In June all crown pleas were adjourned because of the war, and in September the clergy and prelates of the northern province were summoned, through their archbishop, to York to discuss defence.<sup>(5)</sup> Edward also tried more subtle means of attacking the Scottish government. In June 1481 he tried unsuccessfully to make a pact with the rebel Lord of the Isles, as he had done previously, and in August he commissioned the Duke of Gloucester and the Earl of Douglas to offer rewards of land and other gifts to any Scots prepared to desert to England.<sup>(6)</sup>

The Scots in their turn were probably preparing for full-scale war, as opposed to the raiding of 1480. In the April 1481 session of parliament defence was arranged. The royal castles of Dunbar and Lochmaben were to be repaired and provisioned, and James ordered all churchmen and laymen possessing castles on the coasts or borders to prepare them for defence. Tantallon, Hailes, Douglas, Hume, and Edrington were mentioned, and

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1. Scofield, Edward IV, ii, 303-4; P.M.Kendall, Richard the Third (London, 1955), 137-44. On 13 December 1480, Gloucester paid to the mayor of Carlisle, Henry Denton (one of his retainers) and to another Carlisle man, 50 marks out of £100 granted by the king for the repair of Carlisle's walls and dykes, and also delivered to them gunpowder and weapons for defence: Carlisle R.O., D/Lons. Deeds/C.61.
  2. CPR 1476-85, 244, 250; Rymer, Foedera, xii, 140.
  3. CPR 1476-85, 264; Rymer, Foedera, xii, 139-40.
  4. CPR 1476-85, 264.
  5. CCR 1476-85, 227, 229.
  6. Rymer, Foedera, xii, 140; CDS, no.1470.

Hermitage was described as the most vulnerable fortress. Money was to be raised for victualling and arming Berwick, the most obvious point for an English attack.<sup>(1)</sup> James III, however, still desired peace, largely because he could ill afford war, and sent an embassy to Edward at the beginning of 1481 with a promise that he would redress all breaches of the truce.<sup>(2)</sup> By rejecting this embassy, Edward showed that Scottish violations of the truce had merely provided an excuse for war. After this snub, James began seriously to plan an invasion, but he was dissuaded from the enterprise by papal bulls begging him to maintain peace in Christendom, which doubtless gave him hope that Edward also would abandon hostilities.<sup>(3)</sup> It is almost certain that Edward contrived this episode. In June 1481 he wrote to the pope complaining that, although he wished to conserve all his efforts for the struggle against the infidel, he was 'thwarted in our better purpose' by the Scots, who have 'drawn their hostile swords on us and our realm'. In defence he must lead an army against the Scots, but he urged the pope to persuade James to 'mend his malicious ways, and to enjoin him to acknowledge the indubitable right of supremacy which we assert over him.' Since James had only recently offered redress, this was plain hypocrisy, and Edward probably calculated that the pope would attempt to dissuade the Scottish king from hostility in order to secure the aid of both countries in a crusade.<sup>(4)</sup>

Edward's projected summer invasion of Scotland with himself at the head of the army did not materialise, but Gloucester campaigned on the

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1. APS, ii, 133-4.
  2. Ibid, 138; H.E.Malden, ed., The Cely Papers (Camden Society, 3rd series, i, 1900), 55; Macdougall, 'James III', 122; Scofield, Edward IV, ii, 306; R.L.Mackie, King James IV of Scotland (Edinb. and London, 1958), 14.
  3. APS, ii, 133-4.
  4. Cal.State Papers (Venice), i, 142-3.

borders during much of the year.<sup>(1)</sup> John, Lord Howard sailed a fleet into the Firth of Forth, wreaking considerable damage, but retired when the planned simultaneous land invasion failed to take place.<sup>(2)</sup> A later repeat naval attack was driven off.<sup>(3)</sup> Late in the year, Gloucester laid siege to Berwick, but failed to take it.<sup>(4)</sup> By February 1482 the large number of troops assembled on the English marches was causing a food shortage, and Gloucester was licensed to purvey provisions from any part of England or Wales.<sup>(5)</sup>

In the Scottish parliament which met in March 1482, the war was much discussed, and though James III's desire for peace was stressed, it was decided that since 'the Revare Edward calland him King of Ingland' was determined on war, detailed defence preparations should be made. A full-scale invasion, led by the king of England in person, was to be resisted by James himself, but the usual raiding and counter-raiding was to be left to the organisation of the wardens. The garrisoning of Berwick and other fortresses was arranged: on the east march Berwick would hold 500 soldiers, Hume castle 60, and Blacater (Blackadder) and Wedderburn 20 each; on the middle march Hermitage would hold 100 men, Cessford and Jedburgh 60 each, and Ormiston, Egarston, Cocklaw, and Dolphinstoun 20 each; on the west march Lochmaben castle would hold 100, Castlemilk and Annan 40, and Bellistour 20. Captains, each to command 100 men, were chosen, and all these troops were to be prepared to follow the wardens' lead. An attempt was made to capture traitors and prevent further treachery, through the offer of rewards to their captors and

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1. Macdougall, 'James III', 122; Scofield, Edward IV, ii, 321.
  2. P.M.Kendall, Richard III, 137-44.
  3. APS, ii, 138-9; R.L.Mackie, James IV, 14; Scofield, Edward IV, ii, 318.
  4. Ibid, 321.
  5. CPR 1476-85, 254.

pardons to those who gave themselves up, with certain exceptions. Although previous requests had been ignored, aid was to be demanded again from the king of France.<sup>(1)</sup>

The indictment of the Duke of Albany for treason in October 1479 had resulted in his imprisonment, but he had escaped and fled to France, so that his repeated summons by parliament in 1482 were in vain.<sup>(2)</sup> In the spring of that year, probably at the invitation of Edward IV, Albany sailed to England, and came to an agreement with the English king. The duke was recognised as the rightful king of Scotland, and promised to do homage to Edward for his kingdom when, with English assistance, he conquered it. He also promised to restore to England Berwick, Liddesdale, Eskdale, Ewesdale, Annandale, and Lochmaben castle, and to end the 'auld alliance' between Scotland and France. Albany was to marry Cecilia.<sup>(3)</sup> In May a royal proclamation ordered all men who had contracted to join Albany's expedition against Scotland to be ready for service on a fortnight's warning.<sup>(4)</sup> The Duke of Gloucester was appointed to lead the English forces, and weapons were bought.<sup>(5)</sup> In this same month Gloucester conducted a preliminary sortie into Scotland, burning Dumfries and other towns, but quickly returning.<sup>(6)</sup> In July the invading army, led by Gloucester and Albany, entered Scotland. The numbers involved were very

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1. APS, ii, 138-40.
  2. Ibid, 135-6; Macdougall, 'James III', 94-5.
  3. Rymer, Foedera, xii, 154, 156; CDS, no.1476. Albany certainly sailed to England in an English ship, which in May and probably earlier was engaged in royal service under the mastership of one James Douglas (possibly the earl), so that it is very likely that Edward IV sent for Albany from France.
  4. CPR 1476-85, 320.
  5. Rymer, Foedera, xii, 157-8.
  6. On 14 May, York city decided to send armed soldiers to aid Gloucester, who 'intendeth brivelie, in hys owen person, to entre Scotland uppon Wedhenisday next comyng': R.Davies, Extracts from the Municipal Records of the City of York (London, 1843), 127; P.M.Kendall, Richard III, 140; Macdougall, 'James III', 139-40; Scofield, Edward IV, ii, 338; CDS, no.1491.

great, possibly exceptionally so for a fifteenth-century army, and a short, easy victory seems to have been expected, since the soldiers were under contract for only one month. After that time, Gloucester was to remain in Scotland with a smaller force to retain control.<sup>(1)</sup>

James III had assembled an army at Lauder for defence against the invasion,<sup>(2)</sup> but his preparations were frustrated when a rebellious faction of the Scottish nobility seized him and withdrew the army to Haddington. The revolt was caused mainly by hatred of James' debasement of the coinage, forced on him by his need for money to conduct the war, but some members of the rebel faction may have been in league with Albany and the English, wishing to replace James by his brother. It has been suggested that the fall of Berwick town to the English just before the Lauder incident was due to the treachery of Andrew, Lord Grey, and certainly the rebel lords made no attempt to resist the invasion.<sup>(3)</sup> Gloucester left a force besieging Berwick castle, which had held out despite the surrender of the town, and marched with the main army to Edinburgh, burning towns and villages as he went. Edinburgh surrendered without resistance and was spared from pillage, probably at Albany's request, since its sack would not have made him popular.<sup>(4)</sup> Negotiations then began. Although the object of the invasion had been to replace James III by his brother, this was not attempted. Probably Gloucester realised that such action would not have been acceptable to the majority of Scottish nobles, while Albany desired restoration to his former position rather than the crown.

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1. Macdougall, 'James III', 139.

2. Lauder was the traditional place of muster of the Scottish host: ibid, 145.

3. Ibid, 152-4. Possibly the confidence of easy victory, which had caused Edward to engage soldiers for only a month, was based on the knowledge that many of the Scottish nobility supported Albany and would not resist the invasion.

4. Scofield, Edward IV, ii, 344-5; P.M.Kendall, Richard III, 140; R.L. Mackie, James IV, 19; Cal.State Papers (Venice), i, 145-6.

On 2 August Gloucester and Albany made an agreement with three men loyal to James, on behalf of the captured king, by which Albany was to be pardoned and restored and redress was to be made for breaches of the truce.<sup>(1)</sup> No mention was made of English overlordship, and it is probable that Gloucester was a more moderate and tactful man than his brother, Edward.

This agreement could mean little while James III remained a prisoner, but the rebel lords showed anxiety to negotiate rather than fight the English army. They agreed to Albany's restoration once he had sworn allegiance to James, whom most of the nobles wished to control not to displace. The question of the dowry payments was awkward, since Edward had not instructed Gloucester to renew the marriage contract, but this was settled when the town government of Edinburgh, anxious to be rid of the army, undertook to repay the money if Edward no longer desired the match. Once these negotiations were concluded, Gloucester withdrew to Berwick, dismissing all the soldiers whose contracts had expired, and continued the siege of the castle, which surrendered late in August. Gloucester then signed a truce to last until November, and returned to England.<sup>(2)</sup> Sometime after March and before August 1482, Gloucester was handsomely rewarded, specifically for having 'subdued grete part of the West bordures of Scotlande, adjoynyng to Englund', but no doubt also generally for his Scottish campaign. Apart from being granted a great deal of land in the borders, the office of sheriff of Cumberland, and the office of west march warden in heredity, Gloucester was also given 'the Countreys and grounde in Scotlande, called Liddalesdale, Esdale, Ewsdale,

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1. Scofield, Edward IV, ii, 345; Macdougall, 'James III', 166; Rymer, Foedera, xii, 160.
  2. Ibid, 161; J.Lesley, The History of Scotland from the death of King James I in the year 1436 to the year 1561 (Bannatyne Club, 1830), 49-50; Scofield, Edward IV, ii, 345-8; Macdougall, 'James III', 168.

Anandirdale, Waltopdale, Cliddesdale, and the West merches of Scotlande, whereof grete part is nowe in the Scotts handes', and all other land 'within the same Dales and Bordures' which he had won or would win.<sup>(1)</sup> The agreement made with the Scots, however, cancelled the latter part of the grant.

The Scottish parliament in December 1482 decided to negotiate for peace and a new marriage alliance, since Edward had refused to continue with the previous contract.<sup>(2)</sup> At the same time, however, defence arrangements were made, to be led by Albany as lieutenant-general, since English borderers were repeatedly raiding into Scotland, the truce having expired. English hostility at this time was not confined to raiding, for Edward IV was again negotiating with Albany, whose treachery was renewed, although his projected appointment as lieutenant-general shows that the government was not yet aware of the fact. As early as Michaelmas (29 September) an ambassador, appointed by Albany, had visited the English court,<sup>(3)</sup> and in January 1483 another commission was sent, on which were the Earl of Angus and Andrew, Lord Gray, both of whom had been involved in the revolt against James III.<sup>(4)</sup> It is possible that on 12 January 1482/3 Gloucester was again commissioned to lead another invasion into Scotland.<sup>(5)</sup> On 11 February a treaty was signed, renewing that made the previous year between Edward and Albany in the same terms. A truce was declared for a year and Albany was to provide Edward with a list of both his supporters and those living near the borders who refused to follow him.<sup>(6)</sup> This renewed aggression by Edward IV implies that he had not

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1. Rot.Parl., vi, 204.

2. Rymer, Foedera, xii, 165; APS, ii, 143.

3. CDS, no.1478.

4. Rymer, Foedera, xii, 172.

5. See above, p.223 n.2.

6. Rymer, Foedera, xii, 173-6. Breaches of the truce were to be redressed by Gloucester, the Earl of Northumberland, Albany, and the Earl of Angus.

been satisfied with the outcome of Gloucester's campaign, apart from the recapture of Berwick.<sup>(1)</sup> Edward had aimed at imposing overlordship and a puppet king on Scotland.

Albany, in this treaty with Edward, promised not to come to terms with his brother, and yet on 19 March he and James made peace. On condition that Albany and his accomplices renounced the English treaty and never came within six miles of the court, they received pardons, and both Albany and Angus retained their position as warden. The duke promised to attempt to secure peace with England and the renewal of the James-Cecilia marriage.<sup>(2)</sup> Nothing came of this agreement for again Albany began intriguing with Edward IV, and handed Dunbar castle over to the English. Edward's death on 9 April left the traitor in a dangerous position, but he was allowed refuge in England, while in July he was declared forfeit in the Scottish parliament.<sup>(3)</sup>

#### 1483 - 1485:

James III did not take advantage of the upheaval in England caused by Richard III's usurpation, although the new king seems to have feared a Scottish assault in July 1483, when the Earl of Northumberland was commissioned to array his county for the defence of Berwick.<sup>(4)</sup> In August James wrote to Richard proposing peace, and received a favourable reply.<sup>(5)</sup> Richard refused to agree to an immediate temporary truce, which James had suggested in order to give peace negotiations more chance

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1. After Berwick's capture it was immediately repaired and put in a state of defence, under the captaincy of the Earl of Northumberland: Rot. Scot., ii, 458; Scofield, Edward IV, ii, 349. Following a petition from its inhabitants, complaining of their poverty, Edward IV issued a statute granting trade advantages and incentives to the town and to anyone willing to settle there, for a larger population meant greater security: Rot.Parl., vi, 224-5; S.R., ii, 475-6.
  2. Macdougall, 'James III', 197-201.
  3. Ibid., 202-3; Jacob, The Fifteenth Century, 610; APS, ii, 147-52.
  4. CDS, no.1492 - though Bain's dating is not always reliable.
  5. J.Gairdner, ed., Letters and Papers Illustrative of the Reigns of Richard III and Henry VII (London, 1861-3), i, 51-3.

of success, but granted a safe-conduct to Scottish ambassadors in November and appointed his own commissioners the following month.<sup>(1)</sup> Nothing came of these negotiations, possibly because the question of Berwick and Dunbar castles could not be settled. It remained a source of discord for several years. In February the Scottish parliament discussed the recovery of Dunbar and defence,<sup>(2)</sup> while Richard III, who in the same month granted an annuity to the exiled Earl of Douglas, was also planning hostilities. Richard wrote, in a letter of February 1483/4, that 'we be fully determined, by God's grace, to address us in person with host royal toward the parties of our enemies and rebels of Scotland, at the beginning of this next summer, to subdue and do them all annoyance possible, both by sea and land, in saving as well this our land from such inconveniences (as else were like to ensue), as the honour of us and our blood and true liege men.'<sup>(3)</sup> The English king also continued to harbour the Duke of Albany. Despite these actions, safe-conducts were granted, at James' request, to Scottish ambassadors in March and April 1484, while Richard instructed a herald to arrange a truce, on condition that the Scots would agree that no change should take place in the occupation of the 'Batabelle Grounde' (the Debateable Land in the west marches).<sup>(4)</sup> Again nothing came of this diplomacy, and negotiation may not even have occurred.

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1. H.Ellis, Original Letters, 3rd series (London, 1846), i, 109-13; Rot. Scot., ii, 461. Richard's reasons for not agreeing to the temporary truce were that James had not sent men with sufficient power to conclude it, and that it would be difficult to make it known on the borders at such short notice. It was stated in Richard's letter that march wardens did not have the authority to make a truce.
  2. APS, ii, 164-5.
  3. Rymer, Foedera, xii, 213; J.O.Halliwell, Letters of the Kings of England (London, 1848), i, 156-7.
  4. Rot.Scot., ii, 461-2; J.Gairdner, Letters and Papers, i, 55.

In March 1484, James renewed the ancient Scottish alliance with France, and this posed a particular threat for Richard III since a rival claimant to his throne, Henry Tudor, had been made welcome at the French court.<sup>(1)</sup> A raid into Scotland in July by Albany and the Earl of Douglas may have been encouraged by Richard in retaliation. This proved a complete failure, for the raiders were defeated at Lochmaben by local men loyal to their king, and Douglas was captured, while Albany fled to France.<sup>(2)</sup> This incident did not prevent negotiations for peace being renewed. Just before the raid James III sent Richard the names of ambassadors with full power to conclude a truce and discuss a marriage alliance at a meeting to be held in September at Nottingham. Both kings promised redress of violations against the opposite realm, and that border officials would be urged to prevent hostilities.<sup>(3)</sup> On 21 September a three-year truce was concluded, to be cemented by the marriage of James's son to Richard's niece, Anne, daughter of the Duke of Suffolk, when they should come of age.<sup>(4)</sup> Berwick was to be included in the truce, as was Dunbar but only for six months, after which time James could give notice of his intention to attempt its recovery. Arrangements were made for border diets to settle redress, and for meetings between commissioners to discuss Dunbar and the boundaries of Berwick. It was agreed that no man of either

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1. Macdougall, 'James III', 242-3.

2. Ibid, 244.

3. J.Gairdner, Letters and Papers, i, 59-61. Early in August Richard sent a safe-conduct for the Scottish embassy and appointed ambassadors to receive the Scots at Nottingham: ibid, 61, 63; Rot.Scot., ii, 464.

4. Rymer, Foedera, xii, 235-46.

country should 'Bilde, Ere, (plough) nor Sowe' on the Debateable Land.<sup>(1)</sup>

1485 - 1488:

Negotiation concerning the keeping of this truce continued in the last year of Richard's reign. The Scottish parliament meeting in May 1485 was keen for the settlement of the marriage, and for discussion over the Esk fishgarth so that it might not jeopardise the truce.<sup>(2)</sup> The marriage, however, was never celebrated. As Richard became distracted by civil disturbances, diplomacy with Scotland was neglected, and it may be that James also was preoccupied with financial problems.<sup>(3)</sup> The view that James supported Henry Tudor against Richard is based on the presence of Scottish troops at Bosworth on the rebel side, but it has been suggested that these soldiers may have been sent to France as part of the Scottish-French alliance, James being ignorant of their subsequent employment.<sup>(4)</sup> If James had given aid to Henry, it is hard to explain why, in September, the new king issued commissions of array to the border counties, Yorkshire and Nottinghamshire, through fear of a Scottish invasion.<sup>(5)</sup> The suggestion that this invasion was planned by border lords in opposition to James III's policy of peace, is not convincing.<sup>(6)</sup> Such discontented borderers might have raided England, as was common, but

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1. Ibid, 246-7. The diets were to be held at 'Loughmabanestone' (Lochmabenstone) on 14 October and 18 November for the west marches; at 'Haldenstank' on 18 October for the middle marches; and at 'Ridanburne' (Reddenburn) on 21 October and 1 December for the east marches. Dunbar was to be discussed on 10 October.
  2. APS, ii, 170. In January of this year English commissioners had been appointed to discuss conservation of the truce and trade, while in February a group of Scots entered England under safe-conduct, possibly as negotiators. In April James granted protection for five Englishmen to treat in the borders for peace, while another group of Scots, possibly an embassy, were given safe-conducts in the same month: Rot.Scot., ii, 466-7; CDS, no.1513.
  3. Macdougall, 'James III', 256.
  4. Ibid, 254.
  5. CPR 1485-94, 39-40. Another was issued in October to the Duchy of Lancaster through fear of a projected siege of Berwick: Macdougall, 'James III', 271.
  6. A.Conway, Henry VII's relations with Scotland and Ireland 1485-1498 (Cambridge, 1932), 9.

it is unlikely that the threat of such activity would have induced Henry VII to order a full array of five counties. James III probably decided, possibly through pressure from anti-English nobles, to take advantage of Henry's insecurity as a recent usurper, by invading with the aim of at least winning back Dunbar and Berwick. The planned hostility failed to materialise, and Scottish ambassadors attended Henry's coronation in October.<sup>(1)</sup>

Late in 1485, or in the following spring, Dunbar fell to the Scots after a prolonged siege. Henry VII made no attempt to relieve the castle, and its recapture did not constitute a breach of the truce, due to the special provision made in 1484.<sup>(2)</sup> Both James and Henry were anxious for peace, and on 3 July 1486 a new truce was signed,<sup>(3)</sup> to last three years. Berwick was again included in the truce, the Scots promising not to attack it, the English not to use it for any hostility, but a meeting of commissioners was arranged for the following March to discuss the question of its boundaries and possession of it. If they failed to settle the problem, the truce was to expire after only one year. Further negotiations were planned for a longer peace and a marriage between James' second son and Katherine, Henry's sister-in-law.

The outcome of negotiation over Berwick is unknown, and the prearranged meeting may not have occurred, though in February 1487 Henry appointed

1. Ibid, 9; Macdougall, 'James III', 272.
2. Ibid, 272-3; see above, p.233.
3. Rot.Scot., ii, 473-7. In January Henry, Earl of Northumberland, and in February Richard Salkeld had been appointed to treat for peace, while in the latter month a safe-conduct had been issued for James III's as yet unnamed ambassadors, who were appointed in May: ibid, 471-2; CDS, no.1520.

a commission.<sup>(1)</sup> Further commissioners were appointed in March and October to discuss the continuing problem of the Esk fishgarth.<sup>(2)</sup> The question of marriage and a firmer peace was revived in August, when English ambassadors went to Scotland. According to Polydore Vergil James admitted to these men that his subjects did not share his desire for a prolonged peace treaty, so that he could only secure a seven-year truce, but promised secretly to renew that truce every seven years.<sup>(3)</sup> Even the first seven years of truce, however, were not achieved. By an indenture of 28 November 1487, signed by heralds of the two countries, the existing truce was extended, but only by three months.<sup>(4)</sup> The question of Berwick was causing problems because James was adamant in demanding its surrender before he agreed to any permanent settlement. It was arranged that diets should be held in January, May and July of the next year, at the last of which the kings would meet personally, to discuss Berwick and the marriage not only of James' second son and Katherine, but also of James himself to Edward IV's widow, Elizabeth Woodville, and of his first son and heir to another of Edward's daughters, not named. In January 1488 the Scottish parliament decided to instruct ambassadors, being sent to negotiate these marriages, to make the last two proposals conditional on Henry VII either surrendering or destroying Berwick.<sup>(5)</sup>

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1. W.Campbell, ed., Materials for a History of the Reign of Henry VII (London, 1877), ii, 120.
  2. Rot.Scot., ii, 478-9.
  3. D.Hay, ed., The 'Anglica Historia' of Polydore Vergil, 1485-1537 (Camden Society, lxxiv, 1950), 29.
  4. Rot.Scot., ii, 480-1.
  5. APS, ii, 181-2. Macdougall, 'James III', 279,298, points out that the negotiations over these marriages reveal James' awakening suspicion of his eldest son. The earlier marriage proposals with Edward IV had involved the heir, James, but the first match discussed with Henry VII involved James III's second son, also James. The other marriages of the king himself and his heir were in 1487-8 secondary considerations to James III, and he made these conditional on Berwick's surrender, whereas no conditions were made on the other proposal. Macdougall suggests that James was deliberately slighting his heir in favour of the younger son on this question of English wives.

By the spring of 1488, James III had become aware of the danger threatening him from his disaffected nobles,<sup>(1)</sup> and sometime after 23 March he sent John Ramsay, Lord Bothwell, to Henry VII, probably to request aid against the rebels.<sup>(2)</sup> Two English ambassadors were appointed in May to treat with James.<sup>(3)</sup> At the same time, in May, Henry issued safe-conducts to seven Scots, all of the rebel faction, which implies either that the rebels also planned to appeal to the English king, or that Henry summoned them to hear their point of view, having been requested by James to interfere.<sup>(4)</sup> It is unlikely that they did enter England.<sup>(5)</sup> On the borders Lord Bothwell made contact with the Earl of Northumberland and Sir William Tyler, captain of Berwick, and tried to persuade them to allow any Scottish fugitives from justice hiding in England to return to Scotland if they promised to fight for James against the rebels.<sup>(6)</sup> Although James III was indicted after his death for the inbringing of Englishmen into Scotland, and almost certainly tried to secure aid from Henry VII, it seems that the English king did not in fact give active support to either party in the rebellion.<sup>(7)</sup> James III was killed at Sauchieburn on 11 June.<sup>(8)</sup>

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1. In particular the Humes, who had been charged with treason: Macdougall, 'James III', 318.
  2. Ibid, 306.
  3. Rot.Scot., ii, 485.
  4. Ibid, 485; Macdougall, 'James III', 313.
  5. Ibid, 329.
  6. Ibid, 328-9; APS, ii, 202.
  7. Ibid, 201; 202, 204, 210; Macdougall, 'James III', 341.
  8. J.D.Mackie, A History of Scotland (1966), 107.

1488 - the mid 1490s:

In January 1489 Henry wrote to the pope, regretting the 'shameful murder' of James III and showing sympathy with the late king's 'faithful attendants, who by no fault of theirs have incurred the calamity of exile, and are unjustly punished.'<sup>(1)</sup> Henry did give shelter to John Ramsay and probably to other banished Scots, but at the same time he did not scruple to begin negotiations with James IV's government in the interests of peace, only three months after the rebels' victory.<sup>(2)</sup> At first Henry was cautious and made preparations in case of hostility by the rebels, whom he had cause to fear since they had been opposed to James III's pro-English policy and had suspected that English aid had been given to the late king. In July 1488 Henry commissioned the array of all able 'hobelars' and archers in the castles of Berwick, Carlisle, Norham, and Newcastle for the defence of Berwick and the border.<sup>(3)</sup> In September Berwick was provisioned.<sup>(4)</sup> The new Scottish government, however, showed itself keen for peace, and on 5 October an indenture was signed at Coldstream for a truce to last until 1491.<sup>(5)</sup> Berwick was included, and meetings were planned for March to discuss the fishgarth and the Debateable Land.

Early in 1489 a new rebellion was forming in Scotland, and on 8 January one of its leaders, Alexander, Master of Huntly, wrote to Henry VII requesting aid to revenge the murder of James III.<sup>(6)</sup> Henry may have responded to this appeal, for in March he made a contract with the

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1. Cal.State Papers (Venice), i, 177.
  2. A.Conway, Henry VII, 25; Rot.Scot., ii, 487. On 12 September 1488 Henry appointed ambassadors to treat for perpetual peace.
  3. Ibid, 486; CDS, no.1542.
  4. Ibid, no.1543; Rot.Scot., ii, 487.
  5. Ibid, 488-90.
  6. Macdougall, 'James III', 366.

Earl of Northumberland 'for the keynge owt of the Schottys and warrynge on them',<sup>(1)</sup> but the earl was killed the next month, and the plot against James IV came to nothing.<sup>(2)</sup> The chronicler, Pitscottie, described an encounter in the Firth of Forth during the summer of 1489, when five armed ships from England plundered Scottish merchants but were repelled by Sir Andrew Wood.<sup>(3)</sup> If this incident did occur at this time it may have represented open aid by Henry to the rebels, but it may have merely been an unconnected act of piracy. Whether or not aid was given, diplomatic relations between Henry and James IV were not severed. In September yet another commission to discuss the Esk fishgarth was appointed by the English king.<sup>(4)</sup>

The Scottish parliament assembled in February 1490 showed concern for the maintenance of the truce, and ordered that days of truce should be regularly kept.<sup>(5)</sup> Recent disputes over the fishgarth were discussed in the late spring and again in September.<sup>(6)</sup> There is evidence of tension between the two countries in this year, although peace was preserved. In May Henry ordered proclamation to be made in the border counties and Yorkshire that all Scots and other foreigners considered 'suspecte and no wele disposed', who were guilty of 'idelnnes and beggyng' in this area, must leave the country on pain of imprisonment. Household holders and servants in English households were excepted if of good reputation and sworn to the king's allegiance.<sup>(7)</sup> In July and December

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1. J.Gairdner, ed., The Paston Letters (Library Edition, London, 1904), vi, 120 - the date is not certain, but Gairdner argues convincingly for March 1489.
  2. Macdougall, 'James III', 375-6.
  3. A.J.G.Mackay, Pitscottie's Chronicles (Scot.Text Soc., vol.42, 1899), vol.i, 226-7.
  4. Rot.Scot., ii, 491.
  5. APS, ii, 220.
  6. CDS, no.1559. In April Henry appointed another commission for this purpose, and also in September: Rot.Scot., ii, 493.
  7. CDS, no.1563.

safe-conducts were granted to certain Scottish merchants for trade in England, which protection was to last for a year, if the peace with Scotland endured so long.<sup>(1)</sup> This was not a standard phrase and indicates that the truce was under strain. James IV, in a letter to the pope of May 1490, claimed: 'Our old enemies in England also harassed my subjects, whom I have protected against the inroads of their adversaries by my assiduous exertions.'<sup>(2)</sup> Pitscottie described another sea battle in the summer, and certainly some encounter between English and Scottish ships did occur.<sup>(3)</sup>

During 1491 much negotiation took place, probably to smooth over this latent hostility and because the truce was due to expire on 5 October. In February Scottish ambassadors were granted safe-conducts to visit England on two occasions, and in April and May English commissioners were again appointed to discuss the fishgarth. Negotiations in the early summer also covered the boundaries of the Debateable Land, redress of violations of the truce and of unspecified hostilities, and extension of the truce.<sup>(4)</sup> In April border days of meeting were arranged in the Scottish parliament, to ensure the conservation of the truce and to provide redress of grievances, so that the Scots should not be found in default in keeping the peace.<sup>(5)</sup>

Despite this constant negotiation, Henry VII had begun to intrigue with Scottish traitors, while James IV in the summer of 1491 renewed the

1. Ibid, nos.1565, 1567.
2. Cal.State Papers (Venice), i, 188.
3. Pitscottie, i, 228-30; RMS, no.2040; APS, ii, 227. Andrew Wood was rewarded in April 1491 for resisting and repulsing English piracy and invasion.
4. Rot.Scot., ii, 495-500.
5. APS, ii, 226.

treaty with France, which involved aggression against England.<sup>(1)</sup> In April Lord Bothwell, the supporter of James III, and another Scot, Sir Thomas Todd, promised to deliver James IV and his younger brother to Henry VII, for what exact purpose is not clear.<sup>(2)</sup> When nothing came of this, Henry turned to Archibald Douglas, Earl of Angus, who in November agreed to work for Henry by trying to prevent James making war on England. If he failed in this and war ensued, the earl was to hand over Hermitage castle in return for a promise of lands in England of equal value.<sup>(3)</sup> James IV, however, became suspicious of Angus, and in December forced him to exchange Hermitage castle and Liddesdale for estates in Kilmarnock, further from the border.<sup>(4)</sup> In the parliament of October 1491 - March 1492 Henry declared that since the Scots failed to keep the truce (which had been renewed in December), open war would be preferable to feigned peace. A statute was issued banishing all Scots (unless made denizens) within forty days of a proclamation to this effect, on pain of imprisonment, forfeiture, and bodily removal.<sup>(5)</sup>

Surprisingly, peace was maintained, and the outcome of all the negotiation was a new truce, signed on 21 December 1491 to last five years.<sup>(6)</sup> A meeting was arranged for the following August to discuss the usual problems of the Debateable Land and fishgarth, but if either king decided he did not wish to keep the truce, he was to make this known to the other party by 15 February. This clause implies that the truce had only with difficulty been concluded, and although Henry ratified it

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1. A.Conway, Henry VII's Relations with Scotland and Ireland 1485-1498 (Cambridge, 1932), 37.
  2. Rymer, Foedera, xii, 440.
  3. CDS, Appendix i, no.32, pp.416-7; J.Gairdner, Letters and Papers, i, 385.
  4. RMS, nos.2073-4.
  5. S.R., ii, 553; History of Parliament: Register of the Ministers and of the Members of both Houses 1439-1509 (London, 1938), 542.
  6. Rot.Scot., ii, 503-5.

on 9 January, James refused to do so until 18 March, and then only for eight months of truce, not the planned five years.<sup>(1)</sup> Despite Henry's aggressive attitude in the 1491/2 parliament, he persisted in seeking peace, and on 3 November 1492 secured another truce to last until 30 April 1494.<sup>(2)</sup> In June of the following year the truce was again extended to 1501, and a marriage was suggested between James IV and Katherine, daughter of the Countess of Wiltshire and through her mother related to the king.<sup>(3)</sup> It was decided that English injuries against Scots had, in monetary terms, exceeded those inflicted on the English, and Henry agreed to make compensation of 1000 marks.<sup>(4)</sup> This truce was ratified within a month by both kings, but the marriage plans came to nothing and Henry had failed to secure a peace treaty as he had hoped to do.<sup>(5)</sup> During the next year and a half commissioners met periodically to attempt a final settlement of the major sources of border hostility,

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1. Ibid, 503-5; Rymer, Foedera, xii, 465. 473.
  2. Ibid, 494-7. In August Henry had appointed commissioners to treat for an extension of the truce, Scottish ambassadors having been granted a safe-conduct earlier in the month: Rot. Scot., ii, 505, 507. In October commissioners had met to discuss violations of the truce and its prorogation: Rymer, Foedera, xii, 489; CDS, nos.1585, 1577 - dated 22 October 1491, but this is probably a mistake for 1492.
  3. Rot.Scot., ii, 509-12.
  4. This was to be paid at 'Wedirburn in le Mers' on 31 July, and James IV appointed commissioners to receive the money: Rymer, Foedera, xii, 547; CDS, no.1596.
  5. In May Henry's commissioners had been instructed to treat for peace, friendship, and marriage, not merely for an extension of the truce: Rot.Scot., ii, 508. Henry confirmed the truce on 8 July and ratified it on the 18th, while James ratified it on 25 July: ibid, 512; Rymer, Foedera, xii, 542, 545.

the fishgarth and the Debateable Land.<sup>(1)</sup>

1492 - 1497:

A serious threat to Anglo-Scottish peace arose in the person of Perkin Warbeck. As early as March 1492 Warbeck had sounded out James IV, whose reluctance to accept a lengthy truce in that year may have been due to an inclination to support the pretender.<sup>(2)</sup> Warbeck was received in Scotland in November 1495, granted a pension, and married to a royal kinswoman, Lady Catherine Gordon, which implies that James had accepted him as a prince, worthy of a royal bride.<sup>(3)</sup> By the previous March Henry had become so suspicious that he had commissioned the Earl of Surrey and Richard Fox, Bishop of Durham, (key men in the north) to array all able-bodied men between the rivers Trent and Tweed for defence against a feared invasion by the Scots.<sup>(4)</sup> Despite this, negotiation in the summer for perpetual peace and settlement of all disputes was planned by

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1. The terms of the truce had arranged a meeting for 8 August 1494, but in November 1493 a commission was appointed by Henry to discuss these problems: Rot.Scot., ii, 513. Another such commission was appointed in May 1494, and in July Scottish ambassadors received safe-conducts: ibid, 513-14; CDS, no.1599. The last commission specified that disputes had arisen over the boundaries of the monastery of Canonbie, situated in the Debateable Land, and the commissioners were to perambulate the boundaries, making new ones if necessary. On 26 March 1494 an indenture had been drawn up between the English and Scottish commissioners, concerning a complaint by the prior of this monastery, his tenants, and the inhabitants of the lands of Canonbie, all Scotsmen, against certain Englishmen who had stolen and destroyed livestock and goods. The injury was to be redressed at a meeting in August at Lochmabenstone, the purpose of which was 'to put ane finale end to the Fischegarht and all debatable landis': CDS, Appendix i, no.34, p.418; Fraser, Carlaverock, ii, 449. Another commission to discuss quarrels in the Debateable Land was formed in December 1494 by Henry VII: Rot.Scot., ii, 515.
  2. J.Gairdner, Letters and Papers, ii, 326.
  3. J.D.Mackie, The Earlier Tudors (Oxford, 1952), 134, 138.
  4. CPR 1494-1509, 32. Berwick was also put in a state of defence: ibid, 16.

Henry VII, but probably received no response from James.<sup>(1)</sup> In the English parliament which sat from October to December 1495, the defence of Berwick and Carlisle was discussed, and a statute was issued to ensure financial efficiency in their defence arrangements.<sup>(2)</sup> The next March workmen were hired for defence works in the north, and in April commissions of array were issued to nine non-border counties because James IV's warlike preparations were threatening Berwick.<sup>(3)</sup>

While securing the border against Scottish hostility, Henry still sought peace. In May 1496 he appointed Thomas Howard, Earl of Surrey and the Bishops of Durham and Carlisle as ambassadors to propose the marriage of his daughter, Margaret, to James; a more generous proposal than the previous offer of a mere cousin, Katherine.<sup>(4)</sup> Further embassies were appointed in June and September,<sup>(5)</sup> but it is doubtful that the Scots consented to any negotiation. At this time Henry was also attempting to secure peace by more devious methods. Lord Bothwell, a fugitive in England after the 1488 rebellion, had eventually been allowed to return to Scotland, but did so as Henry VII's spy. Two letters from Bothwell to Henry, written in 1496, reveal that this traitor had been attempting to dissuade the Scottish nobility from war against England. He considered that the Scots people were opposed to the idea of invasion in favour of Warbeck, but warned Henry that such an invasion was planned for 17 September. Warbeck had promised James IV to restore Berwick and pay 50,000 marks within two years of the expedition, in return for Scottish aid. Bothwell

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1. In May and July Henry VII appointed ambassadors to treat on these matters: Rot.Scot., ii, 516-8; CDS, no.1618.
  2. S.R., ii, 626-7; History of Parliament: Register, 564.
  3. CPR 1494-1509, 52-3, 67.
  4. Rot.Scot., ii, 520.
  5. Ibid, 521-2.

also revealed that all men of the sea ports had been mustered to join the army, so that the English could cause great havoc with a fleet, and he described the Scottish plans for attack, giving advice on how Henry could best resist them.<sup>(1)</sup>

Warbeck's invasion at the head of a Scottish army was a failure, for despite Bothwell's warning to Henry that men of Northumberland were defecting to the pretender, the expected border rising in his support did not occur. His army caused considerable destruction, thus further alienating the English borderers, but before 21 September retreated due to the rumour of a great force marching north against the Scots.<sup>(2)</sup>

Henry was in fact still preparing for war and the army was not yet on the march. In November men were engaged to provide storehouses and 'bier-houses' at Berwick for the defence forces, and to prepare the town and castle against attack.<sup>(3)</sup> In the following months guns and ships were assembled and Sir Thomas Dacre was appointed as captain to lead the men of Cumberland and Westmorland against the Scots, and if necessary into Scotland. The beacon system of warning was to be made ready on the borders.<sup>(4)</sup> In the spring parliament a petition was presented complaining of the havoc wrought by the invasion through murder, the burning of villages, and the destruction of peel towers and other fortresses. It was aggressively asserted that James IV had broken his allegiance to Henry, to whom he owed homage. Taxes were granted for the war, and preparations were arranged.<sup>(5)</sup>

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1. H.Ellis, Original Letters, 1st series, i, 22-32.
  2. Mackie, The Earlier Tudors, 140; The 'Anglica Historia' of Polydore Vergil, 88-89.
  3. CPR 1494-1509, 87-8.
  4. Ibid, 89-91, 116; CDS, no.1628; Rymer, Foedera, xii, 647.
  5. S.R., ii, 642-6; History of Parliament: Register, 583.

The English army had begun its march north when a serious revolt in Cornwall against the war taxation forced Henry to divert the major part of these forces to resist this greater and more immediate danger. The rising was suppressed in a pitched battle on 17 June, and a week later northern sheriffs were ordered to make proclamation that all able men between the ages of sixteen and sixty should be prepared to serve against the Scots at an hour's warning.<sup>(1)</sup> On 1 July Henry sent instructions to commissioners concerning the treatment of Scots in England while the countries were at war. All Scots had already been ordered to leave England by the previous February, and the commissioners were to investigate any who had remained. Those with licences were to be allowed to stay, though all licences granted before Henry's reign had to be confirmed in chancery, and Englishmen who had molested such Scots through blackmail or ransoming were to make restitution or face imprisonment. No one but the king was to grant new licences, fees for which were to go towards Henry's 'viage' into Scotland, and failure to obtain a licence would lead to forfeiture and imprisonment. All licensed Scots were to take an oath of allegiance and were to be forced to reveal the names, 'seirnames', and habitation of any other Scots in England known to them.<sup>(2)</sup>

Although English war preparations did not cease, Henry in July began urgently to seek peace, and sent instructions to his chosen ambassador for this purpose, Richard Fox, Bishop of Durham. Fox was ordered to demand the surrender of Warbeck, but if James refused this, peace was still to be sought, and Henry was prepared to make considerable concessions to this end. The king suggested three Scottish ambassadors

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1. CPR 1494-1509, 118; R.L.Storey, The Reign of Henry VII (London, 1968), 85.
  2. CDS, no.1634. The cost of licences was extortionate - half of a man's moveable goods, as well as a year's wages (if a servant) or the yearly value of a benefice (if a priest).

to negotiate for peace and a new truce with ecclesiastic sanction to secure against its violation, but hoped that he and James could meet personally for discussion. James was to agree at least to cease giving aid to Warbeck and to redress the damage done by his invasion, and was to send hostages as security. Henry's desire for peace was stressed repeatedly in these instructions.<sup>(1)</sup> James, however, did not share this desire and in August he raided Norham castle, although Warbeck had by then left Scotland for Cornwall.<sup>(2)</sup> It is not clear whether James had become disillusioned with the pretender and dismissed him at this time, or whether the Scottish attack on Norham was planned to coincide with a renewal of the Cornish revolt, incited by Warbeck. The raid was easily repulsed by the Earl of Surrey, who, in pursuing the retreating Scots, captured Ayton castle.<sup>(3)</sup> Henry feared further hostility, for on 30 August the Bishop of Durham, Thomas, Lord Dacre, and the sheriff of Northumberland were ordered to prepare borderers for service in resistance of the Scots, since the king had learnt that an invasion was planned for 7 September.<sup>(4)</sup> This attack, if ever more than a rumour, did not occur, and James now responded to Henry's attempts to make peace, probably because Warbeck was achieving nothing in Cornwall. On 5 September Henry appointed ambassadors to negotiate for a truce and free trade, and on the last day of the month a seven-year truce was concluded at Ayton.<sup>(5)</sup>

James' change of policy towards peace was largely due to the intervention of the Spanish ambassador to Scotland, Pedro de Ayala, who used

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1. J.Gairdner, Letters and Papers, i, 104-11. The three ambassadors named were the Bishop of Moray, the Earl of Angus, and Lord Hume.
  2. R.L.Storey, Henry VII, 85; The 'Anglica Historia' of Polydore Vergil, 98-101.
  3. A.Conway, Henry VII, 110. One chronicler stated that James IV offered to fight Surrey in single combat for possession of Berwick, but the earl refused: Mackie, The Earlier Tudors, 147, quoting Hall's chronicle.
  4. CPR 1494-1509, 144.
  5. Rot.Scot., ii, 524, 526-30.

the bait of a Spanish marriage to persuade James into a truce with Henry. The king of Spain wished England to join in active alliance against France, and realised that no effective aid could be expected while Scotland threatened Henry's northern border.<sup>(1)</sup> In the truce Berwick was specifically included and it was decided, to avoid jeopardising the peace, that any hostility over the fishgarth would not be considered a breach of the truce. Within a few months this truce was extended to last until one year after the death of either king, and the heir of the dead king was to ratify the truce within six months of that event.<sup>(2)</sup>

1497 - 1502:

Diplomatic relations to maintain and secure peace followed, and on 13 December it was decided that disputes over violations of the truce should be put to the arbitration of the king and queen of Spain.<sup>(3)</sup> An incident in the summer of 1498 nearly ended the peace, for when at Norham castle a group of English borderers attacked and killed some Scots, taking them to be spies, James threatened war if redress were not given. Bishop Fox managed to calm the king's anger, and the truce was upheld.<sup>(4)</sup> In January 1499 the truce of Ayton was confirmed with slight additions to remove ambiguities.<sup>(5)</sup> In June the vice-admiral of England was sent to propose to James the marriage between him and Margaret, which he had previously ignored.<sup>(6)</sup> All that was achieved on this occasion was a renewal of the truce, signed on 12 July.<sup>(7)</sup>

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1. R.L.Mackie, James IV, 81.
  2. Rot.Scot., ii, 526-30; Rymer, Foedera, xii, 678-80.
  3. Rot.Scot., ii, 525-6. The day before, Henry had appointed a commission to treat concerning truce and trade.
  4. R.L.Mackie, James IV, 90-2; The 'Anglica Historia' of Polydore Vergil, 110-13.
  5. Rot.Scot., ii, 532-7.
  6. Ibid, 537; CPR 1494-1509, 180.
  7. Rot.Scot., ii, 539-42.

James' hesitation may have been caused by a lingering hope that a Spanish marriage might still materialise.<sup>(1)</sup> Henry continued to urge the English match, and during the next two years embassies passed between England and Scotland, negotiating this and settling breaches of the truce and border disputes.<sup>(2)</sup> In July 1500 Bishop Fox procured a papal dispensation for the marriage, since the couple were related.<sup>(3)</sup> In October 1501 James IV empowered his commissioners to contract the marriage and to treat for perpetual peace, while Henry VII likewise appointed a commission in November.<sup>(4)</sup> The treaty was finally concluded on 24 January 1502, and the marriage was celebrated by proxy at Richmond on the following day.<sup>(5)</sup>

This treaty differed from all previous truces signed during this period in its perpetuity, and a permanent treaty of this kind had not been concluded between England and Scotland since the treaty of Edinburgh-Northampton in 1328.<sup>(6)</sup> Three treaties were in fact signed simultaneously: one for the marriage, one for perpetual peace, and one for the regulation of the borders to ensure the maintenance of peace. The terms of this last treaty differed little from those of previous truces, and the vexed questions of Berwick and the fishgarth were not finally settled.<sup>(7)</sup> The perpetuity of the peace treaty was secured by an agreement that the heirs of each party would ratify it within six months

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1. Mackie, The Earlier Tudors, 158.
  2. On 11 September 1499 Henry appointed Fox to negotiate the marriage: Rot.Scot., ii, 542. In July 1500 commissioners were appointed to settle disputes and redress, Scottish ambassadors having been granted safe-conducts four days earlier, probably for the same purpose: ibid, 543. A further commission for the same business was formed in early spring 1501: ibid, 544-5.
  3. Rymer, Foedera, xii, 765.
  4. Ibid, 776-7; CDS, no.1678.
  5. Rot.Scot., ii, 548-61; John Leland, De Rebus Britannicis Collectaneorum (London, 1770), iv, 258-60.
  6. Mackie, The Earlier Tudors, 157.
  7. See below, pp.258ff. for a discussion of the terms of all the printed truces of this period.

of the death of their predecessor. The death of either James or Margaret before the celebration of their marriage in person, was not to jeopardise the peace, unless within two months of such a death either party decided to withdraw from the alliance. Even then, the truce was to last until one year after the decease of either king. Margaret was to be sent to Scotland by 1 September 1503. Both kings agreed to take an oath to observe the treaty, and papal sanction for the peace was to be obtained, so that any violation of it would incur excommunication. After a few minor arguments over the confirming of the treaty, ratifications of it were exchanged before witnesses in December 1502 by English and Scottish commissioners.<sup>(1)</sup>

Although this treaty of perpetual peace did not succeed in ending war between England and Scotland, it did mark an important point in Anglo-Scottish diplomacy. The treaty represented a real desire for peace by the kings of both countries, whereas previously in this half-century unwillingness by one side or the other to commit themselves so far had allowed only temporary truces to be concluded. The marriage proposed to ensure the maintenance of good relations did take place, unlike its forerunners in this period. The ancient English claim to overlordship of Scotland was abandoned, although as recently as 1496 it had been mentioned aggressively in the English parliament.<sup>(2)</sup> Peace resulting from this treaty endured for over ten years, and the war which led to the battle of Flodden was the product of the international situation rather than of basic hostility between the two countries. The marriage alliance did eventually produce union between England and Scotland. The importance of the 1502 treaty lies in its character as a settlement for peace intended to last, as opposed to a truce in a protracted war.

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1. CDS, no.1697.

2. S.R., ii, 642-6; see above, p.245.

Conclusion:

As in the previous century and a half, Anglo-Scottish diplomacy in the later fifteenth century depended largely on the spontaneous reaction of the kings of each country to particular situations as they developed, whether this involved internal political events in their own or the opposite realm, or the diplomatic manoeuvrings of France. The relations between England and Scotland were also, however, affected by the character and general policy of the individual kings, factors such as Edward IV's aggressive hostility, Henry VII's consistent desire for peace, or James III's concern with Anglo-Scottish marriages. Two themes which ran through this period of diplomacy were the interference by kings in the civil disturbances of the opposite country, and the attempts to transform the series of truces in a protracted cold-war into a lasting peace and firm alliance. Both Scottish and English kings were ready to give aid to political enemies of the opposite government, so that Henry VI, James, Earl of Douglas, and Alexander, Duke of Albany, among others, found refuge across the border. Offers of marriage to secure lasting peace were made by several monarchs during the half-century.

The whole of the fourteenth and fifteenth centuries was a time of intermittent hostilities between England and Scotland, punctuated by truces, and a period when 'the constant friction on the border sometimes flared into conflicts of national importance.'<sup>(1)</sup> The effects on border society of this prolonged hostility and warfare were profound, but the actual intricacies of diplomatic relations between the two countries were of small consequence to most borderers.<sup>(2)</sup> The period following the 1502 treaty was exceptional in Anglo-Scottish relations, for it was a

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1. G.Holmes, The Later Middle Ages, 1272-1485 (Edinb., 1962), 99.

2. See below, pp.283, 354-5 for a more detailed discussion of these points.

time of real peace, as opposed to a truce in wartime, but the situation was not lasting, and tension developed again in Henry VIII's reign.

Until the end of the sixteenth century England and Scotland reverted to a **state** of hostility, interspersed with open war, English monarchs repeatedly interfering to secure a government in Scotland which would refrain from giving aid to France. Peace between the two countries was only achieved when James VI became Elizabeth's pensioner, and his succession to the English throne united England and Scotland under one king.<sup>(1)</sup>

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1. For details of border relations in the sixteenth century, see T.I.Rae, The Administration of the Scottish Frontier (Edinb., 1966), 155-224.

Addendum 1: Negotiators in Anglo-Scottish diplomacy:

The men involved in Anglo-Scottish diplomacy, whether appointed to negotiate for the commencement or extension of a truce or more permanent peace, or to discuss breaches of a truce or serious causes of discord, appear to have been termed commissioners or ambassadors quite arbitrarily. The negotiators were of four types: magnates, churchmen, officials of the central governments, and land-holders of gentry rank.<sup>(1)</sup> Among the first three categories, few of the men employed had any connection with border society, their involvement being as a consequence of their standing in church or state, or of their administrative, secretarial or legal training.

The wardens of the marches of both kingdoms were frequently involved in official negotiation (as well, probably, as in almost constant informal communication), as the most suitable royal representatives in border affairs. Apart from the wardens, men whom were all the magnates local to the borders,<sup>(2)</sup> few other magnates were employed by kings of either country, since their usefulness normally lay only in adding stature to an embassy.<sup>(3)</sup>

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1. For a full list of negotiators, see Appendix III. There is abundant evidence to supply names of negotiators, but it is almost entirely derived from English sources - the texts of truces, royal commissions, and safe-conducts granted to Scots. Whereas the first two sources present few problems, it was not always stated in safe-conducts why the Scots wished to cross the border, and it is not therefore at times certain whether a group of men requesting entry did represent an embassy or commission sent to negotiate, even when the men involved make this seem likely.
  2. namely, the Percy, Earls of Northumberland; Richard Neville, Earl of Salisbury and his two sons, Richard, Earl of Warwick, and John, Earl of Northumberland (to generally); George and Archibald Douglas, Earls of Angus; and Patrick Hepburn, Earl of Bothwell. Richard, Duke of Gloucester and Alexander, Duke of Albany also acted as wardens and could be described as border magnates, but neither acted as royal negotiators.
  3. Some magnates may have been included because of the office they held, for example John Tiptoft, Earl of Worcester and constable of England; John Viscount Beaumont, great chamberlain of England; William Sinclair, Earl of Orkney and Caithness and chancellor of Scotland; and William Hay, Earl of Errol, constable of Scotland.

Some of the churchmen appointed as negotiators were resident on the borders, and use was thus made of their local knowledge, experience and influence as well as of their education and standing in the church. Such men were also conveniently near at hand, since most of the negotiation took place in or near the borders. Among the border ecclesiastics employed by English and Scottish kings of the period were bishops and priors of Durham, Carlisle and Coldingham, and abbots of Melrose, Holywell, Kelso, and Kelso. The majority of churchmen involved in diplomacy, however, had no connections with the borders, but were chosen on account of the government office held, for their legal training, or merely to give ecclesiastical backing to any agreement reached. Most embassies or commissions of both kingdoms included at least one churchman, and frequently also one or more lay officials attached to the central government, appointed for their skill in clerical or legal matters. Negotiators of this last category were usually only omitted when the issues under discussion were of merely local, border significance, but by no means always then.

Men from the leading families of the borders played a considerable part in Anglo-Scottish diplomacy, and most of those employed as negotiators were also active in other spheres of royal service, as sheriffs, justices of the peace (in England), and conservators of truces. Members of the English border families of Grey, Gyle, Haron, Hargrove, Parr, Dacre, Huddleston, Kirkcaldy, and Foresby were among those involved in diplomacy, while in Scotland these included men from the families of Maxwell, Home, Hepburn, Johnstone, Ker, and Rutherford.<sup>(1)</sup> Knights and gentlemen from neighbouring non-border counties acted as negotiators for English and, to a greater extent, Scottish monarchs in this period,

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1. For the part played by such families in other spheres of royal service on the borders, see below, pp.360ff.

those of England coming almost exclusively from important Yorkshire families,<sup>(1)</sup> and those of Scotland mainly from leading families from throughout the lowlands.<sup>(2)</sup> Some men from gentry families were appointed repeatedly as commissioners or ambassadors, for example Ralph, Lord Greystoke, Sir James Strangeways, Robert, Lord Ogle, John Cartington, Walter Ker of Cessford, William, Lord Northwick, and Alexander Dume. Others acted only once or twice in this capacity, and were possibly found to be unsuitable.

The commissions and embassies formed for negotiation between England and Scotland varied greatly in size. In August and November 1461 Richard, Earl of Warwick and Robert Ogle were individually appointed to treat for a truce, while in July 1497 Richard Fox, Bishop of Durham was sent as a lone ambassador to the Scots.<sup>(3)</sup> In July 1458, sixteen English commissioners were appointed to conserve the truce and redress breaches of the peace.<sup>(4)</sup> In July 1486 the same number of Scots entered England as ambassadors.<sup>(5)</sup> Numbers tended to be high when the object of negotiation was maintenance of a truce by the mutual redress of injuries. Groups of under five negotiators on each side were common, but so too were commissions of about ten men.

1. For example: Sir James Strangeways, Sir John Scrope of Bolton, and Sir Richard Fitzhugh.
2. For example: Robert, Lord Boyd, Sir John Ross of Halkhede, John Dundas of Dundas, and Laurence, Lord Oliphant.
3. Rot. Scot., ii, 402, 404; C13, no.1635.
4. Rot. Scot., ii, 387.
5. Ibid, 472.

The composition of negotiating bodies also varied considerably. On occasion, especially when the issue under discussion was of significance only in the borders, the men appointed were all local to the region, as in March 1487, when an English commission was formed to settle the Kirkcaldy question with the Scots.<sup>(1)</sup> In December 1483 all nine English commissioners treating for a truce were borderers, and in November 1480 five Scottish borderers were granted safe-conducts as nuncios.<sup>(2)</sup> Other embassies were dominated by churchmen or government servants, as in June 1457 or September 1484 on the English side, and October 1459 or November 1483/4, on the Scottish.<sup>(3)</sup> Most embassies and commissions, however, included members of some or all of the above categories of negotiators, in varying proportions.

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1. Ibid, 478.

2. Ibid, 461, 493.

3. Ibid, 379; 394, 461, 464.

B) THE FIELD OF ANGLI-SCOTTISH TROOPS, 1425-1502:

5) THE TERMS OF ANGLO-SCOTTISH TRUCES, 1455 - 1502:

The truces concluded during the later fifteenth century between the kings of England and Scotland resulted from varying political circumstances, but the terms of these truces, concentrated on ensuring that peace would be maintained, varied little. In analysing the surviving texts of the truces, the sequence in which the clauses were usually arranged is followed.<sup>(1)</sup> The form of wording as well as the arrangement of clauses differed only slightly in the truces of the period, and often a new settlement repeated much or all of a previous truce, but significant changes did occur.

Preliminary formalities:

The first part of each truce contained the names of the representatives of each kingdom signing it, and declared the abstention from all hostilities during the agreed period, which normally began at sunrise on one day and ended at sunset on a future date. Often a truce which had not yet expired was extended further into the future. It was common practice to include in the terms of a truce an invitation to

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1. The surviving texts of truces concluded during this period have been printed:

Rot.Scot.,ii,363-8 (truce signed 30 May 1455); ibid., 379-83 (20 June 1457); ibid., 393-8 (12 September 1459); ibid., 445-50 (26 October 1474); Nymer, Foedera, xii, 235-43 (21 September 1484); Rot.Scot.,ii,473-7 (3 July 1486); ibid., 488-90 (5 October 1488); ibid., 503-5 (21 December 1491); Nymer, Foedera, xii, 473-5 (18 March 1492); ibid., 494-7 (3 November 1492); Rot.Scot.,ii, 509-12 (25 June 1493); ibid., 526-30 (30 September 1497); ibid., 532-7 (8 January 1499); ibid., 539-42 (12 July 1499); ibid., 543-61 (peace treaty signed 24 January 1502).

The text of the truce of June 1464 (see above, p.213 ), which was referred back to in later truces (see below, p.262 ), survives, but is so damaged as to be unusable, since much of it is missing altogether, while the rest is badly faded: PRO, E 39/2/25.

the allies of each country to join in the peace settlement. A time limit for such allies to declare their desire to do this was usually given, to ensure that the situation regarding them was clear.<sup>(1)</sup> The waging of war was, obviously, forbidden by the terms of the truce, and so also was the giving of aid, counsel, or favour in such a way that might lead to war, which probably implied assisting enemies of the opposite kingdom. In the effort to avoid loopholes which was characteristic of the 1502 peace treaty, it was specified that both public and secret aid-giving of this nature was forbidden.<sup>(2)</sup> In this treaty alone, it was stated that if ever England was at war with an ally of Scotland, the Scottish king must not assist his ally by invading England, but could give aid so long as it was only defensive without prejudice to the peace; and vice versa.<sup>(3)</sup> In the truce of June 1457, its extension in September 1459, and the truce of 1484, it was declared that if subjects of either king went to the aid of enemies against the opposite kingdom, it would be lawful for the monarch thus abused to arrest such men, on their way to or from such an expedition or while engaged on it, without violation of the truce.<sup>(4)</sup> This clause was dropped from the later truces, possibly because it was liable to cause confusion and to be misused.

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1. The only truces in which this does not occur were those of 1453, 1457, 1459 and 1474.
  2. Rot. Scot., ii, 557.
  3. Ibid., 558.
  4. Ibid., 382, 397; Wymer, Readers, xii, 240.

Maritime Affairs:

Since all truces were naturally effective at sea as well as on land, provisions were always made to prevent hostility in maritime affairs. The surviving truces before 1488 contained detailed clauses to this effect.<sup>(1)</sup> If a ship of one country was forced to enter a port or land anywhere in the other kingdom, either to take refuge from a storm or for any legitimate reason, or if a ship was wrecked on the shores of the opposite realm, neither the ship, its cargo, nor its passengers were to be collected in any way. The ship, if not wrecked beyond repair, was bound to depart as soon as was possible. Following a shipwreck, anything salvaged from it by local inhabitants was to be handed over to royal officials, not hoarded by the finders, and was to be restored to the owners once the matter had been investigated. The owners could cross the border to sue for recovery of their possessions, so long as they did so within a year of the shipwreck, but they would have to pay reasonable expenses to cover the cost of the salvaging and collection of the cargo. When a ship was obliged to land on the shores of the neighbouring country for repair or restocking of essential supplies, it was to be secure from interference, as was its cargo if it had been forced to disembark it. In the latter case, it was to be reloaded or its cargo transferred to another ship without having to pay customs, although customs and local tariffs were to be paid for any goods bought for victualling or repairs.

If any passenger of a ship, forced to land or wrecked in the opposite country, or anyone who had crossed the border under safe-

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1. Rot. Scot., ii, 364-5, 380-1, 394-5, 473-4; Symer, Poedera, xii, 238-9.

conduct, was taken ill and was thus unable to leave, as he was bound to do either immediately or when the safe-conduct expired, such a man was to be permitted to remain where he was until he recovered. He was to be cared for in safety, provided that he did nothing harmful to his host country. Once recovered, the man was to obtain an official letter testifying to the cause of his stay, and was to return to his own country as soon as possible, paying the expenses of his care to those who had lodged him.

Straight-forward breaches of the truce at sea were not discussed in the terms of these early truces, but it was agreed that if ships, merchandise, or any goods were captured from subjects of one country by criminals not subject to either king, and were taken to the other country, it would be unlawful for anyone there to buy, receive or make use of such booty, without the consent of the man from whom it had been stolen. A man found guilty of such passive (or even presumably unconscious) participation in crime, was to make full restitution to the original owner and was to be punished as a violator of the truce, according to the nature and severity of the crime.

One clause concerning maritime relations occurred in the truce of 1457 and in its repeat two years later, but in no other truce of the period.<sup>(1)</sup> The exact meaning is obscure, but it seems that subjects of one party to the truce declared sea voyages had been hindered by subjects of the other party, despite having clear proof, in the form of coglets and other documents, of their identity. Sailors had been forced to reduce sail or to lower their sails completely, so that their ship's speed was greatly reduced or it was brought to a halt,

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1. Rot. Scot., ii, 382, 397.

while sailing on the seas bounding the opposite kingdom. It was agreed that this interference should cease, so long as ships involved carried proof of identity and were on a lawful voyage.

Later truces, starting with that of October 1488, did not elaborate to the same extent on maritime relations, merely stating that all sea travellers, ships, and those suffering shipwreck should be treated as was customary in the terms of past truces. In the truce of September 1497 and subsequently, it was added that such treatment was to be in accordance with the truce of 1 June 1464, the text of which survives, but is indecipherable.<sup>(1)</sup>

#### Regulation of border affairs:

The bulk of almost every truce concerned the regulation of border affairs to prevent breaches of the peace and to redress those that inevitably would occur.<sup>(2)</sup> During the centuries of Anglo-Scottish hostility a body of international march law and custom had evolved, relevant only in times of truce, parts of which were written down in the clauses of truces, where it was repeatedly modified and added to. In order to safeguard the maintenance of the truce, it was asserted in most settlements that violations of the peace could not weaken the force of the truce nor render it invalid, but that these crimes would be redressed<sup>(3)</sup> by the officials and conservators of the kingdom whose subject was accused.

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1. See above, p.258 n.1.1488 truce: Rot.Scot., ii, 488; 1497 truce: ibid., 527; and see other post-1488 truces. In the truce of January 1499 the date of the truce referred to was 1 June 1465, but this was probably a mistake: ibid., 533.
  2. The only exception was the truce of October 1474, which merely extended the existing truce without repeating its terms (although their contents obviously remained in force), and concentrated on the marriage alliance: Rot.Scot., ii, 445-50; see above, p.219.
  3. P.R.: truces of 1488, July 1499, and 1502: Rot.Scot., ii, 489, 541, 549.

The truces of 1453 and 1457 in this context mentioned the crimes of theft, homicide, murder, the taking of prisoners (probably implying for ransoming), the destruction of property, and the besieging of towns, castles, and fortresses, which allowed a very wide leeway in the interests of peace.<sup>(1)</sup> In analysing the regulation of border affairs the first truce of the period, that of 1457 (which repeated the 1453 truce) will be taken as a basis, followed by a description of subsequent changes.

1. The truce of June 1457:

a) Revenge and self-help against infractors of a truce: Revenge for infractions of the truce through the committing of similar crimes was repeatedly forbidden, under the severe oath that the retaliator would suffer punishment and be forced to make restitution for his crimes just as the original malefactor had to do.<sup>(2)</sup> Self-help against a criminal was permitted only in particular, well-regulated circumstances, when it was known as following the *trod*. This procedure was described in every truce of the period, including the 1502 treaty.<sup>(3)</sup> If a man was robbed by a criminal from the opposite country, who fled back across the border after his attack, it was lawful for the injured party to pursue the malefactor, either immediately (*hot trod*) or within six days (*cold trod*), into the opposite kingdom without first obtaining a safe-conduct. The pursuer could not be interfered with in his pursuit, provided that, immediately after crossing the border, he went

1. ibid, 365, 381.

2. ibid: truces of 1457, 1497, and 1502: ibid, 381, 527, 549.

3. ibid: truce of 1457: ibid, 381-2. The only exception was the truce of 1474: see above p.262 note 2.

to some man of good reputation living nearby, and described to him the reason for his coming, specifying the goods stolen. The borderer thus appealed to was obliged to become a witness in the case and to help in arresting the criminal, so far as he was able. In all truces before that of October 1488, an alternative was suggested, that the robbed man could, again within six days, seek justice from the baron, or his deputy, of the opposite march, and even when this was not stated, the alternative was probably always possible.

b) Border criminals and fugitives from justice. In the truce of June 1457 it was agreed that any subject of either king who committed a crime across the border should be arrested and punished by the officials of the march in which the crime occurred. If this criminal should retreat to his own homeland, he was to be handed back on demand, and if he fled into hiding, thus avoiding capture, his king was to banish him and refuse his re-entry into his country unless he would first undergo justice in the opposite march and make full restitution for his crime. Whether the criminal was banished or arrested, redress was to be made for his crime by the truce conservators of his country out of his possessions, and if he was without property he would be liable to face more severe corporal punishment. Anyone giving aid to such a criminal in escaping justice, would be forced to make restitution and receive punishment as if he himself had committed the crime.<sup>(1)</sup>

If anyone contracted a debt or obligation or committed a crime in his own country, but to avoid the consequences fled across the

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1. Rot.Scot.,ii, 381.

border and became a liegeman of the neighbouring king, he was nevertheless to be forced to face justice before the conservators of both kingdoms or their deputies, just as he would have had to do if he had remained in his own locality. If, however, such a debtor or criminal fled across the border, but did not transfer his allegiance, then he was to be handed back to undergo justice according to the laws of his own country. When a fugitive from the consequences of treachery or rebellion entered the opposite kingdom under safe-conduct or reprieve, his warden could demand the cancellation of such a protection and his return. The warden of the march to which he had fled was obliged to carry out this request, within forty days. If such a fugitive offered to swear allegiance to the king, into whose country he had fled, this was not to be allowed until the forty days had elapsed. The implication seems to have been that if no request for his return was made, such a traitor could lawfully transfer his allegiance.<sup>(1)</sup>

c) Pursuit of justice in the opposite realm: To improve the system by which redress for breaches of the truce could be obtained, each king was to issue a general safe-conduct (which would be kept somewhere on the borders of each country), so that any subjects of the other king, having grievances against their foreign neighbours, could cross the border to sue for justice. If the one complained against was a borderer, then the judge in such a case was to be the warden of the relevant march. If, however, the accused lived outside the borders and could not be found, then the complainant could give a bill stating his case to his own warden, who was to send it immediately, together with the aggrieved person if he wished to present the complaint verbally, and with letters of testimonial and safe-

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1. Ibid., 381.

conduct, to the chancellor of the king against whose subject the accusation was made. The chancellor was then to summon the accused man, and ensure that justice was given.<sup>(1)</sup> It was stated in the truce of 1457, as in almost all the truces of the period, that it would be lawful for subjects of either king who had suffered robbery or other injury in breach of the truce, to pursue their cases before justices of either realm, having competence in the district, at any time, with the assurance that justice would be obtained.<sup>(2)</sup>

d) Supervision of border officials: In order that the inefficiency or corruption of border officials should not jeopardise the truce, it was agreed that either king, considering himself or his subjects aggrieved through the mismanagement of justice by officials of the opposite realm, should inform the other king of such a complaint. The monarch to whom the complaint was made, would be obliged to send councillors to the borders to meet representatives of the other kingdom, in order not only to settle the cases involved, but also to investigate the actions of the officials incriminated. (Corrupt or lax officials were to be punished.)<sup>(3)</sup>

## 2. Changes in truces subsequent to 1457:

a) September 1459 and October 1474: The 1457 truce was extended and repeated in identical terms on 12 September 1459.<sup>(4)</sup> The clauses of the truce of October 1474 concerned the marriage alliance then signed,

1. Ibid, 382. Provision was made that not more than 3 or 4 people could apply for the safe-conduct simultaneously, and that each person had to cross the border in turn on his own. For examples of such general safe-conducts, see ibid, 384, 386.

2. Ibid, 382, and subsequent truces.

3. Ibid, 382.

4. Ibid, 393-8.

the existing truce (signed in June 1464 and prorogued in December 1465) merely being confirmed, the text of which does not survive.<sup>(1)</sup> Such his die, so ever, were not to assist neither traitors against the other, and weren't to give aid to each other in the suppression of rebellion, whereas for such aid being sent by the king descending assistance.<sup>(2)</sup>

1) September 1464: the terms of September 1464 in full terms revealed such confirmed in the 1457 truce concerning march land and castle, but with the alteration and additions, and one significant omission, for recognition was made of the general safe-conduct for returning the nation. It was also directed that fugitives from justice who had crossed the border, whether or not they had transferred their allegiance, should be compelled to pass to the king to whom they had fled, or should be returned to their own country for trial.<sup>(3)</sup> Even if a king was anxious to retain the allegiance of a subject who had become his man to the king of another country, it is clear that subject to return to his own country, or was not to restore the king to favour if he had not conditionally done so either in law. In the most severe cases of a law such a man may be held captive by officials of our country or the other.<sup>(4)</sup> It is also noted that the king, not however, at all times having to attend, and that those in oath of allegiance to the king's king, should be sent to the king or to the king or his chancellor

1. ibid., 345-50; see above, p.258 n.1.

2. Rot.Scot., ii, 446.

3. ibid., ibid., iii, 33.

4. ibid., 341.

within six weeks, but no mention was made of Englishmen living in Scotland, which implies that emigration, as now, was mainly southward, (1) unless the Scottish version of the truce contained the opposite wording.

Greater emphasis than previously was placed on the prohibition against receiving rebels and traitors from the opposite kingdom. Any such who had been given shelter before the signing of the truce, and who remained rebels, were not to be allowed to stay in the country to which they had retreated, and were in no way to be advised or assisted to the injury of their king. If a fugitive rebel of this description returned to his own country and then, after having committed further crimes against his king, fled again to the kingdom where he had previously been received, the king of that country was without delay to arrest him and hand him back, as soon as his arrival was discovered or a request was made by the rebel's monarch. All safe-conducts granted by either king were to include a new clause: proviso quod petens & obtinens hujusmodi salvan conductum non sit pceditor vel rebellis principis sui. (2)

The clause in the 1457 truce concerning maladministration of justice by border officials was repeated in the document of 1484. (3) It was further agreed that, within six weeks from the day on which the truce was signed, the posts of all border officials should be exchanged, and that if, during the truce, any official was removed from his post, the king dismissing him should, twelve days before his departure, warn the opposite king of the change, naming the successor in the office. An official about to vacate his post (presumably implying voluntary resignation rather than dismissal), was to give

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1. Ibid, 237.
  2. Ibid.
  3. Ibid, 240.

his kin, sufficient warning to give notice of our landing crises, which through his fault or neglect had not been satisfied, so he might be held responsible for any such breaches of the truce which were committed. If a person or lieutenant acted in fact as to lead a force across the border during the truce without orders from his king, or entered the opposite country in any hostile manner, or during the process crimes of plunder, slaughter, or other injury, though his king might be slow, yet to proceed in the official capacity and to issue public orders to the other king by letters patent.<sup>(1)</sup>

of July 1474. The suspension with rebels and rangers in the 1484 truce was not continued in that of July 1486. The clause in the truce of 1497 enjoining that any treason from the consequences of debt or crime could be brought to justice wherever the parties had transferred their allegiance, was repeated.<sup>(2)</sup> Mention of inefficient border officials were to be controlled in the same manner as in the terms of that same truce, but no mention was made of a clause in the terms of office-holders, as the 1484 truce had provided.<sup>(3)</sup> Mention was expressed that any of transferred officials should be bound to keep the truce, and that to be punished for any such default their lives and fortunes in the same way as other subjects of the kingdoms to which they had transferred their allegiance. The clause in the 1484 truce was repeated in the same way as other subjects of the kingdoms to which they had transferred their allegiance, and in the Scottish government under

1. ibid., 27.

2. ibid., 28, 47; see above, pp. 264-5.

3. ibid., 28, 47; see above, pp. 266, 268.

the terms agreed on in 1484.<sup>(1)</sup>

d) October 1488: The text of the truce signed on 5 October 1488 between Henry VII and the recently victorious rebels, in the name of James IV, survives. The clauses in this truce dealing with border relations were not detailed and contained virtually nothing new. The earlier agreement over administration by border officials was omitted. As usual, it was stated, as usual, that fugitive rebels, traitors, and other such would be denied assistance, and either handed back, or forced to undergo justice in the country where they had sought shelter. It was added that if any lords, fugitive from justice, or bandits, etc., having committed a crime, applied for shelter in any sort in the neighbouring kingdom, he was to be arrested, imprisoned, and, on request, handed back to the injured party.<sup>(2)</sup> The terms of this truce were repeated in the documents drawn up in December 1491, March and November 1492, and June 1493, which either renewed, ratified, or extended the existing truce.<sup>(3)</sup>

e) October 1497: In the truce of Luton, concluded in September 1497, the usual clause regarding justice in the adjacent kingdoms of the truce, according to the tried procedure, and a further that criminals transferring their allegiance could not escape the law, were repeated. For the first time in the history of the border of this period, the procedure for the arrest and punishment of certain criminals was clearly described. This probably represented a definition of established custom rather than an innovation. It was obviously and

1. Ibid., op. cit., ii, 475.

2. Ibid., 478-9.

3. For references, see above, p.258 n.1.

notoriously guilty of homicide were to be imprisoned under secure guard by the wardens of the marches for twenty days after the date of their crime. Within this period of time the convicted man or his friends had the opportunity to come to a settlement over the death with the victim's kinsmen. If such an agreement, which would involve compensation, were not reached, then, after the twenty days had elapsed, the criminal was to be executed by the warden. Notorious thieves, robbers, and stealing criminals, caught red-handed, were to be put to death immediately, without further process of law, by the warden of the march, where the crime had been committed, and the death sentence could be inflicted on either side of the border. Other criminals violating the truce were to be punished even more severely than was customary. (1)

As in most truces, it was agreed that no aid, passive or active, would be given to traitors, rebels, or criminals of any kind, seeking shelter from the consequences of their crimes, nor would either king allow any of their subjects to harbour such fugitives. When the officials of one kingdom were informed by their counterparts across the border of the presence of such criminals in their country, they were to hand back the malefactors, if they could be arrested, within twenty days. If arrest was impossible the criminals were to be punished. (2)

2) January 1499: When the truce of Ayton was confirmed and renewed in January 1499, certain additions were made to the end to avoid ambiguity, by which criminals might escape the process of law. If

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1. Act. Scot., ii, 527.

2. Ibid.

an English borderer violently killed a Scot within the English marches, the criminal was to be pursued by the justice of the peace where the crime had occurred or by his deputy, as directed by the local inhabitants, putting aside all prejudice in favour of a fellow countryman. The criminal was to be taken to a day of truce, and if he was lawfully convicted according to the laws of the country, he was to be handed over to the Scottish officers for execution. The same applied, vice versa, in the case of a Scot killing an Englishman within the English marches, and it is clear that Englishmen, as well as Scottish officials, had been ordered to observe the day of truce and to pursue the victim of such a crime within their own country. (1)

1) July 1497: A charter, dated on 12 July 1497, included this additional clause, which stated, in words such as the above, during the agreement not to stir or shelter rebellion, treason, or sedition. There is a list of articles, even if only a part of them, mentioned in the charter, which are all directed to the same end after this, the day of truce, to receive justice, as the Scottish laws to be observed in the case of a crime committed by a Scot within the English marches, and the case of a Scottish subject killed by an Englishman within the English marches. (2)

2) The year 1497 is also mentioned in a charter, dated on 23 January 1497, concerning border relations concerning the day of truce, and the day of truce, which shows the effort made to prevent border wars, which consisted of the attempt to

1. ibid., 134-7, see below, pp.294-5.

2. ibid., ii, 534.

cheat justice. The clause composed in 1499 dealing with Englishmen murdering Scots in England, and vice versa, was repeated, but whereas previously the criminal had to be convicted according to the Leges Marchie, here the phrase employed was per leges aut consuetudines Marchiarum, which allowed a wider interpretation by justices.

Possibly borderers had been evading the consequences of crime through technicalities at their trial. It was also added that lieutenants and deputies as well as wardens could arrest, try, and execute such criminals, which the former truces may have implied, but failed to state.<sup>(1)</sup>

After the usual statement that a crime in breach of the truce, or of any clause of it (another minor addition for greater security), would not render the peace treaty void but could be redressed, a judicial procedure not found in previous truces of the period was described. If a man with a complaint against a subject of the opposite realm could obtain no satisfaction from the wardens or lieutenants of the marches, he could make his grievance known to his king, who was then, through personal letters, to require the other king, whose subject had inflicted the injury, to deal with the case, so that justice could be upheld. If within six months of such a request the complainant did not receive redress, this was not to lead to hostilities or war on the part of his king, nor in any direct or indirect way was this monarch to infringe the peace or permit it to be violated. Instead, once the six months had elapsed, it would be lawful for the king to issue letters of reprisal to his aggrieved subject against such and every person living in the march where the crime had been committed at the time of its occurrence. It seems that both parties to the treaty understood the implications of letters of reprisal, since the clause

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1. Ibid, 549.

contained no further amplification. Action taken by virtue of such letters was not to jeopardise the peace, nor in any way to reduce its effectiveness. This clause was included in both the treaty establishing perpetual peace and that regulating border affairs, concluded simultaneously, which shows the importance with which it was regarded. (1)

The problem of borderers who transferred their allegiance was dealt with in the customary way, providing that it should not prevent the retrial of crimes against the laws nor allow any criminal to escape justice. (2) The latter repeated clause concerning fugitives was slightly altered. If any criminal or deserter (a new term) fled into hiding across the border, the magistrates or subordinate officials of the march in which he had sought refuge were to inform their opposite numbers in the other kingdom. On being requested to capture and hand back the criminal, the same officials were to undertake the task without delay, minding aside all other business, so that the criminal might be delivered within ten days, or within twenty if he was beyond one hundred miles from the boundaries of the march. If the border officials thus responsible proved inefficient, negligent, or corrupt in the execution of their duties, they were to be considered as such before commissioners of both countries. If convicted, the king whose subjects they were must not only disband them from office, but also was to punish them as he thought fit, according to the severity of the offence. The same king was to ensure that the criminals, whom they had been requested to arrest, were captured and handed back to their own country. (3)

In the political situation of the concluded treaties of 1562, it was agreed, as in all previous treaties of the period, but in slightly

1. Ibid., 549-50, 550.

2. Ibid., 549.

3. Ibid.



signed in October 1497 and renewed in January 1499, it was merely stated that all safe-conducts granted in the recent past by either king should not be revoked but could remain effective.<sup>(1)</sup> It is not clear whether this represented a statement of custom or an innovation. The truce of July 1499 contained a long passage concerning safe-conducts. On this occasion it was declared that all safe-conducts issued by either king to subjects of the other, whatsoever social or official status they might possess, whether granted under the great, privy, or limited seal, or by word of mouth, for travel either by land or sea, and for any period of time, were to be revoked and annulled by the terms of the truce from the day of its signing. No new safe-conducts were to be granted in the future unless a written request for one was made by the opposite monarch. Such a request would not oblige the king, to whom it was made, to insure the protection. No future safe-conduct was to last beyond one year.<sup>(2)</sup> This same clause was repeated and amplified in the 1502 treaty. Whether past safe-conducts had been issued to faithful subjects or to rebels and traitors, to dukes, archbishops or any ecclesiastical or lay dignitary, or to men of any social condition whatever, all were to be made void by the treaty.<sup>(3)</sup>

2) Trade: One limited aspect of trade between the two countries was regulated in the earlier truces of the period. It was declared unlawful for subjects of either kingdom, and for anyone living in either one, to buy or in any manner receive, through themselves or agents, wool or woolsells from the other country, whether such goods had been transported by land or sea. This wording was to be dealt with according

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1. Rot. oct., ii, 527; 533.

2. Ibid, 539-40.

3. Ibid, 557.

to the individual laws and customs of each kingdom, and a warning was given against deceit and malpractice. (1)

4) Crossing the border for sport: Another clause repeated in the truces before but not after 1418 prohibited subjects of both realms from crossing the border to hunt, fish, fowl, or to engage in any sport or pastime, or for any other similar reason, unless he first obtained a licence from the owner of the lands where he wished to go. If any animal belonging to a landowner strayed across the border and there grazed off corn or growing grass, or in any other way caused damage, the owner of the land onto which it had strayed was not to take revenge on his own authority for the damage inflicted. Redress would be made for the injury according to local law and custom. (2)

5) Fortresses: In the truce of 1457, repeated in 1459 and itself a repeat of the 1453 truce, an interesting clause concerning the capture of fortresses was included, but it was omitted in later truces. If it happened that subjects of either king captured a fortress in the other country, in blatant violation of the peace, it would be lawful for those from whom it had been taken to recover their fortresses in any way they might wish to pursue and the offenders according to the needs of the occasion. The conveyors of the towns in the country where the guilty men lived would be obliged to assist the injured party in the recovery of their property, all expenses incurred being extracted from the offenders. Alternatively, those from whom the fortress was taken

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1. *ibid.*: truces of 1457, 1484, and 1486: *ibid.*, 382, 475; Rymer, *foedera*, xii, 240.

2. *ibid.*: the same truces: *ibid.*, 239; *Act. Scot.*, ii, 381, 474.

could be to its recovery and the arrest of the criminals to the officials of the other realm, who were bound to carry out this task with all diligence. <sup>(1)</sup>

6) The castles of Dunbar and Berwick: Later truces dealt with specific castles of political importance. Just before the death of Edward IV, the Scottish traitor, Albany, had handed Dunbar castle over to the English. <sup>(2)</sup> When a truce was signed in July 1464 between James III and Richard III an attempt was made to solve the problem of Dunbar and to prevent it jeopardising the peace. The castle was included in the truce, but only for six months, after which time James could, within six weeks, declare in writing that he no longer wished Dunbar to be covered by the truce. If hostilities were then to ensue over the castle it would not affect the truce. <sup>(3)</sup> A truce was established and Dunbar was won by the Scots without the incident escalating into war.

The problem of Berwick was far more prolonged, and was mentioned in all truces of the period after its recapture by the English in 1462. In the truce of 1464 Berwick was specifically included, without any qualifications similar to those concerning Dunbar. <sup>(4)</sup> It was decided in the terms of the 1466 truce that the boundaries of the town should be surveyed by commissioners of both countries, and if no agreement could be reached as to their past limits, new boundaries were to be made. If this section of commissioners could decide nothing within a month,

1. Ibid, 130, 315.

2. Scott. Hist., p.231.

3. Scott. Hist., vii, 206.

4. Ibid, 206-7.

the truce was to last only one year instead of three. Meanwhile, the Scots were not to attack Berwick, nor the English to use it as a base for hostilities. Assaults on Scotland by the inhabitants of Berwick, which might particularly anger the Scots, were to be redressed without weakening the truce in the same way as any other crime.<sup>(1)</sup>

The agreement that Berwick was neither to be attacked nor used as a base for attack was repeated in all subsequent fifteenth-century truces. In the 1502 treaty, with characteristic caution, the qualification was added that both open and secret hostility involving Berwick was prohibited.<sup>(2)</sup>

7) The fishgarth and the Debateable Land: The other recurring obstacles to peaceful relations towards the end of this period were the Esk fishgarth and the Debateable Land on the western border, possession of which was constantly in dispute. These matters were not discussed in any of the relevant surviving truce texts before that of October 1488, when it was arranged that three representatives from each kingdom should meet to inspect the fishgarth and the terras debatabiles in the following March.<sup>(3)</sup> Meetings for the same purpose were arranged to follow the truces of 1491 and 1492, and in August 1494 commissioners were to discuss all disputes between English and Scottish borderers, in particular the problem of the fishgarth, as arranged in the truce of June 1493.<sup>(4)</sup> On this last occasion it was decided that English crimes against the truce had so far exceeded those committed by Scots, that Henry VII should make financial compensation. In subsequent truces and the 1502 peace treaty

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1. Rot. Scot., ii, 475-6.

2. Ibid., 551.

3. Ibid., 490.

4. Ibid., 504; Rymer Foedera, xii, 475, 497; Rot. Scot., ii, 510.

the question of the fishgarth was brushed aside with assurances that hostilities arising from it would be redressed without weakening the truce. The Debateable Land was not mentioned. (1)

8) Lorne and Lundy: In all the truces of this period after, and including, that of 1484, with the exception of the treaty of 1502, it was agreed that the lordship of Lorne in Scotland and Lundy Island in England would not be incorporated in the truce. (2) The significance of this clause is not clear.

#### Final formalities:

Anglo-Scottish truces normally ended with the appointment of conservators and a statement concerning proclamation. When the names of conservators were listed in the text of a truce, their powers were described. (3) These men were empowered to redress breaches of the truce and to punish malefactors, (4) but in the 1497 truce, its repeat, and the truce of July 1499, these powers were expanded to allow conservators to punish border officials and to redress their crimes. (5)

Some truces and the 1502 treaty did not mention the appointment of conservators, but this need not necessarily imply that none were chosen.

1. E.g.: truces of 1497, 1499, and 1502: ibid, 527, 533, 540, 557. An attempt to settle the fishgarth dispute by compromise seems to have been made in April 1498, when James IV leased 'all and haleoure fishing' on the waters of the river Esk for three years to Thomas, Lord Dacre, lieutenant of the English west march. Dacre was given the right to set and put in the water 'garth or garthis for the dew lauboring and occupying of the said fishing' without any interference from Scottish subjects. He was to pay rent in fish to the Scottish king: RES, no.192.
2. E.g.: truces of 1484, 1488, and 1497: Rymor, Coadera, iii, 241; Rot. Scot., ii, 489, 527.
3. See appendix II for a list of conservators, and for further details of their work, see below, pp.303-4.
4. Rot. Scot., ii, 383 and see subsequent truces.
5. Ibid, 528, 534, 541.

In the terms of most truces it was arranged that the truce was to be proclaimed in omnibus Marchis & locis Insignioribus utriusque Regni, <sup>(1)</sup> or in omnibus singulis insignioribus locis Marchiarum, <sup>(2)</sup> but occasionally actual place names were specified. In the truce of 1488 Soldestrom, Corham, and Dunbar were named, and in that of 1493, Edinburgh and Newcastle. <sup>(3)</sup> Always proclamation was to take place within a set time after the date on which the truce was signed, the time limit varying from eight days to three months. <sup>(4)</sup>

In the truce of June 1457 (conclusion that of 1453) and its re-act in September 1459, but in no other truce of the period, a clause which arranged the taking of an oath was included to strengthen the chances of peace being maintained. All barons of the marches holding office during the period of truce, and all viri notabiles living on or near the borders, between Newcastle and Berwick in England and between Edinburgh and Dunbar in Scotland, were to swear on holy relics to observe the truce in all parts and to attempt to prevent violations of it by others. The oath was to be taken within thirty days, and the names of all those swearing were to be recorded and sent to the wardens. <sup>(5)</sup> Possibly the difficulty of organizing this oath-taking caused the clause to be omitted from later truces.

1. Ibid., 476; Symon, London, vii, 241.
2. W. S.: truces of 1488, 1497, and July 1499: Rot. Scot., ii, 480, 528, 541.
3. Ibid., 489, 510.
4. W. S.: truces of 1488 and 1497, both eight days, and 1502, three months: ibid., 489, 528, 559.
5. Ibid., 389, 397.

c) LAW AND ORDER ON THE BORDERS:

1) THE OPERATION OF THE LAW:

The tangled diplomacy of Anglo-Scottish relations formed a background to border society, but, whereas the general situation of protracted cold war alternating with open hostilities deeply affected that society, the actual negotiations and their immediate consequences were of little relevance to borderers. In the second half of the fifteenth century diplomatic negotiations concentrated largely on the problem of controlling the frontier region, and the criminal activity of borderers occasionally contributed to, or at least was made an excuse for, the outbreak of war,<sup>(1)</sup> but the lawlessness of border society seems to have remained constant, being affected only marginally by the fact of truce or war between the countries. The causes of border lawlessness were deep-rooted and largely insoluble, but the governments of England and Scotland by this time had, through negotiation, created a system of justice and law-enforcement aimed at curbing crime between the nationalities in the region as a whole. Concurrently, each government attempted to make the ordinary processes of national law effective within the borders of their country. The extreme nature of border lawlessness in the sixteenth century has often been described,<sup>(2)</sup> and it seems clear that the situation in the preceding half-century was no better, although evidence is less abundant.

The international and national systems of law-enforcement on the borders were independent and distinct, involving separate laws and officials. The judicial machinery established by international negotiation was relevant only during periods of peace or truce, and whenever war broke out its working was, by its nature, suspended. The

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1. For example in 1480 and 1491/2; see above, pp.222-3, 241.

2. For a full and vivid account see G. MacDonald Fraser, The Steel Bonnets (London, 1971).

laws which this system of justice attempted to enforce were embodied in the terms of truces. Apart from being collectively subject to this legal system, English and Scottish borderers were separately governed by the laws and judicial officials of their own country. The fact that leading borderers frequently held offices connected with the different jurisdictions simultaneously did not detract from the distinction between the two systems.

A) THE JUDICIAL MACHINERY:

1) International march law:

a) The wardens:

The machinery of international march law-enforcement centred on the office of warden. This office had been created during the Scottish wars of Edward I, and was originally of an exclusively military character.<sup>(1)</sup> The six marches of the two countries were each governed by a warden, although in the later fifteenth century the middle march was always, in England, and often, in Scotland, combined with one of the other marches under one warden.<sup>(2)</sup> Wardens were appointed by the crown and could be dismissed at will, but since the number of borderers with sufficient power to make the office effective was limited, a replacement could be difficult to find. The term for which wardens were appointed varied greatly, but the office during this period never fell into the hereditary possession of any family, so that the crowns of both countries maintained their control over the appointment of these officials.

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1. T.L. See, The Administration of the Scottish Frontier (Oxib., 1966), 24.

2. For holders of the office, see below, pp.360ff and Appendix I, pp.415ff.

By the mid-fifteenth century the warden of both Ireland and Scotland were paid an annual wage. Richard Neville, Earl of Warwick, as warden of the English west marches received 11250 in wages of peace or truce and 22500 in wartime, while Henry Percy, fourth earl of Northumberland, warden of the east and middle marches, received 2000 marks (=1333:6s. 8d.) in peace and 6000 marks (=4000) in war.<sup>(1)</sup> This level of wages was probably standard by this period, the higher rate in the east being justified by the regularly rising vulnerability of the area to Scottish attack as well as the combination of the two marches under one warden. The traditional practice of increasing the warden's rates of pay during war to allow for the cost of defence does not appear to have been initiated by the English crown, but warden on that side of the border may have been regularly or occasionally granted a bonus for days of truce, even and above their salaries.<sup>(2)</sup> The wages paid to Scottish wardens were far lower than those paid in Ireland, and were not fixed. Robert Stewart, Lord of Argyll, as warden of the east march in the late 1450s, received 230 pounds for the custody of Scotland castle, at least one payment of 120 for the wardship, and various allowances of coin.<sup>(3)</sup> Hugh Douglas of Clung, warden of the east and middle marches, was paid 266 lbs. 4s. in 1466 and 123:6s. 8d. the following year in the same.<sup>(4)</sup> The middle march warden, John, Lord of Arden, received a regular annual salary of 200 marks, (=1333:6s. 8d.) but his predecessor in the office, Archibald, Lord of Arden, was paid 300 marks (=200).<sup>(5)</sup> From 1469 and throughout

1. Cal. 1461-7, 422; Cal. 1467-77, 545; Act. Scot., ii, 443, 428.

2. See, The Scottish Magnitude, 29.

3. Arch. Roll, vi, 202, 274, 282, 332, 552, 573. Scottish currency seems to have been worth three times that of Scotland at this period, for in August 1452 the Scottish parliament stated that the English penny was to be worth 3s. in Scotland: Act. Scot., ii, 41.

4. Arch. Rolls, vii, 400, 493.

5. Ibid., viii, 208, 483; ix, 185, 271, 319.

the sixteenth century the fee attached to each march wardenship was £100, which, Earl of Arundell received. £200 as warden of both the east and middle march, the warden, that is, the warden in the east during James IV's reign.<sup>(1)</sup>

The powers granted to wardens during the twelfth century received a definite character, but they were subject to certain limitations and controls. The non-public character of a warden's jurisdiction was especially evident in his march, as a petition presented to the sheriff of the march in 1251 showed. The sheriff and his wardens had jurisdiction in the march and over all non-border counties to hear and judge in the warden's court. The law of the land applied in a district and therein the customary rules that warden could not act outside their power, but within that actions of trespass or other infringement could be brought in the warden's court, the sheriff extending his authority.<sup>(2)</sup> The English parliament in 1455 ordered that wardens were not to interfere in matters over which civil itinerant justices had jurisdiction,<sup>(3)</sup> and in England also the international and national systems of law-enforcement were respectively separate. The traces of the period contained elements to ensure that respect for the office of border officials would be recognized. Anyone finding that his name had been damaged could seek remedy through his king, which remedy would involve the establishment of a commission to investigate loyalty and corruption among officials, who, if found guilty, were to be punished and dismissed.<sup>(4)</sup> Anyone who, without orders, crossed in hostilities across the border

1. Ibid., p. 100-1, p. 3, 170.

2. Ibid., p. 11, v, 207; Ibid., p. 11, 303.

3. Ibid., p. 11, 42.

4. Ibid., pp. 266.

during a truce were to be declared traitors by their king.<sup>(1)</sup> No evidence exists for the later fifteenth century as to the holding of such commissions or the dismissal of march officials, and it is impossible to determine standards of efficiency or honesty among wardens and their subordinates.

The duties of a warden had two aspects, for in peacetime he acted as an international official for the enforcement of march law, while during a period of war he held the responsibilities of a military commander. The powers attached to the office of warden were specified in commissions issued to the officials on their appointment, modified in the terms of truces, and occasionally clarified by decree of parliament. Unfortunately only English commissions of the period survive, but it is clear that the international duties of wardens on both sides of the border must have been identical, while their internal, military responsibilities probably varied little.<sup>(2)</sup>

Military duties and the warden court: The duties of a warden in wartime consisted of organising and commanding frontier defence, arranging and concluding temporary truces when expedient, investigating march treason, and acting as an adjudicator in all military affairs. The organisation of border defence involved setting watches and sending expeditionary forces to provide warning of an invasion and possibly also supervising the beacon system, which transmitted such a warning over long distances.<sup>(3)</sup> All the men of the march between the ages of

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1. See above, p.269.

2. The following section is based largely on the commissions issued to English wardens: Not.Scot., ii, 377-8, 399-401-2, 407-8, 422, 423-4, 425, 442, 463-4, 471-2, 484-5.

3. Beacons are not mentioned in the English commissions, and there is no evidence of their use in the fifteenth century, but they were in use by the following century: G. MacDonald Fraser, The Steel Bonnets (London, 1971), 95. In Scotland beacons were used, not only to warn of the enemy's approach, but also to give an indication of the numbers in the advancing army: APS, ii, 44; see above, p.202 n.2.

sixteen and sixty<sup>(1)</sup> were bound to obey the summons of their warden and fight under his control in defence of the borders, and the warden had to equip the army of these forces and ensure that the men were adequately armed.

English wardens were empowered to conclude at their own discretion temporary truces (of weeks or months) with the Scottish king or his representatives, which probably implies that Scottish wardens were similarly authorized. The circumstances in which wardens could exercise this power were obviously limited. For Michael III, reply to James III's request for a temporary truce, writes: 'the barlouns or thair liathemen in the borders have not such power as have be accustomed to take any obstynance so long as ourself by land and by sea'.<sup>(2)</sup> The exact limitations were not set down in the commissions.

The jurisdiction of a warden over treason was confined to certain occasions, viz. the breaking and conservation of truces.<sup>(3)</sup> English commissions authorized wardens to investigate crimes of collaboration with the enemy to the detriment of his own country, and of revealing state secrets, but to punish any other treason in his march. Scottish statutes of the fifteenth century provided a list of crimes defined as treason.<sup>(4)</sup> Some examples of treason were communicated with the English government in 1473 without licence of the king or warden during the absence of the king, and the enemy of the kingdom Scottish officials or accomplices were to invade Scotland to be sought the protection of an English army or to be punished in the border

1. The English could also specify terms of truce as they did a degree of the Scottish parliament: APC, ii, 48.
2. Scottish History, 'James III', 233, quoting Scottish History, ii, 43 ff. 248a.
3. The Scottish parliament in 1473 stated that wardens had no power to 'hang of the peines of treasons' (i.e. to define and, by implication, judge treason), except in circumstances involving the conservation of truces: APC, ii, 42.
4. APC, i, 714-6; ii, 44-5.

garrisons with food or goods. Interference with the array of forces, disobedience within the army, and desertion were also defined as treason, together with the crimes of stealing from fellow soldiers and plundering independently, for all booty had to be shared. It is likely that Englishwardens also had jurisdiction over all such crimes, whether or not they were defined as treason.

Their commissions empowered English wardens to arbitrate in all disputes concerning prisoners, plunder, or any other military matters arising in time of war. In Scotland a code of 'The statutes and use of marches in tyme of were' had been compiled in 1448 by William, Earl of Douglas, drawing on the memory of aged borderers, and this document reveals the customary code of military behaviour over which the wardens had jurisdiction.<sup>(1)</sup> It was stated that any points omitted from the list were to be decided by the warden and his council and by wise, elderly borderers. Apart from defining certain crimes as treason, the code dealt with the complicated rules governing the taking of prisoners, ransom, and plunder, and with general conduct during military service. Such rules and customs doubtless existed on the English marches also, though probably no warden had followed Douglas' example of codifying them.

The activities of a warden as military arbitrator and judge in cases of border treason centred on his court of wardenry. This court dealt only with cases involving the men of the particular march over which the warden had jurisdiction, and was quite independent of the international days of truce held for the trial of truce-breakers. A Scottish document, dated between 1455 and 1460,<sup>(2)</sup> provides a list of

1. *Ibid*, i, 714-6.

2. *Ibid*, i, 714. The date was suggested by George Neilson: George Neilson, *The March Laws*, ed. W.L. Rae (Stair Society, Disc. I, 1971), 50.

crimes which were commonly tried at a warden court. Apart from cases of merch treases and military disputes and discipline, the crimes specified included the stealing of goods from fellow Scots when the booty was taken across the border, probably to be either concealed or sold; the breaking of safe-conducts granted by king or warden (presumably conducts held by Scots rather than in lichen, since in the latter instance a breach of the truce would be involved); and the assisting of Englishmen to escape from prison or 'oute of festyring'. Scots who had come to live in England could also be tried by the warden, but doubtless only if they subsequently tried to return to Scotland. Theft of Englishmen's goods during a truce was also included in the list, although it could seem to constitute a breach of the truce, but possibly such theft within Scotland was implied and was regarded as an internal matter. By the sixteenth century specific cases connected with previously held days of truce were heard at the warden's court, and this may well have been true also in the preceding century. Such cases, which were national in character, included actions of debt, in which one criminal, forced to pay the entire compensation for a crime, sued his accomplices for their share in the payment, and appeals against false avowals when a man's guilt had been sworn to through perjury.<sup>(1)</sup>

In the sixteenth century, and almost certainly earlier, cases in a warden's court were tried by a jury of inquest in the presence of border gentlemen, freeholders, officers, and 'headsemen borderers'. Warning that a session of the court was to be held was given by proclamation a fortnight in advance.<sup>(2)</sup> In 1482 a statute of the

1. See, The Scottish Frontier, 63.

2. Sir Robert Jones, The English Border in the Days of Henry the Fifth (Newcastle, 1849), 28.

Scottish parliament authorised wardens to close the court after one day, or continue it for up to three, and exhorted wardens to hold these sessions as often as possible to curb the wave of theft and treason.<sup>(1)</sup> It is not certain how frequently warden courts were held, nor whether they took place at a fixed location in each march or on an itinerant system. The Earl of Northumberland, warden of the east and middle marches of England, held a court of wardenry at Newcastle on at least one occasion,<sup>(2)</sup> but it seems likely that the most usual places for holding the court on the English borders would have been Warwick (when not in Scottish hands) and Carlisle, and in Scotland the chief border towns.

A description survives of a trial at a 'courte of wardenry' held by George, Earl of Angus, warden of the east and middle marches, at Walkirk on 14 April 1456.<sup>(3)</sup> Andrew Ker of Altonburn (later of Cassford) was indicted and 'with our roll chalangit' of treasonably bringing English criminals into Scotland, of 'comun enterstytynng and comun spekyng' with Englishmen in a treasonable manner, of joining with such criminals in their harassment of Scottish subjects, and of aiding 'comun traitoris'. Since Ker denied the charges, the case was put to a 'blair and worthy assyse of the countre'. This jury gave verdict that he 'illitirally was crule quait and un-waert'.<sup>(4)</sup>

1. ibid., ii, 143.

2. History of Northumberland, ix, 152-3.

3. ibid., 14th March, ibid., part 11, 10.

4. The jury consisted of William Douglas of Galloway, Sir Walter Scott, Nicholas and James (the laird of) Rutherford, William Bapburn, Andrew Gledhill, George Coprinle, John Burchull, Sr. Willie Gyle, Andrew Rutherford, Sandy Coprinle, 'with diverse others'. Since the jurymen had connections with some of those men (see above, pp.106-7, 131-3, 185-6) the impartiality of the verdict is suspect. In March 1470/1 the same Andrew Ker was tried by royal justices on various charges, largely political but including treacherous negotiation with Englishmen. Andrew Ker was acquitted by a jury: ibid., 27-8.

Maintenance of truces and days of truce: The international duties of wardens concerning the maintenance of truces were summarized in the English commissions. Wardens were to correct and make amends for any breach of the truce committed by subjects and officials of either country, which meant ensuring that their countrymen received justice as victims and were brought to justice as suspected or accused criminals. Days of truce were to be held by the wardens for the investigation and trial of men accused of breaking the truce, and the punishment of criminals was to be at the wardens' discretion. The levying of monetary penalties was the warden's responsibility, but in cases of persistent refusal to pay he could send the criminal before the king and council. The jurisdiction of a warden encompassed all crimes, however serious, committed in breach of the truce, that is by a subject of one country against a subject of the other. His authority in this sphere extended throughout his march, including the liberties, which were independent of the jurisdiction of ordinary law.

Any details of the wardens' work were described in the terms of the truces concluded during this half-century,<sup>(1)</sup> and these can be supplemented by sixteenth-century evidence, for it seems unlikely that practices had undergone much change during the intervening years. The wardens' activities centred on days of truce, which were meetings, held at certain places on the actual border, between officials of both countries to provide redress for all breaches of the truce. Among the meeting places of the later fifteenth century were Lochaabenstone, Marshopefoot ('Marschopbrig'), Reddenburn, Gaudelspath, Bell, Seabiggiaford and 'Saldenstank'.<sup>(2)</sup> It is not certain how often days of truce were held, although in the sixteenth century the

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1. See above, pp. 262ff.

2. Hyatt, Foedera, xi, 788-9; xii, 246-7.

ideal was once every twenty days on the different marches.<sup>(1)</sup> In February 1439/40 the Scottish parliament ordered wardens to hold such assemblies as often as was necessary to ensure the keeping of the truce,<sup>(2)</sup> which implies that there was no definite, customary period between the meetings. Commissioners in September 1473 arranged a series of diets to be held by wardens each within eight days of the last, but these were all in different places on the marches and were exceptional, aimed at clearing a backlog of complaints.<sup>(3)</sup> Days of truce did not always last only one day, and may never have done so. In a letter of August 1499, Sir Thomas Percy, a prominent borderer, wrote: '... when the day off diet takethe aynd, wiche dayes wille laste for this cometh for yit ther is more matteis far owet of thre of oore parte',<sup>(4)</sup> which implies that days of truce continued until all the business brought before the wardens had been dealt with.

When the wardens of two adjoining marches agreed to conduct a day of truce, proclamation was made of when and where it would be held. The borderer who had been the victim of crime committed by a subject of the opposite kingdom could present a bill of complaint to his warden, who could then refer it to the warden of the march where the accused was lived. Alternatively, it was possible for complaints to come to the border, under special safe-conduct, to remain there until, presumably when they could find no satisfaction from their own warden. It was repeatedly stated in the terms of

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1. Housar, The English Border, 23.

2. Ibid., ii, 220.

3. Moore, Borders, ii, 788-9. Another series of meetings was arranged in the border 1484: ibid., xii, 246-7.

4. J. Gairdner, ed., Letters and Papers Illustrative of the Reigns of Richard III and Henry VII (London, 1861-3), ii, 283.

truces that borderers could seek, and expect, justice from the officials of either realm.<sup>(1)</sup> These efforts, through truces, to make the wardens' justice accessible to all marchmen were aimed at restraining the border traditions of self-help and revenge. Except in the carefully regulated procedure of the trod, which permitted a victim of theft to pursue the criminal across the border,<sup>(2)</sup> self-help was prohibited under pain of facing trial and punishment for retaliatory crimes with the expectation of no less severity than the original criminal would receive.<sup>(3)</sup>

In preparation for a day of truce, wardens had to attempt the arrest of all the accused men living within their march. Since flight across the border from the consequences of crime was habitual, truces repeatedly stressed the importance of co-operation between wardens in the arrest of criminals of either country, whether the crime involved constituted a breach of the truce or not an internal matter.<sup>(4)</sup> The national prejudice of officials could interfere with justice, and this problem led to the insertion of a clause in a truce of January 1499 ordering wardens and local inhabitants to exert themselves in the pursuit of fellow countrymen accused of murdering someone from across the border, laying aside all such prejudice.<sup>(5)</sup> It had earlier been agreed that in cases when a Scot killed an Englishman in England or an Englishman killed a Scot in Scotland, the guilty man was to be arrested by the officials of his country and handed over within fifteen days 'to be justified or ransomed' at the will of the

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1. Boves, The English Border, 7; see above, p.266.

2. See above, pp.263-4.

3. See above, p.263.

4. See above, pp.265, 271, 275.

5. See above, p.272.

victim's relatives. If capture was impossible the criminal was to be banished.<sup>(1)</sup> In the case of criminals caught red-handed or obviously guilty of homicide, trial at a day of truce was not considered necessary. Notorious thieves or robbers caught in the act were immediately executed by the warden of the march where the crime had been committed, without further process of law. Known homicides were imprisoned for twenty days by the warden concerned, and if within that period no agreement over compensation could be reached between the kinsmen of the victim and culprit, the prisoner was put to death.<sup>(2)</sup> Procedure in cases of obvious, malicious murder was not mentioned in the truces of the period. When, as was probably common, wardens failed to arrest suspected or accused criminals, culprits were outlawed and banished by their king. Anyone giving aid to such outlaws faced the threat of trial and punishment as though they had committed the outlaw's crime, which would include compensation to the victim. If the banished man left any land or goods, these were used to provide redress.<sup>(3)</sup>

Arrangements between wardens concerning days of truce and the arrest of criminals were not always amicable. In January, 1499/1500 Thomas, Lord Scares, lieutenant of the English west march, and George, Count of Angus, warden or governor of Eskdale, met to discuss the redress of grievances. Scares demanded the immediate redress of complaints against certain inhabitants of Eskdale, but Angus replied that he had been unable to arrest the accused, since he had only received the bills of complaint the previous day, and he refused to try any man in his absence because such practice was contrary to border custom.

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1. *Bymer, Borders*, xi, 788-91.

2. See above, p.271.

3. See above, p.264.

He offered to deliver to Deere a Scottish gentleman (worth the value of redress demanded) as pledge that the complaints would be redressed at a new 'day of trow' to be held within fifteen days. Deere continued to insist on obtaining redress that very day for at least some of the complaints, arguing that the case was clearly proved by the discovery of English goods in the hold, and that Angus could have arrested various men of the surname Thailor, who were openly wandering in and about the town of Canony. Angus denied knowledge of this, and explained that he had sent for 'Christe Thailleur' and his accomplices, whom he was 'bounde for' (acting as surety for their good behaviour), out of England (where they must have been fugitive) to come to 'the threpe grounde' (the Leithside land) under assurance. He had asked 'Christe' whether he had broken his bond of good conduct ('if he was releved of his bond'), but had been unable to arrest him since he was under assurance. After further fruitless arguing, Deere and Angus agreed to abide the decision of twelve worthy men from the two countries, who seem to have decided to refer the dispute to the Scottish lords of Council, since a decree from the Council in March ordered a day of final redress to be held at Dumfries on the fifth day of the next justice ayre.<sup>(1)</sup> Such disputes between wardens must have greatly delayed the execution of border justice, and the case suggests that wardens may not always have been willing to bring criminals to trial.

At the commencement of a day of trow each warden gave an assurance that his countrymen would keep the truce during the assembly.<sup>(2)</sup> Such

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1. Greer, Douglas, iii, 170-4. In April 1500 the Lords of Council postponed the meeting until 3 May: MG 1496-1501, 408.
  2. Howes, The English Border, 6-9.

a large gathering of characteristically unruly borderers inevitably created problems of lawlessness, despite the threat of the death penalty if the assurances were broken. An attempt was made to reduce the problem in September 1473 when commissioners of both kingdoms drew up an indenture, wherein that all men attending a day of truce should come 'in possible wise, without harness, or, bill, spear, or bow, and without all other sensible weapons (suche swerde and knyffe)' on pain of forfeiture and imprisonment. The number of men permitted to accompany a knight, squire, etc., and dependents was limited to 1000, 500, and 200 respectively, a fine of one English noble to be imposed for each man for each of these limits.<sup>(1)</sup> These figures stress the vast size of such meetings, and it is doubtful that the limitations did anything to reduce the opportunities for lawlessness. In February 1475/6

Edward IV complained to James III that at a past day of truce certain Scots had murdered one Englishman and taken several others prisoner, not only in the presence of, but by the authority of the Scottish king's lieutenant.<sup>(2)</sup> Whether or not this particular case was unusual, similar occurrences are likely to have been frequent, the most serious being in violation of truce by English borderers.

When these attending a day of truce had assembled, the systems came into effect of complaint to be given during the session, the most usually committed crimes normally being dealt with first.<sup>(3)</sup> By the fifteenth century it was common practice for warden to balance bills, so that those heard could do and on their rivalries each side with equal address in some value, irrespective of the firmness of

1. ibid., ibid., ii, 786.

2. ibid., ibid., I, no. 28, pp. 412-4.

3. ibid., ibid., ibid., 12; on the words of Council decreed in March 1473, 'the last stipulate to be first redressed': Fraser, ibid., iii, 174.

the choice.<sup>(1)</sup> This abuse may not have developed by the fifteenth century, for in August 1499 Sir Thomas Darcy found cause to complain that at a day of truce then in progress 'the Scottes bath moch of theyr desire ... and as for owre parte, haith e os yit very small redress'.<sup>(2)</sup>

There were, however, attempts to influence the wardens in their choice of bills. On 1 October 1464 the Prior of Durham wrote to Sir Robert Cyle, an influential borderer and himself recently a warden, asking for assistance in ensuring that two bills of complaint concerning Scottish thieving raids on the priory's cells at Coldingham and Barne would be dealt with at the next day of truce. The bills had already been presented and ignored at a previous meeting.<sup>(3)</sup>

Surviving fifteenth-century evidence on days of truce is insufficient for a description of the methods employed in judging bills of complaint, but some aspects of sixteenth-century procedure probably, and some definitely, dated back to this period and beyond. Compurgation of the accused by fellow countrymen (possibly chosen by the accuser) was an ancient border procedure, and trial by avowal, which involved one man of the same nationality as the defendant (again chosen by the accuser) swearing to the truth or falsehood of the complaint, was probably also practised.<sup>(4)</sup> Trial by assize took place in the fifteenth century, for several truces of the period prohibited criminals and men convicted by a jury from sitting on an assize, while in 1501 a Scot described his involvement super assisa when various English borderers were convicted.<sup>(5)</sup> In this method of judgment, a

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1. Rae, The Scottish Frontier, 56-7.
  2. J. Muirhead, ed., Letters and Papers, ii, 283.
  3. Durham Prior's Kitchen, Reg. Surv. III, f. 123d.
  4. Rae, The Scottish Frontier, 54-5.
  5. See above, p. 275 ; Exch. Rolls, xi, 383.

jury of Englishmen, responsible for the trial of their countrymen accused in Scottish bills of complaint, was chosen and sworn in by the Scottish warden, and a jury of Scots to deal with English bills was chosen by the English warden. (1) It has been pointed out that: 'The basic principle of their attitude of judgment is, appears to have been that the defendants' guilt should be determined, and accepted, by their own countrymen'. (2)

Weaknesses in this system of trial are obvious. A jury might be unwilling to convict a fellow countryman however strong the case against him appeared, or, since jurors were appointed by the opposite warden, the warden might, through the warden's police, consist of personal enemies of the accused, determined to secure a conviction. A man chosen by an accuser to swear to the guilt or innocence of a defendant might also be personally hostile to the accused, especially in this society where feuding was habitual. The greatest single weakness in the system, however, was probably the danger of perjury. In April 1500 a case was heard before the Scottish Lords of Council which demonstrated the reality of this problem. A group of borderers, accused of certain crimes, had sworn to their innocence, as had other men not involved in the crimes, acting as co-swearers. As a result the warden had accepted their innocence and had probably denied redress to the complainant. Later it had been discovered that the men had committed the crimes for which they had purged the selves, and they had been convicted after trial. The Lords ordered that compensation was to be made to the victims and that the criminals were to be put to death. (3) ~~There is no record of any other cases of perjury, but no other penalties seem to have been imposed for this blatant act of perjury.~~ X

1. See, The Scottish Frontier, 54-5.
2. Ibid, 55.
3. ASC 1496-1501, 410-1.

Once judgments had been given and the day of truce brought to an end, wardens had to ensure that verdicts were put into effect so that victims received compensation and criminals punishment.<sup>(1)</sup>

Payments in compensation had to be extracted from the guilty man or his relatives and handed over to the complaining party through their warden. The convicted borderer, or a pledge for him, was usually delivered to the opposite warden for imprisonment until redress was made, and if payment was not forthcoming within a certain period the criminal would be executed.<sup>(2)</sup>

b) The wardens' subordinate officials:

Each warden was empowered to appoint subordinate officials to assist them in their work.<sup>(3)</sup> Chief among such subordinates were lieutenants and deputies, to whom wardens delegated all aspects of the wardenship. It is possible that originally lieutenants acted for wardens only in a military context, while deputies were involved in non-military duties, but there was no such distinction by the fifteenth century. Lieutenants were probably superior to deputies, but one warden might employ several lieutenants and deputies.<sup>(4)</sup> Then, on the English marches, the king assumed the wardenship,<sup>(5)</sup> commissions were issued to men appointed as lieutenants, but it is doubtful that

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1. For details of punishments, see below, pp.343-6.
  2. See, The Scottish Frontier, 57-8; for details of surety, see below, pp.327-37.
  3. Scottish wardens were thus empowered by a statute of 1449: AB, ii, 35. English wardens were empowered by their commissions: see, for example, Bot.Scot., ii, 378, 408, 424.
  4. Then, in the truce of 1486, the wardens were named as conservators, their lieutenants alone were included, implying their superiority over deputies: see below, p.375. A phrase in the 1502 treaty - gardianus ejusve locutenens vel locutenentes deputatus vel deputati - makes clear that there could be more than one lieutenant and deputy subordinate to each warden: Bot.Scot., ii, 549.
  5. See below, p.361.

wardens usually gave their subordinates any such formal statement of their responsibilities. Thomas, Lord Trewe, as lieutenant of the west coast received several commissions from Henry VIII, which empowered him to do everything pertaining to the office of lieutenant by past custom, and, more specifically, to correct and amend branches of the laws by holding diets and negotiating with Scottish officials, to grant at his own discretion safe-conducts for such officials to cross the border, and to himself appoint deputies.<sup>(1)</sup> The lieutenants of royal warden governed the marches with almost complete independence, exercising the wardenship in all but name, and were therefore more important than the subordinate officials of ordinary wardens. Most of the wardens of the period, both English and Scottish, must have spent much time away from the borders, however, so that lieutenants and deputies were always of great importance in carrying out the routine work of the wardenship and in maintaining the continuity of such law-enforcement.

In the sixteenth century an official of a different character bore the title of lieutenant of the marches. These latter lieutenants were temporary officials, appointed in such circumstances as a royal emergency or the absence of the king from the country. The authority of them was exceeded that of wardens, since they acted as direct substitutes for the king in a specified area, usually not confined to the limits of one march. When a lieutenant was appointed, the warden or wardens of the district to which he was assigned were either dismissed, or became deputies to the superior official. The appointment of a lieutenant was either for a military purpose - to organise

1. Rot.Scot.,ii,472, 486, 498, 501, 515.

defence or an offensive campaign - or for administrative uses in the maintenance of law and order.<sup>(1)</sup> Apart from the appointment of Richard, Duke of Gloucester, as lieutenant-general to lead an English army into Scotland in 1401,<sup>(2)</sup> no equivalent official appears to have been employed in the fifteenth century, although the lieutenants of Richard III and Henry VII in London did act as direct substitutes for the king in a civil sense.

Various lieutenant and deputy, various other officials were employed by the archbishops and bishops, but very little is known of such men in the fifteenth century. For the clerical duties connected with the archbishopric, especially at archiepiscopal courts and days of licence, when some records, however temporary, could have been kept of officials employed and salaries owed or paid, various clerks were employed. Venjurers attached to the archbishopric were responsible for summoning and creating witnesses and accused criminals, and for dealing with condemned offenders, while deapsters were employed to declare the verdicts in archiepiscopal courts.<sup>(3)</sup> Salaries of the archbishopric were paid by the king of Northumberland and archbishop of London, but their duties are unknown.<sup>(4)</sup> The wages of all subordinate archiepiscopal officers usually paid by the archbishop, not by the crown.<sup>(5)</sup>

1. See, The Scottish Frontier, 104.
2. See above, p.223.
3. See, The Scottish Frontier, 34-5. No mention of clerks or deapsters has been found in fifteenth-century records, but it seems most unlikely that these officials were innovations of the sixteenth century. Lieutenants chosen in 1500 by the English king were each permitted to employ four 'wardayne sergeantis', and the same officials were mentioned in 1490: GFR 1494-1500, 202; Rot. Scot., ii, 494.
4. Mn. C.B., C VI, 2c and 4d.
5. See, The Scottish Frontier, 32.

c) Conservators and commissioners:

International border law-enforcement centered on the wardens, assisted by their subordinate officials. The volume of crime committed in breach of truces was, however, often beyond the capacity of the wardens and their staff alone to provide redress. For conservators and commissioners were frequently appointed to assist in the work. Conservators, appointed in various numbers following the signing of most truces during this period,<sup>(1)</sup> were authorized to make inquiries of the truce and jurisdiction factors, and they probably conducted their business of border diets, jurisdiction diets in days of truce, though possibly on an even larger scale. By the terms of the 1457 truce, conservators were authorized to punish march officials and redress their crimes, which provided a check on wardens and their subordinates. Detailed evidence describing the work of conservators in the fifteenth century does not survive, and it is uncertain whether they relied on march officials for the arrest of defendants, employed their own servants and retainers for this purpose, or merely worked together with the wardens, assisting them in all aspects of their business and not even holding independent sessions for the hearing of bills of complaint. Conservators were probably chosen by the negotiators signing a truce, rather than being appointed by the king.

Commissioners were appointed by the crown for various, specific purposes, either to discuss a particular source of discord, to investigate an exceptionally serious crime, or to deal with breaches of the truce in breach of a border diet. Commissioners from England and Scotland were repeatedly appointed during the later part

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1. See below, pp.373-7 and Appendix II, p.419.

of this period to discuss problems such as the 'ask fish, part' or the boundaries of the 'Solentable' land, which created serious tension on the borders, and threatened way trade.<sup>(1)</sup> In March 1494 commissioners met to discuss a complaint by the Scottish Prince of Orkney against certain 'inlidemen' for the taking away of cartage by, oxen, and horse, and also scold and pelt, and burning, and threochip and a crime of 'indis'.<sup>(2)</sup> Thereafter the period commissioners were appointed to assemble concerning 'business' of a house in order to ensure that the house was maintained.<sup>(3)</sup> Meetings for this purpose between commissioners of the two countries most often have been confined to discussions of relations in general terms, but diets were held where commissioners tried cases brought before them by bills of complaint. The first session of such a diet was held in August 1471, and possibly in every case, by the high sheriff or his sheriffs, in England and perhaps also in Scotland.<sup>(4)</sup>

**Borderers** — and also free non-border counties were warned to present bills of complaint concerning breaches of the truce to the commissioners 'according to the old use and custom' and at such sessions to be observed'. Such diets were probably arranged when a backlog of untried bills of complaint had accumulated, causing discontent and thus threatening the truce.

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1. For example, *Rot. cont.*, ii, 450, 478, 493, 513, 515; see above, pp.220ff, 279-80.
  2. *Waver, Carlewreoch*, ii, 441.
  3. For example, *Rot. cont.*, ii, 387, 399, 413-4, 430-1, 497, 500, 531, 543.
  4. *Rot. cont.*, 1468-76, 208.

2) National law-enforcement on the borders:

The office of warden and the jurisdiction he exercised were peculiar to the Anglo-Scottish borders, and the collective authority of the wardens and march law encompassed the whole region. The administration of national law, however, varied on either side of the border, since the marches of such borders were subject to the judicial system enforced throughout the respective countries. A detailed account of national law-enforcement would be superfluous in this context, since **it** was not exclusive to the borders, but the main points of difference between the English and Scottish systems need to be identified.

a) The Sheriff:

The most important resident officials responsible for national law-enforcement in the Scottish borders were the sheriffs. Scottish sheriffs held both civil and criminal jurisdiction, exclusive only the ability to try the pleas of the crown - murder, rape, robbery, and treason - a responsibility for which they were itinerant court justices. (1) A sheriff could try murder, when the criminal was caught in the act, and catched thereafter, as well as some lawless and licensed branches of the game. It is possible that the limitation on a sheriff's jurisdiction concerned the death penalty was of jurisdiction of offences on the borders. It is clear that the jurisdiction of Scottish sheriffs of the north-western border regions was the shireland writ, which involved robbery, fish-stealing, and frequently murder and treason, if not rape. The volume of crown pleas tried at the few border regions of

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1. The following passage on the work of Scottish sheriffs is derived from J. Grant Richardson, The Sheriff: Court Book of Life (Scott. Hist. Soc., 3rd series, xii, 1926) pp.1-1.

itinerant justices for which evidence survives seems to support this suggestion.<sup>(1)</sup> Scottish sheriffs were also limited in their jurisdiction by their inability to interfere in the independent jurisdictions - reipities, steweries, and burghs - lying within their shire. The sheriff court in Scotland was the court of appeal from baronial justice, while appeals concerning a sheriff's jurisdiction could be made to the itinerant justices.

Apart from the judicial functions of a Scottish sheriff, this official was also responsible for summoning and leading the shire's military forces (through the barons, who were each responsible for their own men); for holding periodic 'waginscharings' to ensure that the shire host was efficiently armed; for collecting taxes and dealing generally with royal revenue (the office of custodian in Scotland had become combined with that of sheriff); for serving royal writs; and for the administrative aspect of the itinerant sessions of justice. In this last respect the sheriff announced the date when the court was to be held; summoned those owing suit of court; indicted suspected criminals; gave aid, when necessary, to the coroner, who was responsible for arresting the indicted men; and executed the judgments of the court, collecting fines and imposing punishments. A system similar to the English hue and cry operated in Scotland to assist in the capture of criminals.

The powers of English sheriffs contrasted sharply with those of the Scottish officials, since justices of the peace had taken over almost entirely the sheriffs' criminal jurisdiction in England, while justice judges dealt with most civil actions. Sheriffs retained jurisdiction only over petty crimes, such as fraud in breeding, taking,

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1. Rep. Use., Just. Ct. 16. - no record of a sheriff court session survives, however, to allow comparison of the volume of crime tried there in this period.

or weights and measures, or encroachment on common land.<sup>(1)</sup> As in Scotland, the royal sheriff was responsible for the routine administration connected with judicial sessions of the peace, pleas, and goal delivery. He took pledges for the prosecution of cases, summoned defendants, administered oaths and oboles to jurors, arrested and held criminals, appointed juries, held inquests connected with coroners' inquests, and executed the judgments of these courts. The sheriff was also responsible for collecting and delivering royal writs, for employing and paying itinerant judges and other officials of royal justice, for the collection and delivery of debts, responsible for his share of administration and management of judicial, criminal and civil law in the shire. He had also established a number of inferior courts of justices, in particular justices of the peace.

#### B) Judicial commissions:

The appointment of commissions to assist royal officials was resorted to in the exercise of national as well as international law, of royal or imperial jurisdiction. Apart from the commission of the peace, and those of oyer at tenner, issued occasionally for the investigation of particular cases, or the enforcement of public order in a troubled area,<sup>(2)</sup> administrative commissions were appointed by the royal government in connection with law-enforcement on the borders. These commissions were termed of various kinds in accordance with the particular people guilty of committing specified crimes, the crimes of criminals' present, and the investigation of piracy.<sup>(3)</sup>

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1. The powers and duties of the sheriff are listed in William the Conqueror and the Norman Conquest (London, 1930), 114-5, 123; J. F. Jacob, The Fifteenth Century (Oxford, 1941), 449-51. Henry, King and Public Order in England in the Thirteenth Century (London, 1973), 91-2.

2. For a list of the commissions of oyer at tenner involving the king's peace and justice, see below, Appendix IV, pp.434ff.

3. For a list of judicial and non-judicial commissions concerning the borders, see below, Appendix IV, pp.427ff.

In May 1461 Sir Robert Uffle was commissioned to seize for the king various possessions of the late John Baron of Ford, to arrest John's son and heir, and to 'crush any of the county of Northumberland who may resist'.<sup>(1)</sup> The following month seven gentlemen of the western borders were commissioned to arrest three named borderers, and in July 1471 four commissioners were ordered to arrest twelve men and a woman, all borderers, and to seize their lands and goods.<sup>(2)</sup> A commission was appointed in November 1460 to arrest and imprison 'all persons guilty of unlawful gatherings, congregations, associations, and combinations' in the borders, using local forces if necessary.<sup>(3)</sup> In a case where the sheriff of Northumberland and justices of the peace had failed to prevent the forcible occupation of the Malsgraves' castle by enemies of the family, despite proclamations and attempts to capture the criminals, a commission was appointed to give aid. Men important, local land-holders were ordered to go in person to arrest the malefactors, assembling the county posse if necessary.<sup>(4)</sup> In May 1476 four Northumberland men, including the mayor of Newcastle, were commissioned to enquire into piracy and breaches of safe-conduct and of the truce committed at sea, and several other, similar commissions were issued during this half-century.<sup>(5)</sup> Appointment on a judicial commission of this type brought trouble to a certain John Colt, who pursued an order to arrest the accomplices of a particular rebel. Not only was he resisted in this arrest, but the men he sought brought

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1. CPR 1461-7, 29.

2. Ibid, 34; CPR 1467-77, 288.

3. CPR 1452-61, 651.

4. CPR 1476-85, 545-6. The commission was issued on 11 March 1485.

5. CPR 1467-77, 605 and see Appendix IV, pp.436, 438, 439, 440.

actions of false imprisonment against him at Newcastle. Colt appealed to the chancellor for justice.<sup>(1)</sup> The case illustrates the lack of respect for royal authority so often apparent in border society.

There is no evidence of similar commissions being issued by the Scottish kings of the period in connection with the borders and indeed commissions did not figure in the Scottish legal system, but certain procedures outside the normal administration of justice were occasionally adopted. In October 1488, in a drive to suppress lawlessness throughout Scotland, James IV appointed special justices to execute this policy in different regions.<sup>(2)</sup> Unlike the itinerant justices, chosen for their legal abilities, the men appointed on this occasion to impose law and order on the borders were all local to the area. On 14 June 1501 James IV ordered Patrick, Earl of Bothwell, to raise a force to ride against seventy men of the surname Armstrong, who, if they failed to attend for trial at Selkirk on a charge of homicide in a week's time, were to be outlawed. They, and their 'assistaris, parte takaris and ressettaris' were to be pursued 'to deid', and their goods were to be eschaeted.<sup>(3)</sup> This represents an early example of or precedent for the judicial raid, a procedure which became common and far more organised on the Scottish borders in the sixteenth century.<sup>(4)</sup> This method of combatting lawlessness involved a large-scale military expedition by local magnates, often led by the king himself, against notorious criminals, whom the judicial machinery had failed to bring to justice. In February 1483/4 James III was advised by parliament

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1. PRO, C.1.38/1. The petition dates from 1467-72 or 1433-43.
  2. APS, ii, 208. For those appointed see below, pp.396-7.
  3. RSS, nos. 700, 701.
  4. Rae, The Scottish Frontier, 134-152.

to communicate with the lords and 'hedemen' of the borders concerning the capture of fugitive criminals, and this may have implied the organisation of such a raid.<sup>(1)</sup> James IV, in August 1504, combined a punitive expedition in Eskdale with the pleasures of hunting and other entertainment.<sup>(2)</sup>

c) Standards of efficiency and conduct of officials:

The difficulties faced by royal officials in the enforcement of national (and international) law on the Anglo-Scottish borders arose mainly from the character of border society and the geography of the region. It is hard to determine standards of honesty and endeavour among the judicial officers themselves, or whether the systems of judicial administration on either side of the border operated in themselves as efficiently and regularly as in other parts of the two countries, however small a proportion of border crime they managed to control. There is no evidence to show whether or not the English sessions of the peace were held regularly four times a year in the border counties, but the justices of assize only visited the region once yearly, whereas in most areas by the late fifteenth century they made two perambulations a year.<sup>(3)</sup> In the late 1450s the sessions of assize in Northumberland and Westmorland and of gaol delivery in Cumberland were cancelled in three consecutive years due to the rebellious state of the borders and Scottish hostilities.<sup>(4)</sup> It is

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1. APS, ii, 165.
  2. R.L. Mackie, King James IV of Scotland (Edinb. and London, 1958) 126.
  3. J.S. Cockburn, 'The Northern Assize Circuit', Northern History, iii (1968), 122.
  4. PRO, J.1.1/1546; J.1.3/213. The border assize and gaol delivery rolls do not survive for the reigns of Edward IV, Richard III, and Henry VII.

likely that this was not an exceptional occurrence. The sessions of the peace were interrupted on at least one occasion by violent lawlessness. On 11 June 1498, Gilbert Barton and another gentleman victoriously broke the king's peace with force and arms at a sitting of the justices of the peace, to the great disturbance of the court.<sup>(1)</sup> The regularity with which sessions of lay Scottish itinerant justices were held on the borders in this half-century is unknown.

It is probable that itinerant lay justices officiated in no better nor worse than in other parts of the land and country. Examples of serious, sometimes criminal, misconduct can be given, but it is impossible to have any adequate and coherent account of such behaviour. The Prior of Durham in June 1459 appealed to the king to take the oath against the sheriff of Northumberland and his officers, who had distrained property belonging to the cell of Stene, following the indictment of its imprisonment, although the goods belonged to the priory, not to the sheriff. The sheriff's default was in line with the official practice described as a matter of the prior.<sup>(2)</sup> Evidence to the royal chancery in this period reveals a few cases of alleged abuses by border sheriffs. John Innocentius, sheriff of Northumberland from 1453 to 1464, was accused of committing a crime which was to deprive the course of justice, which involved forcible detention, attempted bribery and intimidation.<sup>(3)</sup> Four petitioners lodged complaints against the sheriff, sheriff of Newcastle in 1473. When he was accused of acting as judge in his own cause with possibility towards the petitioners, and ones of proceeding to counsel a jury favourable to himself in the complaint. Justice, as

1. *ibid.*, 389/419.

2. *Northumbria's Fife*, *loc. cit.* 111, ff. 208 - 91.

3. *ibid.*, 0.1.24/26.

an alderman and justice of the peace, he was accused of maintaining a relative in the courts of law.<sup>(1)</sup> Another unnamed Newcastle sheriff was charged with prejudicing the law in favour of his brother-in-law, against the petitioner.<sup>(2)</sup> A commission of 1502/3 found that Sir Roger Bellingham in September 1499, when he was sheriff of Westmorland (in fact under-sheriff to Henry, Lord Clifford), had allowed a felon to go free without legal authority, and that in February 1501/2 he had seized for his own use goods of a suspected felon, who had fled the country.<sup>(3)</sup> George Lumley, sheriff of Northumberland in the 1460s, may have upheld the law while in office, but in February 1477 he and other men were accused, and presumed guilty, of attacking a merchant ship, grounded on the Yorkshire coast, assaulting the crew and passengers, stealing the cargo, and destroying the ship itself.<sup>(4)</sup> John Heron of Chipchase, sheriff of Northumberland from 1493 to 1494, was indicted by a jury of having been involved in assaulting royal officials and freeing two prisoners on their way to gaol, on 25 February 1499/1500.<sup>(5)</sup>

Several English justices of the peace were also involved in criminal activities, although not always when actually holding office. Robert Hitford, justice in Northumberland from December 1455, had been accused in the previous year of terrorising the county by extortion, oppression, and intimidation.<sup>(6)</sup> An Edward Ausgrave, probably the same man who was a justice in Westmorland from January 1495/6, was

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1. PRO, C.1.48/79, 140, 187; C.1.131/12.
  2. PRO, C.1.67/44. Since the date of the petition is uncertain, so is the identity of the sheriff.
  3. Cal. I.P.M., 2nd series, ii, 520-1.
  4. CFR 1476-85, 23. George's father, Sir Thomas Lumley, was also involved.
  5. PRO, KB9/422.
  6. PRO, C.1.24/96.

indicted for committing breaches of the peace as the leader of forty armed yeomen in August 1495.<sup>(1)</sup> Two other justices of this county, holding commissions from February 1494/5, Henry Thornton and Ambrose Crackenthorp, were sworn guilty of levying at least two hundred men, arrayed in form of war, in an attack on the 'usgroves' castle at Hartley in the same month a year later.<sup>(2)</sup> John Huddleston, sheriff and justice in Cumberland in the 1450s, was pardoned in December 1459 for 'all treasons, insurrections, rebellions, murders, felonies, trespasses and contempts before All Shints last and any consequent outlawries'.<sup>(3)</sup>

The heritable nature of Scottish sheriffdoms meant that the worthiness of a particular man to hold the office of sheriff was irrelevant, and that the crown had only limited control over its sheriffs. Robert, Lord Crichton, sheriff of Dumfriesshire, was found guilty before the Lords of Council in June 1498 of wrongfully distraining cattle, and of disorderly procedure in the execution of his office.<sup>(4)</sup> The deputy sheriff of Peeblesshire, John Hay of Snaid, was convicted the following month by the same Lords of serving a brief of idiotry against a man as a favour to the latter's son, and of refusing to allow a protest against the action.<sup>(5)</sup> William Douglas of Cavers, sheriff of Roxburghshire, was accused in February 1496/7 of seizing cattle and of contempt for royal authority, which as sheriff he was meant to represent.<sup>(6)</sup> The same man in December 1498 was granted a

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1. *ibid.*, 389/406.

2. *ibid.*, 389/410.

3. *GER 1452-61*, 527.

4. *AOC 1496-1501*, 231-2.

5. *Ibid.*, 259.

6. *Ibid.*, 69.

remission (which presupposed guilt) for collaborating with the Leven rebels, notorious criminals, and for all other crimes, excluding treason, murder, and rape.<sup>(1)</sup> Prejudice by sheriffs was expected and accepted by the Scottish crown, since grants of exemption from their jurisdiction could be obtained. In June 1497, William Douglas of Drumlanrig was granted a letter of exemption for himself, his household, and his tenants from the jurisdiction of the sheriff of Dumfries (Robert, Lord Crichton), since he claimed there was deadly enmity between them.<sup>(2)</sup> Thomas MacClellan of Bombie and his son William in July 1498 obtained exemption from the authority of Alexander Gordon, deputy steward of Kirkcudbright (the equivalent of a deputy sheriff), because of hostility between them, and previous partiality shown against them by this official.<sup>(3)</sup>

d) Franchisal jurisdictions:

The powers of royal officials of national law were limited by their inability to interfere in the independent jurisdictions granted by English and Scottish kings to important subjects. Holders of Scottish regalities and English liberties exercised exclusive rights of justice in civil and criminal actions over all inhabitants of the area concerned. Even crown pleas were not always excluded from these private jurisdictions. On the English borders in the fifteenth century

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1. RGS, no.301.

2. ibid, no.97.

3. ADC 1496-1501, 280. Exemption could also it seems be obtained in Scotland from the jurisdiction of a warden before 1481, when parliament abolished and revoked all such exemptions, committing full power to wardens over all the inhabitants of their march: APL, ii, 140.

the honour of Cocker-mouth was a liberty in the hands of the Percy Marls of Northumberland; Northampton, Islandshire and Redlingtonshire were part of the liberty of the bishopric of Durham; Wexhamshire was under the independent jurisdiction of the Archbishop of York; Bedesdale belonged, as a liberty, to the Tailbois family for most of the period; and the franchise of Wyndale, though in the king's hand for much of the later fifteenth century, was granted in 1474 to Henry, Viscount Bourchier, Earl of Essex.<sup>(1)</sup> A complete list of Scottish border royalities is harder to ascertain, but it included the stewarties of Annandale and Wigtownshire, which were royalities that had returned to the crown; Kelso and Colbo, held by the respective abbeys; and Widdesdale, which was granted as a royalty to Strick, Earl of Bothwell in March 1491/2 and may have already been a royalty under the Douglas Earls of Angus.<sup>(2)</sup>

The system of law-enforcement in liberties and royalities resembled royal judicial administration and involved similar officials. The Bishops of Durham appointed sheriffs and justices of the peace and gaol delivery regularly for their shires, and in 1440 the Scottish parliament tried to compel lords of royalty to hold regular justice ayres.<sup>(3)</sup> There is little surviving evidence of the corrective degree of lawlessness in border franchises, of the efforts made by the holders to control disorder, or of the success of any such efforts, but what does survive is of considerable interest, although confined to the English borders.

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1. OSR 1467-77, 451. The Tailbois family forfeited Bedesdale temporarily during a period of attainder, as the Percies forfeited Cocker-mouth.
  2. HR, no.2096.
  3. PRO, Durham 3/45, 4<sup>h</sup>, 49, 50, 51, 54-5<sup>h</sup>, 60-63; AS, ii, 32.

Early in the fifteenth century there had been complaints to parliament about the exceptional volume of serious crime being committed by inhabitants of Tyndale, Wexhamshire, and Redesdale, and attempts had been made to control the situation.<sup>(1)</sup> Tyndale and Redesdale remained areas of notorious lawlessness. In July 1473, James III writes to the Earl of Northumberland, complaining that the inhabitants of these two liberties 'diligentis depredacionis and harschicis' on Scottish subjects, who were unable to obtain redress.<sup>(2)</sup> Lack of confidence in the standards of law-enforcement in Redesdale is indicated by a bond made in February 1489/90, whereby John Coton, bailiff to Sir Robert Thirlby in the liberty, bound himself in 1489 to the king, to execute his office in bringing criminals to justice, and to prevent all secret meetings between Thirlbymen and Scots anywhere in Redesdale.<sup>(3)</sup> By 1495 the state of lawlessness in Wexham had become so critical that Henry VII abolished this franchise, incorporating the region into the shire of Northumberland.<sup>(4)</sup> It was noted that men of Tyndale, often in company with Scots, had been committing their criminal activities throughout the borders, the bishopric of Durham, and even Yorkshire. By the statute abolishing the franchise, all lessees of land in Tyndale were bound, on pain of imprisonment, to find sureties for the men holding at least 40s. worth of land in Northumberland. The sureties were to bind themselves in 1495 before at least two justices of the peace that the lessee would answer any criminal charge brought against him. Whether or not this

1. H.K., ii, 178, 207.

2. CPB, Aug. 1, no. 24, pp. 409-3. Dated 1475, according to MacDougall, 'James III', 42, n.1.

3. CPB, no. 1586.

4. H.K., ii, 575.

measure succeeded in controlling the landed element in Tyndale's society, lawlessness continued to be a problem in the region. A proclamation by Richard Fox, Bishop of Durham, in 1498 against thieves of Tyndale and Redesdale gives the impression that the entire population of those districts, including leading land-holders and royal officials, was involved in crime or the abetting of criminals, royal justice being almost totally disregarded. Everyone benefited from criminal activity and it was commonly boasted about in taverns. Fox threatened excommunication against the criminals (whose names covered five folios in the register), and ordered ministers of justice and religion to attempt the capture of them and anyone giving them aid and to denounce them from the pulpit.<sup>(1)</sup> In the same year this bishop absolved fourteen thieves of the same districts from excommunication, but on certain conditions, which forbade the use of horses worth over 6s.8d. and of various defensive weapons.<sup>(2)</sup>

An interesting attempt by Henry VII to control the criminals of Tyndale and Redesdale was made in November 1498. Certain men, accused of the murder of Scottish subjects during a truce, who had repeatedly failed to answer the charge at days of truce, were to be proclaimed outlaws if they failed to surrender to the lieutenant of the east and middle marches within three days. In addition, 'inasmuch as all persons of the said surnames are banded together', the other members of the criminals' kindred groups were charged to attempt the capture

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1. Depositions and other Ecclesiastical Proceedings from the Courts of Durham (Surtees Soc. xxi, 1845) 37-41.
  2. Ibid., 42-3. All weapons over a span in length were to be discarded on all church land within Tyndale and Redesdale.

of the accused within five days, on pain of also being arrested as traitors and outlaws.<sup>(1)</sup> The measure shows a recognition that only with co-operation from their clans could criminals in such lawless areas be brought to justice.

c) The Debateable Land:

Another border region under control of royal judicial administration was the debateable land, an unincorporated region lying between the west marches of the two kingdoms. Ownership of the region was disputed and the boundaries of the debateable land were occasionally discussed by contemporary writers in the fifteenth century.<sup>(2)</sup> In September 1491 it was agreed that no man of either nationality should build, plough, or sow within the area, which acceded with the border custom allowing the land to be used as common pasture during the day but forbidding any livestock or goods to be left there after sunset, on pain of forfeiture or destruction of the property involved. Any building erected could be burnt down.<sup>(3)</sup> Despite these regulations, the debateable land was inhabited, probably largely by men seeking to avoid justice, since the situation there favoured criminals. Inhabitants of the region, English or Scottish, had no cause to fear judicial retribution for crimes, since officials of neither government would illicitly recognize the right of the other to govern the area by demanding redress for offences committed there or by non-living there. No royal official of national or international law could be permitted by

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1. DBI, no.1649; DBI, 1494-1500, 160. It has been pointed out that this is the first recorded use of the word 'borderman' to denote 'border British troops': See, The Scottish Frontier, 5-6.
  2. For example, Inf. Scot., ii, 498, 513; see above, pp.13 n.4, 279-80.
  3. Rymer, Foedera, xii, 247; J. Mackenzie, "The Debateable Land" (S.H.R., vol.30-31, 1951-2), 115-6.

the rival government to execute justice in the region. The notorious criminals known as the thieves or traitors of Leven probably lived within the Debateable Land, using it as a base for widespread raiding activities and as a retreat from the law.<sup>(1)</sup>

## B) ABSENCE OF LAW-ENFORCEMENT

### 1) Self-help and Feuding

The stern warnings in truces that any act of retaliation by a victim against a criminal would be treated as severely as the original crime, represented a continual attempt to control the deep-rooted border tradition of self-help and independence from royal justice.<sup>(2)</sup> Since the reaction within border society to criminal injury was frequently an act of revenge rather than resort to royal justice, feuding was habitual. Borderers tended to rely on kinsmen or landlords instead of royal judicial officers for assistance in obtaining justice. This independent attitude towards royal law was the result of various factors, but it was partly caused and greatly encouraged by the ineffectiveness of law-enforcement in the area, due to the tremendous difficulties faced in bringing criminals to justice. Victims of crime, through collective border experience, most frequently have felt that resort to legal channels for redress only provided a limited chance of success, while revenge could at least give them some satisfaction. Appeal beyond local royal officials to the central

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1. The River Leven is the modern River Line, which flows in this area of the borders and very possibly through the region known in the fifteenth century as the Debateable Land.
  2. See above, p.263.

government was difficult and expensive, especially from the English borders, which lay at such a great distance from London. Appeal to King or a local lord was far more immediate. The strong family feeling within border society, and the alternative of dependence on a feudal lord, both developed through years of insecurity caused by war, poverty, and the resulting lawlessness, encouraged reliance on these sources of protection rather than on royal officials and the law they administered. The lack of a feeling of national unity among some sections of border society further encouraged the attitude of independence.

The existence of habitual feuding on the Anglo-Scottish borders in the fifteenth century is certain, partly due to hints in the surviving evidence, but mainly because the feuds flourishing on the borders in the sixteenth century (of which there is ample record)<sup>(1)</sup> were obviously not a recent phenomenon, but a long-developed, deep-rooted characteristic of border society. Details of feuding in the earlier period do not, however, survive. On the Scottish western borders in the 1480s the families of Maxwell and Murray were at feud,<sup>(2)</sup> and several deaths resulted, but the cause of the dispute is unknown. A case in which retaliation for a crime might have led to a feud was brought before the Scottish Lords of Council in August 1496. Two men, suspected of involvement in a murder committed in Wigtown, had been the victims of crime obviously inflicted in retaliation, although they claimed to be innocent of the killing. The defendants had besieged and burnt the house of one of the complainants and had destroyed or stolen money, livestock, and goods.<sup>(3)</sup> Probably further revenge would have been more usual among borderers than resort

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1. See, The Scottish Frontier, *passim*; G. MacDonald Fraser, The Steel Bonnets (London, 1971), *passim*.

2. See above, p.148.

3. ADC 1496-1501, 38.

to royal justice.

Disputes over claims to land appear to have frequently led to violence and possibly to prolonged feuding. In June 1498 Alexander Kirkpatrick accused various men, mainly of the surname Jarding, before the Scottish Lords of Council of interfering with his cultivation of land in Annandale. What was presumably a disputed claim to the land had involved, according to the complainant's version, the imprisonment of Alexander and his servants and the wounding of his horse by the accused.<sup>(1)</sup> On the English borders arbitration awards sometimes described violence arising from disputes over property. Sir William Parington in September 1442 arbitrated in a dispute between Sir John Pennington, his men, servants, tenants, and others he 'mellez for' on one part, and John Broughton and his affinity on the other. There had obviously been a serious fight, for the award consisted of orders that various men should pay sums ranging from 6s.8d. to six marks to those on whom they had inflicted 'strokes'. One man was to pay Sir John Pennington 13s.4d. in compensation for forcible entry into the houses of some of Sir John's tenants.<sup>(2)</sup> Sir John Pennington's son, of the same name, was involved in disputes with Sir Thomas Lamplugh before March 1464/5, when the two parties accepted arbitration. Again compensation was ordered for injuries and damage done, and Sir Thomas was forced to return a purseful of money stolen during the quarrel.<sup>(3)</sup> An award of February 1472/3 between Sir Thomas Curwen and Thomas Balkeld, settling their disputes over claims to land, granted payments to

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1. Ibid, 236-7.

2. Carlisle B.O., D/Pen. b. 47 no.19.

3. Ibid, D/Pen. b. 47 no.22.

tenants of both parties for injuries inflicted by the disputants.

A tenant of Sir Thomas Curwen who had been 'fore hurt att ye foteball<sup>S</sup>' by one of Salkeld's servants was also to receive recompense.<sup>(1)</sup>

Border football matches could be riotous events,<sup>(2)</sup> and on this occasion had provided an opportunity for violence between men upholding the dispute of their masters. Arguments over land-tenure and oyster fishing between three members of the Curwen family and another man on one side and Gavin and Anthony Eglesfeld on the other, resulted in an arbitration award, dated 10 June 1500. Thomas Curwen was ordered to pay Gavin Eglesfeld £4 in compensation for an assault on his house, the breaking of his mill, and other injuries inflicted in April 1498, and 26s.8d. to Gavin's servants for damages done on the same occasion. One servant, who had been beaten by Thomas and his son, Christopher, was to receive 20s., Gavin was also to be paid 40s. for the breaking of his oyster fishing boats, and to pay the same sum for injuries done to a Curwen servant.<sup>(3)</sup>

## 2) Arbitration:

The independent attitude of borderers towards royal justice encouraged the adoption of arbitration as a means of ending disputes without recourse to the law. Many examples of arbitration awards between English border families survive. A cash bond was normally involved to ensure that the award would be respected. In August 1465 John Salkeld and Thomas Sandford agreed, and bound themselves in

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1. Ibid, D/Lons. Deeds/SR 25.
  2. Rae, The Scottish Frontier, 11; C. MacDonald Fraser, The Steel Bonnets, 76-7.
  3. Carlisle R.O., D/Senhouse Deeds/Eglesfeld.

£200, to accept the decision of arbiters on all matters in dispute between them. An equal number of arbiters was chosen by each party, and two royal justices of assize were appointed as umpires in case of disagreement. As was common in such circumstances, undertakings were made to keep the peace.<sup>(1)</sup> Four men of the surname Lancaster in March 1471 gave a £20 bond to Thomas Sandford (doubtless receiving one in return), as surety that they would obey an arbitration award concerning land in dispute between Sandford and two of the Lancasters.<sup>(2)</sup> Hugh Lowther and Christopher Lancaster agreed in May 1499 to abide the award of arbiters in all their past quarrels and especially concerning the marriage of Hugh's daughter to Christopher's son, which was probably aimed at ending these disputes. Financial guarantees of £1000 were given.<sup>(3)</sup> The previous June, Edward Musgrave and Thomas Blenkinsop agreed to submit their dispute over land boundaries to the arbitration of six aged and impartial men, who would decide the boundaries according to 'custom within time of mind'.<sup>(4)</sup> The head of the Pennington family was involved in arbitration awards with Sir Thomas Lamplugh in March 1464/5, with Roland Threlkeld in October 1493, and with John Irton in July 1497 and April 1500.<sup>(5)</sup>

The number of arbiters chosen, usually by the parties involved, varied from one man to a group of about six. The choice fell mainly on local land-holders of standing or churchmen. Among the many

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1. *Ibid*, D/Lons. Deeds/AG 61. All the arbiters chosen were from leading local families. The umpires were John Nedeham and Thomas Littleton.
  2. *Ibid*, D/Lons. Deeds/AG 67.
  3. *Ibid*, D/Lons. Deeds/IO 112.
  4. *Ibid*, D/Lus./Musgrave Medieval Deeds/22.
  5. *Ibid*, D/Pen.b.47 nos.22 and 32; D/Pen.b.23 nos.2 and 3.

arbiters acting in these examples of English border awards, unfortunately limited to the west of the region, were Sir Thomas Curwen, Sir John Huddleston, Sir William Parr, Lancelot Threlkeld, John Crackenthorp, William Lancaster, John, Abbot of Calder, Edmund, Prior of St. Bees, and Thomas, Abbot of 'Foneys' (Furness). An umpire to decide in case of disagreement between the arbiters was occasionally appointed. The crown was not opposed to the practice of arbitration, and may have encouraged it. In August 1474 John Pennington and Sir John Huddleston guaranteed the king, on bonds of 500 marks, that they would face arbitration by four men concerning all disputes and law suits between them. Richard, Duke of Gloucester, and Henry Percy, Earl of Northumberland, were to act as umpires.<sup>(1)</sup>

There is no surviving evidence of arbitration on the Scottish borders independent of crown control, but it seems likely that the practice was adopted privately by Scots as well as Englishmen. The Scottish Lords of Council occasionally resorted to arbitration in settling cases brought before them. In October 1493 a question of disputed land-leasing and debt involving two men from Roxburghshire was referred to four arbiters, with George Douglas of Bonjedward or, if he could not be obtained, the laird of Rutherford and Walter Ker of Cessford to act as 'ownmen'.<sup>(2)</sup> George Hume of Ayton, his wife, and Patrick Haliburton agreed with Patrick Hume of Polwarth and his wife before the Lords of Council in January 1496/7 to abide the award of eight arbiters, four chosen by each party, in the settlement of all their disputes and legal actions. Most of the arbiters were

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1. CCR 1468-76, 365.

2. ADC 1478-95, 312. The men were Dougall McDowell and Nicholas Ormiston; the arbiters were John Edmondston, William Sinclair, Mr. Patrick Atkinson, and Mr. William Scott.

from important border families, and three were of the surname Hume.<sup>(1)</sup>

In June 1498 and in January 1499/1500 the Lords referred two disputes involving borderers to arbitration.<sup>(2)</sup> When Simon Carruthers in the presence of the Lords Auditor in March 1471/2 accused John, Lord Maxwell, of various crimes, including the invasion of Simon at his 'mansioune' with a crowd of armed men, in breach of a royal protection, the parties agreed to face arbitration. Robert Carruthers and Henry Kirkpatrick were chosen as arbiters by Simon, and James Auchinleck and Herbert Gladstones by Maxwell.<sup>(3)</sup>

### 3) Maintenance:

The widespread dependence in border society on landlords and powerful kinsmen for protection encouraged independence from the law, but also created the problem of maintenance when resort was made to royal justice. The perversion of justice through maintenance meant that complainants stood a better chance of winning their case if protected by a lord or clan chief, and thus such ties of dependency were further encouraged. Bonds of retainer and manrent usually involved promises of support in lawful actions, or would have implied a guarantee of such support,<sup>(4)</sup> but kinship and the relationship between a tenant or servant and his lord were doubtless as effective in securing maintenance as any formal bond promising it. Impartiality in justice was unlikely when even the Scottish king on one occasion, and Scottish march wardens on others, specifically promised maintenance,<sup>(5)</sup> while

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1. ADC 1496-1501, 55-6.
  2. Ibid, 216, 366. The first case involved land in Berwickshire, the second theft of money.
  3. ADA 1466-94, 22.
  4. See above, pp.141, 152.
  5. See above, pp.150, 179, 180, 184.

the Percy Warls of Northumberland, wardens in the English marches, paid numerous retainers.<sup>(1)</sup>

Complaints concerning maintenance from borderers in the later fifteenth century are rare, probably largely because the abuse was so deep-rooted in border society that it was regarded as inevitable, and because retaliation against such perversion of justice was more likely to involve revenge than appeal to a higher royal court. A few petitions complaining of maintenance were, however, sent to the chancellor from the English border counties. In 1454 Sir John 'Burcestir' and Robert Mitford were accused of intimidating the mayor of Newcastle and local people generally in order to prevent the execution of justice.<sup>(2)</sup> A woman complained that she could not sue Sir William Martindale at common law because of the power he exerted in Cumberland.<sup>(3)</sup> One petitioner demanded a writ of proclamation against Hugh Salkeld of Westmorland and his relatives, who were described as far too powerful a kindred to be sued in a court of justice.<sup>(4)</sup> Thomas Swan, sheriff of Newcastle, and a mayor of that town were both accused of maintenance, and another Newcastle man was charged with using his retinue for intimidation in an action of debt.<sup>(5)</sup> In the English parliament of 1459/60 a petition was presented complaining that certain criminals from various parts of the country, including Edward Thornburgh and John Laton, both of Carlisle, had been favoured and assisted by men of great might, by whom they were retained. Apart from other crimes,

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1. See above, pp.154ff.

2. PRO, C.1. 24/26.

3. PRO, C.1. 29/338.

4. PRO, C.1. 121/51.

5. PRO, C.1. 48/187, 32/444, 46/194.

the malefactors had interrupted sessions of the peace and assize, and although their identity was well known, no one dared bring them to justice.<sup>(1)</sup> A relative of the first man, Roland Thornburgh, was a tenant of the Percy Earl of Northumberland in 1478/9,<sup>(2)</sup> and Edward might have been a Percy retainer. John Laton was employed by George Neville, Lord Latimer, in the 1450s, and in about 1454 Richard Neville, Earl of Salisbury, wrote to Laton promising good lordship if a request was carried out, and warning against causing displeasure by delay, since the earl might have cause to be his better lord in the future.<sup>(3)</sup>

#### 4) Surety:

The social bonds between landlords and their dependents or within kindred groups constituted a threat to law-enforcement in some respects, but also played an important part in the maintenance of order and the execution of royal law on the borders. Firstly, the effectiveness of judicial officers in combatting lawlessness depended on their power and influence in the region, and the landed power of such men was strengthened and extended through ties of dependency and family loyalty. Also feudal lords and clan chiefs were prepared in several ways to act as sureties for their dependents in the interests of law and order.

In the sixteenth century, surety was involved in the methods employed by royal officials on the borders for delegating responsibility for the maintenance of order to local lords and chiefs. Landed men were induced, often through the bribe of a pardon for past offences, to

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1. Rot. Parl., v, 368.
  2. Carlisle H.C., Cockerhamouth C.C., 29/5.
  3. Ibid, 28/22, 24, 25, 26.

subscribe to a band, which meant that they promised assistance in a specific task, such as the arrest of named criminals. By signing a General Band a lord assumed full responsibility for his kinsman, tenants and servants. He promised to maintain the peace himself, to deliver to royal officials any of his men accused of crime, and to ensure that redress was made to the victims of such crime. Landlords in turn entered into bands with their subordinates. Failure to fulfill the obligations of a band could be punished by death, imprisonment, or the forfeiture of land or goods.<sup>(1)</sup> Bands were based on the material security of the lords' land, but in the case of landless leaders of kindred groups who were persuaded to subscribe to a similar obligation, the security was the life of a human pledge. The promises made, of general or specific assistance, were the same, but to ensure that they were obeyed, the lord himself, his son, or another important clansman, became voluntarily the king's prisoner. If one of the chief's dependents accused of a crime was not brought to justice as agreed, the pledge would face punishment according to the nature of the offence, and would also be liable to make redress to victims if the criminal or his kinsmen failed to do so.<sup>(2)</sup>

Instances of human pledges being entered for the general maintenance of order leave no record in the fifteenth century, although the practice may occasionally or frequently have been resorted to. The word 'band' is found in Scottish records of the period, however, revealing the origins of the later procedure. The account of a justice ayre held at Peebles in November 1498 included two memoranda which make it clear that bands were used to involve clansmen in the enforcement of law, although details of the practice are lacking. The

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1. Rae, The Scottish Frontier, 115-6.

2. Ibid, 119-20.

memoranda read:

'Item to luk out ye bands

'Item memorandum anent ye clans in ye bands yt yai ar oblist to ye king yt geif ony persone being at ye horne within ye bounds yt he yt first seis yame sall blaw yame on yai' & rais ye cuntre etc.'.<sup>(1)</sup>

In January 1499/1500 when Thomas, Lord Dacre, and George, Master of Angus, met,<sup>(2)</sup> Angus mentioned a band made between himself and 'Criste' Tailor, obviously involving the latter's good behaviour, and declared that he was 'bounde for' this man and his accomplices. The records of the Scottish parliament, sitting in March 1503/4, contained two clauses (subsequently crossed out) concerning 'the bandes of lordes & frehaldares' north and south of the Forth. The lords involved guaranteed entry of all persons in their band guilty of crime to a justice ayre, after the form of the band to which they had subscribed. A proposal was also made to take 'ane band for tewidale as was maid now in Drumfress'.<sup>(3)</sup>

Bonds involving financial security that the king's peace would be kept were made in the fifteenth century on both sides of the border. Agreements to face arbitration frequently included undertakings that the peace would be kept. For example, in June 1472, Thomas Sandford, John Lancaster, and John Musgrave bound themselves to Sir William Parr, sheriff of Cumberland, and his brother, John Parr, to abide an award and maintain the peace.<sup>(4)</sup> In May 1469 three Westmorland yeomen of the surname Gibson promised Sir Thomas Curwen and Thomas Sandford that they, their friends, 'applaunce' and supporters would

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1. Reg. Hse., Just. Ct. MS., f.39.
  2. See above, pp.295-6.
  3. APS, ii, 243-4, 247.
  4. Carlisle R.O., D/Lons. Deeds/AS 68.

keep the peace, on pain of forfeiting £400.<sup>(1)</sup> John Walker, a labourer of Gosforth, Cumberland, in June 1499 swore on a massbook before Sir John Pennington that he would keep the king's peace, and that he would ensure it was kept by his kinsmen, friends, and 'parttakarse', on pain of £40. Sureties for Walker from the same parish also swore on the massbook and undertook to be bound by the same pain. The main concern was that Walker would refrain from hostilities against the parson of Gosforth and his tenants and servants.<sup>(2)</sup> On 15 March 1493/4, Sir John Middleton, John Heron, Robert Widdrington, and Robert Cgle made a bond of £100 guaranteeing that William Widdrington would behave with good bearing towards the Bishop of Durham and his officers and would obey them. The bond was made to the king, because the see was at the time vacant.<sup>(3)</sup> Richard Fox, as Bishop of Durham imposed a type of religious surety on the troublesome inhabitants of Tyndale, by making them swear an oath to be true royal subjects, on pain of excommunication for breaking the oath and punishment for breaking the law.<sup>(4)</sup>

On the Scottish borders guarantees were occasionally given that individuals would do no injury to their enemies. Thomas McClellan of Bombie, in February 1499/1500, pledged that Andrew Herries of Terregles would not hurt James McCulloch, under pain of 500 marks. Andrew simultaneously became surety for Thomas.<sup>(5)</sup> In March 1501/2 David Ker

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1. Ibid, D/Lons. Deeds/AS 64.

2. Ibid, D/Pen./200.

3. PRO, Durham 3/63.

4. M.P. Howden, ed., The Register of Richard Fox, Lord Bishop of Durham, 1494-1501 (Surtees Soc., vol.147, 1932), pp.xxxv-xxxvi. Lord Dacre in 1524 described this custom of Fox's episcopate.

5. ADC 1496-1501, 395.

of Ferniehirst undertook that Mark Ker, son of Walter Ker of Cessford, would refrain from injury against George and John Rutherford.<sup>(1)</sup> In the following July, George Middlemast and William Cockburn became surety in 500 marks for each other that they would do no harm to William Murray and his sons. John Crichton became pledge in the same terms for John Hay of Snaid, and John Murray guaranteed that the Murrays concerned would not injure the other party.<sup>(2)</sup>

Surviving evidence shows that the practice of standing pledge, under financial security, for the entry of accused criminals to a court of justice played an important part during the later fifteenth century in the enforcement of law and order on the Scottish borders.<sup>(3)</sup> It is likely that this practice was equally common on the English side of the border in the administration of both national and international law, but there is a marked lack of evidence in this respect. In December 1477 John Widdrington, Richard Salkeld, and Richard Huddleston bound themselves in 200 marks to the king that two Huddleston men would appear before the royal council concerning a dispute between the family and the Abbot of St. Mary's Furness.<sup>(4)</sup> Three Penningtons in October 1489 stood bail for William Pennington the younger to ensure that he would appear before the king and council.<sup>(5)</sup> A Newcastle merchant in November 1498 bound himself to be a good subject, to find sureties for his behaviour, and to appear before the Bishop of Durham.<sup>(6)</sup>

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1. ADC 1501-3, 150.
  2. Ibid, 181.
  3. Reg. Hse., Just. Ct. MS., passim.
  4. CCR 1476-85, 38-9.
  5. CPR 1494-1509, 63.
  6. CCR 1485-1500, 329.

Since no records survive of border sessions of the peace, it is not known whether English borderers commonly or occasionally stood pledge for the appearance of their dependents or kinsmen before justices, as in Scotland, but it is very likely that a similar system of pledging operated on each side of the border.

Surety for the appearance of criminals was provided on the Scottish borders by relatives and landlords. George Turnbull in October 1502 failed to fulfil his pledge to bring four of his kinsmen to justice, and, while the criminals were outlawed, he was amerced.<sup>(1)</sup> In the same month Mark Ker and six Ainslies were fined for failing to enter Richard Ainslie into the king's court.<sup>(2)</sup> In November of the same year William Rutherford of Hunthill bound himself to bring many Rutherfords and other men to justice for a homicide, and John Murray of Falahill stood pledge that David Murray would appear to answer a charge of breaking the peace.<sup>(3)</sup> William Douglas of Cavers, sheriff of Roxburghshire, forfeited £320 for failing to bring 32 men before a Jedburgh justice ayre in November 1493, and £270 for 27 more men in February 1494/5,<sup>(4)</sup> but it is not certain whether this was in his capacity as sheriff, or as a pledge. At the latter session of the ayre Patrick Hepburn, Earl of Bothwell, lord of Liddesdale, and George Turnbull, captain of Hermitage, pledged themselves for the appearance of 28 Elwalds (Elllots), 21 Crosiers, 12 Armstrongs, 5 Nixons, and other clansmen.<sup>(5)</sup> The same earl, in October 1500, was remitted the

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1. Reg. Hse., Just. Ct. MS., f. 54d.

2. Ibid, f. 50d.

3. Ibid, ff. 74, 79d.

4. Ibid, ff. 11-12, 20-21d.

5. Ibid, ff. 25d - 37.

sums of £550 and £853 6s.8d., which he had incurred as surety for bringing a group of Liddesdale men to justice when the criminals had escaped. <sup>(1)</sup> George Douglas, Master of Angus, was fined £3250 as pledge for inhabitants of the lordships of Eskdale and Tweedale, and in 1501 the sheriff of Berwickshire, where Douglas held land, was assigned to collect the fine. <sup>(2)</sup> In April 1500 John, Lord Maxwell, Simon Carruthers, Adam Johnstone, John Murray, John Jardine, and Sir Adam Murray were ordered by the Lords of Council to pay various sums of money, since they had failed to bring sixteen criminals to justice, <sup>(3)</sup> as they had pledged to do under pain of 100 marks for each criminal.

The compensation of their victims by convicted criminals was enforced through the taking of surety, and by the imprisonment of the malefactor until financial redress was made. When borderers, convicted of a breach of the truce, refused, or were unable, to give immediate redress to the complainant, they were delivered to the latter's warden to be imprisoned until their kinsmen or supporters raised the required compensation. When a group of men was convicted of a single crime, only one or two of the offenders were usually imprisoned, as security for payment by the whole group. If a criminal had escaped before or after trial, or eluded capture (which was probably taken as indication of his guilt), the warden concerned would enter in his place a pledge to ensure that redress would be made. The pledge might be one of the warden's officials or someone connected to the convicted criminal, but he had to be of sufficient wealth to cover the value of the

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1. RCS, no.587.

2. Arch. Rolls, xi, pp.xlvi-xyii, 312\* - 315\*.

3. ADG 1496-1501, 408-9.

compensation demanded. If the warden subsequently failed to secure either the person of the criminal or redress from him or on his behalf, the pledge, after a certain time, could face execution.<sup>(1)</sup>

The securing of compensation to release a pledge was the responsibility of the warden, but cases concerning this were occasionally brought before the Scottish Lords Auditor and of Council in the later fifteenth century. In February 1491/2 the Lords of Council ordered David Scott of Buccleuch and William Douglas of Cavers to pay John Hume of Warlston 160 gold angels. The money was owed because Hume had handed a man of his over to the English as pledge that redress would be given for a bill filed against David Elwald (Elliot), David Crosier and their accomplices, and payment of the redress had been promised by Scott and Douglas 'as wes preffit be the Rolment of the wardanis court'. Until redress was paid by these men, who had stood surety for the criminals, Hume's pledge could not be freed.<sup>(2)</sup> In June 1493 the Lords Auditor decreed that James Rutherford did wrong in failing to relieve a pledge entered by Patrick, Earl of Bothwell, as warden, into the keeping of Thomas Gray, captain of Norham castle. Rutherford was ordered to make redress for an attack on Mark as required in a bill of complaint, so that the pledge could be freed.<sup>(3)</sup> At the turn of the century, George Douglas, Master of Angus, was sued because he had failed to deliver to Sir Robert Ker, warden of the middle march,

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1. Rae, The Scottish Frontier, 58 - based on sixteenth-century evidence, but it is clear from the following examples that the situation was the same in the fifteenth century.
  2. ADC 1478-95, 208.
  3. ADA 1466-94, 173.

the means by which one of Ker's men, imprisoned as a pledge in England, could be released. Angus had not kept his promise to hand over either 200 gold angel nobles of 'Sym Scot of Erkin' or one of his accomplices worth the same sum. The Lords of Council ordered a distraint to be made on Angus' property, but redress was not secured until October 1502, when the king granted to Ker's executor land held by Angus, stating that restoration would only be made when Angus paid the sum owed. (1)

When a criminal, convicted before justices of national law, was fined, another man's security was required to ensure payment. Evidence is confined to the Scottish borders, but it is likely that English border practice was similar. Walter Scott of 'Howpaslot' provided surety for William Dixon, who was fined £5 for receiving stolen goods by the itinerant justices at Selkirk in March 1494/5. (2) Alexander 'Fresel' was fined £20 for sheep stealing in November 1498, and four fellow clansmen became pledges for him, while two Hunters, owing £10 for robbery, were pledged by another of their surname. (3) A remarkable sign of royal favour was shown to Sir Thomas Turnbull, 'our lovit knyght', by James IV when he ordered justices neither to charge Turnbull, nor compel him to find surety for the compensation of injuries in any accusation brought against him for crimes committed before the king's coronation. (4) The obligation of providing surety for a convicted criminal seems to have passed from a man to his heir. In June 1498

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1. ADC 1495-1501, 411; RMS, no.2676.
  2. Reg. Hse., Just. Ct. MS., f. 30d.
  3. Ibid, ff. 37, 38.
  4. Ibid, f. 32d - dated 25 February 1494/5.

Alexander Stewart was ordered by the Lords of Council to pay Robert Carlyle the value of 52 cows and other livestock stolen from Robert by three men, who had found Alexander's father pledge to satisfy the injured party after they had been convicted by itinerant justices.<sup>(1)</sup>

Criminals in Scotland frequently obtained pardons for their crimes,<sup>(2)</sup> but they were still obliged to compensate the victims and to find pledges that redress would be made. Examples abound in the few surviving border judiciary court records. Walter Tor of Garsford stood surety for David and William Davidson, Stephen Laidlaw, Thomas Muir, and Walter Robson, among others, all of whom had obtained remissions.<sup>(3)</sup> Andrew Tor of Ferniehirst also pledged many pardoned criminals, including Matthew and Martin Oliver, Simon Young, Richard Hunter, and Alan Kirkcoun.<sup>(4)</sup> Similarly John Murray of Dalnair stood as pledge for Thomas Robison, James Sandlands, and John and Alexander Murray;<sup>(5)</sup> Alexander, Lord Luss stood surety for Robert Turnbull and William Scott;<sup>(6)</sup> George Turnbull pledged several men of his own burnings;<sup>(7)</sup> and Robert Scott of Mitcheller pledged William Muir, John Davidson, three Hopkirk men, and William and Alexander Scott.<sup>(8)</sup> In every case a remission had been granted to the submitted criminals by the king.

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1. Ibid 1496-1501, 222-3.

2. See below, pp.346-50.

3. See. See., Just. Ct. B., ff.9, 9d, 13.

4. Ibid, ff.58, 69d, 71.

5. Ibid, ff.78d, 86.

6. Ibid, ff.24, 78.

7. Ibid, ff.14, 23, 71.

8. Ibid, ff.10d, 11, 15, 15d.

The records of the Scottish Lords of Council provide examples of the possible consequences of standing pledge for pardoned criminals. In July 1498 Philip Turnbull was ordered to pay damages to John and Minian Murray for crimes involving theft and arson committed by his brother, who, in obtaining a remission, had found Philip surety to satisfy injured parties.<sup>(1)</sup> Two burgesses of Dumfries in December 1500 successfully sued Alexander Stewart for £12 in English money. A certain George Bell had gained remission for the 'thiftwise steling of Jhone Calff, Inglisman' from out of Dumfries, and had made Stewart his pledge. Bell had obviously stolen an English prisoner worth £12 in ransom from the burgesses.<sup>(2)</sup> Adam Johnstone in the previous month was obliged, as pledge for two men, one a kinsman, to give satisfaction for remitted crimes involving theft of cattle and the inbringing of the notorious Leven traitors and English criminals.<sup>(3)</sup> Robert Scott in March 1501/2 was ordered to pay £20 to John Thomson for eighty sheep 'thiftwisly put furth' from him by Hector 'Lowdir', for whom Scott had promised surety.<sup>(4)</sup> The difficulties faced by pledges in ensuring that convicted, unpardoned criminals paid fines and recompensed victims were probably less, since such men were normally imprisoned until their debt was paid, so that their life represented additional security.

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1. ADC 1496-1501, 245.

2. Ibid, 453.

3. Ibid, 441.

4. ADC 1501-3, 158.

5) The difficulties of arrest:

The importance in border law-enforcement (at least in Scotland) of pledges for the appearance of borderers in courts of justice was doubtless due largely to the difficulties encountered by royal officials in arresting accused, suspected, or known criminals. It is not likely that summonses to face the law had much effect upon the large section of border society which maintained an independent attitude to royal justice. Even the delivery of summonses must often have been impossible when criminals retired to the hills, and the geography of the region aided in the evasion of arrest. Distraint for non-appearance was a futile penalty to impose on the landless gangs of full-time thieves and on the poorer clansmen, whose movable goods were few or in the form of livestock, which could be driven into hiding at the threat of distraint. Participation in the hue and cry was an obligation on both sides of the border, and on the English marches the county posse could be raised in emergencies,<sup>(1)</sup> but it seems doubtful that these institutions had much effect in bringing the most dangerous and troublesome criminals to justice. The numerous references to outlaws make it clear that many criminals ignored summonses and evaded capture, continuing their careers of lawlessness without fear of retribution.

The measures taken in attempts to bring the thieves of Gynedale and Redesdale to justice illustrate this problem.<sup>(2)</sup> On the Scottish borders in 1484, a bailiff of Peebles was granted a nineteen-year annuity in reward for the capture of four Alwolds (Elliot) and two

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1. See above, p.308.

2. See above, pp.317-8.

other 'rebels', implying that such a feat was regarded as remarkable.<sup>(1)</sup>

Inquests held on the English borders in 1500 and the following year found that two known murderers had fled after committing the crime, one with all his goods into the liberty of 'Wedderell' (Wetherhall).<sup>(2)</sup>

Long time lapses, revealed in the English gaol delivery records for the border counties, between the date of a crime and the trial of the accused or suspected criminal may be partly explained by delays in arrest. Newcastle gaol delivery justices in 1457/8 tried a Northumberland gentleman for a theft committed in 1451/2.<sup>(3)</sup> At two other sessions held by these justices, in 1454/5 and 1456/7, crimes committed in 1440/1 and 1445/6 respectively were dealt with.<sup>(4)</sup> The records show frequent delays of a few years between crime and trial in all three border counties. Scottish remissions granted years after a crime probably imply not delayed capture, but that eventually the criminal voluntarily appeared before the king to seek a pardon. In February 1498/9 Cuthbert Hert obtained remission for killing a man ten years previously, and in the following month two Sureheads and two McCullochs were remitted the same crime, committed two years previously.<sup>(5)</sup>

William Murray, at the Peebles justiciary court held in November 1498, produced a remission for various crimes, including homicide and bringing an English traitor into Scotland, which he had committed thirty years earlier.<sup>(6)</sup>

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1. Exch. Rolls, ix, 295-6.
  2. PRO, KB9/423.
  3. PRO, J.1. 3/54/41.
  4. PRO, J.1. 3/213.
  5. RSS, nos.345, 350.
  6. Reg. Hse., Just. Ct. MS., f.40.

The flight of criminals across the border to escape the consequences of their crime was a constant problem for royal authority, and repeated attempts were made through the terms of truces to prevent it hindering the enforcement of law and order.<sup>(1)</sup> Fugitives were often prepared to transfer their allegiance, and march wardens, through their commissions (at least in England), were empowered to receive an oath of fealty in such cases.<sup>(2)</sup> The compilers of truces tried to ensure that transferred allegiance would not prevent justice being done, whichever kingdom were to enforce it, but English wardens were authorised to grant pardons of life and limb to Scots willing to swear fealty, and both kings may have been more keen to gain new subjects than to uphold the law against fugitives. The majority of criminals fleeing across the border probably never considered transferring their allegiance, but merely sought temporary refuge. Evidence of particular cases is confined to Scotland. Four men in November 1496 were granted a respite for fleeing into England and remaining there, following a homicide two years previously.<sup>(3)</sup> Similarly three Scottish males and John Bertwick, in September 1493 and July 1497 respectively, were pardoned their crimes and the evasion of arrest by retreat across the border.<sup>(4)</sup> Three men of the surname Scott, hiding in England after committing homicide, had been put to the horn (outlawed), but obtained respite in July 1497.<sup>(5)</sup>

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1. See above, pp.264ff.

2. For the English conditions see above, p.287 note 2. This clause was in fact omitted from 1470 onwards, though the power may still have been implied.

3. RSC, no.69.

4. Ibid, nos.37, 108.

5. Ibid, no.104.

An alternative means of evading capture open to criminals on the borders as elsewhere was resort to sanctuary. Proof that borderers did take advantage of this temporary refuge in the later fifteenth century, is confined to English records of the church of St. John at Beverley and of Durham cathedral. Occasionally sanctuary was sought in cases of debt, as it was by a Newcastle man in about 1491 and by two Westmorland men in 1504,<sup>(1)</sup> but usually the crime was more serious. One Christopher Fairbarne of Northumberland, together with a youth, had struck his victim on the head with 'le yrneforkeshafte' and, when the injured man had fallen, had stabbed him in the breast with a dagger.<sup>(2)</sup> A Newcastle merchant had mortally wounded a man in four parts of his body with a 'Scottis axe'.<sup>(3)</sup> Most of the borderers seeking sanctuary had killed with a variety of vicious-sounding weapons such as a 'wode ax', a 'whynyard', a 'walshe bille', a 'Carlyllaxe', or a 'Kendall clobbe'.<sup>(4)</sup> Long delays between the date of a crime and the resort of the criminal to sanctuary may, as has been suggested,<sup>(5)</sup> have been the result of a death-bed confession by a witness or accomplice. A murder committed in Hexham in 1473 was confessed in 1479, and another murder of August 1485 forced the criminal to seek sanctuary in September 1491.<sup>(6)</sup> In 1506 a crime of twelve years past was admitted.<sup>(7)</sup>

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1. Sanctuarium Dunelmense et Sanctuarium Beverlacense (Surtees Soc., v, 1837) 114-5, 149.
  2. Ibid, 18, sanctuary was sought on 2 May 1491.
  3. Ibid, 35, sanctuary was sought on 9 August 1502.
  4. Ibid, 10-11, 19, 20, 28-9.
  5. J. Bellamy, Crime and Public Order in England in the Later Middle Ages (London, 1973), 110.
  6. Sanctuarium Dunelmense, 8, 19.
  7. Ibid, 46.

In August 1488 a Durham man confessed to homicide committed in Hexhamshire eighteen years previously in company with his three brothers.

In February three years later another brother sought sanctuary for the same crime.<sup>(1)</sup>

A lack of faith in the justice of the legal system seems to have prompted a few men to seek sanctuary rather than face trial even when they claimed innocence or self-defence. In August 1493 a man of South Shields asserted that he had been assaulted by a crowd of armed men in Newcastle, and, to protect himself, had struck and killed the leader.<sup>(2)</sup>

Another man feared that he would be indicted and imprisoned by royal officials of Carlisle for a crime committed by a relative of his.<sup>(3)</sup>

False arrest is documented in one instance when the Prior of Durham proclaimed that a Robert Atkinson, in seeking sanctuary, had confessed to a murder, for which three other Carlisle men of the same surname had been arrested.<sup>(4)</sup>

The aiding and abetting of criminals contributed to the difficulties of arrest. The penalty for this offence imposed by Anglo-Scottish negotiators<sup>(5)</sup> was that anyone caught giving aid to a criminal would face punishment as though he had committed the crime of that criminal. Despite the severity of this penalty, the offence seems to have been a common one on both sides of the border,<sup>(6)</sup> and was doubtless endemic to a society in which personal relationships counted for far more than respect for law and order.

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1. Ibid, 14, 17.

2. Ibid, 23.

3. Ibid, 36, sanctuary was sought on 24 December 1502.

4. Durham Prior's kitchen, Reg. Parv. IV, ff. 21d. - 22. Dated about 1492.

5. See above, p.264.

6. For example, PRO, J.1.3/54/36; J.1.3/54/38; J.1.3/54/41; J.1.3/213; Reg. Hse., Just. Ct. MS., ff. 14, 24, 30d, 53, 62d, 65, 67d.

Even when a malefactor had been arrested, escapes may have been frequent. A bond taken by the king of England in May 1457 from various men of Northumberland, Yorkshire, and London, guaranteeing, on security of £16,000, that Richard Percy should remain a 'true' prisoner, 'not going forth nor absenting himself till lawfully discharged', shows the difficulties of imposing imprisonment in this period.<sup>(1)</sup> Two men from Durham in February 1467/8 gave surety to their bishop that a Gateshead chaplain would enter Durham gaol and remain there, for a debt owed to the bishop.<sup>(2)</sup> In February 1499/1500 royal officers had arrested two men of the surname Robson together with other felons, and were about to take them to Newcastle gaol, when a crowd of at least one hundred borderers, armed and led by local gentlemen, assaulted the officials and freed the Robsons.<sup>(3)</sup>

6) The punishment of criminals:

The difficulties faced by judicial officers in securing arrests make it likely that the only punishment suffered by numerous border criminals was outlawry or banishment, if the latter could be enforced. Outlawry involved forfeiture of property as well as theoretical isolation from society, but in the borders, where, as has been much stressed, family feeling and ties of dependency counted for more than respect for the law, and where poverty was widespread, neither aspect of the sentence could have been easily made effective. James IV, in

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1. CCR 1454-61, 223.

2. R. Welford, History of Newcastle and Gateshead (London, 1884), 1,357.

3. PRO, KB9/422.

September 1499, actually granted a licence allowing a man to communicate with a father and son at horn (outlawed) for homicide, and to support them 'but (without) ony cryme or accusation to folow thairuppon'.<sup>(1)</sup> Numerous Scottish borderers were found guilty before itinerant justices of communing with or giving aid to outlaws,<sup>(2)</sup> and this refusal to co-operate in rejecting such malefactors was almost certainly general among wide sections of border society.

In the context of international, march law, wardens were empowered to punish criminals by imprisonment, distraint of goods, the imposition of monetary penalties, or at their own discretion, according to the severity of the crime and the degree to which it threatened the safety of the marches.<sup>(3)</sup> The terms of truces make it clear that corporal punishment and the death penalty were imposed in certain cases.<sup>(4)</sup> The most important aspect, however, of punishment for breaches of a truce was the compensation of complainants. By the sixteenth century, and possibly earlier, a fixed scale of customary values for the restitution of certain goods (mainly livestock) had been evolved.<sup>(5)</sup> Thus if a convicted thief could not restore the stolen goods themselves, he had to make monetary redress according to this scale of values and according to the value claimed by the owner for goods not comprehended in this scale. Following a complaint by the Prior of Canonby against

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1. RSS, no.415.
  2. For example, Reg. Hse., Just. Ct. MS., ff.5,9d,13,15,23,24,27d,30d. The large number of such cases in the few sessions covered by records make it likely that the offence was general throughout this period.
  3. See the Commissions to English wardens, above p.287 note 2. These powers were doubtless also conferred on Scottish wardens.
  4. See above, pp.264, 271.
  5. Rae, The Scottish Frontier, 53.

English thieves,<sup>(1)</sup> commissioners ordered redress to be made 'with the double', and it may have been common or normal for a financial penalty equal to the worth of the goods stolen to be imposed in addition to restoration. English commissions to wardens suggested resort to the king's council to enforce payment of compensation.<sup>(2)</sup> After a certain period, if redress could not be obtained, the criminal would be executed.<sup>(3)</sup> Compensation of complainants was the main concern of march officials, and they could enforce payment of the whole sum by one criminal even when several were involved in the crime. In April 1480 a James Gourlay complained to the Scottish Lords of Council that certain men had forcibly freed Walter Brown after James had arrested him in order to take him to the warden of the middle march. James had had to pay Walter's share of redress owed by them both. The defendants' lord agreed to deliver Walter to the warden that he might be forced to pay his share.<sup>(4)</sup>

Useful evidence on punishments imposed by national judicial officers on border criminals is limited to the sessions of itinerant justices held on the Scottish borders late in the century.<sup>(5)</sup> Fines were exacted

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1. See above, pp.42, 304.
  2. See above p.287 note 2 for references to the commissions.
  3. Rae, The Scottish Frontier, 58. A sixteenth-century writer stated that a complainant was entitled to redress from each one of the criminals involved in a crime, so that when one had been executed for failing to make redress, the arrest of another could be demanded, until compensation was obtained or all the criminals involved had been hung: Bowes, The English Border, 21-2. It is not known whether such a custom was in force in the fifteenth century.
  4. ADC 1478-95, 49.
  5. That is, the sessions held at Lauder in November 1493; at Jedburgh in November 1493, February 1494/5, and October 1502; at Selkirk in March 1494/5 and November 1502; and at Peebles in November 1498 and November 1502: Reg. Hae., Just. Ct. MS.

for a variety of crimes, including destruction of wood and slaughter of hares in royal forestland, 40s.; sale of stolen oxen, 40s; forethought felony, £3 and £5; resetting of criminals (i.e., receiving stolen goods), £5 and £3; communing with outlaws, £3; theft of wood, 40s.; theft of sheep, £20; and breaking the king's protection, 40s.<sup>(1)</sup>

Five men were beheaded for slaughter, although murder was only specified in one case.<sup>(2)</sup> Thirteen criminals were hung, ten for theft, one for theft and treason, one for theft and resetting of thieves, and one for only the receiving of stolen goods.<sup>(3)</sup>

This last punishment followed the principle that men who assisted thieves were as guilty as the thieves themselves in the eyes of the law. Banishment from Scotland within sixty days, on pain of death, was imposed on a borderer convicted of concealing treasure-trove.<sup>(4)</sup> Thomas Gothrasoune, a boy of eight, was found guilty of killing another boy in November 1493, but since he was considered too young to be executed, he was sentenced to a public flogging, to continue until blood was drawn.<sup>(5)</sup>

#### 7) Pardons and remissions:

In these sessions held by Scottish royal justices at various border towns in the years 1493, 1495, 1498, and 1502, 425 criminal cases were dealt with, discounting men outlawed for failing to stand trial. Many crimes involved several men, while many individuals were accused of

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1. Ibid, ff. 2d, 7d, 8, 65, 28, 30d, 70, 60d, 71d, 72, 37, 58d.
  2. Ibid, ff. 3, 3d, 52, 54, 19d.
  3. Ibid, ff. 20, 24, 36, 37, 50d, 51, 58d, 65d, 79d, 85d, 15d, 37, 86d.
  4. Ibid, f. 63.
  5. Ibid, f. 5d.

numerous crimes. Out of these cases only 62 convictions leading to punishment were reported, while 28 men were placed in the king's will or mercy, which probably meant that only the king could pass sentence. No acquittals were recorded. All the other criminals had obtained from James IV remissions, respites, or permission to compound, in each case for confessed crimes. A remission was a pardon from the judicial consequences of a crime, conditional on surety being found for satisfaction of the injured party; a respite prohibited for a specified period trial of the person to whom it was granted for particular crimes; and permission to compound presumably allowed a private settlement between victim and criminal.<sup>(1)</sup>

Remissions did not give a criminal complete indemnity since he was obliged to compensate the injured party, on pain of the remission being cancelled or of a worse fate, as a doom or judgment given at a Jedburgh justiciary court in November 1502 illustrates. Four men of the surname Oliver had obtained remission from the king for 'diverse reiffis, hereschippis, slaughtaris, and stouthis', but had refused to find sufficient sureties for the satisfaction of parties. Doom was given that the sheriff of Roxburghshire was to imprison the Olivers for forty days, and then, if no pledges had yet been found, they were to be taken to the 'Gallowee' and 'hangit quhill thai be dede'.<sup>(2)</sup> Remissions also had to be paid for, and could cost a great deal.<sup>(3)</sup>

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1. An Introduction to Scottish Legal History (Stair Soc., xx, 1958), 298.
  2. Reg. Hse., Just. Ct. MS., f. 60.
  3. Remissions provided a profitable source of income for the crown. Remissions granted at various sessions of itinerant justices held on the borders in the years 1502 and 1503 raised the following sums: Jedburgh - £219 13s.4d.; Selkirk - £172 13s.4d.; Peebles - £303; Dumfries - £1287 13s.4d.: T.A., ii, 166.

In 1473/4 Gavin Crichton and his accomplices paid £66 13s.4d. for a collective remission, while in 1494/6 Walter Tweedy paid the same sum for one to him alone, and Sir William Cockburn, his brother and accomplices paid 200 marks again for a collective remission.<sup>(1)</sup>

Remissions granted in connection with judicial sessions at Jedburgh and Selkirk in 1494 ranged in price from 20s. to £27.<sup>(2)</sup> In 1500 David Hume of Wedderburn and relatives, who had bought a remission for £666 13s.4d., paid off £500 of their debt.<sup>(3)</sup> This same man with other Humes in January 1501/2 were ordered to pay £434 13s.4d. owed to the king by David for remissions granted to him and his servants and accomplices. If payment were not made within a fortnight the debt was to be doubled.<sup>(4)</sup>

Respite did not pardon criminals but merely postponed their trials for specific crimes, and this concession could also be expensive. In 1498 James Dunbar paid £133 6s.8d. for a respite granted to his nephew and accomplices.<sup>(5)</sup> The time limit on a respite varied greatly, but often the length of the postponement meant that trial for past crimes would be most unlikely, so that a respite then became in effect a pardon. A respite also ensured that the holder would be immune from trial for future crimes committed during the period specified, but serious crimes such as the pleas of the crown and treason were usually excepted from this immunity. A respite of four months was in June 1501 granted to James and Mungo 'Trumbull' (Turnbull); one of a year

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1. Ibid, 1, 7, 210, 211.

2. Ibid, 1, 214-5.

3. Ibid, 11, 6.

4. ADC 1501-3, 129.

5. T.A., 1, 316.

to James Stewart in March 1497/8; and one of five years to Alan Stewart in June 1502.<sup>(1)</sup> In January 1497/8 David Hume of Wedderburn and one hundred other men were granted a respite for the 'masterfull' destruction and burning of a house and for connected crimes. The respite was to last nineteen years.<sup>(2)</sup> Three Herries men in February 1502/3 obtained a respite, initially for forty days and then at the king's will, with four days warning before it was to end. The respite covered all crime except murder and treason, and involved the release of the men from outlawry.<sup>(3)</sup>

The practice of granting remissions and respites was recognised as an encouragement to lawlessness, and at intervals during the later fifteenth century James III promised to desist.<sup>(4)</sup> James IV, however, granted both forms of concession in large numbers, as the justiciary court records show. The Scottish crown in this period seems to have particularly favoured borderers in the granting of remissions. In May 1485 James III promised to grant no further respites, and no remissions for theft 'except the first aires as for the bordorares that is to say the mers tevidale Jedworth forest liddesdale esdale Ewisdale & annandale'.<sup>(5)</sup> On 24 October 1493 James IV declared, through a

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1. RSS, nos.704, 179, 847.
  2. Ibid, no.82. Satisfaction was in fact made for this crime before October 1498, but there is no record in the granting of the respite of any obligation to do so: HMC, Report on the MSS of Colonel David Milne Home of Wedderburn Castle, 28.
  3. RSS, no.915.
  4. In June 1478 James III agreed not to grant remissions or respites for slaughter or theft to criminals over 25 years of age: APS, ii, 118. In February 1483/4 limitations were again imposed for 3 years, and in October 1487 for 7 years: Ibid, 165, 176.
  5. APS, ii, 170.

letter to royal officials, that although he had granted a general remission to all subjects in Berwickshire, the Merse, and Lawderdale for all crimes committed before his coronation, some of these people had failed to 'raise' their remissions, that is to make them valid through compensating injured parties. James, therefore had decided to grant a further general respite, remission, and pardon to all men in the areas concerned, exempting them from this obligation. He ordered officials that these subjects should be 'unattachit unarrestit unpersewit unfolowit' and thus, in effect, pardoned for all pre-coronation crime.<sup>(1)</sup> George Douglas, Master of Angus, in April 1499, bound himself to pay £1000 for the general remission that the king had granted to all the inhabitants of Eskdale, Ewesdale, and Wauchopdale for all crimes except treason committed before a certain date. The remission was conditional on victims being compensated and on Angus promising to bring any future law-breakers to justice.<sup>(2)</sup> Since in march law the usual punishment was merely compensation of injured parties, it is possible that James III and his son realised that the granting of remissions, which had the same effect, was the most acceptable and therefore the most easily enforceable penalty to impose on borderers for breaches of national law.

Pardons on the English side of the border lacked the subtlety of Scottish respites and remissions, and were almost certainly issued far less frequently to borderers. Pardons for all or specified offences committed before a certain date were often granted in this period to borderers who could afford to pay for them, but it is doubtful that this benefited more than a small section of society. Among

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1. Reg. Hse., Just. Ct. MS., f.2.

2. Fraser, Douglas, iii, 167-8.

the border gentlemen who received such pardons were Richard Barowe of Holy Island, George and Robert Carr, late of Alnwick, Roger Bellingham, late of Kendal, Nicholas and Edward Musgrave, John Huddleston, and George Neville, late of Carlisle.<sup>(1)</sup> John Auckland, Prior of Durham, three Newcastle merchants, and one merchant from Penrith were among the other wealthy borderers pardoned during this half-century.<sup>(2)</sup>

Many of the pardons were probably political in nature. Yeomen, labourers, and husbandmen from the borders also occasionally obtained pardons, in most cases for specified crime.<sup>(3)</sup> In September 1470 a general pardon was granted to a group of about twenty gentlemen and nearly one hundred yeomen, all of Northumberland, for all offences committed before the date of the grant, and a similar pardon was again granted in the following July, but both were probably of a political nature.<sup>(4)</sup> A merchant, a fuller, and a chaplain, all of Newcastle, obtained pardons from the Bishop of Durham at various times during the period.<sup>(5)</sup> There is no evidence of the obligation to compensate victims in connection with pardons granted by the English king.

C) CRIME AND BORDER SOCIETY:

Sixteenth-century records vividly illustrate the type of crime prevalent in border society.<sup>(6)</sup> It seems certain that the situation was similar in the previous century and the character of crime unchanged

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1. CPR 1452-61, 527; CPR 1476-85, 195,200; CPR 1485-94, 87,191.
  2. CPR 1461-7, 428; CPR 1467-77, 18; CPR 1485-94, 112, 171.
  3. For example, CPR 1452-61, 276,527; CPR 1485-94, 205; CPR 1494-1509,267.
  4. CPR 1467-77, 214-5, 277.
  5. PRO, Durham 3/48, 54.
  6. See in particular G. MacDonald Fraser, The Steel Bonnets (London, 1971), passim.

since then, but evidence to support this assumption is limited to the surviving Scottish border justiciary court records. Equivalent crimes committed by English borderers would have come before the justices of the peace, but no record of their sessions survive for this period. Details of crimes committed in breach of a truce by borderers of both nationalities are also lacking, since very few descriptions of cases heard at days of truce survive.<sup>(1)</sup> The crimes brought before Scottish itinerant justices, however, were obviously typical of those prevalent throughout border society, whether committed in breach of the truce or against fellow countrymen.

Theft of cattle, sheep, and other livestock was probably the most common border crime, and often involved large-scale raids, English and Scots frequently co-operating. In November 1502 at Jedburgh, David Scott, called Lady,<sup>(2)</sup> showed a remission for the crime of treasonably bringing Armstrongs from England to steal nine score oxen and cows, twenty horses, and other goods, in which raid a man had been killed.<sup>(3)</sup> Adam Turnbull, four days later, produced a remission for theft of twenty score sheep, ten score cows, four score horses, and various goods, in the company of three Englishmen.<sup>(4)</sup> Such cases were typical, rather than exceptional although the numbers involved were not always so large. The burning of houses and goods and the injury and slaughter of men, women, and children frequently accompanied thieving raids of this kind. Communication with Englishmen and outlaws was a common crime,

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1. For exceptions see above, pp.295-6, 298.

2. For details on border nicknames, see above, pp.86-7.

3. Reg. Hse., Just. Ct. MS., f. 61d.

4. Ibid, f. 66d.

and many cases of this type involved the 'rebels' or 'traitors' of Leven, who were a band of outlaws, probably from the Debateable Land, who plundered both England and Scotland. The ransoming of prisoners was a normal part of border warfare, but was also practised illegally during periods of truce. Commissioners from the two countries agreed in September 1473 that all unlawfully captured prisoners should be released, together with anyone standing surety for them, and that ransoms should be restored in such cases.<sup>(1)</sup> The illegal ransoming of Englishmen by Scots would, as a breach of the truce, have been subject to march law, but several cases in which Scots had captured their fellow countrymen, taken them to England, and ransomed them were heard before the Scottish itinerant justices. A John Faulo in 1502 was remitted the crime of taking four Henrisons into England, detaining them there for three months, and then ransoming them.<sup>(2)</sup> Adam Kirkton obtained a remission in 1493 for carrying a shoe-maker from Jedburgh across the border and demanding a ransom for his return.<sup>(3)</sup>

Surviving records of English border crime, mainly confined to rolls of gaol delivery and King's Bench indictments and appeals for sanctuary,<sup>(4)</sup> produce the impression of a region where lawlessness was a problem, but not exceptionally so compared with the rest of the country.<sup>(5)</sup> Examples of extremely serious cases of lawlessness occur. A crime tried before Northumberland justices in June 1500 involved eleven men,

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1. Rymer, Foedera, xi, 788-9.
  2. Reg. Hse., Just. Ct. MS., f. 60d.
  3. Ibid, f. 10d.
  4. PRO, J.1.3; KB9; Sanctuarium Dunelmense et Sanctuarium Beverlacense (Surtees Soc., V, 1837).
  5. For a general picture of law and order in late medieval England see J. Bellamy, Crime and Public Order in England in the Later Middle Ages (London, 1973).

gentlemen and yeomen, who had assaulted and killed one man with a medley of weapons.<sup>(1)</sup> In 1448/9 an inquest found that ten Cumberland borderers, armed and in guise of war, had forcibly expelled Thomas Crackenthorp and his wife from their castle at Scaleby.<sup>(2)</sup> Further inquests found Edward Musgrave and over forty Westmorland yeomen guilty of breaches of the peace; Thomas Musgrave and at least one hundred men guilty of armed insurrection; seventeen Cumberland gentry guilty of leading ignorant people in breaches of the peace; and several gentlemen of the surnames Wharton and Warcop, together with about two hundred yeomen and husbandmen, guilty of illicit congregation, riot, and forethought conspiracy.<sup>(3)</sup> Even such cases, however, were not exceptional in late medieval England, and the seriousness and exceptional nature of border lawlessness (of which there is no doubt) lay in the quantity rather than the quality of crimes committed. The most serious and prevalent crime was the plundering raid, but fifteenth-century evidence from the English side of the border leaves little record of this.

The seriousness of the problem of border lawlessness for the governments of England and Scotland was largely the result of the region being a frontier zone. From the government point of view, diplomatic relations between the two countries were highly relevant to the situation, for, whereas control of internal lawlessness remained a constant factor, criminal activity across the border was in wartime legitimate, or at least excusable, action against the enemy, but during a truce had to be suppressed. Truces were always proclaimed at important places

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1. PRO, KB8/3, part II, m.27.

2. PRO, KB9/288.

3. PRO, KB9/406, 409, 410, 421.

on the borders, but many scattered and isolated communities must have remained ignorant of the news. When, in the summer of 1483, James III suggested to Richard III a temporary truce to give a greater chance of success to negotiations for a more permanent peace, Richard replied that it would be difficult to make a truce known on the borders at such short notice.<sup>(1)</sup> Even when borderers were aware of a truce, it is doubtful that they often felt obliged to respect an agreement made between governments of which they felt independent. Nationality seems to have had little meaning among certain elements of the border population, and the failure to respect or even recognise the national boundary meant that international relations had no practical relevance to such men. Criminals from England and Scotland frequently co-operated, inflicting plundering raids on communities on both sides of the border, and such associations were not suddenly to be severed on the discovery that war had been declared, nor were criminal activities against the 'enemy' to be suspended because a truce had been signed. It is doubtful that the volume of crime across the border was much affected by the state of diplomatic relations, despite the efforts made to control it during a truce, and the suspension of these efforts in wartime. It is clear from the almost continuous negotiations over breaches of truces that neither government was capable of making truces effective on the borders, any more than they were able radically to control internal lawlessness in the region.

English and Scottish kings of the period varied in the concern they showed over the general maintenance of law and order, but it is difficult to determine how far their attitudes affected the borders. The personal

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1. See above, pp.231-2.

involvement of a king was a potent factor in mediaeval law-enforcement, and 'the beneficial effect of the royal presence at the scene of the crime, at the trials, or at any rate in the region where the disturbances had centred was an acknowledged fact.'<sup>(1)</sup> The distance of the English borders from London made royal visits difficult, and there is no evidence of any of the kings of the period having made a journey through the border counties. Scottish kings, however, probably visited the borders frequently<sup>(2)</sup> since the region was not similarly isolated from the centre of the kingdom, but it is not known whether any such visits had an effect on the lawlessness of the area. The independent attitude of borderers towards the crown probably counteracted to some extent the power of the royal presence to enforce law and order.

By the end of Henry VI's reign lawlessness had seriously increased in England, especially in the northern counties.<sup>(3)</sup> Edward IV showed a personal interest in improving law-enforcement by visiting troubled areas, but there is no evidence of his having achieved any improvement on the borders. The fighting between Lancastrians and Yorkists in the north early in Edward's reign and the war with Scotland near the end probably worsened conditions in the region. Richard III showed a particular interest in the north, and expanded his Yorkshire household council into the judicial instrument which later developed into the Tudor Council of the North. The judicial authority of this council, however, was limited to Yorkshire, government of the borders being assigned to a warden-general, and there is no proof that Richard's<sup>(4)</sup> measures made border law-enforcement any more effective than previously.

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1. J. Bellamy, Crime and Public Order, 11.
  2. James IV made an annual pilgrimage to Whithorn, and was certainly present at border justice ayres in the spring of 1489: T.A., 1, pp.lxxxvi, cx.
  3. R.L. Storey, The End of the House of Lancaster (London, 1966), 84.
  4. R.R. Reid, The King's Council in the North (London, 1921), 59-61, 76, 92, 108.

Henry VII made a positive effort to reduce lawlessness in one of the most troublesome border regions by abolishing the liberty of Tyndale.<sup>(1)</sup>

Henry and his Yorkist predecessors made attempts to improve the effectiveness of justices of the peace, but since no records survive of border sessions of the peace, the outcome of such measures is unknown.

Among the Scottish kings of the later fifteenth century, only James IV showed a marked concern with tackling the problem of lawlessness. Certain decrees of parliament in James III's reign did urge border officials to exert themselves fully in enforcing the law, in order to reduce lawlessness in the region,<sup>(2)</sup> but the initiative may have come from the nobility rather than from the crown. James IV early in his reign took steps to improve law-enforcement throughout his kingdom,<sup>(3)</sup> but there is no indication as to whether or not his efforts were at all effective on the borders. This same king conducted at least one expedition to the region to combat lawlessness.<sup>(4)</sup>

However much the kings of both countries attempted to deal with the problem of law and order in the borders during this period, it is unlikely that any real impression was made on the deep-rooted lawlessness of the area. A recent historian of public order in later mediaeval England notes that the country was 'known throughout Europe for its high rate of crime', and comments that the Anglo-Scottish borders had a higher crime rate than average.<sup>(5)</sup> In Scotland the borders were possibly less disturbed than the Highlands, but there is no doubt that the region suffered from extremes of lawlessness.

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1. See above, p.316.

2. APS, ii, 143, 165, 183.

3. See above, p.309; below, pp.396-7.

4. See above, p.310.

5. J. Bellamy, Crime and Public Order, 3, 35.

Reasons for the lawlessness of the Anglo-Scottish borders lie in the attitude of independence from royal authority and justice, encouraged by the distance of at least the English borders from the centre of government; in the wild character of the countryside, which provided shelter for criminals; and in the prevailing poverty, which encouraged theft. The strong family and feudal bonds resulting from the insecurity of poverty, protracted war, and lawlessness served to perpetuate this lawlessness by producing feuds and the tradition of self-sufficiency. The elite of landlords, from among which royal officials were drawn, was doubtless not much less independent of spirit than their tenants and clansmen, but the governments were forced to rely on these men to make royal justice workable. For all these reasons, it is not surprising that the judicial authority of both governments on the borders was intrinsically weak, and that both failed, in this period as in the following century, to make any deep impression on border lawlessness.

The degree of lawlessness on the borders in the later fifteenth century was recorded by a contemporary, who obviously found this the most remarkable characteristic of the region. The writer was a Scot, Hector Boece, and the description referred only to the borders of his own country, but it was without doubt relevant to the whole border region. In a Tudor version of a Scottish translation from the original Latin, the pertinent part of the description reads: <sup>(1)</sup>

'In all the dales or vales afore rehearsed (i.e., the Scottish borders) are manie strong theeves, which often spoile the countrie, and exercise much cruell slaughter upon such as inhabit there, in anie troublous time. These robbers (because the English doo border upon

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1. Holinshed's Chronicles of England, Scotland and Ireland, vol. v (London, 1808, New York, 1965), 4.

their drie marches, and are their perpetuall enimies) doo often make forceable rodes into the English bounds, for their better maintenance and sustentation, or else they pilfer privilie from them, as men leading in the meane season a poore beggerlie and verie miserable life. In the time of peace also, they are so inured to theft and rapine, that they cannot leave off to steale at home; and notwithstanding that they be often verie sore handled therefore, yet they thinke it praisewoorthie to molest their adversarie as they call the truer sort, whereby it commeth to passe, that manie rich and fertile places of Scotland lie wast and void of culture for fear of their invasion'.

2) THE PERSONNEL OF LAW-ENFORCEMENT:

The dual system of law-enforcement on the Anglo-Scottish borders necessitated two separate groups of officials for the execution of national and international law. It is of interest to examine the type of men appointed to such positions of authority within border society.

Officials of international law:

Wardens: a) English: <sup>(1)</sup> On the English borders for most of the half-century the families of Percy and Neville controlled the wardenships, their appointments to and forfeitures of the offices depending on the political fluctuations between Lancastrians and Yorkists. Richard Neville, Earl of Salisbury, together (from 1456) with his son, Richard, Earl of Warwick, was warden of the west march until the involvement of the Nevilles in the Yorkist cause resulted in their being deprived of the wardenship, which on 8 April 1460 was granted to John, Lord Clifford. This Lancastrian noble died just before the battle of Towton in March 1461, and the Earl of Warwick was reappointed as warden in the west march when Edward IV secured the throne. Within a few months he was also given charge of the east march for a term of twenty years, but the latter office was transferred to his brother, John Neville of Montague, after only two years. <sup>(2)</sup>

When Warwick rebelled against Edward IV to restore Henry VI, the Yorkist king replaced him in the wardenship of the west march by Richard, Duke of Gloucester, who was first appointed in August 1470, but who in 1482 was granted the office in perpetuity. <sup>(3)</sup> This was

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1. For detailed references, see Appendix I, pp.415-6.

2. See below, p.361.

3. See above, p.229.

the first occasion on which a wardenship had been alienated from the English crown, and the significance of the grant, which would have given the west march warden almost complete independence was only reduced because Gloucester himself became king. The duke retained the wardenship until his death, except during Henry VI's Re-adeption when the Earl of Warwick regained the office. On securing the throne, Gloucester appointed a lieutenant-general to exercise the wardenship on the west borders on his behalf, and his successor, Henry VII, continued this policy of retaining the office in his own hands or those of his family, delegating authority to lieutenants and deputies.

On the combined English east and middle marches in the mid-fifteenth century, the Percy family had charge of the office of warden. Henry Percy, third Earl of Northumberland, was attainted, after his death at the battle of Towton, but before this on 16 March 1461, the office of warden had been granted to Sir Robert Ogle, a border knight. This was probably intended as a temporary appointment, since the office was granted during the king's pleasure, not as usual for a specified term of years. After four months, the wardenship of the east march was combined with that of the west in the hands of the Earl of Warwick, but this union of the two marches under one warden was perhaps found unsatisfactory, since in May 1463 Warwick's brother, John Neville (created Earl of Northumberland a year later) was appointed warden in the east. When, in 1470, Edward IV became suspicious of the Nevilles, he deprived John of the wardenship, and in July restored it to the Percy family in the person of Henry Percy, who four months previously had recovered the earldom of Northumberland. <sup>(1)</sup>

John Neville was re-appointed to the office of warden by Henry VI in October 1470, but he was killed at Barnet the following April, and

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(1) See above, p.62.

Henry Percy regained control of the east march. In June 1475, Robert Multon, Prior of St. John of Jerusalem in England, was made joint keeper of the east and middle marches with the Earl of Northumberland, in anticipation of the latter's absence abroad on royal service. Percy was about to accompany Edward IV in his invasion of France. It was agreed that Multon would relinquish the custody of the marches to the earl as soon as he returned. In July 1483 the same Percy earl was appointed warden-general of the east and middle marches for one year by Richard III, but it is not clear whether this new title implied any significant change in the nature of his office. The earl continued to hold the wardenship beyond the period of one year.

A month after Henry VII had seized the throne it was mentioned in a commission of array that he had appointed Sir George de Straunges (George Stanley, Lord Strange) warden of the marches towards Scotland for this turn'.<sup>(1)</sup> This was probably a temporary measure, taken while Henry decided how to deal with the borders. The new king may well have been suspicious of Henry Percy, who had remained neutral at the battle of Bosworth. The Earl of Northumberland soon, however, regained the wardenship, being appointed warden-general on 3 January 1485/6. He remained in the office until he was murdered on 28 April 1489, and then, since the Percy heir was a minor, Henry VII initiated a new policy with regard to the wardenships. The king put his young son, Prince Arthur, nominally in charge of both the east march and the west, which Henry had previously either held in abeyance or held himself, following the policy of Richard III. Thomas Howard, Earl of Surrey, as under-warden, and other deputies were appointed

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1. CPR 1485-94, 40.

2. S.B. Chrimes, Henry VII (London, 1972), 98.

to conduct the actual business of the wardenship. Prince Arthur died in April 1502 but his brother, Henry, had taken over the office by December 1494 and the work of controlling the borders was shared by several men from the border landowning class as lieutenants and deputies. (1)

b) Wardens of the Scottish marches: (2) On the Scottish borders, the wardenship of the west and middle marches was in the hereditary control of the Earls of Douglas until the defeat and forfeiture of James, the ninth earl, in 1455. All hereditary office-holding was subsequently forbidden by act of parliament, and although this prohibition was ignored in the case of border sheriffs, and initially with regard to the wardenship of the east march, no one family in the following half-century managed to gain permanent control over the office of warden in any of the three marches. (3)

Immediately after the fall of the Black Douglases 'the wardenship of the marches' was granted to James II's infant son, Alexander, Earl of March (before 1458 Duke of Albany). James may have considered it safer to retain the office of warden in the royal family rather than to risk granting away so much power to any one family, following his experience of the Douglas revolt. Although the wording of the grant was unspecific, it is probable that only the west march was put under the infant's nominal charge, for George Douglas, Earl of Angus, who had succeeded his father as warden of the east march, held the wardenship of the middle march also by December 1457.

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1. See below, p.372.

2. For detailed references, see Appendix I, pp.416-8.

3. APS, 11, 42; see below, p.377.

James II soon changed his policy with regard to the wardenship, and the experiment of appointing a child as nominal warden may have proved a failure. By May 1456 Andrew Stewart, first lord Avondale was warden of the west march, and he was still holding the office three years later. This man was not a border landowner, and was probably chosen chiefly for his loyalty to the king, as a safe alternative to James' son. Although lord Avondale did not die until 1488, he had ceased to be warden by the mid 1470's, and it seems likely that he was not confirmed in the office after the death of James II in 1460, when he became one of the lords of regency during James III's minority. It is not clear who held the office of west march warden in the 1460s.

George, Earl of Angus, warden of the east and middle marches, died in March 1463, leaving a minor as his heir, under the charge of the child's uncle, William Douglas of Cluny.<sup>(1)</sup> This same man, in January 1463/4, was appointed successor to Angus in the combined wardenships.<sup>(2)</sup> James III, on reaching his majority in 1466, confirmed Douglas in the office, since a fee was paid to him the following year, but it may have been intended that Douglas should resign the wardenship to the young Earl of Angus when he came of age.

Whether or not the Angus heir (who attained his majority in about 1470<sup>(3)</sup>) succeeded to the wardenship of the marches, he or his uncle was superseded in the office at least in the east march, before December 1475 by Alexander, Duke of Albany (the former infant warden), who in that month was described as warden of the east and west marches. Albany appears to have already held the office, at least in the west,

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1. Fraser, Douglas, ii, 35, 61.

2. He was to hold the office until James III reached the age of fifteen.

3. Fraser, Douglas, ii, 68.

by April 1474, when he was in charge of mustering troops for defence against an English invading force on the west march.<sup>(1)</sup> It is not clear when Albany was first appointed to the wardenships, nor whether he also had charge of the middle march. In October 1479, when the duke was indicted for treason, he was accused of abusing his office as warden,<sup>(2)</sup> and if James III had hoped to secure close control of the wardenships and to ensure against internal border troubles by granting the offices to his brother, the policy was a manifest failure.

Albany was imprisoned and forfeited, and in April 1481 Alan, Lord Cathcart was appointed warden of the west march, while Archibald, Earl of Angus, was appointed (or possibly restored) to the wardenship of the east march. By February 1478/9 James Stewart, Earl of Buchan had been made warden of the middle march.<sup>(3)</sup> Lord Cathcart held his wardenship for less than a year, since in March 1481/2 James III declared in parliament that he had ordained Lord Bearnly (John Stewart, Lord Bearnly) to be warden in the west march. It is not certain whether this man was actually appointed to the office, or, if appointed, whether he did exercise it, since the revolt against James III in the summer of 1482 disrupted the government. James' motives in choosing these nobles as wardens, following the failure of trusting his brother with the responsibility, seem to have been mixed. In appointing the Earl of Angus, he deferred to the tradition of inheritance, which the Douglas family had earlier established over the wardenship, while

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1. Treas. Accnts., 1, 49. Both the editor of these accounts and N. Macdougall describe Albany as warden by virtue of this reference, but the account contains no specific statement that he was warden: ibid, p.1v; Macdougall, "James III", 58.
  2. APS, 11, 126; see above, p.221.
  3. This appointment makes it difficult to decide whether Angus, Albany, or neither held the middle march wardenship previously to Buchan, since he was appointed before Albany's forfeiture and before Angus was given charge of the east march.

in the other marches he chose men loyal to the crown, not local to the borders. The reason for Lord Cathcart's replacement is not clear.

By February 1482/3 Alexander, Duke of Albany, was again warden of the west march, following the settlement of the revolt and the reconciliation of the brothers.<sup>(1)</sup> Albany's continuing treachery with Edward IV at this time was discovered by James III, but another reconciliation occurred in March, and the duke was allowed to retain the wardenship.<sup>(2)</sup> James Stewart, Earl of Buchan, one of Albany's confederates in treason, was banished at this time for three years and deprived of all his offices, including the wardenship of the middle march, but Archibald, Earl of Angus, equally guilty as an accomplice, was not only permitted to retain the office of warden in the east march, but was also appointed to replace Buchan in the middle march.<sup>(3)</sup> James III, possibly having lost confidence in the strength of his position, seems to have decided that the borders could best be kept in control through powerful local magnates. Albany immediately began further treacherous negotiations with the English king, and was forfeited by act of parliament in July 1483.<sup>(4)</sup>

The wardenship of the west march probably remained vacant until at least February 1483/4 when the lords of parliament advised James III to provide a warden,<sup>(5)</sup> but John, fourth Lord Maxwell, was holding

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1. Albany was described as warden of the marches in a land grant of that date, but in fact he seems only to have been given charge of the west march. For details of the reconciliation settlement, see above, p.229.
  2. See above, p.231.
  3. Macdougall, 'James III', 200-1.
  4. See above, p.231.
  5. APS, 11, 165.

the office by July 1486, when a truce was signed and the wardens were named as conservators.<sup>(1)</sup> Maxwell was still acting as warden in December 1487, but he was apparently not confirmed in the office by James IV on his accession, since in July 1489 Patrick Hepburn, Earl of Bothwell, was given charge of both the west and middle march. Archibald, Earl of Angus, was also not confirmed by the new king as warden, either in the middle or the east march. The original appointment of Bothwell as warden was for seven years, but he was still holding the office in the west march in October 1501, and probably continued to do so until his death in 1508.<sup>(2)</sup> The middle march was, however, again separated and given its own warden, for in November 1498 a precept was granted to 'Wat' Ker (Sir Walter Ker of Cessford) of the wardenship, during the king's pleasure. Walter's son, Sir Robert Ker of Caverton, also acted as warden, probably jointly with his father, and was apparently killed by an Englishman, 'the Bastard Heron' at a border diet before October 1500.<sup>(3)</sup> Sir Walter died probably in November 1501,<sup>(4)</sup> and expenses for the year 1502-3 were paid to Ralph, Mark, and Andrew Ker as their fee for the wardenship. These men were probably the two brothers and the son of Sir Robert.<sup>(5)</sup> On 7 January 1501/2, Mark, David and Ralph Ker were appointed deputies in the office of 'wardanrye of the middyl bordouris', and if these were the same men (it is not clear who David Ker was),<sup>(6)</sup> it is possible that they were never in fact more than deputy wardens.

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1. See below, p.375.

2. Scots Peerage, ii, 152.

3. Ibid, vii, 329. In October 1500 an acquittance was made to the sureties of the late Sir Robert Ker for 700 marks promised as a guarantee for a marriage, and this favour was granted because of the service done for the king by Robert in the office of 'wardanry': RSS, no.586.

4. Scots Peerage, vii, 329.

5. Ibid, 330-1.

6. RSS, no.753.

This appointment is of interest, since deputies were normally chosen by the warden, not the king, and it may be that after the death of Sir Walter Ker, James IV temporarily took the wardenship into his own hands, or held it in abeyance. In the sixteenth century the Kers of Cessford maintained a virtual monopoly over the middle march wardenship.<sup>(1)</sup> By 6 July 1489 the office of warden in the east march had been granted to Alexander Hume, later second Lord Hume, and he may have held this charge until his death in 1506, although the original grant was for seven years only.<sup>(2)</sup>

Conclusion: The motives governing the choice of march wardens by the English and Scottish kings of the later fifteenth century were often apparently similar. Both James II and Henry VII granted the office of warden at one time to their infant sons, in order to maintain a tight control on the borders. James had faced the consequences of losing control over a family dominant in the border region during the Douglas revolt, and Henry VII was always unsure of the loyalty of the northern part of his kingdom, where Richard III had been so popular. Under the English king this policy appears to have been fairly successful, but James II did not continue with the experiment for more than a year, which implies that it had proved unsatisfactory. Both James III and Edward IV granted wardenships to their brothers, with no doubt the same motive of retaining control over the office, but again in England, with the Duke of Gloucester, the policy was successful, whereas in Scotland Albany proved to be a traitor. The Scottish kings of the period, with the possible exception of James IV after the death of the middle march warden,

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1. Rae, The Scottish Frontier, 25.

2. Scots Peerage, iv, 453.

Sir Walter Ker,<sup>(1)</sup> never kept a wardenship in their own hands, delegating authority to lieutenants or deputies, as did Richard III and Henry VII, but this practice by the English monarchs was probably circumstantial rather than a conscious innovation.

The realisation that the wardenships could best be made effective through men with extensive local power and influence, prompted both English and Scottish kings to appoint border magnates as wardens for most of this period. The Dukes of Gloucester and Albany both held land on and near the borders, as well as being members of the royal family. On the English marches the Percies, Nevilles and Cliffords were given charge of the wardenships at different times, while in Scotland the Douglas Earls of Angus, Patrick Hepburn, Earl of Bothwell, and the families of Maxwell, Ker and Hume were all employed by the crown in controlling the marches. James II and James III also chose as wardens men with no significant influence on the borders - Andrew Stewart, Lord Avandale, Alan Cathcart, Lord Cathcart, James Stewart, Earl of Buchan, and John Stewart, Lord Darnly - but these men were probably appointed for their loyalty to the crown, through fear of the wardenships falling into the hands of over-powerful and dangerous subjects.

On both sides of the border two or more marches were occasionally combined under one warden, and in England the east and middle marches were never separated, but on the whole the east and west borders were kept under control by different wardens, doubtless with greater efficiency. In the English marches the crown for most of the half-century maintained a balance of power, first by granting the wardenships to the two powerful families of Neville and Percy, and then by

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1. See above, p.368.

placing the western borders in the hands of royalty to counter-balance the Percies in the east. Only for a short period were the Nevilles allowed to maintain unrivalled dominance on the borders. In Scotland also a balance of control was achieved, except when Albany was put in charge of the whole border region, by granting the office of warden in the separate marches to different men, whether local to the district, or non-border magnates.

Subordinate march officials: Information is scarce as to the identity of subordinate march officials in the fifteenth century, and there is apparently no evidence at all of names among the clerks, serjeants, and dempsters attached to the wardenships. It is likely, however, that wardens tended to employ for such work men already connected to them through kinship, retaining, or employment. The fourth Earl of Northumberland, as warden, paid fees in 1480 to Thomas White, Thomas Huntly, Henry Blakden, John Rede, and John Urpath, and in 1482/3 to John Harlawe, all of whom were bailiffs of the wardenship, but it is not known whether these men were previously connected to the earl. (1)

Neither more names survive of wardens' deputies and lieutenants, but they are almost all English. Robert Carr of Alnwick, Thomas Maners, William Folbery, John Clavering, Gilbert Ogle, and Oliver Selby received fees as deputy wardens from Henry, Earl of Northumberland in the 1480s. (2) The first five of these men, and probably Selby also, were from families attached to the Percies by ties of landholding and further employment. Early in 1500 Christopher and Randolph Dacre were described as brothers, deputies, and lieutenants

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1. *Aln. C.R.*, C VI, 2c and 4d.

2. *Ibid.*, C VI, 2c and 4a.

of Thomas, Lord Dacre, who himself was lieutenant for the king's son in the west march.<sup>(1)</sup> Members of the Fer family were both wardens and deputies in the Scottish middle march.<sup>(2)</sup> All the known lieutenants acted on the English marches. In 1481 Sir Henry Percy (cousin of the fourth Earl of Northumberland), as lieutenant of the east march, swore to the English birth of a man living in York, and Percy estate accounts show that he held the office from 1480 to 1483.<sup>(3)</sup> Sir Henry's brother, George Percy, held the same position from at least September 1488 until May 1489 and probably beyond, but since the earl was murdered in April 1489, George may have had to assume temporarily total responsibility for the wardenship.<sup>(4)</sup> Thomas Howard, Earl of Surrey, as under-warden, had at least one lieutenant, for in May 1499 Sir George Tailbois complained to Henry VII that he had caught a disease known as 'the land evyll' while acting as lieutenant of the east and middle marches.<sup>(5)</sup> From this limited information it seems possible to deduce that wardens usually chose as deputies and lieutenants members of border gentry families, often men who were related to them or bound by other ties of dependency.

Then, on the English borders, the wardenship was nominally held by the king or his son, as in the reigns of Richard III and Henry VII, the office of lieutenant increased in power and responsibility, corresponding to the wardenship in all but name.<sup>(6)</sup> Edward IV,

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1. ADC 1496-1501, 408.
  2. See above, p.367.
  3. English Miscellanies (Surtees Soc., lxxxv, 1888) 39-40; Aln.C.M., C VI, 2c and 4d.
  4. Rot. Scot., ii, 487; The Newminster Cartulary (Surtees Soc., lxxvi, 1876), 248-9.
  5. CPR 1494-1502, 176-7.
  6. See above, pp.361, 362-3.

following the forfeiture of the wardenship from Richard, Earl of Warwick, appointed Sir William Parr lieutenant of the west march during pleasure, until a new warden could be chosen.<sup>(1)</sup> When Richard, Duke of Gloucester, warden of the west march, became king, he appointed Humphrey, Lord Beacre, lieutenant-general there.<sup>(2)</sup> Humphrey's son, Thomas, Lord Beacre, also acted as lieutenant-general of the west march under Henry VII.<sup>(3)</sup> On the east march in May 1490 Thomas Howard, Earl of Surrey, was appointed under-warden (subcustodem & vicegardianum) to Prince Arthur,<sup>(4)</sup> but it is likely that the office was equivalent to that of lieutenant. Sir Robert Multon was appointed deputy lieutenant in the same march the following December by the king.<sup>(5)</sup> In 1500 William Heron and Ralph Grey were made lieutenants in the middle and east marches respectively, and on the same date (3 March) these men, together with John Cartington and Edward Radcliffe, were named as commissioners and deputies for the warden, Prince Henry, in all three marches.<sup>(6)</sup> Five months later the same four men, with Richard Fox, Bishop of Durham, Sir Thomas Percy, Sir Richard Cholmeley, and Richard Brington were again appointed deputies of Henry, Duke of York, warden-general, during his minority.<sup>(7)</sup> All these men appointed lieutenants by the king instead of by a warden, were from the border aristocracy of gentry families or were important in border society.

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1. CFR 1467-77, 209. Parr was appointed on 7 May 1470 and Richard, Duke of Gloucester was made warden in August.
  2. CFR 1476-85, 486.
  3. CDS, no.1519. When he was reappointed in 1487, it was as king's deputy in the office of warden, but he was again described as lieutenant the following year, and the titles doubtless implied the same amount of responsibility: CFR 1485-94, 213; CDS, no.1540.
  4. Rot. Scot., ii, 501-2; CFR 1485-94, 314.
  5. Rot. Scot., ii, 494.
  6. CFR 1494-1509, 200, 202.
  7. Ibid, 213.

Conservators of truces: Conservators of the Anglo-Scottish truces may have been appointed whenever a truce was signed, but they were not always named in the texts of the agreements.<sup>(1)</sup> The type of men chosen as conservators varied considerably, as did the number. In 1457 twenty-four English, twenty-six Scottish, conservators were appointed, whereas in 1486 only the two wardens on each side were named. The march wardens were frequently, but not always, included in the list of conservators, and the phrase et omnes admirallis maris et custodis marchias, which usually ended the list, probably implied the inclusion of all border officials as well as those responsible for keeping the truce at sea.

By the terms of the truce signed in June 1457, fifty conservators were appointed, including the wardens of both countries. Various non-border magnates headed the group, among whom, on the English side, were John Mowbray, Duke of Norfolk, John de Vere, Earl of Oxford, and John, Viscount Beaumont, Constable of England; and, on the Scottish side, John Stewart, Earl of Atholl, John Macdonald, Earl of Ross, and William Sinclair, Earl of Orkney and Caithness. All of the English lords chosen as conservators - Lords Clifford, Greystoke, Bacre, Fitzhugh, and Stanley<sup>(2)</sup> - were landlords either in the borders or Yorkshire. Only Robert, Lord Maxwell, and Patrick Hepburn, Lord Hailes, among the Scottish lords were local to the borders. The remaining group of English conservators consisted of knights and gentlemen, all of whom held some border land. Most of these, such as Sir Henry Fenwick, Sir Richard Ausgrave, Sir Robert

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1. During the second half of the fifteenth century conservators were listed in the truces of 20 June 1457, 12 September 1459, 21 September 1484, 3 July 1486, 30 September 1497, 8 January 1499, and 12 July 1499: Rot. Scot., ii, 383, 397, 476, 528, 534, 541; Bymer, Foedera, xii, 241. For a list of all the conservators named, see Appendix II, pp.419-21.

2. Thomas, Lord Clifford, was named, but this must have been in error for John, since Thomas died in 1455. Likewise, Thomas, Lord Fitzhugh, seems to be a mistake for Henry.

Ogle, and Sir John Heron, were members of leading border families, while some, like James Strangeways, Sir Thomas Neville (of Brancepeth), and Sir Thomas Lumley, held their chief estates in neighbouring counties. The corresponding group among the Scottish conservators consisted entirely of men more or less directly connected with the borders, with the exception of Alexander Ogilvy, sheriff of Angus. Among these were members of important border families, including Archibald Douglas of Cavers, Sir Alexander and Sir David Hume, Sir Walter Scott, Andrew Ker of Cessford, and Charles Murray of Cockpool. When the 1457 truce was repeated and extended in September 1459, the Scottish conservators appointed were identical to those named in the earlier list, and on the English side there were only slight alterations.<sup>(1)</sup>

The men chosen as conservators under the terms of the 1484 truce were similar in type to those appointed previously, but the number was reduced to sixteen Englishmen and twenty Scots. It is not clear whether the disparity in numbers of conservators named for each country in these three truces, always to the advantage of the Scots, was deliberate and significant or coincidental. On this occasion the English east march warden and Humphrey, Lord Dacre, lieutenant-general of the west march, were named as conservators, but Archibald, Earl of Angus, probably the only Scottish warden at this time,<sup>(2)</sup> was not specifically included. Again the group of conservators consisted of magnates (but only three besides the Percy warden), lords, and gentry, some of whom were from border families

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1. The number of English conservators was reduced by one, since Thomas, Lord Stanley, and John Skelton had both died, and had been replaced by only one man, John Talbot, Earl of Shrewsbury. Ralph, Lord Dacre, replaced his father, and John Neville replaced Sir Thomas Neville of Brancepeth.

2. See above, p.366.

of importance, and most of whom had some connection with the borders or neighbouring regions. (1)

When a truce was concluded in July 1486, only the four march wardens were named as conservators, together with their unnamed lieutenants, but in the truce of September 1497 the wardens were omitted from the list of conservators, as was the usual phrase involving the custodians of the marches. On this last occasion only six men were named for each country, and the group was headed by four bishops, Richard Fox, Bishop of Durham, William Senhouse, Bishop of Carlisle, William Elphinstone, Bishop of Aberdeen, and George Vaus, Bishop of Galloway. The other English conservators - John, Lord Greystoke, Ralph, Lord Neville (Earl of Westmorland), Sir Christopher Moresby, and John Cartington - were all connected with the borders, as were William, Lord Northwick, George, Lord Beton, and Sir Patrick Hume of Fastcastle on the Scottish side. Richard Lawson, the other Scot, was a judiciary clerk. These men were named again as conservators when the truce was confirmed in January 1499, and when a new truce was signed in the following July, except that by the last date Lord Neville had died. (2)

It seems likely that the variations in the number and type of conservators appointed during this half-century represented deliberate policy rather than mere coincidence. These temporary officials were appointed to assist wardens, not to supersede their authority nor to act as their superiors, which may explain why wardens were

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1. Even the magnates - the Percy earl, John de la Pole, Earl of Lincoln, David Lindsay, Earl of Crawford, and George Gordon, Earl of Huntly - all held some border land, apart from Lincoln, who held Yorkshire estates. Among the other conservators, only 5 Englishmen and 5 Scots were from border families.
  2. *C.B.C., Complete Peerage*, xii, Part 2, 551-2. It is strange that Lord Neville, when named as a conservator, was never given his correct title of Earl of Westmorland, which he had acquired in 1484.

normally included in the lists of conservators. The limitation of the responsibility for conserving the 1486 truce to wardens alone may have been an experiment to determine whether the naming of additional conservators was necessary. For the subsequent truces before 1497 no list of conservators survives, and this may imply that none were chosen. It seems unlikely that this experiment, if it was such, was due to a reduction of lawlessness on the borders. In September 1497 conservators were again named, but the number was limited and for the first time in this period included churchmen. The laymen chosen were almost all men with strong border connections. No non-border magnates were employed after 1484, and this may have been a definite change of policy, possibly initiated by Henry VII, who also ceased to commission such magnates as border justices of the peace.<sup>(1)</sup> The earlier appointments of such men were probably intended to provide potential powerful support for border officials in case of need. Such magnates were possibly not expected to spend much time on the borders, nor to involve themselves in routine march law administration, but were relied upon to make available the vast forces at their disposal if an emergency arose. Perhaps by 1484 it was realised that for a long time magnates with no border connections had not played a significant enough part in the maintenance of truces to justify their continued employment.

The majority of conservators appointed were important landlords from the borders and neighbouring regions. Many of the men from border families were involved in law-enforcement already as sheriffs or justices, and thus made suitable conservators. Sir Christopheroresby, Sir John Huddleston, Sir John Feron, Archibald Douglas of

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1. See below, Appendix IV, pp.427-31.

Cavers, Patrick Hepburn, Lord Scales, and Sir Robert Brichton were among the conservators who also acted as sheriffs, while John, Lord Clifford, Ralph, Lord Sacra, Sir Richard Musgrave, and John Cartington were a few of the English justices of the peace who were also conservators. (1) The reason for the employment of many lowland Scottish and Yorkshire landlords as conservators instead of only borderers is not clear, but probably lay in the individual merits of each man chosen.

#### Officials of national law:

##### Sheriffs:

The contrast in character between the office of sheriff in England and in Scotland lay not only in the work of this official, but also in the conditions of tenure. In Scotland by the mid fifteenth century the border sheriffdoms had all been allowed by the crown to fall into the hereditary control of important local families, either by specific grant, or in practice. In June 1485 an act of the Scottish parliament prohibited the granting of offices in fee and hereditary, and ordered that all offices granted since the death of James I should be revoked, but both aspects of the decree were ignored in the case of the border sheriffdoms. (2) The office of sheriff was granted by the crown as if it were a piece of property, and kings thereby forfeited a great measure of control over this most important instrument of law enforcement. (3) In the English border counties of Northumberland and

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1. For border sheriffs and justices, see below, pp. 378ff. and Appendices IV & V, pp. 427ff.
  2. ANS, ii, 42.
  3. Parliamentary statutes did specify that negligent or corrupt sheriffs and other officials should be deprived of their office, either permanently or temporarily, but there is no evidence of such a measure being enforced on any border sheriff in this half-century: ANS, ii, 35, 50, 94 - statutes of 1449, 1457 and 1469.

Cumberland sheriffs were appointed to the office, normally for one year, though occasionally during the king's pleasure or for life. No grant in perpetuity was made during this period. Westmorland, in contrast, resembled the Scottish border sheriffdoms, for it had long since been acquired through inheritance by the Clifford family, who continued to hold it in heredity. The forfeiture of John, Lord Clifford, for supporting the Lancastrian cause, however, temporarily broke the family's monopoly over the office of sheriff in this county.

English border sheriffs: a) Westmorland: The office of sheriff of Westmorland had been inherited by Robert de Clifford in 1291 from his mother, a member of the Vipont family, and in the mid fifteenth century Thomas, eighth Lord Clifford, was in possession of the sheriffdom.<sup>(1)</sup> Thomas was killed at the battle of St. Albans in May 1455, and since his son was a minor, the office of sheriff was, in November, granted during pleasure to William Lancaster, a member of a family which held land from the Cliffords.<sup>(2)</sup> John, ninth Lord Clifford was a royal ward until he proved his age in June 1456, when he presumably succeeded to the sheriffdom. William Lancaster has been described as sheriff during the period November 1457 to November 1459, but he was probably under-sheriff, unless for some reason John failed to secure the office to which he was entitled. This Lord Clifford died in March 1461 and was attainted for his support of the Lancastrian cause.

It appears that Westmorland was without a sheriff for a year, until on 28 May 1462 John Parr was appointed to the office for life. In February 1463 John Parr and his brother Sir William were rewarded 'in consideration of their charges in conflicts against the king's enemies',

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1. G.D.C., Complete Peerage, iii, 290. For the following information on the Clifford family, see ibid, 293-5 and see above, p.67.
  2. For the information below on sheriffs during the period of Clifford forfeiture and on under-sheriffs, see below, Appendix V, pp.445-6.

and it is likely that John was made sheriff because he was a loyal supporter of Edward IV as well as from a family of local importance, for a reliable man was particularly necessary in the distant border county.<sup>(1)</sup> Although John Parr was apparently sheriff at Michaelmas 1470, he did not exercise the office continually during his life, despite the grant to this effect, since on 11 April 1465 Richard Neville, Earl of Warwick was granted the sheriffdom in perpetuity. Warwick was no doubt deprived of the responsibility when he rebelled against Edward, and Parr may have been restored to the office. It is not known when John Parr died, but on 1 June 1475 his brother, Sir William Parr, who had been sheriff of Cumberland for a year from November 1471, was appointed sheriff of Westmorland for life. Sir William was dead by February 1484,<sup>(2)</sup> and probably by the previous November, when Sir Richard Ratcliffe, the favourite of Richard III, was appointed sheriff during pleasure.<sup>(3)</sup> On 10 August 1484 the same man was granted the office for life, but he died at Rosworth only a year later.

Henry Clifford, son of the attainted John, had received a pardon as early as March 1471/2, but he failed to secure a reversal of the attainder against his father until Henry VII came to the throne.<sup>(4)</sup> In September 1485 Roger Hellingham, a Westmorland gentleman, was appointed sheriff of the county during pleasure, but in the November

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1. CPR 1461-7, 224.

2. CPR 1476-85, 409.

3. It has been claimed that Sir Richard Ratcliffe was from a border family being the second son of Thomas Radcliffe of Berwentwater: W.H. Thompson, 'The Berwentwaters and Radcliffes', Old & New N.S., iv (1904), 301-2.

4. CPR 1467-77, 327.

parliament Clifford was restored to his father's inheritance, which included the sheriffdom. Bellingham, at Michaelmas 1491, was under-sheriff to Henry, Lord Clifford. The sheriffdom thus reverted to the control of the Clifford family.

b) Cumberland: The sheriffs of Cumberland in the second half of the fifteenth century were all, with the exception of Richard, Duke of Gloucester, members of local, gentry families, and they were all, with the same exception, appointed to the office during pleasure, which in most cases implied a term of one year.<sup>(1)</sup> Gloucester was granted the office of sheriff for life on 20 July 1475,<sup>(2)</sup> and he retained it until he became king. Although the normal term of office was only a year, several Cumberland gentlemen held the sheriffdom for a longer continuous period of time, or for more than one yearly term, or were succeeded in the office by a relative. John Huddleston was sheriff from November 1454 for a year, and held the office for three yearly terms during Edward IV's reign. Richard Salkeld acted as sheriff for six separate periods, once in each decade of the half-century (twice in the 1460s). Roland Vaus held the sheriffdom from November 1461 for two years, and for at least a year from the same month in 1466. Christopher Cressby and his son, Sir Christopher, were both sheriffs of the county. Christopher Cressby was appointed sheriff in November 1497 during pleasure, as was usual, but he continued to hold office until 1505, which was an uncommonly long term.

The political upheavals and changes of monarchy during this period seem to have made little difference to the hold of some families on the

1. For a full list of Cumberland sheriffs during this period, and for references, see below, Appendix V, pp.443-4.
2. He had already been appointed to the office in February, but the grant was probably a more secure confirmation: CPR 1467-77, 485, 556.

office of sheriff. Richard Calkeld was sheriff under all four kings of the half-century. Christopher Poresby, appointed sheriff in November 1460, seems to have died in office,<sup>(1)</sup> and he may have been killed at Towton fighting for the Lancastrian cause, because he was connected with the Clifford family, supporters of Henry VI, being under-sheriff of Westmorland for Thomas, Lord Clifford, from 1454 to 1455.<sup>(2)</sup> His son, however, acted as sheriff under both Edward IV and Henry VII. Sir William Legh was sheriff for Edward IV from November in 1469 and 1473, but he was also appointed to the office in October 1470 by the restored government of Henry VI.

Members of the leading Cumberland families probably sought eagerly to hold the office of sheriff as a means of augmenting their power and influence in the county. One exception in this period was Hugh Lowther, who apparently resisted his appointment as sheriff in November 1455, since the following month the king wrote to him ordering him to take up the office for which he had been named, on pain of £2000 and of being considered an enemy, no excuses being permitted.<sup>(3)</sup> Among the other Cumberland sheriffs of the later fifteenth century were Sir Thomas Curwen, Sir John Pennington, Sir Thomas Hamplugh, Sir William Parr (later appointed sheriff of Westmorland for life<sup>(4)</sup>), Sir John Musgrave, and Lancelot Threlkeld.

It is interesting to note the extent to which the families, from which the Cumberland sheriffs were chosen, were connected through

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1. The next sheriff was appointed in March 1461, but accounted from the previous Michaelmas, and in November 1461 Poresby's widow swore not to remarry without royal licence: CCR 1461-71, 10; CCR 1461-8, 5.
  2. See below, p.384; PRO, Sheriffs, 151.
  3. Sir H. Nicolas, ed., Proceedings and Ordinances of the Privy Council of England (London, 1837), vi, 271-2.
  4. See above, p.379.

marriage in this period. The Huddlestons were thus related to the families of Pennington, Fenwick, Redmayne, Legh, Salkeld, and probably Dacre.<sup>(1)</sup> The Penningtons were connected to the Lamplughs and the Curwens, and the Curwens to the Lowthers and the Salkelds.<sup>(2)</sup> Sir Henry Fenwick, who died while holding the sheriffdom, was married to a daughter of Sir William Legh, and left six co-heiresses, four of whom<sup>(3)</sup> married into the families of Moresby, Huddleston, Lamplugh, and Denton. The Moresby family was also related to the Farris and to the Threlkelds, who in turn were related to the Lowthers.<sup>(4)</sup> The Lusgraves had inter-married with the families of Crackenthorp and Fenwick, the former of which also had connections with the Vaus family, who were related to the Salkelds.<sup>(5)</sup> Finally, the Dacres were connected through marriage with the Farris, and with the Dentons through an illegitimate daughter of Humphrey, Lord Dacre.<sup>(6)</sup>

c) Northumberland: As in Cumberland, the leading families of Northumberland provided the sheriffs for the county. Most of the holders of the office were knights or gentlemen, and were appointed during the king's pleasure, usually for a period of one year. Twice, however, the sheriffdom was granted to a magnate for life. On 28 July 1466 John Neville, recently created Earl of Northumberland, was made sheriff for life, and he seems to have retained the office until his death in April 1471.<sup>(7)</sup> On 14 August 1474 a similar grant of the

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1. See above, pp.118-9.

2. See above, pp.119-20, 122.

3. See above, p.123.

4. See above, pp.121, 122.

5. See above, pp.117-8, 120, 123 n.1.

6. See above, p.114.

7. For a full list of Northumberland sheriffs, and for references, see below, Appendix V, pp.444-5.

sheriffdom was made to Henry Percy, restored to the earldom. The earl was apparently deprived of the office at Henry VII's accession, when his loyalty was suspect, but the act of resumption of November 1485 exempted this grant, among others made by Edward IV to Percy. On 1 March 1488 the same earl was appointed sheriff during pleasure, but the reason for this appointment in addition to the life grant is obscure. A year later, in April 1489, Percy was murdered.

Several Northumberland gentlemen held the office of sheriff for more than one yearly term, or were succeeded by relatives, often regardless of changes in the monarchy. Robert Maners was sheriff under Henry VI and his son held the office early in the reign of Edward IV and for a short time from September 1485. Sir John Heron of Ford and his grandson, John Heron of Chipchase, acted as sheriffs in the reigns of Henry VI and Henry VII respectively. Sir John Middleton was appointed sheriff in November 1460 and either he, or his son of the same name, was granted the same office by Edward IV in the following March. The son was sheriff under Henry VII.<sup>(1)</sup> The eight other Northumberland sheriffs of the period all held office for only one term, in most cases for a year. Among these were William Bartram, Sir William Bowes, Roger Fenwick, Sir George Tailbois, and Edward Radcliffe.

As in Cumberland, some of the families, whose members exercised the office of sheriff, intermarried during this half-century, as was natural among the leading county families. The Herbottle family was related through marriage to the Lumleys, Fenwicks, and possibly to the Percies.<sup>(2)</sup> The Fenwicks were also connected to the Radcliffes, Widdringtons, and possibly the Greys, and the last two families had

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1. Sir John, the father, died before November 1461: CFR 1461-71, 3.

2. See above, pp.113, 116, 124.

intermarried early in the fifteenth century. At that time the Widdringtons formed a connection through marriage with the Hilbourns.<sup>(1)</sup> The Thorntons were related to the families of Heron, Middleton, and Lumley, while the Herons were also related to the Bertrams, and the Middletons to the Maners.<sup>(2)</sup>

English deputy sheriffs: When the office of sheriff in the border counties of England was held by a magnate, a deputy was appointed to perform the routine business of the office. In Westmorland, Christopher Moresby and William Lancaster acted as under-sheriffs for Thomas and John, Lords Clifford, while Roger Bellingham and John Fleming deputised for Henry Clifford when he was restored to the sheriffdom.<sup>(3)</sup> Ralph Blenkinsop was under-sheriff to Richard Neville, Earl of Warwick, at Michaelmas 1467. The families of Moresby, Lancaster, and Blenkinsop held land from the Cliffords (and presumably from Warwick, who was granted the forfeited Clifford estates<sup>(4)</sup>) during the fifteenth century. When Richard, Duke of Gloucester, was made sheriff of Cumberland, he was empowered to appoint an under-sheriff yearly to 'discharge the duties of the office',<sup>(5)</sup> but the only known deputy of his was John Crackenthorp. Several of the under-sheriffs appointed by John Neville and Henry Percy in Northumberland also acted as sheriff at other times. Sir George Lumley, the only known deputy of John Neville, had been sheriff a few years earlier, and of the Percy under-sheriffs only John Hilbourn the younger and Sir Thomas Grey did not also hold the sheriffdom in their own right during this half-century.<sup>(6)</sup> John Widdrington,

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1. See above, pp.123, 124.

2. See above, pp.116, 123.

3. For information on English deputy sheriffs, see below, Appendix V.

4. See above, pp.93-4.

5. CPR 1467-77, 556.

6. Sir Thomas' father, Sir Ralph Grey, and his grandson, also Thomas, both, however, acted as sheriff.

Roger Thornton, and Sir Ralph Harbottle were other deputies for Henry Percy, and all five of the Percy under-sheriffs were from families which held land from the Earls of Northumberland.

It is clear that deputy sheriffs were normally men from the leading county families, which also provided the more usual type of sheriff. Many of the known deputies were from families which held land from their superior, and, since they were appointed by the sheriff, it is likely that they were all closely connected to him by ties of dependency.

English escheators: The men appointed as escheators in the English border counties came mainly from the same group of families which provided sheriffs and justices of the peace. The office of escheator in Cumberland and Westmorland was usually held by the same man, while Northumberland had a separate officer. Several sheriffs acted as escheators at a different time or had relatives who held the latter responsibility. Among those holding both offices were John Huddleston (Richard, William, and Henry Huddleston were also escheators), Christopher Moresby, and John Musgrave (James Moresby and Alexander Musgrave acted as escheators).<sup>(1)</sup> Further relatives of sheriffs who held the office of escheator included Christopher and William Curwen, Adam and William Pennington, and Henry and Nicholas Bellingham in Cumberland and Westmorland; and Richard Middleton, William Heron, and William Widdrington in Northumberland. The families of Thornburgh, Warcop, and Appleby on the western borders, and of Ogle, Mellden, Solbery, and Cartington in Northumberland, were among those whose members acted as escheators as well as justices of the peace.<sup>(2)</sup>

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1. For a full list of escheators, see below, Appendix VI, pp.446-7.

2. For a list of JPs, see below, Appendix IV, pp.427-31.

Scottish border sheriffs: a) Perwickshire: The sheriffdom of Perwick was held throughout the later fifteenth century by the Hepburn family, which also held extensive lands in the shire, although its estates were centred on the barony of Hailes in the shire of Edinburgh. Patrick Hepburn, Lord Hailes from 1452/3, acquired the office of sheriff on 10 December 1450 through a grant from John, Lord Haliburton.<sup>(1)</sup> The office was to be held by Patrick and his heirs from Lord Haliburton of the king in fee, and James II confirmed the grant in May 1452. The fact that the sheriffdom could be thus passed from one family to another with no more royal involvement than in any transference of property, shows how limited was the crown's control over the border sheriffs. Patrick Hepburn died after December 1482, but by 7 April 1467 he had handed over the office of sheriff to his son, Adam.<sup>(2)</sup> Adam Hepburn of Dunsyair predeceased his father, and was succeeded as sheriff by his son, Patrick, who was given sasine of the office in 1479.<sup>(3)</sup> This Patrick was created Earl of Bothwell in 1488, and the following year became warden of the west and middle marches.<sup>(4)</sup> He was one of the most powerful men on the borders by the end of the century, and was also, from June 1488, sheriff of Edinburgh.<sup>(5)</sup>

b) Roxburghshire: At the beginning of the fifteenth century the family of Douglas of Cavers had secured control of the sheriffdom of Roxburgh and of the barony of Cavers, which was attached to the office.<sup>(6)</sup> The sheriffdom remained in the possession of this family throughout the

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1. RSE, no.556 - confirmation, dated 20 May 1452.
  2. Scots Peerage, ii, 142; RSC, Report on the 18th. of Colonel David Milne Home of Wedderburn Castle, 258.
  3. Exch. Rolls, ix, 679.
  4. Scots Peerage, ii, 151; see above, p.367.
  5. RSE, no.1742.
  6. Archibald, second natural son of James, second Earl of Douglas, had been granted the sheriffdom and the barony of Cavers in heredity by his aunt, Isabella Douglas, Countess of Mar. In 1405 the grant was cancelled since it had been made without royal consent, but the cancellation was obviously reversed: Fraser, Douglas, i, 434.

second half of the fifteenth century, passing from Sir Archibald Douglas of Cavers to his son, William, sometime after 1456, and on William's death in the winter of 1464/5 to his son, Archibald, who was then given sasine of the office.<sup>(1)</sup> By 1471 this Archibald was also probably dead, since another William Douglas of Cavers, probably his son, was sheriff from then until beyond 1502.<sup>(2)</sup> The Douglasses of Cavers could not equal the power of the Hepburns in the borders, but they were one of the leading families in the middle march, their hold on the sheriffdom being the basis of their power.

c) Dumfriesshire: On 6 November 1452, James II granted the office of sheriff of Dumfries to Sir Robert Crichton of Sanguhar and his heirs, and the grant was twice confirmed in the following reign.<sup>(3)</sup> Sir Robert was succeeded as sheriff by his son of the same name, who was created Lord Crichton early in 1488 and died in about 1494. This man's son predeceased him, and the next sheriff was his grandson, also called Robert.<sup>(4)</sup> The family of Crichton were important land-holders in Dumfriesshire, centred on the barony of Sanguhar, and they were of considerable power in the borders.

d) Belkirkshire: The Erskine family had acquired hereditary control of the sheriffdom of Belkirk by the mid fifteenth century. Robert, Lord Erskine resigned the office of sheriff to his son, Thomas, in September 1448, and Thomas was still sheriff in 1471.<sup>(5)</sup> Although in

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1. Exch. Rolls, vi, 95, 185; HMC, 7th Report, Appendix, Part I, 728.

2. Exch. Rolls, viii, 6; xi, 321\*; RSS, no.836.

3. RSS, nos.790, 1597.

4. Scots Peerage, iii, 220-5.

5. HMC, Supplementary Report on the MSS of the Earl of Mar and Kellie, 18; Exch. Rolls, viii, 3.

the summer of 1501 a deputy for Alexander, third Lord Erskine rendered accounts for the sheriffdom since 1499, he had resigned the office of sheriff to his son, Robert, on 15 March 1499/1500.<sup>(1)</sup> The Erskines held land in Selkirkshire where the barony of Binton, attached to the sheriffdom, was situated, and also in Berwickshire, Roxburghshire and in many other, non-border counties. They were connected through marriage with the sheriffs of Dumfriesshire since Alexander, third Lord Erskine was married to Christine, daughter of Sir Robert Crichton of Sanquhar.<sup>(2)</sup>

e) Peeblesshire: The Hay family of Locherworth and Yester, land-holders of considerable wealth in the counties of Edinburgh and Peebles, had secured hereditary control of the sheriffdom of Peebles in the late fourteenth century.<sup>(3)</sup> Sir David Hay held the office of sheriff in 1455 until his death sometime before 1479, when his son, John, received sasine of the same.<sup>(4)</sup> John was created Lord Hay of Yester in January 1487/8,<sup>(5)</sup> but, although a powerful and important man, his influence on the borders does not seem to have been of great significance, outside Peeblesshire.

f) Wigtownshire: It is not certain whether the whole or parts of Wigtownshire were regarded as being within the west march in the fifteenth century.<sup>(6)</sup> The Agnews, hereditary sheriffs of Wigtown, do not appear to have been of particular importance in border affairs since no one of

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1. Ibid, xi, 320\* RSS, no.493.
  2. R.S., nos.1643, 1690; RSS, no.493; Scots Peerage, v, 607-8.
  3. Ibid, viii, 422, 429-30.
  4. Exch. Rolls, vi, 85, 173; viii, 5; ix, 680; xi, 308\*.
  5. Scots Peerage, viii, 429-30.
  6. See Rae, The Scottish Frontier, 23-4.

this name was involved in Anglo-Scottish diplomacy, nor does evidence on the family occur in any but a local context. Andrew Agnew was granted the office of sheriff in May 1451,<sup>(1)</sup> but he died fighting the Douglases in 1455, and his son, also Andrew, succeeded.<sup>(2)</sup> This man died late in 1484 and his son, Quentin, became sheriff, but in August 1488 Quentin resigned the office to his son, Patrick.<sup>(3)</sup> By January 1488/9, Quentin, although he was still described as sheriff, was of unsound mind and under the care of curators, and this was obviously the cause of his resignation.<sup>(4)</sup> The sheriffdom of Wigton was to remain in the control of this family for centuries.

g) The Stewartry of Annandale: Stewartries were regalities which had returned to the crown but had retained their separate character without being incorporated into the system of sheriffdoms. The king appointed stewards to govern stewartries and the office was equivalent to that of sheriff. The west march of Scotland included the stewartries of Annandale and Kirkcudbright. By the mid fifteenth century Annandale, like the border shires, had fallen into the hereditary control of one family, the Maxwells, who were of considerable power in the west march, especially in the 1480s when Lord Maxwell was warden there.<sup>(5)</sup> Robert, second Lord Maxwell succeeded his father in 1454 and died in about 1485, but it was his son, John, who in the summer of 1455 rendered account as steward for the past year.<sup>(6)</sup> This John either predeceased his father

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1. RMS, no.447.

2. Sir A. Agnew, The Hereditary Sheriffs of Galloway (Edinb., 1893), 1, 269-70.

3. Ibid, 286-7, 294; R.C. Reid, Ed., Wigtownshire Charters (Scot.Hist.Soc., 3rd series, 1960), 176.

4. RMS, no.319.

5. Herbert Maxwell in 1409 had been granted the office of steward in hereditary by Archibald, Earl of Douglas, lord of the regality, and the family retained control of the office after the fall of the Douglases: RMS, no.242.

6. Exch. Rolls, vi, 61; Fraser, Carlaverock, 1, 140-1, 151.

or died soon after him, and was succeeded as steward by his son, John, fourth Lord Maxwell, who held the wardenship for a few years. (1)

h) The Stewartry of Kirkcudbright: As in the case of Annandale, Kirkcudbright was forfeited from the Earl of Douglas in 1455, and the crown from then onwards appointed stewards. No one family, however, secured control of this stewartry in the later fifteenth century, possibly due to deliberate crown policy. Most of the stewards appointed during the period were men local to the western borders, for example Donald McClellan of Gelston, John Kennedy of Blairquhan, and Robert, son of John, Lord Carlyle. (2) The stewards held office for varying periods, but on 5 November 1488 Patrick Hepburn, Earl of Bothwell, was granted the responsibility for life, thus further expanding his great power and authority on the borders. Whether James IV revoked the life grant or Bothwell resigned the office, the stewardship was granted in September 1502 to John Dunbar of Mochrum (a west march land-holder of importance) for a term of nine years. (3)

1. Ibid, i, 154; Macdougall, 'James III', 244; see above, pp.366-7.

2. Stewards of Kirkcudbright, 1455-1502:

John of Moray rendered account as steward in the autumn of 1456: Exch. Rolls, vi, 262.

Donald McClellan of Gelston accounted 1456-61: ibid, vi, 352, 448, 546, 640; vii, 4.

John Kennedy of Blairquhan accounted 1463-5: ibid, vii, 312.

Thomas Boyd, Earl of Arran, before 1468: ibid, viii, 40.

Humphrey Colquhoun accounted 1468-71: ibid, viii, 40.

Robert Carlyle appointed for ten years on 28 October 1477: RMS, no.1321.

Thomas Kirkpatrick of Kilhosberne (Closeburn) described as steward in November 1485: Reg. Hse., c0 10/30.

John, Lord Carlyle before 1488 (unless an error for Robert, his son): RMS, no.1799.

Patrick, Earl of Bothwell from 5 November 1488: ibid.

John Dunbar of Mochrum appointed for nine years from 12 September 1502: RMS, no.783.

3. See last note.

Scottish deputy sheriffs: In the Scottish border shires, deputies were always appointed by the sheriff, and the office was often given to his relatives. Archibald Hepburn was deputy for Patrick Hepburn in 1456;<sup>(1)</sup> James Douglas for William Douglas of Gavers in 1471;<sup>(2)</sup> and Thomas Hay, William Hay of Menzion, and John Hay of Anaid for Sir David Hay and his son, John, Lord Hay of Yester, in 1471, 1490, and 1501 respectively.<sup>(3)</sup> Other deputies not related to their sheriff were probably connected with him through some tie of dependency.<sup>(4)</sup>

Conclusion: The major contrast between the holders of sheriffdoms on the English and Scottish borders arose out of the manner in which sheriffs acquired their office. In Scotland most of the border sheriffs inherited the responsibility from their father in consequence of an original grant of the office to an ancestor, usually but not necessarily always from the king. The sheriffdom would be held until death or until the holder chose to resign the office to his heir. Sheriffdoms were granted, handed down, and resigned in the same terms and often in

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1. Exch. Rolls, vi, 93, 183.
  2. Ibid, viii, 6.
  3. Ibid, viii, 5; xi, 308\*; HMC, Report on MSS in various collections, v, 11.
  4. Deputies of the Hepburns in Berwickshire included Robert Inglis, William Sinclair, and Patrick Hume of Eastcastle: Exch. Rolls, viii, 2; HMC, Report on the MSS of Colonel David Hume of Medderburn Castle, 28-9; Exch. Rolls, xi, 377\*. Deputies of the Douglases in Roxburghshire included James Gray: ibid, vi, 95, 185. A John Curance acted as deputy in Dumfriesshire, as did Thomas Fergus and George Muirhouse: Fraser, Carlaverock, ii, 441, 512; MS 1496-1501, 393. In Selkirkshire Archibald Newton and John Murray of Falahill were among the deputies: Exch. Rolls, viii, 3; xi, 320\*. Peeblesshire deputies included John Geddes and William Brown: Reg. Hse., GD 150/30, 117. Herbert Gledstanys acted as deputy for the steward of Annendale: Exch. Rolls, vi, 61, 271; and James Geddes, George Sinclair, and Alexander Gordon acted as deputies for stewards of Kirkcudbright: Reg. Hse., GD 10/22, 620; Exch. Rolls, xi, 383\*.

the same charter as was land, with no greater degree of royal interference or control. In the English counties of Cumberland and Northumberland (and occasionally in Westmorland during the period of Clifford attainer) the king appointed sheriffs, almost always during pleasure, and thus the crown maintained a measure of control over these officials. Only in Westmorland was a sheriffdom ever granted in perpetuity at this period.

Apart from the few magnates acting as sheriffs during the later fifteenth century, most of the border sheriffs, English and Scottish, were lords, knights or gentlemen from leading families of the district. Edward IV's policy of connecting local and central government through the appointment of household officials as sheriffs did not affect the border counties.<sup>(1)</sup> The only English border sheriffs whose positions at court probably counted for more in their appointments than local connections were Sir Richard Ratcliffe, sheriff of Westmorland under Richard III, and Sir William Tyler, sheriff of Northumberland in the following reign.

Although members of gentry families rather than magnates held the English border sheriffdoms for most of the period, the number of these sheriffs attached to the Percies by ties of dependency suggests that this magnate family, at least, could exert considerable control over the office of sheriff in the counties where its estates were situated. Among the Cumberland sheriffs, Sir Thomas Curwen, Sir John Pennington, Sir Thomas Lamplugh, Lancelot Threlkeld, Sir William Lough, John Huddleston, and Sir Henry Fenwick were all retained or employed by the Percy Earls of Northumberland. Edward Radcliffe, William Bartram, John Heron, Sir Robert Anners, Sir Ralph Harbottle, and Sir Ralph Grey were Northumberland sheriffs and similarly connected to the Percies.<sup>(2)</sup>

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1. For illustrations of this policy, see W.E. Jacob The Fifteenth Century (Oxford, 1961), 599.

2. See below, Appendix V, pp.443ff; above, pp.154ff.

The nature of the office of sheriff in Scotland gave the officials greater power and importance than their counterparts in England, while the manner in which Scottish sheriffs acquired the office also gave them greater independence from the crown in the exercise of their authority. This superior status enjoyed by Scottish border sheriffs was reflected in the holders of the office during the half-century, for the families controlling the sheriffdoms of Berwick, Dumfries, Selkirk and Peebles, and the Stewartry of Annandale were all ennobled before or during this period, whereas English border sheriffs were almost all from gentry families.

#### Justices:

##### a) English border justices of the peace, assize, and gaol delivery:

Justices of assize and gaol delivery, commissioned periodically by the crown to deal with the borders, as with all other regions of England, were itinerant justices attached to the central government, and therefore any connection with the borders was incidental. These justices were chosen as lawyers, not for experience of the area which their circuit covered. On two occasions at least, however, border commissions of gaol delivery consisted of local men. On 18 November 1494 George Bird, mayor of Newcastle, John Cartington, Thomas Lockwood, and Peter Bewyk were ordered to deliver the town's gaol.<sup>(1)</sup> In August 1497 the delivery of Carlisle gaol was put into the hands of Thomas, Lord Dacre, Sir Christopher Goresby, Sir Lancelot 'Thyrkyll' (Threlkeld), Sir Richard Calkeld, Sir John Musgrave, Edward Redwayne, John Fennington, Thomas Curwen, Thomas Beauchamp, William Beaulieu, John Eglesfeld, and William Thornburgh.<sup>(2)</sup> These men were from border gentry families,

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1. CER 1494-1509, 28.

2. Ibid, 145.

and it was from this elite of leading land-holders in the border counties, together with magnates, churchmen and royal servants, that commissioners of the peace were chosen. (1)

Most of the magnates acting as justices of the peace during this half-century had some connection with the borders. The Percy Earls of Northumberland and John Neville, during his tenure of that dignity, were occasionally or repeatedly commissioned for this responsibility in some or all of the border counties, as were the Neville Earls of Salisbury, Warwick, and Westmorland. William Neville, Earl of Kent, was made a justice in Northumberland in December 1461, when Edward IV was in need of firm Yorkist control in the north. Thomas Howard, Earl of Surrey, justice in Cumberland and Westmorland from 1489, was connected with the borders through his office of under-warden to Henry VII's sons, Arthur and Henry, who were also commissioned as border justices, although too young to exercise such a responsibility. Two other members of the royal family acted as justices in the border counties, Richard, Duke of Gloucester, being an obvious choice as warden of the west march and sheriff of Cumberland, and George, Duke of Clarence, who had no apparent connection with the region. The other magnates who acted as justices of the peace in the borders during the period - Richard, Duke of York, (father of Edward IV), Henry Stafford, Duke of Buckingham, John Howard, Duke of Norfolk, and Jasper Tudor, Duke of Bedford - were outsiders, whose inclusion was merely intended to add weight to the commissions.

Of the eleven churchmen who were commissioned as border justices of the peace in the later fifteenth century, seven were bishops of Durham or Carlisle. Richard Fox, Bishop of Durham, exercised the authority in all three border counties, but on the whole the bishops of that

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1. For a full list of border JPs, and references, see below, Appendix IV, pp.427-31.

diocese acted in Northumberland, while the bishops of Carlisle acted on the western borders. John Norton and Henry Beane, Archbishops of Canterbury, and George Neville, Archbishop of York, each held the office of chancellor at the time of their commission as a border justice. The final ecclesiastical justice, Richard Bedmayne, Bishop of St. Asaph, came probably from a Westmorland family, and was also employed as a negotiator in Anglo-Scottish diplomacy. (1) A number of men commissioned as justices of the peace in the border counties were royal servants, attached to the court, or justices of assize or gaol delivery, who doubtless only visited the borders occasionally to exercise their commission, and who were of no importance in border society.

The men forming the bulk of any commission of the peace were local knights and gentlemen, and a statute of 1439 had ordered that only holders of land worth at least £20 a year should be appointed to the commissions. (2) Most of the border sheriffs of this period were also justices in the same county during and outside their term of office. (3) Sir John Haron, for example, was sheriff and JP in Northumberland, as were Sir Robert Haners, Roger Thornton, and John Widdrington. In Cumberland Sir Thomas Curwen, Sir John Huddleston, Hugh Lowther, and Sir John Venninton were among those who held both offices, and in Westmorland such men included Thomas, John, and Henry, Lords Clifford, Sir William Parr, and William Lancaster; while Ralph Henkinsop, John Fleming, and Christopher Cresby were justices and under-sheriffs. Other members of the families which provided the border sheriffs of this period, besides the sheriffs themselves, also acted as justices. Among these were Bertram Harbottle and

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1. See below, Appendix III, p.422.

2. S.R., II, 309.

3. For English border sheriffs, see below, Appendix V, pp.443ff.

Thomas, Lord Lumley, in Northumberland, the three Lords Dacre (Thomas, Rusphey, and Thomas) in Cumberland, and Sir Thomas Parr and Geoffrey Lancaster in Westmorland. Further justices of the peace from leading border families included John Cartington (father and son), Robert, Lord Syle, Sir Ralph, Sir Henry, and Sir George Percy, and Ralph, Lord Greystoke in Northumberland; John Crackenthorp, John Salesfeld, William Stapleton, and Edward and William Thornburgh in Cumberland; and Sir Edward Beetham, Thomas Middleton, Thomas Sandford, and Sir Thomas Strickland in Westmorland.

b) Scottish border justices: There was no equivalent in Scotland to the English justices of the peace in this period, for the work of this judicial officer was still largely the responsibility of the Scottish sheriff. The itinerant justices, who tried the pleas of the crown, were appointed in a legal capacity, not because of experience of the area in which they were to make their circuit, so that any connection between these men and the borders was incidental. Among the known justices of the southern circuit ayre (entitled justices south of Forth) in the later fifteenth century were Robert, Lord Syle, Laurence, Lord Cliphant, Andrew, Lord Gray, John, Lord Glamis, John, Lord Drummond, and Archibald Douglas, Earl of Angus.<sup>(1)</sup> Only the last of these justices was a border landlord of importance.

On one occasion, in October 1488, James IV attempted to curb lawlessness throughout Scotland by appointing local land-holders of major power and importance to enforce law and order in specified districts. Although this was only a temporary expedient doubtless aimed at settling the country after the rebellion against James III, it meant the short-lived

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1. *Med. Hist.*, Just. Ct. II., passim; APS, ii, 182; Exch. Rolls, ix, p.11.

creation of resident justices. Patrick Hepburn, Lord Skiles (created Earl of Bothwell the same month) and Alexander Home were put in charge of the shires, the Lothians ('Goudland'), and the wards of Haddington, Minlithgow, and Lauderdale. Hepburn alone was entrusted with Ayrshire and the Stewartry of Fife (where in November he was made steward (1)). Archibald, Earl of Angus, was given charge of the sheriffdoms of Roxburghshire, Selkirkshire, Peeblesshire, and Berwickshire, and the same earl, together with John, Lord Maxwell, was put in authority over Dumfriesshire. (2)

Commissions concerned with the control of lawlessness and other royal business:

The appointment of commissions for law-enforcement was not apparently part of the Scottish judicial machinery in the fifteenth century. (3) In the English border counties, however, commissions besides those of the peace were often issued in the interests of controlling lawlessness. As in the case of sheriffs and justices, the men acting as commissioners came from the elite of gentry families.

The commissions of oyer et terminer involving the borders issued during this half-century were not all limited in their application to the border counties, and the commissioners were not, therefore, all borderers. A few members of the most powerful and influential local families were, however, involved, although the commissions involving several counties were dominated by magnates and included many royal judges. (4)

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1. See above, p.390.

2. MS, ii, 208.

3. See above, p.309.

4. For a list of such commissions, and references, see below, Appendix IV, pp.434-5.

Among those commissioned to act alongside non-border men in various counties were Ralph, Lord Greystoke, Robert, Lord Ogle, and Sir Thomas Harington. John Neville of Montague headed two commissions of oyer et terminer, in November 1462 and February 1467, which dealt with Northumberland and Newcastle. Among the local men appointed to these commissions were Richard Thornton, Sir Thomas Lunley, Sir Ralph Grey, and the mayor of Newcastle. Several leading western borderers, including Humphrey, Lord Oacre, Sir William Parr, Sir Thomas Strickland, and Sir Christopher Cressby, were involved on a commission of this type in August 1476, for the investigation of forgery and the falsification of coinage in Cumberland and Westmorland.

Various other commissions concerning law and order on the borders were appointed by the kings of the period, and members of the leading local families were repeatedly involved. Men were recruited who could make effective a command such as the arrest of criminals or the seizure of land or goods. The families of Parr, Ogle, Middelhurst, Heron, Huddleston, Burgrave, Bulkeid, Cressby, and Radcliffe were among those whose members were engaged frequently or occasionally on such commissions. At least one member of almost all the leading border families probably acted as a commissioner at least once.<sup>(1)</sup>

Royal commissions concerning the English borders were not limited to judicial matters, and the same group of men were also frequently involved in crown business such as the array of local forces for defence, investigations into trade and customs, the assessment of subsidies, or inquiries concerning crown lands or revenue.<sup>(2)</sup> Members of all the families just listed were commissioned often or occasionally for work of this type, together with men from the families of Anners, Harbottle, Haddington,

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1. For details of these commissions, see below, Appendix IV, pp.435ff.
  2. For a list of all royal commissions involving the English borders, see below, Appendix IV, pp.427ff.

Louther, Fennington, Lancaster, Tansick, and many others. Men from less important families were also employed when technical knowledge or experience rather than military strength or local influence was required. In the border commissions of array of the period, headed by the march wardens and other magnates, only men from powerful local families were included. Among these were Sir Thomas Curwen, Sir John Fennington, Sir John Weron, Sir Richard Musgrave, Sir John Huddleston, Sir Thomas Farr, Robert, Lord Dale, Sir Gerard Haddington, and Sir Christopher Torlesby.<sup>(1)</sup>

There is no evidence for the use of commissions to deal with any similar business by the Scottish crown in the later fifteenth century.

#### Miscellaneous non-judicial offices:

a) Members of parliament: The Scottish parliament was an assembly of tenants-in-chief, and the only representation within it by this period was in connection with the burghs, which were regarded as collective tenants-in-chief.<sup>(2)</sup> Thus all borderers holding land direct from the crown, which included most if not all of the important families, held the right, and were theoretically obliged, to attend parliament. There is no evidence to show how often border barons and freeholders did so.

On the English borders the knights of the shire elected to attend parliament in the second half of the fifteenth century came on the whole from the same group of leading families as the sheriffs, justices, and commissioners. Among these were Sir Thomas Curwen, Christopher Paere,

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1. For a list of commissions of array, see below, Appendix IV, pp.431-4.

2. James I had attempted to imitate the English parliament by persuading the small barons and freeholders in each sheriffdom to elect representatives rather than all attending parliament in person, but the experiment was not a success: J.B. Mackie, History of Scotland (Belcan, 1964), 108-9.

Sir John Muddleston, Sir John and Sir William Farr, and Sir Richard Salkeld, representing Cumberland; Thomas Crackenthorp, Sir Christopher Moresby, Edward Musgrave, Sir Thomas and Sir William Farr, and John Salkeld, for Westmorland; and John Cartington, Sir George Lumley, Robert Haners, and Sir John Middleton, for Northumberland.<sup>(1)</sup> The representatives of the border towns of Carlisle, Appleby, and Newcastle were probably burgesses, and were not from county families.

b) Royal castle officials: Some members of leading English border families were employed by the crown as officials connected with royal castles. The major royal castles on the borders, Berwick (when not in Scottish hands) and Carlisle, were placed in the charge of the east and west march wardens respectively.<sup>(2)</sup> Richard Salkeld in September 1470 was described as late constable of Carlisle castle (probably the official directly subordinate to the warden),<sup>(3)</sup> and James Moresby was granted the office of porter in the same castle for life in January 1480, following the death of Roland Thornburgh.<sup>(4)</sup> Roger Fenwick was made constable of Newcastle in February 1494, an office previously held since March 1474 by

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1. For a list of English border WEs, see below, Appendix VII, pp.448-50.
  2. When Richard III, Henry VII, and the Princes Arthur and Henry held the wardenships in a nominal capacity, they were also nominal captains of Berwick or Carlisle, their lieutenants deputising for them in both offices. Sir Thomas Darcy at the end of the century, however, was titled captain of Berwick, while Richard Cholseley was only lieutenant, despite the fact that both men were deputies for Henry, Duke of York, as warden, and it seems that the captaincy of the castle had been separated from the wardenship: CCR 1485-1500, 355; CCR 1494-1509, 233. This may have occurred as early as November 1489 when Sir William Tyler was described as captain of the town and castle of Berwick: CCR 1485-94, 295.
  3. CPR 1467-77, 214.
  4. CPR 1476-85, 181. The employment of local men as porters in the border castles seems to have been unusual in this half-century, for most porters were men with no obvious border connections, often royal servants of the court. The office was probably granted as a reward or pension to such men, among whom were Edmund Hogeson, yeoman of the crown; Christopher Clapeham, gentleman usher of the chamber; John Tode, king's servitor; and Roger Thorp: CCR 1485-94, 75, 93; CCR 1494-1509, 264; CPR 1461-7, 357-8; CPR 1492-01, 366.

the east march warden, Henry Percy, Earl of Northumberland, the castle possibly being used as a substitute for Berwick as the central point of the wardenship, since Berwick was in Scottish hands until 1482.<sup>(1)</sup> John Huddleston was a porter in Newcastle from November 1460.<sup>(2)</sup> Sir John Heron of Ford and his son, Roger, held the office of constable of Bamburgh castle in survivorship in Henry VI's reign,<sup>(3)</sup> and the same office was granted to Sir Richard Cyle and then to Henry, Earl of Northumberland, by Edward IV.<sup>(4)</sup> This Percy earl was also constable of Dunstanburgh castle from 1474.<sup>(5)</sup>

The few Scottish royal castles on the borders were also frequently entrusted to local lords. Herbert Johnstone, John, Lord Carlyle, Patrick Hepburn, Lord of Bothwell, and Archibald Douglas, Earl of Angus, were among the keepers of Lochmaben castle during this period,<sup>(6)</sup> while the custody of Threave castle was in the hands of successive stewards of Kirkcubright, who included the Earl of Bothwell and Robert, son of John, Lord Carlyle.<sup>(7)</sup> George For of 'Lanastone' (Laninstone) and George Hume of Ledgerburn were described as keepers of Berwick castle in 1477, although

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1. CR 1485-94, 456. Percy was granted the offices of constable and porter to hold jointly with the son previously holding them, and alone after that son's death for the rest of his life. This grant was exempted from the November 1485 act of resumption: CR 1467-77, 438; CR 1485-94, 138. Percy held at least one session of his warden court at Newcastle: History of Northumberland, ix, 152-3.
  2. CR 1452-61, 631.
  3. The two sons were granted the office in July 1459, to hold themselves or through deputies, but in the following month the keeping of the castle was committed to William and John Heron on a twenty-year lease, on the security of Sir John Heron of Ford and another son: CR 1452-61, 512; CR 1452-61, 243.
  4. CR 1461-7, 335; CR 1467-77, 258. This grant to Percy was exempted from the 1485 act of resumption: CR 1485-94, 138.
  5. C.F. Helen, The Border Holds of Northumberland (Society of Antiquaries of Newcastle-upon-Tyne, 1891), 111; CR 1485-94, 138.
  6. Exch. Rolls, vi, 26,617; R.S., no.1875. Both Bothwell and Andrew Stewart, Lord Werdale, had custody of the castle while warden of the west march, but the castle does not seem to have been attached to the wardenship: Exch. rolls, vi, 201.
  7. See above, p.390 n.2.

in January 1476/7 Robert Lauder of Wrrington had been granted the custody of Berwick for five years and then during pleasure.<sup>(1)</sup> Patrick Hepburn, later Lord Hales and Earl of Bothwell, was captain of Berwick castle at the time of its recapture by the English.<sup>(2)</sup> The names of subordinate officials within the Scottish border castles have not survived.

c) Royal estate officials: Many English and Scottish borderers from gentry families held offices connected with crown lands in the later fifteenth century. Among the officials of Inglewood forest (Cumberland), Humphrey, Lord Hacre, was master-forester, William Lowther and James Foresby were foresters, Hugh Lowther and Thomas Curwen were stewards, and Richard Barowe of Holy Island was keeper of one of the forest wards.<sup>(3)</sup> Richard Musgrave was chief forester of both Kirkby Stephen andburgh forests (Westmorland) during the reign of Edward IV.<sup>(4)</sup> Roger Heron was appointed approver of customs and royal revenues on Holy Island in March 1473;<sup>(5)</sup> Sir Christopher Foresby held the custody of the passage (presumably a ford) across the Solway;<sup>(6)</sup> Henry Bellingham became receiver of the royal lordship of Kendal in March 1457;<sup>(7)</sup> and Adam Pennington, following in the footsteps of his grandfather, Sir John Pennington, held the office of chief bailiff of the royal liberties of Copeland.<sup>(8)</sup> It is probable that most of

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1. Exch. Rolls, viii, 455; R.S., no.1276. Lauder still held the office in 1478: Exch. Rolls, viii, 539.
  2. Macdougall, 'James III', 155.
  3. CPR 1461-7, 60,61; CPR 1467-77, 183,596; CPR 1485-94, 9, 411. Many forest officials were not borderers, and such offices may often have been granted as sinecures, rewards, or pensions to royal servants.
  4. CPR 1461-7, 87,143. Musgrave was also constable of Kendragon and ofburgh under Staynesmore, and bailiff of two Westmorland lordships.
  5. CPR 1471-85, 69.
  6. CPR 1467-77, 423.
  7. CPR 1452-61, 335.
  8. CPR 1485-94, 22, 43.

the minor offices on the royal border estates were held by borderers, but names do not survive.

In Ettrick Forest on the Scottish borders the family of Scott had secured a monopoly over the rangership of Ettrick Land, and the family of Hoppringle had done the same in Tweed ward.<sup>(1)</sup> Alexander Hume was receiver of farms in the forest in 1499 and chamberlain of Ettrick in 1502, and his son also held office in the forest late in the century.<sup>(2)</sup>

Customs of border burghs at this period included Thomas McClellan of <sup>m</sup>Bordby, David Crichton, John, Lord Carlyle, and his son, Robert, all of whom were from families of considerable importance on the borders.<sup>(3)</sup>

Robert Crichton of Sarquhar was appointed coroner of Aithsdale (Dumfriesshire) in January 1468/9.<sup>(4)</sup> John Dunbar of Lochrum was a chamberlain of Galloway.<sup>(5)</sup> Men assigned to assess the taxable wealth of barons in January 1467/8 included John Rutherford, John Ainslie, John Murray, John Turnbull, David Kirkpatrick, and Robert Vaus, who were among those ordered to make inquiry in the border sheriffdoms.<sup>(6)</sup> As on the English borders, many lesser offices were probably held by borderers, but proof is lacking.

1. Exch. Rolls, vii, 135, 475, 477, 618; viii, 207, 353, 583; ix, 414; x, 100, 429.

2. Ibid., xi, 199; xii, 31. His son was bailiff of Ettrick and keeper of Newark tower in the forest: RCS, no.1921; RSL, nos. 838, 839.

3. Exch. Rolls, viii, 197, 250, 544; x, 305.

4. RCS, no.974.

5. Exch. Rolls, xii, 14.

6. APS, ii, 90.

### Conclusion

The leading officials involved in executing international and national law and other royal business on each side of the border were mainly local men from important gentry families. The wardens, as the most important officials, had to be men of sufficient power and local influence to make the office effective, and also men loyal to the crown, since they wielded widespread authority in an independent and vulnerable frontier region. The wardens chose their own subordinate officers, and it is probable that their choice normally fell on relatives, tenants, servants, retainers, or other such dependents. Conservators of truces, appointed to assist the wardens and to extend the power and influence of the wardenship, were chosen from among the leading border families or those of neighbouring districts, or from magnates and churchmen, often unconnected with the borders, whose resources could provide support for the warden if necessary. In national law-enforcement on the Scottish borders, few families were involved, since the sheriff alone exercised a major share of this sphere of judicial administration, and the sheriffs were each in the control of a single family. In England both sheriffs and justices of the peace were changed periodically, though often the offices were held by one man for several terms, and a considerable number of families was involved, although the same group of families tended to provide the officials and commissioners employed by the crown in judicial administration and other royal business. Few names of subordinate officials of ordinary, royal law survive, but the men employed would probably have been also borderers of lesser standing, often either relatives or dependants of the dominant officials, who doubtless often chose their own subordinates. Some non-border men were involved in the execution of royal law, but these mainly

had legal or administrative training, which qualified them as justices without local experience.

Although the administration of international and national law on the borders was separate and distinct, many men were involved in both systems. In England the Percy and Neville earls who acted as wardens also held office as sheriff, as well as being repeatedly involved in judicial commissions. Richard, Duke of Gloucester was warden, justice of the peace and sheriff of Cusberland. Among the lieutenant-wardens who were also JPs were Sir Henry Percy, George Percy, Sir William Parr (sheriff and escheator also), and Ralph Grey (also sheriff). William Heron was a lieutenant and an escheator in Northumberland. John Cartington, Edward Radcliffe, Sir Thomas Percy, Sir Richard Cholmeley, and Richard Brinton were all deputy-wardens and justices of the peace. Several members of the leading English border families acted as sheriffs or justices and also as conservators of truces. On the Scottish borders, Patrick Peppburn, Lord Beiles, and his grandson, Patrick, Earl of Bothwell were sheriffs of Berwick and responsible for international judicial administration, the first as a conservator, the second as a warden. Archibald Douglas of Cavers was sheriff of Roxburgh and a conservator, while John, Lord Maxwell was steward of Annandale and warden. Robert, Lord Hyle and Laurence, Lord Cliphant were justices of the southern circuit at the end of the century, and also conservators. Alexander Home and Archibald Douglas, Earl of Angus were justices appointed by James IV in 1488 to curb border lawlessness, and both men also acted as wardens. By placing the offices of both national and international law in the hands of the same group of leading border families, the English and Scottish kings of the period ensured co-operation between the two judicial administrations. Probably, however, this was not conscious policy, but based on the realisation that members of these families could best make such offices effective.

CONCLUSION.

Although a study of Anglo-Scottish border society in the later fifteenth century fails to produce any conclusions of startling originality, a fairly detailed overall picture of that society has been created from surviving evidence. As an entity, Anglo-Scottish border society was fairly uniform in structure and in the tenor of life. Geographical features causing divisions within the region (basically the division between highland and lowland, and between people living near to or far from the frontier) were more significant than the boundary separating Scotland and England. As in fifteenth-century Europe generally, but exceptionally so in the borders as a frontier zone, social rank was far more of a divisive factor than nationality. The concept of nationality was of scant relevance to borderers at this period, and the diplomatic manoeuvrings and negotiation between the English and Scottish governments formed a background to border society without having any significant effect on the mass of the border people. There were even families of the same name on the different sides of the frontier, for example Rutherfords, Maxwells, Ogles, Scotts, and Murrays,<sup>(1)</sup> and there may have been considerable intermarriage and general informal intercommunication across the official border line.

A large percentage of the border population in the later fifteenth century probably lived close to subsistence level, for poverty appears to have been widespread. Scanty agricultural resources coupled with lack of opportunity in industry and commerce, and the constant threat to lands and goods which warfare and lawlessness constituted, prevented peasants from climbing out of the poverty cycle. Many borderers

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1) For examples, see English Miscellanies (Surtees Soc., vol. 85, 1888), 39-40: an English Rutherford and Maxwell; RSS, nos. 37, 114: Scottish Ogles; Alnwick C.A., C III 1a, C VI 2a: English Scotts; and Bodl., Dodsw. MS., 18, f. 38d : an English Murray.

found that neither the countryside nor towns could provide a livelihood, and therefore turned to lawlessness, and made a living out of crime.

The borders appear to have been overpopulated in relation to the resources of the region, and it may be (as suggested in connection with local landed families<sup>(1)</sup>) that borderers generally tended to be particularly tough, so that many survived into adulthood. Possibly the harshness of border life had produced a hardy race. The overpopulation may also have been worsened by the attitude of independence, typical apparently among borderers, which may have discouraged contact with the world outside the frontier region, thereby reducing the incidence of emigration in search of a livelihood.

The shortage of industry and commerce and the consequent smallness in the size of towns meant that the structure of border society lacked a sizeable middle rank. The society was sharply divided between the wealthy, landed families and the mass of the population, suffering varying degrees of poverty. Since the gap between these levels of society was so great, the social structure of the borders lacked fluidity. Opportunities for becoming rich were limited, and there were few merchant families wealthy enough to tempt the landed elite into marriage with them. The landed families on the borders were dominated by a few magnates, whose extreme wealth and power were based on land, on government office-holding, and also on the tendency of borderers to rely for protection and justice on local lords, rather than on the king. 'The great northern families (were) the overmighty subjects par excellence of late medieval England',<sup>(2)</sup> and Scottish border magnates in the fifteenth century also proved a dangerous threat to royal authority.

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1. See above, p.138.

2. E. Miller, War in the North (University of Hull Publications, 1960), 13.

In order to establish and expand their influence and security, the landed families of border society formed bonds among themselves and with lesser men. Each district of the border region tended to be dominated by a group of families (sometimes subordinate to one magnate house), who were interconnected through land-holding, marriage, and other ties more often consciously established to secure dependence and protection. The predominance of these families was augmented by the kings' reliance on them to fill royal offices, as sheriffs, justices, commissioners, negotiators, conservators of truces, estate officials, or royal castle holders. The power of kinship in border society also contributed to the influence of the landed elite, while constituting an important (probably the all-important) bond among the lower rank of society. Whether the border surnames were descended from tribal units or had developed due to the insecurity of border conditions, this insecurity, based on poverty, intermittent warfare, and widespread, endemic lawlessness, perpetuated the need for reliance either on kinship or a lord's protection.

The kings of England and Scotland in the later fifteenth century relied on powerful borderers for the enforcement of both national and international, march law. 'The more remote and ungovernable an area, the more the reliance on great estates and the patronage they carried with them.'<sup>(1)</sup> Even the most powerful border magnates, however, seem to have had little effect in curbing border lawlessness at this period. As has been written, 'the northern magnates (of England, but this also applies to Scottish border magnates) even had an interest in perpetuating disturbed conditions on the Borders and their appetite for plunder easily undermined promises of peace.'<sup>(2)</sup> However conscientious fifteenth-century wardens and lesser national and international law-enforcement officials were (and evidence concerning this does not

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1. J.R.Lander, Conflict and Stability in Fifteenth-century England (London, 1969), 183.

2. Miller, War in the North, 13.

survive), no significant impression appears to have been made on border lawlessness. Repeated negotiation attempted to prevent breaches of truces, while emphasising the failure of past attempts. Miscellaneous scraps of evidence illustrate how basic to border society was lawlessness and enemy hostility. In a marriage contract of February 1496/7 provision was made in case the bridegroom's father might be taken prisoner in England.<sup>(1)</sup> A land settlement connected with another Scottish marriage, drawn up in February 1471/2, provided alternative arrangements 'gif throw were of Inglis men the said David Scott can nocht haue the fermys of Lidalsdale and Busdale.'<sup>(2)</sup> A Scottish royal charter, confirmed in 1428, granting a hospital to Jedburgh Abbey, stressed that the abbot was to repair the hospital in case of destruction by border feud.<sup>(3)</sup> In the south of England by the later fifteenth century few serious military fortifications were maintained by landed families, whereas on the borders any man of importance had a tower house or larger castle as a means of defence against the lawless as well as the enemy.

Border lawlessness developed as a result of poverty and the prolonged open and cold war situation, and was fostered by the border tradition of self-help and independence from royal authority. The nature of the countryside and the existence of the national frontier hindered the arrest of criminals, while such crime was regarded as legal in wartime, making it impossible to curb during a truce. It has been said that 'the most obvious remedy for northern belligerence was peace with Scotland, and the treaty made by Henry VII in 1502

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1. H.C., 15th Report, Appendix, Part VIII, 11-12.

2. Fraser, Macleuch, ii, 71.

3. R.S. no.122.

brought hope of its establishment.'<sup>(1)</sup> Even if peace had been established permanently between England and Scotland in 1502, it seems inevitable that the curbing of border lawlessness would still have been an extremely lengthy and difficult undertaking. By the mid-fifteenth century lawlessness had become intrinsic to border society and had deeply affected the border character, a factor which in itself served to perpetuate the problem.

It is always dangerous to make generalisations about the character of a race or community, especially when any such comment must be based on limited surviving evidence from a past period. It is interesting, nevertheless, to try to form an impression of the characteristics of fifteenth-century borderers. It seems inevitable that the insecurity of any frontier region should tend to produce certain common facets of character in the inhabitants of that region, the most likely being a predisposition towards violence and military skill. 'The condition of life in the Border counties demanded constant vigilance and a skill in arms essential to defend one's home and to ride in pursuit of marauders and recover losses at the expense of their fellow countrymen.'<sup>(2)</sup> Borderers seem to have had among contemporaries a reputation for skill in fighting. When the Archbishop of York in 1441 was involved in a dispute with his tenants at Ripon, he employed, to defeat them, not local men but two hundred soldiers 'out of Tindale and Hexhamshire and of other partes nigh unto Scotland.' These borderers came armed 'like men of were, with brest plate, vambracs and rerebrace, greves and quischers, gorgett and salett, long spears and lancegaves, and the simplest arrayed of all the said persons had either a gostiment, or a hawburgon, or a thick jack upon him, and either a pricknighate

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1. S.B.Chrimes, C.D.Hoss, & R.A.Griffiths, eds., Fifteenth-century England, 1399 - 1509 (Manchester, 1972), 137.

2. R.L.Storey, The End of the House of Lancaster (London, 1966), 106.

or a sallet upon their heads.' Borderers, if these are typical, obviously kept themselves well prepared for fighting. This group of men was keen not to tarnish their military and violent reputation, for 'the marchmen were ashamed to come so farr, and not to be noysed with none affray, or they went out of the country.'<sup>(1)</sup> Pitscottie, writing in the sixteenth century about the battle of Sauchieburn, blamed the flight of James III on the border 'theiffis of Annerdail' (Annandale), who came 'schotting and crying and feirit the king sa that he had no praticke in weir.'<sup>(2)</sup>

The impression is created from a study of the borders that the enjoyment, or at least the condoning, of fighting and violence in general was widespread within border society. The life led by borderers probably inured them to violence, which can be the only possible excuse for their atrocious record (both in quantity and quality) of violent crime revealed in fifteenth-century evidence and confirmed by fuller sixteenth-century accounts. The inhabitants of Tyndale and Kedesdale were accused in 1498 of glorifying crime and regarding theft as an art,<sup>(3)</sup> but in many cases crime was probably the only alternative to abject poverty and possible starvation. The most common border crime, the plundering raid, which often involved murder, injury, and arson as well as robbery, perhaps reflects another aspect of the typical border character. Borderers seem to have been commonly violent and cruel, with no respect for property, but their criminal activity was open, defiant, fearless of the law, and not deeply thought out. They relied on fighting skill and brute force

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1. F. Stapleton, ed., The Plumpton Correspondence (Camden Soc., 1839), p. liv-lv.
  2. A. J. G. Mackay, ed., The Historie and Cronicles of Scotland by Robert Lindesay of Pitscottie (Scot. Text Soc., vol. 42, 1899), i, 208.
  3. Depositions and other Ecclesiastical Proceedings from the Courts of Durham (Durtees Soc., xxi, 1845), 37-41.

rather than subtlety or secret planning. The response to violence was usually a desire to revenge it by further violence.

'The qualities which made the men of the Border hardy warriors also made them difficult subjects.'<sup>(1)</sup> Borderers proved difficult to govern because of their tendency towards violence, the fact that for many lawlessness was their only means of livelihood, their failure to differentiate between a state of war and of truce, and also because of their independent attitude towards the national government. Nationality probably counted for little or nothing in the consciousness of most borderers, who tended to rely for protection, justice, and leadership on local lords or kinsmen, and tended to give these their loyalty and respect. The crown failed to protect borderers from the ravages of war and lawlessness, and therefore failed also to gain their respect. The tendency of borderers to resort to self-help in revenging a wrong was part of this spirit of independence and self-reliance, or reliance on their own people rather than an outside authority.

It seems fitting to end this impression of some facets of border character with part of a ballad, which illustrates, in the words of a borderer, the independent and aggressive fighting spirit so typical apparently within this frontier society. The extract embodies the attitude that anything won by force belongs to the winner by right. Few border ballads originating in the fifteenth century apparently survive, in contrast to the next century, but the Scottish 'Sang of the Outlaw Murray' is thought to have been composed in the reign of James IV. The ballad concerns a king's attempt to force an outlaw to acknowledge that his lands in Etrick Forest are held from the king. The incident may have no basis in fact, but the attitude, as

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1. Storey, House of Lancaster, 106.

being typical of a borderer, is convincing: (1)

"Thir landis are mine!" the Outlaw said;

"I ken nae King in Christentie;

Frae Soudron (i.e. England) I this Foreste wan,  
When the King nor his knightis were not to see."

\* \* \* \*

"Thir landis of Ettricke Foreste fair,

I wan them from the enemie;

Like as I wan them, sae will I keep them,  
Contrair a' kingis in Christentie."

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1. J. Veitch, The History and Poetry of the Scottish Border, vol. ii  
(Edinb. & London, 1893), 14-16.

APPENDICES.

APPENDIX 1 : WARDENS OF THE ANGLO-SCOTTISH MARCHES 1455 - 1502.

(including lieutenants and other substitute wardens.)

The English West March:

- Richard Neville, Earl of Salisbury: 12 December 1443 retained as warden for 10 years; 4 April 1446, with son, Sir Richard Neville (Earl of Warwick from 1449), granted the wardenship for a further 20 years after the expiry of the first term; deprived of the office before April 1460; executed December 1460: CPR 1446-52, 184.
- John, Lord Clifford: 8 April 1460 appointed warden; died March 1461: Rot.Scot., ii, 399.
- Richard Neville, Earl of Warwick: retained by indenture of 5 April 1462 as warden of the west marches for 20 years from 4 March 1461 (the first day of Edward IV's reign); 31 July 1461 appointed warden of both marches for 20 years; deprived of the office before May 1470; restored in October 1470; died April 1471: CPR 1461-7, 422; Rot.Scot., ii, 402; R.L.Storey, 'The Wardens of the Marches of England towards Scotland, 1377-1489', E.H.R., lxxii (1957), 614-5.
- Sir William Parr: 7 May 1470 appointed lieutenant of the west marches during pleasure: CPR 1467-77, 209.
- Richard, Duke of Gloucester: 26 August 1470 appointed warden for 3 years, but he held the office continuously (apart from the period October 1470 to April 1471), even as king, until his death in August 1485. Granted the office in hereditary in 1482: Rot.Scot., ii, 423-4; Rot.Parl., vi, 204-5.
- Humphrey, Lord Dacre: 5 September 1484 appointed lieutenant-general of the wardenship during pleasure: CPR 1476-85, 486.
- George Stanley, Lord Strange: before 25 September 1485 appointed warden of the marches 'for this turn': CPR 1485-94, 40.
- Henry VII: the king retained the office of west march warden in his own hands until May 1490 at the latest.
- Thomas, Lord Dacre: 3 May 1486 appointed lieutenant warden for 1 year; 26 August 1487 appointed king's deputy in the wardenship and Commissary General of the warden court; 12 July 1488 commissioned as lieutenant until November 1489; renewed in the office on 25 April 1491, 28 June 1491, 22 May 1495, and 26 January 1501/2: CDS, nos.1519, 1540, 1683; CPR 1485-94, 213; Rot.Scot., ii, 498, 501, 518.
- Prince Arthur: appointed warden-general of both marches before May 1490; succeeded in the office before December 1494: Rot.Scot., ii, 501-2, 515.
- Prince Henry: Succeeded his brother, Arthur, as warden-general by December 1494: ibid, 515.

The English East and Middle Marches (combined throughout the period):

Henry Percy, third Earl of Northumberland: 1 April 1440 appointed warden for 4 years; 1 April 1444 reappointed for 10 years; 15 December 1445 granted the office for 7 years after the expiry of the last appointment; 12 March 1457 retained in the office until 28 February 1467; dismissed by 16 March 1461; died end March 1461: R.L.Storey, 'The Wardens of the Marches', 614-5; Rot.Scot., ii, 377.

Robert Ogle: 16 March 1461 granted the wardenship during pleasure: ibid, 401-2.

Richard Neville, Earl of Warwick: 31 July 1461 appointed warden of all three marches for 20 years; deprived of east march wardenship by May 1463: ibid, 402.

John Neville, Earl of Northumberland (from May 1464): 26 May 1463 appointed warden for 6 years (commission dated 1 June). Either his appointment was not extended (apparently leaving the east march without a warden for a year, which seems unlikely), or he was deprived of the wardenship together with the earldom in 1470; restored to the office October 1470; died April 1471: CPR 1461-7, 426-7; Rot.Scot., ii, 407-8, 425.

Henry Percy, fourth Earl of Northumberland: 15 July 1470 appointed warden for 5 years; 24 June 1475 appointed, together with Robert Multon, Prior of the Order of St. John of Jerusalem, joint keepers of the east and middle marches for 7 years; 24 July 1483 appointed warden-general of these marches for 1 year; 3 January 1485/6 reappointed warden-general of the marches (unspecified); 1 April 1488 commissioned to the same office; murdered April 1489: Rot.Scot., ii, 422, 470; CDS, nos.1387, 1535; CCR 1468-76, 386; CPR 1476-85, 462.

George Stanley, Lord Strange: before 25 September 1485 appointed warden of the marches 'for this turn': CPR 1485-94, 40.

Prince Arthur: warden-general before May 1490: CPR 1485-94, 314; see above.

Prince Henry: warden-general by December 1494: Rot.Scot., ii, 515; see above.

Thomas Howard, Earl of Surrey: 20 May 1490 appointed under-warden: CPR 1485-94, 314.

William Heron: 3 March 1500 appointed lieutenant of the middle march during pleasure: CPR 1494-1509, 202.

Ralph Grey: 3 March 1500 appointed lieutenant of the east march during pleasure: ibid.

The Scottish West March:

William Douglas, eighth Earl of Douglas: 6 July 1451 confirmed as hereditary warden of the west and middle marches; died 1452. James, ninth Earl of Douglas, was exiled 1455 and may never have exercised the wardenship: RMS, no.468.

Alexander, Earl of March and Duke of Albany: shortly before or on 4 August 1455 granted 'the wardanry of the m'che' (probably the west march); deprived within a year; by December 1475 appointed warden of the

west and east marches; forfeited October 1479; restored by February 1482/3; finally forfeited July 1483: APS, ii, 43, 126, 147-52; RHS, nos.1428, 1573.

Andrew Stewart, Lord Avandale: by May 1456 appointed warden; held office at least 3 years: Rot.Scot., ii, 375; RHS, no.993.

Alan, Lord Cathcart: 2 April 1481 sworn in as warden: APS, ii, 132.

John Stewart, Lord Darnly: 22 March 1481/2 ordained warden by the king: ibid, 140.

John, fourth Lord Maxwell: by July 1486 appointed warden; still in office December 1487: Rot.Scot., ii, 476; APS, no.1531.

Patrick Hepburn, Earl of Bothwell: 6 July 1489 appointed warden of the west and middle marches for 7 years; still in office October 1501: RHS, no.1874; APS, no.1676.

#### The Scottish East March:

George Douglas, Earl of Angus: by April 1452 succeeded father as hereditary warden of the east march; by December 1457 held the middle march also: RHS, no.540; RSC, 14th Report, Appendix, Part III, 19.

William Douglas of Cluny: 12 January 1463/4 appointed warden of the east and middle marches until the king's majority; still in office in 1467: RHS, no.773; Exch.Rolls, vii, 493.

Alexander, Duke of Albany: by December 1475 warden of the east and west marches: see above.

Archibald Douglas, Earl of Angus: 2 April 1481 sworn in as warden of the east march; March 1482/3 granted the middle march also; still in office July 1486: APS, ii, 132; Rot.Scot., ii, 476; D.A.T. Macdougall, 'James III A Political Study 1466-1488' (unpublished Glasgow University Ph.D. thesis, 1968), 200-1.

Alexander Hume: by July 1489 appointed east march warden for 7 years: APS, ii, 214; RSC, no.1893.

#### The Scottish Middle March:

William, eighth Earl of Douglas: held the middle and west marches: see above.

Patrick, Earl of Bothwell: held the middle and west marches: see above.

George, Earl of Angus: held the middle and east marches: see above.

William Douglas of Cluny: held the middle and east marches: see above.

Archibald, Earl of Angus: held the middle and east marches: see above.

James Stewart, Earl of Buchan: warden of the middle march in February 1478/9; deprived of the office March 1482/3: RHS, no.1418; Macdougall, 'James III', 200-1.

Walter Ker of Cessford: 27 November 1498 granted the middle march wardenship at the king's pleasure: RSS, no.291.

Robert Ker of Caverton: middle march warden at some time in his life, before 1500: ibid, no.586.

Andrew, Ralph, and Mark Ker: fees paid in 1502 as wardens of the middle march: Exch.Rolls, xii, 115.

Mark, David, and Ralph Ker: 7 January 1501/2 appointed by the king as deputy wardens of the middle march: RSS, no.753.

APPENDIX II : CONSERVATORS OF THE ANGLIC-SCOTTISH TRUCES, 1455 - 1502.

(Conservators were not named in the terms of all the truces of the period.)

The truce signed 20 June 1457: (1)

## English conservators:

John Howbray, Duke of Norfolk.  
 Humphrey Stafford, Duke of Buckingham.  
 John de Vere, Earl of Oxford.  
 Richard Neville, Earl of Salisbury.  
 Henry Percy, Earl of Northumberland.  
 John, Viscount Beaumont.  
 Henry, Viscount Bouchier.  
 Thomas, Lord Clifford. (An error for John, since Thomas died in 1455).  
 Thomas, Lord Dacre.  
 Thomas, Lord Fitzhugh. (An error for Henry).  
 Ralph, Lord Greystoke.  
 Thomas, Lord Stanley.  
 Thomas Belamore.  
 Sir Henry Fenwick.  
 Sir Ralph Grey.  
 Thomas Harington.  
 Sir John Heron.  
 Sir Thomas Lumley.  
 Robert Maners.  
 Sir Richard Musgrave.  
 Sir Thomas Newell (Neville ?).  
 Sir Robert Ogle.  
 John Skelton.  
 James Strangeways.

## Scottish conservators:

George Douglas, Earl of Angus.  
 Alexander Gordon, Earl of Huntly.  
 John Macdonald, Earl of Ross.  
 William Sinclair, Earl of Caithness.  
 John Stewart, Earl of Atholl.  
 Andrew, Lord Avandale.  
 Andrew, Lord Gray.  
 Patrick Hepburn, Lord Hailes.  
 Robert, Lord Maxwell.  
 Alexander, Lord Montgomerie.  
 John, Lord Somerville.  
 William Carlyle of Forthorwald.  
 Thomas Cranston.  
 Sir William Cranston.  
 Sir Robert Crichton.  
 Archibald Douglas of Cavers.  
 Sir Simon Glendinning.  
 Sir Alexander Hume.  
 Sir David Hume.  
 John Johnstone.  
 Andrew Ker of Cessford.  
 Charles Murray of Cockpool.  
 Alexander Ogilvy.  
 George Ormiston.  
 James Rutherford.  
 Sir Walter Scott.

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1. Rot.Scot., 11, 383.

The truce signed 12 September 1459: (1)

## English conservators:

As above, except that Thomas, Lord Dacre, Thomas, Lord Stanley, Thomas Neville, and John Skelton were replaced by Ralph, Lord Dacre, John Neville, and John Talbot, Earl of Shrewsbury. (Lord Clifford was here named John.)

## Scottish conservators:

As above.

The truce signed 21 September 1484: (2)

## English conservators:

John de la Pole, Earl of Lincoln.  
Henry Percy, Earl of Northumberland.  
Humphrey, Lord Dacre.  
Richard, Lord Fitzhugh.  
Ralph, Lord Greystoke.  
Ralph, Lord Neville (Earl of Westmorland).  
John, Lord Scrope of Bolton.  
Thomas, Lord Scrope of Masham.  
Sir Robert Constable.  
Sir John Conyers.  
Sir William Eure.  
Sir Edmund Hastings.  
Sir Hugh Hastings.  
Sir John Huddleston.  
Sir Christopher Moresby.  
Sir Richard Ratcliffe.

## Scottish conservators:

George Gordon, Earl of Huntly.  
David Lindsay, Earl of Crawford.  
William, Lord Northwick.  
John, Lord Darnely.  
Patrick, Lord Hailes.  
John, Lord Kennedy.  
Robert, Lord Lyle.  
Laurence, Lord Oliphant.  
Sir William 'Balz' of Lamington.  
Edward Crichton of Kirkpatrick.  
John Dundas of Dundas.  
Sir Robert Hammilton of Fingalton.  
Sir Gilbert Johnstone of Elphinston.  
Sir John Kennedy of Blairquhan.  
Sir John Lundy of Lundy.  
Sir James Ogilvy of Arly.  
Sir John Ross of Halkhede.  
John Ross of Montgrenane.  
Sir William Rothven of Rothven.  
Sir John Wemyss of Wemyss.

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1. Rot.Scot., ii, 397-8.

2. Nymer, Foedera, xii, 241.

The truce signed 3 July 1486:<sup>(1)</sup>

## English conservators:

Henry Percy, Earl of Northumberland, for the east and middle marches.  
 Thomas, Lord Dacre, for the west march.  
 Their lieutenants.

## Scottish conservators:

Archibald Douglas, Earl of Angus, for the east and middle marches.  
 John, Lord Maxwell, for the west march.  
 Their lieutenants.

The truce signed 30 September 1497 and confirmed 8 January 1499:<sup>(2)</sup>

## English conservators:

Richard Fox, Bishop of Durham.  
 William Senhouse, Bishop of Carlisle.  
 John, Lord Greystoke (usually titled Baron Greystoke).  
 Ralph, Lord Neville (Earl of Westmorland).  
 John Cartington.  
 Sir Christopher Moresby.

## Scottish conservators:

William Elphinstone, Bishop of Aberdeen.  
 George Vaus, Bishop of Galloway.  
 William, Lord Borthwick.  
 George, Lord Seton.  
 Sir Patrick Hume of Fastcastle.  
 Richard Lawson.

The truce signed 12 July 1499:<sup>(3)</sup>

## English conservators:

As in the truce of September 1497, but excluding Ralph, Lord Neville.

## Scottish conservators:

As in the truce of September 1497.

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1. Rot.Scot., ii, 476.

2. Ibid, 528, 534.

3. Ibid, 541.

APPENDIX III: NEGOTIATORS IN ANGLO-SCOTTISH DIPLOMACY 1455 - 1502.

(Symbols represent the reigns during which the men acted as negotiators:

H6 = Henry VI's reign from 1455.      J2 = James II's reign from 1455.  
 E4 = Edward IV's reign.                J3 = James III's reign.  
 R3 = Richard III's reign.              J4 = James IV's reign up to 1502.  
 H7 = Henry VII's reign up to 1502.

1 = negotiator on only one occasion during the reign.

1+ = negotiator on more than one occasion during the reign.)

When the office held by a negotiator was noted in the appointment, it is also noted here, but not otherwise, except in the case of march officials.

A) Magnates:

a) English:

John, Viscount Beaumont, Great Chamberlain: H6 1+.  
 William Berkeley, Earl of Nottingham: R3 1.  
 John Howard, Duke of Norfolk: R3 1.  
 Thomas Howard, Earl of Surrey, under-warden: H7 1+.  
 Richard Neville, Earl of Salisbury, warden: H6 1.  
 Richard Neville, Earl of Warwick, warden: E4 1+.  
 John Neville, Earl of Northumberland, warden: E4 1+.  
 Henry Percy, third Earl of Northumberland, warden: H6 1.  
 Henry Percy, fourth Earl of Northumberland, warden: E4 1+, R3 1+, H7 1+.  
 John Stafford, Earl of Wiltshire: E4 1+.  
 Thomas Stanley, Earl of Derby: H7 1.  
 John Talbot, Earl of Shrewsbury: E4 1+.  
 John Tiptoft, Earl of Worcester: E4 1.

b) Scottish:

Thomas Boyd, Earl of Arran: J3 1.  
 Colin Campbell, Earl of Argyle, Chancellor: J3 1+, J4 1+.  
 Archibald Douglas, Earl of Angus, warden: J4 1+.  
 James Douglas, Earl of Morton: J4 1+.  
 William Hay, Earl of Errol, Constable: J4 1+.  
 Patrick Hepburn, Earl of Bothwell, Admiral, warden: J4 1+.  
 David Lindsay, Earl of Crawford: J3 1+.  
 William Sinclair, Earl of Orkney and Caithness, Chancellor: J2 1+, J3 1+.  
 John Stewart, Earl of Atholl: J3 1+.  
 James Stewart, Earl of Buchan, warden: J3 1.

B) Prelates:

a) English:

John Alcock, Bishop of Worcester and Ely: R3 1, H7 1+.  
 Laurence Booth, Bishop of Durham, Keeper of the Privy Seal: H6 1+, E4 1+.  
 Henry Deane, Archbishop of Canterbury, Keeper of the Great Seal: H7 1.  
 Richard Fox, Bishop of Exeter, Durham, and Winchester, Keeper of the  
 Privy Seal: H7 1+.  
 William Grey, Bishop of Ely: E4 1+.  
 John Hales, Bishop of Coventry: E4 1.  
 George Neville, Bishop of Exeter and Archbishop of York, Chancellor: E4 1+.  
 Richard Redmayne, Bishop of St. Asaph: E4 1+, R3 1, H7 1+.  
 John Russell, Bishop of Rochester and Lincoln, Chancellor, Keeper of  
 the Privy Seal: E4 1+, R3 1, H7 1.  
 Thomas Scot alias Rotheram, Archbishop of York: R3 1.

William Benhouse, Bishop of Carlisle: H7 1+.  
 Edward Storey, Bishop of Carlisle: E4 1+.  
 William, Abbot of Alnwick: H6 1.  
 Thomas, Abbot of Kilm Cultram: H6 1.  
 Thomas, Abbot of St. Mary's York: E4 1+.  
 Thomas, Prior of Carlisle: H6 1 (other unnamed priors of Carlisle acted as negotiators in the reigns of Edward IV and Henry VII.)  
 John Burnby, Prior of Durham: H6 1.  
 Richard Bell, Prior of Durham: E4 1+.  
 John Auckland, Prior of Durham: H7 1+.  
 John Wellys, Prior of Hexham: H6 1.  
 Robert Botillier, Prior of the Order of St. John of Jerusalem: E4 1.  
 John Weston, Prior of the Order of St. John of Jerusalem: H7 1.  
 John Shoteswell, Prior of St. Mary's Coventry: H6 1.

b) Scottish:

Robert Blackadder, Bishop (and Archbishop) of Glasgow: J3 1+, J4 1+.  
 George Brown, Bishop of Dunkeld: J3 1+, J4 1+.  
 Henry Cockburn, Bishop of Ross: J3 1.  
 Andrew Durisdeer, Bishop of Glasgow: J2 1+, J3 1+.  
 William Alphinstone, Bishop of Aberdeen, Keeper of the Privy Seal, Chancellor: J3 1+, J4 1+.  
 Andrew Forman, Bishop of Moray, Apostolic Prothonotary: J4 1+.  
 James Kennedy, Archbishop of St. Andrews: J2 1, J3 1.  
 John Laing, Bishop of Glasgow: J3 1+.  
 William Scheves, Archbishop of St. Andrews: J3 1+.  
 George Schoriswood, Bishop of Brechin: J2 1+.  
 Thomas Spens, Bishop of Aberdeen: J2 1+, J3 1+.  
 Minian Spot, Bishop of Galloway: J2 1.  
 David Stewart, Bishop of Moray: J3 1.  
 William Tulloch, Bishop of Orkney: J3 1+.  
 George Vaus, Bishop of Galloway: J4 1+.  
 Henry, Abbot of Cambuskenneth, Treasurer: J3 1, J4 1.  
 Richard, Abbot of Dunfermline: J2 1.  
 Henry, Abbot of Dunfermline: J3 1.  
 Archibald, Abbot of Holyrood, Treasurer: J2 1+, J3 1+.  
 Robert, Abbot of Holyrood: J3 1+.  
 Robert, Abbot of Jedburgh: J3 1.  
 Robert, Abbot of Kelso: J3 1+.  
 Andrew, Abbot of Melrose, King's Confessor: J2 1+.  
 William, Abbot of Melrose: J2 1.  
 Richard, Abbot of Melrose: J3 1.  
 An unnamed Prior of St. Andrews, Keeper of the Privy Seal: J4 1.

c) Minor Churchmen and Government Servants:

a) English:

Richard Andrew, Dr. of Law, Dean of York: H6 1+, E4 1+.  
 John Roundell, chaplain: H6 1, E4 1.  
 Henry Rynesworth, Dr. of Law, Canon of Lincoln, an official in the Privy Seal office: H7 1+.  
 John Calteswell, Dr. of Law, Clerk of the King's Council: H7 1+.  
 Thomas Darowe, Keeper of the Chancery Rolls: H3 1.  
 Robert Bowthe, Dr. of Law: E4 1.  
 Sir Thomas Brian, Chief Justice of King's Bench: H3 1.  
 John Burn, Master of Bolton: H6 1.  
 John Carre, Janitor of Berwick: H7 1.  
 Sir John Cheyne, King's Councillor: H7 1.  
 Dr. Alexander Cok, clerk: H6 1.  
 John Coke, Dr. of Law: E4 1.  
 Sir Richard Gyecombe, Comptroller of the Household: H7 1.  
 Calfrid Ellis, King's Chaplain: H7 1.

Mr. John Fox, Dr. of Law: E4 1.  
 Mr. James Goldewell, Dr. of Law: E4 1.  
 John Gunthorp, Keeper of the Privy Seal: R3 1.  
 Mr. William Hattecliff, King's Secretary and Master of Requests: E4 1.  
 Richard Hatton, clerk, Dr. of Law: H7 1+.  
 Heralds: Ireland King of Arms: E4 1; Norrey King of Arms: E4 1.  
 Robert Hoperton, crown valet: E4 1.  
 William Hungate, a royal official: H7 1.  
 Sir William Huse, Chief Justice of Common Pleas: R3 1.  
 Mr. Robert Kelyngale: E4 1.  
 Mr. Thomas Kent, Dr. of Law: H6 1, E4 1.  
 John Kyngescote, Dr. of Law: E4 1.  
 Richard Langport, Clerk of the Council: E4 1.  
 Mr. Alexander Legh, King's Chaplain: H7 1+.  
 Mr. John Lilleford, Dean of Auckland, Dr. of Law: H6 1+, E4 1+.  
 Mr. John Lound, clerk: H6 1, E4 1+.  
 Thomas Lovell, squire of the body: H7 1.  
 Ralph Bakerell, Dr. of Law, Dean of Chester-le-Street college: E4 1+.  
 Richard Martin, Dr. of Law: E4 1.  
 Mr. Robert Mason: E4 1.  
 Thomas Medecalf, King's Chaplain: E4 1, R3 1, H7 1.  
 Mr. William Newton: E4 1+.  
 Mr. John Norton, clerk: H6 1.  
 William Potman, Dr. of Law, Provost of Beverley: E4 1+, H7 1.  
 William Rey, Official of Carlisle: H7 1.  
 Nicholas Ridley, squire of the body: R3 1+, H7 1.  
 Robert Rydon, Vice Admiral: H7 1.  
 Henry Sharpe, Archdeacon of Bedford, King's Prothonotary: E4 1.  
 William Sheffield, King's Chaplain, Dr. of Law: H7 1+.  
 John Shirwood, Archdeacon of Richmond: E4 1+.  
 Sir Thomas Stanley, Steward of the King's Household: R3 1.  
 Mr. Robert Stillington, Keeper of the Privy Seal: E4 1.  
 Sir Richard Tunstall, King's Councillor: H7 1.  
 Christopher Ursewyk, Dean of York: H7 1+.  
 William Warham, Dr. of Law, Keeper of the Chancery Rolls: H7 1+.  
 Sir Philip Wentworth, a steward: H6 1.  
 Henry Wyot, Treasurer of the King's jewels: H7 1+.  
 Thomas Wytham (probably a royal servant): E4 1+.

b) Scottish:

Mr. George Abernethy, clerk: J3 1.  
 James Allirdes, Archdeacon of Moray, Canon of Glasgow: J3 1+.  
 Henry Allon' (Allonson ?), Canon of Aberdeen: J4 1.  
 John Arous, Archdeacon of Glasgow, King's Secretary: J2 1+, J3 1+.  
 Mr. John Bagenoth: J3 1.  
 Mr. David Bram: J3 1.  
 Mr. David Ceton: J3 1.  
 Mr. Hugh Dowe: J3 1.  
 Mr. Alexander Elphinstone: J3 1.  
 Mr. John Fresale, Dean of Restalrig, Clerk of Rolls and Register: J4 1+.  
 Robert Gawlle de Clune (possibly a monk): J3 1.  
 Sir David Guthre, Master of the Register, Comptroller, Treasurer: J3 1+.  
 Dan Richard Guthre, monk: J3 1.  
 Heralds: Lion King of Arms: J3 1+; Rothissay herald: J2 1.  
 Alexander Inglis, Dean of Dunkeld, Clerk of Rolls and Register, Master  
 of Requests, Comptroller, King's Secretary: J3 1+, J4 1+.  
 John Ireland, Archdeacon of St. Andrews: J3 1+.  
 Mr. Thomas Isaak, clerk: J3 1.  
 Mr. Nicholas Kennedy: J3 1.  
 William Knolles, Treceptor of Torphichen, Treasurer: J3 1+, J4 1+.  
 Mr. Richard Lawson, Justiciary Clerk: J4 1+.  
 George Ledale, Rector of the Forest, King's Secretary: J3 1.

Mr. William Levinax of Cule: J3 1.  
 James Lindsay, Provost of Lincluden, Treasurer, Keeper of the Privy Seal: J3 1+.  
 John Mite, Treasurer of Glasgow: J3 1.  
 Mr. David Livingston, Keeper of the Privy Seal: J3 1.  
 Sir Robert Lundy, Treasurer: J4 1+.  
 David Ruthirdale, Archdeacon of Dunkeld: J3 1+.  
 Richard Burnhead, Dean of Glasgow, Clerk of rolls and register, King's Secretary: J4 1+.  
 Alexander Murray, Parson of Hawick: J3 1+.  
 Sir Alexander Napier of Merchiston, Deputy Admiral, Comptroller: J2 1, J3 1.  
 Mr. Nicholas Otterburn, Vicar of Kilmourgh, Clerk of rolls and register: J2 1+.  
 John Otterburn, Official of St. Andrews, Archdeacon of Galloway: J3 1+.  
 Mr. Martin Hean, Chancellor of Glasgow: J3 1+.  
 Gilbert Herik, Archdeacon of Glasgow: J3 1+, J4 1.  
 Mr. Alexander Steward, Chancellor of Moray: J3 1.  
 Mr. Michael Stratton: J3 1.  
 Thomas Vaus, Dean of Glasgow, King's Secretary: J2 1.  
 Archibald Whitelaw, Archdeacon of the Lothians, King's Secretary: J3 1+, J4 1.  
 Patrick Young, Dean of Dunkeld: J2 1, J3 1.

B) Henry:

a) English:

Thomas Beauchamp: H7 1+.	Sir William Bowes: H4 1.
Sir Ralph Bowes: H7 1.	John Cartington: H3 1+, H7 1+.
William Catesby: H3 1.	Sir Richard Cholmley: H7 1+.
Sir Robert Claxton: H4 1.	William Claxton: H3 1.
Robert Collingwood: H3 1+, H7 1+.	Sir Robert Constable: H4 1+.
Sir Christopher Conyers: H4 1.	Sir John Conyers: H4 1+.
John Crackenthorp: H3 1.	Humphrey, Lord Dacre, march lieutenant: H4 1+, H5 1+.
Thomas, Lord Dacre, march lieutenant: H7 1+.	Sir Thomas Darcy, Captain of Berwick: H7 1+.
Thomas Delamore: H6 1.	John Douglas: H4 1.
Sir John Dudley: H4 1.	John, Lord Dymham: H7 1+.
Roger Fenwick: H7 1.	Sir Henry Fitzhugh: H4 1+.
Sir Richard Fitzhugh: H3 1.	Sir Ralph Grey: H6 1.
Sir John Grey de Powes: H3 1.	Sir Thomas Grey: H3 1.
Ralph, Lord Greystoke: H6 1, H4 1+, H7 1+.	Sir Thomas Harrington: H6 1.
Sir John Greystoke: H7 1+.	Sir William Hastings: H4 1.
Sir Edmund Hastings: H4 1.	John Heron (grandson): H7 1.
Sir John Heron: H6 1+, H7 1+.	John Lilbourne: H3 1.
Sir John Huddleston: H4 1.	Robert Maners, senior: H6 1.
Sir Thomas Hurley: H6 1, H4 1+.	Sir John Middleton: H6 1.
Sir Robert Maners, junior: H6 1, H4 1.	Robert Middleton: H7 1.
Galfrid Middleton: H4 1.	Sir Robert Multon: H7 1+.
Sir Christopher Moresby: H7 1+.	William Musgrave: H3 1.
Sir Richard Musgrave: H6 1, H4 1.	Sir John Neville: H6 1+.
Sir John Musgrave: H7 1+.	Sir Henry Neville: H4 1.
Sir Thomas Neville: H6 1.	Robert Ogle, senior, warden: H6 1, H4 1+.
Ralph, Lord Neville: H7 1+.	Robert Ogle, junior: H6 1, possibly H4 1 or 1+ (but predeceased father).
Robert Ogle, junior: H6 1, possibly H4 1 or 1+ (but predeceased father).	Sir Thomas Parr: H6 1.
Sir Thomas Parr: H6 1.	Sir William Parr, march lieutenant: H4 1+.
Sir Ralph Percy: H6 1.	Sir Henry Percy: H3 1.
George Percy: H7 1+.	Sir William Plumpton: H4 1.
Sir Richard Radcliff (Ratcliffe): H3 1+.	Nicholas Ridley: H7 1.
Edward Radcliffe: H7 1+.	

Richard Balkeld: H3 1+, H7 1+.  
John Stanley: H4 1.

Sir James Strangeways: H6 1, H4 1+.  
Roger Thornton: H6 1, H4 1+.  
James Tucket, Lord Audeley: H7 1.  
Sir William Tyler, Captain of Berwick: H7 1+.  
Sir William Welles: H4 1.  
Sir Henry Wentworth: H7 1.  
John Widdrington: H4 1.

Sir John Scrope: H4 1+, H3 1.  
George Stanley, Lord Strange,  
warden: H3 1, H7 1.  
Sir John Sutton: H3 1.  
John Tucket, Lord Audeley: H7 1.  
Sir Richard Tunstall: H7 1.  
John, Lord Wenlock: H4 1.  
Sir Gerard Widdrington: H4 1.  
Sir Edward Woodville: H4 1.

e) Scottish:

Adam Blackadder: J3 1.  
Robert Bleyndshelys: J3 1.  
Sir Alexander Boyd: J3 1+.  
James Bromefeld: J4 1.  
John, Lord Carlyle: J3 1.  
Robert Charteris: J4 1.  
Sir John Colquhoun of Luss: J3 1+.  
Patrick Cranston: J3 1.  
David Crichton: J3 1.  
John Dalrymple: J2 1.  
John Drummond of Cargyll: J3 1+.  
Duncan, Lord Dundas: J3 1+.  
George Pawelou, merchant: J2 1.  
John Gordon of Lochinvar: J4 1.  
William Haket: J3 1+.  
Patrick Hepburn, Lord Hailes: J3 1.  
Alexander, first Lord Hume: J3 1.

George Hume: J4 1+.  
John Hume: J4 1+.  
Sir Gilbert Johnstone: J3 1.  
Walter Ker, warden: J3 1, J4 1+.  
Robert Lawder: J3 1.  
John Liddale: J4 1.

Sir Robert Livingston: J2 1, J3 1.  
William Lundy: J4 1.  
Patrick Lyon, Lord Glamis: J2 1.  
John, Master of Maxwell: J2 1.  
Alexander, Lord Montgomerie: J2 1+.  
John Murray: J3 1+.  
Thomas Myrton: J3 1.  
Laurence, Lord Cliphant: J3 1, J4 1+.  
Sir Silvester Rattray: J3 1.  
John Ross of Montgrenan: J3 1+, J4 1.  
Philip Rutherford: J4 1.  
George, Lord Seton: J3 1+.  
Andrew Stewart, Lord Avandale, Chancellor, warden: J2 1+, J3 1+.  
Sir James Stewart: J2 1, J3 1+.

Matthew Stewart, Master of Darnly: J3 1.  
Robert Kellys: J3 1.

Charles Blackadder: J3 1.  
Robert, Lord Boyd: J2 1, J3 1+.  
William, Lord Northwick: J2 1, J3 1+.  
Stephen Bromefeld: J4 1.  
William Carribrys, merchant: J2 1.  
Patrick Cockburn: J2 1.  
William Cranston: J2 1.  
James Crichton: J2 1.  
Adam Crichton: J4 1.  
William Douglas of Cluny, warden: J3 1.  
John, Lord Drummond: J4 1+.  
John Dundas: J3 1.  
Calcola Fleming: J3 1.  
Patrick, Lord Graham: J2 1+.  
James, Lord Hamilton: J2 1, J3 1+.  
Alexander Hepburn: J3 1.  
Alexander, second Lord Hume, warden:  
J3 1+, J4 1+.  
Gerard Hume: J4 1.  
Patrick Hume: J4 1+.  
John, Lord Kennedy: J3 1+.  
Ralph Ker, deputy warden: J4 1.  
Sir James Liddale: J3 1+.  
James, Lord Livingston, Chamberlain:  
J2 1+, J3 1+.  
Sir John Lundy: J4 1.  
Robert, Lord Lyle: J3 1+, J4 1+.  
Sir Laurence Marcer de Audy: J3 1.  
John, Lord Maxwell, warden: J3 1, J4 1.  
William Monypenny: J2 1.  
Sir William Murray: J2 1+, J3 1, J4 1.  
John Ogilvie: J4 1.  
John Ramsay, Lord Bothwell: J3 1+.  
John Ross of Dalkeith: J2 1, J3 1.  
John, Lord of Roule: J3 1.  
David Scott: J3 1.  
James Shaw: J3 1+.  
John Stewart, Lord Darnly, warden:  
J3 1+.  
John Womat: J3 1.

taken mainly from Hot. Scot., ii, 374-561, but also from Kymer, Rodera, xi, 788; xii, 494-7, and from MS., nos. 1310, 1341, 1358, 1408, 1409, 1513, 1520, 1618, 1635, 1653, 1660, 1678, 1697.

APPENDIX IV : ENGLISH BORDER COMMISSIONERS 1455 - 1502.1. Commissions of the Peace:Cumberland: (1)

Commissions dated: A) 22 May 1454 B) 9 December 1459  
 C) 20 November 1461 D) 6 December 1463 E) 10 February 1466  
 F) 6 February 1471 G) 20 June 1473 H) 10 November 1475  
 I) 28 April 1481 J) 24 May 1483 K) 26 June 1483 L) 5 December 1483  
 M) 24 March 1487 N) 22 October 1489 O) 18 February 1495 P) 14 June 1499.

( \* = also on commissions of the peace for Northumberland.)

( + = also on commissions of the peace for Westmorland.)

Arthur, Prince of Wales: O,P,\*,+.

Henry, Prince of Wales: P.

Jasper, Duke of Bedford: C,+.

Henry, Duke of Buckingham: J,K,\*,+.

George, Duke of Clarence: F,G,H,\*,+.

Richard, Duke of Gloucester: G,H,I,J,\*,+.

John, Duke of Norfolk: K,L,\*,+.

Richard, Duke of York: A,\*,+.

Henry Percy, second Earl of Northumberland: A.

Henry Percy, third Earl of Northumberland: B,\*.

John Neville, Earl of Northumberland: C,D,E,F,\*,+.

Henry Percy, fourth Earl of Northumberland: G,H,I,J,K,L,\*,+.

Richard Neville, Earl of Salisbury: A,\*,+.

Thomas Howard, Earl of Surrey: H,O,P,\*.

Richard Neville, Earl of Warwick: A,C,D,E,F,\*,+.

John Morton, Archbishop of Canterbury: N,O,P,\*,+.

George Neville, Archbishop of York: B,F,+.

Richard le Scrope, Bishop of Carlisle: B.

Edward Storey, Bishop of Carlisle: G,H.

Richard Bell, Bishop of Carlisle: I,J,K,L,M,N,O,+.

William Senhouse, Bishop of Carlisle: P,+.

Richard Fox, Bishop of Durham: O,P,\*,+.

Richard Redmayne, Bishop of St. Asaph: O,+.

John Appleby: G.

Peter Arden, justice of assize and gaol delivery: A,B,\*.

Thomas Bate: F,+.

Thomas Beauchamp: O.

Richard Beaulieu: B,D,E,F.

William Beaulieu: G,H,I,J,K,L,M,N,O,P.

Thomas Broughton: B; Sir Thomas Broughton: G,J,K,L.

Thomas Burgham: A,+.

Robert Carlyle: A,B,C,D,E.

Sir John Cheyne: O,\*.

Thomas Colt: A.

Sir John Crackenthorp: C.

John Crackenthorp: G,H,I,J,K,L,+.

Sir Thomas Curwen: B,C,D,E,G,H,I,J,K,L.

Thomas Curwen: P.

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1. SPR 1452-61, 663; 1461-7, 561-2; 1467-77, 610; 1476-85, 556; 1485-94, 484; 1494-1509, 634.

Thomas, Lord Dacre: A.  
 Ralph Dacre: B.  
 Humphrey, Lord Dacre: G,H,I,J,K,L,+.  
 Thomas, Lord Dacre: M,N,O,P,\*,+.  
 William Danvers, justice of assize and gaol delivery: N.  
 Thomas Delamore: A.  
 John Eglesfeld: M,N,O.  
 Sir Henry Fenwick: A.  
 John Fisher, justice of assize etc.: M,N,O,\*,+.  
 Sir Henry Fitzhugh: D,E,F,+.  
 Sir Thomas Fulthorp, justice of assize etc.: A,\*.  
 James Hobard, justice of assize etc.: P,\*,+.  
 John Huddleston: A; Sir John Huddleston: C,D,E,F,G,H.  
 Richard Huddleston: H; Sir Richard Huddleston: J,K,L.  
 William Jenney: G,H,I,\*,+.  
 Thomas Kebell, justice of assize etc.: O,P,\*,+.  
 Sir Thomas Lamplugh: G.  
 William Legh: B.  
 Sir William Legh: G,H,I.  
 Sir Thomas Legh: J,K,L.  
 Thomas Littleton: C,D,E,\*,+; Sir Thomas Littleton: F.  
 Hugh Lowther: A,C,D,E,F.  
 Sir Christopher Moresby: G,H,I,J,K,L,+.  
 Richard Musgrave: C,D,E,F,+.  
 Sir John Musgrave: F.  
 William Musgrave: N,+.  
 John Nedeham, justice of assize etc.: B,C,D,E,F,\*,+.  
 Richard Neil: G,H; Sir Richard Neil: I,J,K,L,\*,+.  
 Sir Thomas Neville: A.  
 Sir William Parr: G,H,I,J,K,+.  
 Sir John Pennington: A,B.  
 John Pennington: M,N,O; Sir John Pennington: P.  
 Ralph Pole, justice of assize etc.: B,+.  
 Sir Richard Ratcliffe: L.  
 Edward Redmayne: O,P,+.  
 Nicholas Ridley: C,D.  
 Richard Salkeld: C,D,F; Sir Richard Salkeld: M,N,P,+.  
 William Stapleton: A.  
 Roland Thornburgh: G,H,I,J,K,L.  
 William Thornburgh: M,N,O,P,+.  
 Sir Lancelot Threlkeld: F.  
 Roger Townsend, justice of assize etc.: J,K,L; Sir Roger Townsend: M,\*,+.  
 Roland Vaus: F.  
 Robert Warcop: C,D,+.  
 Sir Henry Wentworth: N,O,P.

Northumberland: (1)

Commissions dated: A) 10 December 1455 B) 25 June 1460

C) 10 December 1461 D) 3 July 1464 E) 8 December 1471 F) 10 November 1475  
 G) 14 May 1483 H) 26 June 1483 I) 5 December 1483 J) 20 September 1485  
 K) 10 June 1489 L) 18 February 1495 M) 3 March 1496 N) 27 January 1502.

( x = also on commissions of the peace for Cumberland.)  
 ( + = also on commissions of the peace for Westmorland.)

Arthur, Prince of Wales: K,L,M,N,x,+.  
 Henry, Duke of Buckingham: G,H,x,+.

George, Duke of Clarence: B,F,x,+.  
 Richard, Duke of Gloucester: B,F,G,x,+.  
 John, Duke of Norfolk: H,I,x,+.  
 Richard, Duke of York: A,x,+.  
 William Neville, Earl of Kent: C.  
 Henry Percy, third Earl of Northumberland: A,B,x.  
 John Neville, Earl of Northumberland: D,x,+.  
 Henry Percy, fourth Earl of Northumberland: E,F,H,I,x,+.  
 Richard Neville, Earl of Salisbury: A,x,+.  
 Thomas Howard, Earl of Surrey: K,L,M,N,x.  
 Richard Neville, Earl of Warwick: C,D,x,+.  
 Ralph Neville, Earl of Westmorland: A,B,+.  
  
 John Morton, Archbishop of Canterbury: L,H,x,+.  
 Henry Deane, Archbishop of Canterbury: H.  
 Lawrence Booth, Bishop of Durham: B.  
 William Dudley, Bishop of Durham: H.  
 Richard Fox, Bishop of Durham: L,H,x,+.  
  
 Sir Richard Aldburgh: W.  
 Peter Arden, justice of assize etc.: A,x.  
 William Bartram: A,B.  
 John Burrell: A.  
 John Cartington: A.  
 John Cartington: E,F,G,H,I,J,K,L,M,N.  
 Sir John Cheyne: L,M,x.  
 Sir Richard Chomeleys: N.  
 Humphrey Coningsby, justice of assize etc.: N.  
 Thomas, Lord Dacre: N,x,+.  
 Sir Thomas Darcy: N.  
 Richard Erington: M,N.  
 John Fisher, justice of assize etc.: L,H,x,+.  
 Robert Folbery: B,C,D.  
 Sir Thomas Fulthorp, justice of assize etc.: A,x.  
 Sir Thomas Grey: K,L,M.  
 Sir Ralph Grey: N.  
 Ralph, Lord Greystoke: A,C,D,E,F,G,H,I,J.  
 John Haggerston: F,G,H,I,J.  
 John Harbottle: A,C,D.  
 Bertram Harbottle: C.  
 Sir John Heron: B.  
 Roger Heron: E,F.  
 James Hobard, justice of assize etc.: N,x,+.  
 Sir William Ivers: K.  
 William Jenney: E,F,x,+.  
 Thomas Kebell, justice of assize etc.: L,H,x,+.  
 William Lawson: C,D.  
 Sir John le Scrope: A.  
 John Lilbourn: E,F,G,H,I,J.  
 Thomas Littleton: C,D,x,+.  
 Thomas, Lord Lumley: C,D,E,F,G,H,I,J.  
 Sir Robert Maners: G,H,I,J.  
 Robert Mitford: A,B,C,D.  
 Thomas Moresby: B; Thomas Moresley: E (probably the same man).  
 Sir John Multon: K.  
 John Nedehan, justice of assize etc.: B,C,D,x,+.  
 Richard Neil: E,F; Sir Richard Neil: G,H,I,J,x,+.  
 Ralph, Lord Neville: N.  
 Sir Robert Ogle (Lord Ogle from 1461): A,C,D.  
 Gwen, Lord Ogle (mistakenly named Robert): E,F,G,H,I,J.  
 John Ogle: A.  
 Sir Ralph Percy: A.  
 Sir Henry Percy: J.  
 Sir George Percy: K.  
 Sir Richard Pole: L,M.

Edward Radcliffe: R,L,M.  
 Nicholas Ridley: K.  
 John Swinburn: G,H,I,J.  
 Roger Thornton: B.  
 Roger Townsend: G,H,I,J,x,+.  
 Sir William Tyler: K,L,M,N.  
 Richard Weltden: A.  
 Sir Gerard Widdrington: C,D.  
 John Widdrington: E,F.

Westmorland: (1)

Commissions dated: A) 12 July 1454 B) 15 July 1456  
 C) 19 July 1459 D) 10 September 1461 E) 8 December 1461  
 F) 20 March 1463 G) 14 June 1463 H) 6 December 1463 I) 17 January 1471  
 J) 6 May 1474 K) 10 November 1475 L) 27 October 1476 M) 28 April 1481  
 N) 14 May 1483 O) 26 June 1483 P) 5 December 1483 Q) 20 September 1485  
 R) 18 February 1495 S) 2 January 1496 T) 14 June 1499.

( x = also on commissions of the peace for Cumberland.)  
 ( \* = also on commissions of the peace for Northumberland.)

Arthur, Prince of Wales: R,S,T,x,\*.  
 Jasper, Duke of Bedford: R,S,x.  
 Henry, Duke of Buckingham: N,O,x,\*.  
 George, Duke of Clarence: I,J,K,L,x,\*.  
 Richard, Duke of Gloucester: J,K,L,M,N,x,\*.  
 John, Duke of Norfolk: O,P,x,\*.  
 Richard, Duke of York: A,B,C,x,\*.  
 John Neville, Earl of Northumberland: D,E,F,G,H,I,x,\*.  
 Henry Percy, fourth Earl of Northumberland: J,K,L,M,N,O,P,x,\*.  
 Richard Neville, Earl of Salisbury: A,B,C,x,\*.  
 Richard Neville, Earl of Warwick: A,B,C,D,E,F,G,H,I,x,\*.  
 Ralph Neville, Earl of Westmorland: A,B,C,\*.

John Morton, Archbishop of Canterbury: R,S,T,x,\*.  
 George Neville, Archbishop of York: I,x.  
 Richard Bell, Bishop of Carlisle: M,N,O,P,Q,R,x.  
 William Senhouse, Bishop of Carlisle: T,x.  
 Richard Fox, Bishop of Durham: R,S,T,x,\*.  
 Richard Redmayne, Bishop of St.Asaph: S,x.

Thomas Bate: D,F,G,H,J,K,L,M,x.  
 Christopher Baty: L,M,Q.  
 Sir Edward Beetham: I.  
 Sir Roger Bellingham: Q.  
 Ralph Blenkinsop: E,F,G,H.  
 Thomas Burgham: A,B,C.  
 Thomas, Lord Clifford: A.  
 John, Lord Clifford: B.  
 Henry, Lord Clifford: Q,R,S,T.  
 John Crackenthorp (of Newbiggin): M,O,P,x.  
 John Crackenthorp (of Howgill): B,D,E,F,G,H,I.  
 Robert Crackenthorp: C.  
 Ambrose Crackenthorp: R,S,T.  
 Anthony Crackenthorp: N,O,P,Q.  
 Humphrey, Lord Dacre: J,K,L,M,N,O,P,x.  
 Thomas, Lord Dacre: R,S,T,x,\*.  
 Robert Ducket: D.

John Fisher, justice of assize etc.: R,x,\*.  
 Sir Henry Fitzhugh: H,I,x.  
 John Flemming: I.  
 William Gilpin: J.  
 John Hilton: A,B.  
 James Hobard, justice of assize etc.: T,x,\*.  
 William Jenney: J,K,L,M,x,\*.  
 Thomas Kebell, justice of assize etc.: R,S,T,x,\*.  
 Leonard Knight, justice of assize etc.: Q.  
 William Lancaster: A,B,C.  
 William Lancaster: R,S,T.  
 Geoffrey Lancaster: T.  
 Thomas Littleton: D,E,F,G,H,I,x,\*.  
 Hugh Lowther: R,S,T.  
 John Mathell (Machell?): I.  
 Thomas Middleton: K,L,M.  
 Christopher Moresby: J; Sir Christopher Moresby: N,C,P,Q,R,S,T,x.  
 Sir Richard Musgrave: A,B,C,D,E,F,G,H.  
 Richard Musgrave: K,L,M,N,O,P,Q,x.  
 William Musgrave: P,x.  
 Edward Musgrave: S,T.  
 John Nedeham, justice of assize etc.: A,B,C,D,E,F,G,H,I,x,\*.  
 Richard Neil: J,K,L; Sir Richard Neil: M,N,O,P,Q,x,\*.  
 Sir Thomas Parr: A,B,C,D.  
 Sir William Parr: D,E,F,G,H,I,J,K,L,M,x.  
 James Pickering: N,O.  
 Ralph Pole, justice of assize etc.: A,B,C,x.  
 Sir Richard Redmayne: I.  
 Edward Redmayne: N,O,R,S,T,x.  
 John Rygge: R,S,T.  
 Sir Richard Salkeld: T,x.  
 Thomas Sandford: I.  
 Thomas Spence: E,F,G,H.  
 Sir Thomas Strickland: A, J,K,L,M,N,O,P,Q.  
 William Strickland: T.  
 Nicholas Taverner: E,F,G,H,I,J,K,L,M.  
 Edward Thornburgh: I.  
 William Thornburgh: Q,x.  
 Lancelot Threlkeld: R,S,T.  
 Roger Townsend: N,O,P,Q,x,\*.  
 Robert Warcop: A,E,F,G,H,x.  
 John Wharton: A,B,C,J,K,L,M.  
 Henry Wharton: R,S.

## 2. Commissions of Array:

21 December 1459:

Commission of array to Henry, Earl of Northumberland; Ralph, Earl of Westmorland; John, Lord Clifford; Ralph, Lord Dacre of Gilsland; Sir Thomas Curwen; Sir John Pennington; William Legh; Thomas Broughton; Richard Beaulieu; and Robert Carlyle, in Cumberland to resist the rebellion of the Duke of York and other Yorkists attainted of high treason: CPR 1452-61, 560.

21 December 1459:

Commission of array as above, in Northumberland, to Henry, Earl of Northumberland; Ralph, Earl of Westmorland; John, Lord Clifford; Ralph, Lord Dacre; Sir Ralph Percy; Sir John Heron; William Bartram; Roger Thornton; Robert Bitford; and Robert Folbery: ibid.

1460:

Commission to Ralph, Earl of Westmorland, and John, Lord Clifford, to call together and lead all able men of Westmorland in resistance against the Yorkist faction: ibid, 602-3.

1460:

Commission as above to Henry, Earl of Northumberland; Ralph, Earl of Westmorland; John, Lord Clifford (mistakenly named Thomas); Ralph, Lord Dacre; and Sir John Neville in Cumberland and Northumberland: ibid.

12 August 1460:

Commission to Richard, Earl of Salisbury, to summon the men of the border counties, Yorkshire, Nottinghamshire, Derbyshire, and Lincolnshire, to resist the Scots besieging Roxburgh and Berwick: ibid, 589. (Mandates were sent on the same day to sheriffs of these counties to summon men for the same purpose: ibid, 612.)

10 May 1461:

Commission of array in Cumberland to Richard, Earl of Warwick; John Neville, Earl of Northumberland (not in fact created earl until May 1464); Richard Salkeld, sheriff of Cumberland; Sir Richard Musgrave; Sir John Huddleston; Sir Thomas Parr; and Thomas Middleton: CPR 1461-7, 561-2.

10 May 1461:

Commission of array in Northumberland to Richard, Earl of Warwick; William Neville, Earl of Kent; Ralph, Lord Greystoke; Thomas, Lord Lumley; Robert, Lord Ogle; Sir Gerard Widdrington; and Bertram Harbottle (mistakenly named Brian and described as sheriff): ibid, 569.

10 May 1461:

Commission of array in Westmorland to Richard, Earl of Warwick; Sir John Neville of Montague; Sir Richard Musgrave; Sir Thomas Parr; Ralph, Lord Greystoke; John Huddleston; Thomas Middleton; and John Parr: ibid, 575.

13 November 1461:

Commissions to the following to array the men of A) Cumberland B) Northumberland C) Westmorland for defence against the Scots and Lancastrians:

George, Duke of Clarence: A, B, C.	Richard, Duke of Gloucester: A, B, C.
Richard, Earl of Warwick: A, B, C.	Ralph, Earl of Westmorland: A, B, C.
William, Earl of Kent: A, B, C.	John Neville of Montague: A, B, C.
Ralph, Lord Greystoke: A, B, C.	John Scrope of Bolton: A, B, C.
William Hastings: A, B, C.	Sir Thomas Lumley: A, B, C.
Sir John Huddleston: A.	Thomas Lamplugh: A.
Richard Salkeld: A.	John Denton: A.
John Skelton: A.	Roland Vaus: A.
... Horesby (probably Christopher): A.	
Sir Robert Ogle: B, C.	George Lumley: B.
Bertram Harbottle: B.	Gerard Widdrington: B.
Robert Laners: B.	William Ogle: A.
Sir Thomas Parr: C.	Sir Richard Musgrave: C.
Thomas Middleton: C.	William Parr.
John Parr: C.	Richard Musgrave: C.

Ibid, 66.

2 June 1463:

Commission of array and muster in Westmorland for defence against the Lancastrians to Richard, Earl of Warwick, and Sir John Neville of Montague, wardens in the west and east marches; Ralph, Lord Greystoke; Sir John le Scrope of Bolton; Sir Richard Musgrave; Richard Musgrave the younger;

Sir William Parr; Sir Lancelot Threlkeld; Thomas Wharton; Thomas Warcop; and the sheriff (John Parr): ibid, 280.

21 December 1470:

Commission of array beyond Trent to resist enemies in the north to John Neville, Marquis of Montague: CPR 1467-77, 251.

7 March 1472:

Commission of array in Cumberland to George, Duke of Clarence; Richard, Duke of Gloucester; Henry, Earl of Northumberland; Sir Humphrey Dacre; Sir William Parr; Sir Thomas Lamplugh; Sir John Crackenthorp; Sir William Legh; Sir Thomas Curwen; Sir Thomas Broughton; and the sheriff (the same Sir William Parr): ibid, 349.

7 March 1472:

Commission of array in Northumberland to George, Duke of Clarence; Richard, Duke of Gloucester; Henry, Earl of Northumberland; Ralph, Lord Greystoke; Sir Thomas Lumley; Robert, Lord Ogle; John Widdrington; John 'Lilborys' (Lilbourn ?) the elder; Roger Heron; Thomas Moysesley; John Cartington; and the sheriff (John Widdrington): ibid, 350.

7 March 1472:

Commission of array in Westmorland to George, Duke of Clarence; Richard, Duke of Gloucester; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Sir William Parr; Sir Thomas Strickland; Sir Christopher Moysesby; Thomas Bate; Nicholas Taverner; John Wharton; and the sheriff (John Parr): ibid.

20 June 1480:

Commission of array in Cumberland to Richard, Duke of Gloucester; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Sir Christopher Moysesby; Sir William Parr; Sir John Huddleston; Sir William Legh; Sir Thomas Broughton; Richard Huddleston; Richard Salkeld; and Thomas Radcliffe, for defence against serious breaches of the truce by the Scots: CPR 1476-85, 214.

20 June 1480:

Commission as above in Northumberland to Richard, Duke of Gloucester; Henry, Earl of Northumberland; Sir Robert Maners; Roger Heron; John Widdrington; Robert Collingwood; Richard Ratcliffe; John Cartington; John Lilbourn the younger; and John Haggerston: ibid.

20 June 1480:

Commission as above in Westmorland to Richard, Duke of Gloucester; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Sir Christopher Moysesby; Sir Thomas Strickland; Thomas Middleton; James Pickering; William Thornburgh; Richard Musgrave, the elder and the younger; Thomas Wharton; and Reginald Warcop: ibid.

1 May 1484:

Commission of array in Westmorland to Edward, Prince of Wales; <sup>(1)</sup> John, Earl of Lincoln; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Sir Thomas Strickland; Sir Richard Musgrave; Sir Christopher Moysesby; Edward Radcliffe; and William Musgrave: ibid, 397.

1 May 1484:

Commission of array in Cumberland to Edward, Prince of Wales; John, Earl of Lincoln; Henry, Earl of Northumberland; Humphrey, Lord Dacre;

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1. Edward, son of Richard III died in about April 1484, and Edward, Earl of Warwick, was made heir apparent, and it is not there fore certain which is here referred to: E.F.Jacob, The Fifteenth Century (Oxford, 1961), 636.

Sir Richard Ratcliffe; Sir Richard Huddleston; Sir Christopher Moresby; Edward Radcliffe; and Thomas Curwen: ibid, 400

8 December 1484:

Commission of array in Cumberland to John, Earl of Lincoln; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Edward Radcliffe; Sir Richard Ratcliffe; Sir Christopher Moresby; Richard Salkeld; and Thomas Curwen: ibid, 492.

8 December 1484:

Commission of array in Westmorland to John, Earl of Lincoln; Henry, Earl of Northumberland; Humphrey, Lord Dacre; Edward Radcliffe; Sir Christopher Moresby; Thomas Strickland; Richard Busgrave; John Appleby; and William Busgrave: ibid.

25 September 1485:

Commission of array in readiness for a Scottish invasion of men of the border counties, Yorkshire, and Nottinghamshire, to Sir Richard Fitzhugh; Ralph, Lord Greystoke; Sir Thomas Scrope of Upsale; Henry, Lord Clifford; George, Lord Lumley; Sir Hugh Hastings; Sir John Conyers; Sir John Saville; Sir Edmund Hastings; Sir Robert 'Myther'; Sir Henry Percy; Sir Thomas Grey; Sir Christopher Moresby; Sir Ralph Bowes; and Richard Busgrave: CPA 1485-94, 39-40.

22 March 1495:

Commission of array and muster between Trent and Tweed for defence against the Scots and other enemies, to Thomas Howard, Earl of Surrey: CPA 1494-1509, 32.

22 March 1495:

Commission of array and muster in Northumberland, the Bishopric of Durham, the king's lordships of Tyndale and Redesdale, and the marches and places adjacent, to Richard Fox, Bishop of Durham: ibid.

### 3. Commissions of Oyer et Terminer:

8 December 1460:

Commission to Richard, Duke of York; Richard, Earl of Warwick; Richard, Earl of Salisbury; Ralph, Earl of Westmorland; William, Viscount Beaumont; Henry Grey; Sir Leo de Welles; Sir Richard Welles; Sir Henry Fitzhugh; Sir Ralph Greystoke; Sir John Neville; Sir John Prysot; Sir Peter Arden; William Yelverton; John Markham; Richard Bingham; Nicholas Ashton; Robert Danvers; Robert Danby; Walter Royle; John Bedeham; Sir Thomas Neville; Sir Thomas Harington; Sir William Eure; Sir James Strangeways; Sir William Gascoigne; and Sir William Rither, to inquire into various crimes in the border counties and Newcastle, and in other counties and towns: CPA 1452-61, 652-3.

12 February 1462:

Commission to John, Duke of Norfolk; John, Duke of Suffolk; Richard, Earl of Warwick; William, Earl of Arundel; Henry, Earl of Essex; William, Earl of Kent; Sir Ralph Greystoke; Sir Edmund Grey of Ruthven; Sir John Clinton; John Audeley; Edward Neville; John le Scrope; Richard 'West de la Warre'; Edward Broke; John Stourton; Sir John Neville of Montague; Sir William Hastings; Sir John Wenlok; Sir Humphrey Stafford; Sir Walter Devereux; Sir William Herbert; Sir John Markham; Sir Robert Danby; Sir Peter Arden; Sir William Yelverton; Richard Bingham; Nicholas Ashton; Robert Danvers;

Walter Moile; John Bedeham; and Richard Chok, to inquire into trespasses and treasons in the border counties and Newcastle, and in many other counties and towns: CHR 1461-7, 132-3.

21 November 1462:

Commission to Richard, Earl of Warwick; John, Earl of Worcester; William, Earl of Kent; Sir John Neville of Montague; Sir ... Scrope; Sir Ralph Greystoke; Sir William Hastings; Sir John Wenlok; Sir Thomas Luley; Sir Robert Ogle; Sir John Markham; Sir Robert Danby; Richard Bingham; John Bedeham; Sir Ralph Grey; Sir James Strangeways; Sir John Conyers; Henry Sotehill; Roger Thornton; Nicholas Gurlington; and Alan Bird, mayor of Newcastle, to inquire into treasons, insurrections, rebellions, felonies, and other crimes committed in Newcastle and Northumberland: ibid, 233.

26 February 1467:

Commission to John, Earl of Northumberland; Sir Robert Danby; Sir John Bedeham; Thomas Littleton; John Nixon, mayor of Newcastle; Richard Thornton; John Wood; and John Underwood, within the town and liberty of Newcastle: ibid, 552.

22 May 1469:

Commission to George, Duke of Clarence; Richard, Duke of Gloucester; John, Duke of Suffolk; Richard, Earl of Warwick; the Earls of Arundel, Essex, Shrewsbury, Pembroke, Devon, and Earl Rivers; Sir Anthony Woodville; Sir Henry Fitzhugh; Sir John Audeley; Sir John Scrope; Sir John Sutton; Sir John Bouchier; Sir Humphrey Bouchier; Sir Ralph Greystoke; Sir William Hastings; Sir Walter Devereux; Sir Robert Ogle; Sir Walter Blount; Thomas Billing; Sir Robert Danby; Sir Richard Illingworth; Sir William Yelverton; Sir Richard Bingham; William Laken; Richard Neil; Sir Walter Moile; Sir John Bedeham; Sir Richard Chok; Thomas Littleton; Thomas Young; Sir Thomasburgh; and Sir John Howard, in Cumberland, Westmorland, Yorkshire, and York: CHR 1467-77, 171.

1 August 1476:

Commission to Sir Humphrey Lacre; Sir Richard Neil; Sir William Parr; Sir Thomas Strickland; Sir Christopher Foresby; John Crackenthorp of Howgill; and John Quarton (Wharton?) of Kirkby Thore, to inquire into treasons, counterfeittings, clippings, sweatings, and other falsifications of money, within Cumberland and Westmorland: ibid, 606.

#### 4. Miscellaneous commissions concerning the English borders:

13 November 1454:

Commission to Sir Henry Percy of Poinings; Sir Ralph Grey; Sir Robert Ogle; Robert Baners; John Borell, mayor of Berwick; Robert Pitford; John Cartington; Richard Wellden; and the sheriff of Northumberland (Robert Baners):

to investigate the non-payment of customs on wool exported from Berwick, and from Northumberland generally: CHR 1452-61, 220.

13 October 1455:

Commission to Robert Kelsey, Richard Wellden, Thomas Wellden, and Nicholas Ridley:

concerning the Northumberland lands of Henry Percy, late earl: ibid, 299.

28 February 1457:

Commission to Henry, Earl of Northumberland, warden of the east march: to obtain ships and other transport for provisions for the defence and victualling of Berwick, threatened by the Scots: ibid, 346.

5 October 1457:

Commission to Alan Bird; James 'Kyghley'; Thomas Booth; and Richard Dale: to do likewise for the victualling of Roxburgh: ibid, 405.

17 December 1457:

Commission to Henry, Earl of Northumberland; the prior of Tynemouth; Sir Ralph Percy; Sir Ralph Grey; Sir Robert Ogle; William Bartram; Roger Thornton; John Harbottle the elder; Robert Mitford; John Cartington; and Robert Rodes: to assess the number of archers Northumberland should supply, and how 60 archers could be paid for: ibid, 407.

17 December 1457:

Commission to Sir Thomas Neville; Sir Henry Fenwick; Sir John Pennington; Hugh Lowther; John Skelton; Thomas Delamore; and Thomas Lurgiam: to do the same in Cumberland, for 74 archers: ibid.

17 December 1457:

Commission to Sir Thomas Parr; Sir Richard Musgrave; John Crackenthorp of Howgill; William Lancaster; John Hilton; John Wharton; and Henry Bellingham: to do the same in Westmorland, for 56 archers: ibid, 409.

17 December 1457:

Commission to the mayor and sheriff of Newcastle (John Richardson and John Nixon): to do the same in Newcastle, for 53 archers: ibid, 410.

3 February 1458:

Commission to Sir Thomas Neville the younger; Sir Thomas Parr; Christopher Foresby; Henry Hutton; Roland Vaus; Thomas Delamore; Robert Warcop the elder; and John Tunstall: to conduct an inquisition post mortem into the lands of the late Thomas, Lord Sacre, in Cumberland and Westmorland: ibid, 435.

10 February 1458:

Commission to Sir John Neville of Raby; John Richardson of Newcastle; Robert Mitford; Robert Baxter; Richard Bainbridge; and Edward Bartram: to enforce a statute concerning the carriage of coal in Newcastle: ibid, 436.

28 April 1458:

Commission to Richard, Earl of Warwick; Sir John Bouchier; Sir Lewis Galet; and John Woodhouse: to investigate a Dutch mariner's complaint that his ship was captured by pirates, taken to Newcastle, and sold, with its cargo: ibid, 437.

13 July 1458:

Commission to William, Abbot of Alnwick; Sir Gilbert Lancaster; William Bartram; John Cartington; and Robert Mitford: to inquire into repairs to the wall and 'le Kynge's toure' at Roxburgh castle, and into the cost, paid by Sir Ralph Grey: ibid, 443.

20 October 1458:

Commission to Alan Bird: to employ workmen and purvey materials for repairs in Newcastle castle: ibid, 462.

15 February 1459:

Commission to Henry, Earl of Northumberland; Sir Ralph Percy; Sir Ralph Grey; Sir John Heron; Robert Werke, mayor of Berwick; William Bartram; Robert Folbery; Robert Mitford; and the sheriff of Northumberland (William Bartram):  
to investigate non-payment of customs on exports from Berwick and Northumberland: ibid, 492.

8 November 1459:

Commission to John, Lord Clifford:  
to confiscate lands and property of Westmorland rebels: ibid, 555.

3 June 1460:

Commission to Henry, Earl of Northumberland; Sir Ralph Percy; Sir Ralph Grey; and Sir John Heron:  
to arrest Sir John Middleton and bring him before the Council: ibid, 609.

2 July 1460:

Commission to Roger Thornton; Geoffrey Middleton; Thomas Claxton; John Richardson, mayor of Newcastle; Robert Rodes; Robert Folbery; and William Ashby:  
concerning the carriage of coals in 'keles': ibid, 608.

14 October 1460:

Commission to Sir Henry Fitzhugh; Sir Thomas Scrope of Upsale; Sir Ralph Greystoke; Ralph Dacre of Gilsland; Sir John Neville; Sir Thomas Lumley; Sir John Conyers; Sir John Saville; John Neville of Wymbisley; John Harington; John Hastings of Fenwick; Robert Neville; and William Scargill:  
to arrest and imprison 'all persons guilty of unlawful gatherings, congregations, associations, and combinations', and to expel malefactors from two Yorkshire castles and Penrith castle, summoning local forces if necessary to storm the strongholds: ibid, 651.

12 November 1460:

Commission to Ralph Dacre; Sir Thomas Harington; Sir Richard Musgrave; Sir Thomas Parr; John Huddleston; Richard Salkeld; Christopher Moresby; James Harington; William Parr; John Parr; and Nicholas Laybourn:  
to arrest and imprison the same persons, and those guilty of unlawful sieges, fighting them with local forces if they resist: ibid.

10 December 1460:

Commission to Richard, Earl of Salisbury:  
to do likewise in the border, and various other, counties: ibid, 653.

5 May 1461:

Commission to Sir Robert Ogle:  
to take for the king the possessions of the late Sir John Heron of Ford; to seize John's son and heir, Roger; and 'to crush any of the county of Northumberland who may resist': CPR 1461-7, 29.

6 June 1461:

Commission to Sir Thomas Parr; Sir Edward Beetham; Walter Strickland; John Huddleston; Nicholas and James Laybourn; and William Harington:  
to arrest 'Gamaliel' Pennington, Christopher Broughton, and James 'Irryell', and to bring them before the Council: ibid, 34.

28 February 1462:

Commission to Sir John Huddleston; Sir Richard Musgrave; Richard Salkeld;

Holland Vaus; William Parr; and John Parr:  
to arrest and imprison 'persons going about inciting to insurrection  
and uttering seditious speeches' in the border counties: ibid, 132.

3 June 1463:

Commission to Sir John Neville of Montague and Sir James Strangeways:  
to receive Humphrey Neville into the king's grace, promising him letters  
of pardon: ibid, 267.

11 February 1464:

Commission to the mayor and sheriff of Newcastle (Alan Bird and Henry  
Fowler), and Robert Hodes:  
to assemble ships for resistance against the king's enemies: ibid, 304.

14 March 1464:

Commission to the sheriff of Westmorland (John Parr):  
to arrest John Balkeld and bring him before the king in Chancery: ibid, 346.

4 June 1464:

Commission to Sir William Bowes; Roger Thornton; Robert Neville; William  
Bradford; Robert Polbery; John Swinburn; and the sheriffs of Northumberland  
and Newcastle (Sir Robert Baners and Henry Fowler):  
to conduct an inquisition post mortem into the lands of the attainted Earl  
of Northumberland in the county and town: ibid, 348.

4 June 1464:

Commission to Alan Bird, mayor of Newcastle; Roger Thornton; Robert  
Polbery; William Rothum; and the same sheriffs:  
to do the same for lands in Bicar, Northumberland: ibid.

11 June 1464:

Commission to Richard, Earl of Warwick, and John, Earl of Northumberland:  
to receive certain rebels into the king's grace, excepting Sir Ralph Grey  
and Sir Humphrey Neville, and to promise rewards to men who had risked their  
lives in the capture of certain Northumberland castles: ibid, 342-5.

10 August 1464:

Commission to Roger Thornton; William Ogle; John Widdrington; Robert Polbery;  
William Lawson; and the sheriff of Northumberland (Sir Robert Baners):  
to conduct an inquisition post mortem into the forfeited lands of the late  
Sir William Tailbois in Northumberland and Redesdale: ibid, 349.

26 August 1464:

Commission to the mayor and sheriff of Newcastle (Alan Bird and Henry Fowler):  
concerning a Prussian complaint of English piracy: ibid.

12 January 1466:

Commission to Sir Robert Ogle; Sir John Conyers; Sir Edmund Hastings;  
Sir Robert Baners; Sir Richard Ogle; William Burgh; Roger Thornton;  
William Rothum; and the sheriff of Northumberland (Sir William Bowes):  
to arrest six merchants and a baker, all of Newcastle, to answer for  
certain riots in Chancery: ibid, 450.

26 September 1467:

Commission to Sir Ralph Greystoke; Hugh Lowther the elder; Richard  
Beaulieu; William Beetham; and the coroners in Westmorland:  
to conduct an inquisition post mortem into the Westmorland property of  
the late Sir Ralph Dacre: CPH 1467-77, 29.

30 January 1470:

Commission to Ralph, Lord Greystoke; Sir Robert Laners; Sir Richard Cgle; Robert Folbery; Roger Thornton; Thomas, Norrey King of Arms; and the sheriffs of Northumberland and Newcastle (John Neville, Earl of Northumberland, and John Fisher):

to investigate a Brittany merchant's complaint that his ship, while sailing to Newcastle, had been taken by pirates, supported by Sir John Middleton and Henry Haggerston: ibid, 197.

25 April 1470:

Commission to Sir Robert Claxton in Northumberland and the Bishopric of Durham, and to Sir William Legh in Cumberland and Westmorland:

to seize, and act as receivers for, a long list of rebels: ibid, 218-9.

20 July 1471:

Commission to Sir William Parr; Sir John Parr; Sir Thomas Strickland; and Sir Christopher Foresby:

to arrest 12 men and a woman (all borderers), to bring them before the Council, and to forfeit their lands and goods for the king's use: ibid, 288.

5 February 1472:

Commission to Sir Ralph Greystoke; Sir William Pudsey; William Claxton; Robert Hodes; and John Harbottle:

to conduct an inquisition post mortem into the Northumberland property of Roger Thornton: ibid, 317.

18 August 1473:

Commission to John Widdrington; John Lilbourn the elder; Roger Heron; Thomas Foresby; John Cartington; and the sheriff of Northumberland (John Widdrington):

to inquire into unpaid royal farms and other revenue: ibid, 407.

12 July 1474:

Commission to Sir John Constable; William Lawson; John Swinburn; John Heron; John Harbottle; and the sheriff of Northumberland (John Widdrington):

to inquire into royal dues, alienations in mortmain, and lands held in chief without licence: ibid, 463.

3 August 1474:

Commission to Sir William Parr; Sir John Parr; Sir Christopher Foresby;

Richard Barowes; Robert Lamplugh; and the sheriff of Westmorland (John Parr): to investigate illegal exporting from Westmorland: ibid, 490.

3 August 1474:

Commission to Sir William Legh and the sheriff of Cumberland (the same man): to investigate the same from Cumberland: ibid.

3 August 1474:

Commission to Roger Heron; Robert Widdrington; Ralph Rotham; John Lilbourn the younger; and the sheriff of Northumberland (John Widdrington):

to investigate the same from Northumberland: ibid.

3 December 1474:

Commission to Sir John Constable; the mayor of Newcastle (Nicholas Bayning); John Ashton; and Robert Spalding, royal serjeant at arms:

to investigate a foreign complaint of piracy, which claimed that the ship and cargo had been disposed of in Newcastle: ibid, 493.

17 May 1476:

Commission to John Carlele, mayor of Newcastle; John Cartington; John Swinburn; and William Lawson:  
to inquire into acts of piracy by James Hayne and his accomplices, in prison at Newcastle, and to punish them at a court of Admiralty: ibid, 605.

12 September 1476:

Commission to Henry, Earl of Northumberland:  
to arrest Richard Barowe and bring him before the Council: ibid,

13 May 1480:

Commission to John Moklowe:  
to transport war equipment from Nottingham to Norham castle for defence against the Scots: CPR 1476-85, 213.

1 April 1481:

Commission to John Sturgeon and John Carlyle, mayor of Newcastle:  
to collect ships for defence against the Scots: ibid, 264.

22 December 1482:

Commission to Sir Roger Coton; John Cok, mayor of Newcastle; John and Edmund Harbottle; Simon Welden; William Rothom; and John Coll of Tynemouth:  
concerning the lands of Lady Burceitur in Northumberland: ibid, 344.

1 August 1483:

Commission to Humphrey, Lord Dacre; Sir William Parr; Sir Richard Huddleston; Sir Christopher Moresby; Sir Thomas Legh; Sir Thomas Broughton; Sir Thomas Curwen; John Crackenthorp; Roland Thornburgh; and William Beaulieu:  
to assess subsidies on aliens and to appoint collectors of the same in Cumberland: ibid, 393, 396.

1 August 1483:

Commission to John Lilbourn the elder; John Cartington; John Haggerston; and John Swinburn:  
to do the same in Northumberland: ibid, 397.

1 August 1483:

Commission to Sir Thomas Strickland; Sir Christopher Foresby; Edward Redmayne; Richard Musgrave; John Crackenthorp; and James Pickering:  
to do the same in Westmorland: ibid.

11 March 1485:

Commission to Sir Humphrey Dacre; Sir Richard Katcliffe; Sir Christopher Moresby; Richard Musgrave the younger; Thomas and Edward Radcliffe; Richard Salkeld; William Musgrave; John Crackenthorp; and Richard Lowther:  
to arrest and imprison the malefactors who have seized the Musgrave castle at Hayton (Heaton?): ibid, 545-6.

30 December 1485:

Commission to Thomas, Lord Dacre; Henry, Lord Clifford; Sir Christopher Moresby; Richard Salkeld; Richard, John, and William Musgrave:  
to act as receivers in Westmorland and Cumberland, except in the lordship of Penrith and in Inglewood Forest: CPR 1485-94, 56-7.

18 August 1486:

Commission to Sir Richard Tunstall and Sir Thomas Wortley:  
to admit into the king's obedience and allegiance 11 men, many of whom had border connections: ibid, 133.

15 October 1487:

Commission to Lionel Bell, merchant of Northshields:  
to purvey provisions for victualling Berwick town and castle: ibid, 193.

21 January 1488:

Commission to Sir Richard Salkeld; John Pennington; William Beaulieu;  
and John Eglesfeld:  
to assess and appoint collectors of a subsidy in Cumberland: ibid, 239, 241.

21 January 1488:

Commission to Sir Christopher Moresby; Sir Roger Bellingham; William  
Thornburgh; and Richard Musgrave:  
to do the same in Westmorland: ibid, 243.

18 July 1489:

Commission to Sir Roger Bellingham and Thomas Beauchamp:  
to take and hold Greystoke castle pending a suit in Chancery concerning  
illegal entry by John, son of Ralph, Lord Greystoke: ibid, 285-6.

3 March 1490:

Commission to Simon Bonet:  
to arrange transport of 'Newcastell colys' (coals) to the tower of London  
for the manufacture of weapons: ibid, 320.

6 March 1490:

Commission to Sir Richard Salkeld:  
to inquire what lands Henry, late Earl of Northumberland, held in  
Cumberland: ibid, 322.

14 August 1492:

Commission to Sir Thomas Grey of Chillingham; John Cartington; Roland  
Stafford; and Edward Radcliffe:  
to inquire by jury in Northumberland whether Matthew, son and heir of  
John Whitfeld, is an idiot, and whether he has alienated lands: ibid, 400.

8 June 1494:

Commission to Richard Chomeley, treasurer of Berwick; William Fairfax;  
William Babthorp; and Brian Palmes:  
to inquire by Northumberland and Yorkshire juries into royal estates,  
feudal dues, and evasions of payment: ibid, 478.

28 March 1495:

Commission to Henry Martin:  
to purvey transport for the royal ordnance for the defence of Berwick:  
CPR 1494-1509, 16.

11 April 1495 (?):

Commission to Richard Fox, Bishop of Durham, and another (name missing):  
to inquire into concealment of revenue due to the crown in Westmorland: ibid, 34

16 March 1496:

Commission to 19 men (not from among the border gentry):  
to 'impress' workmen for the king's works in the north and in the marches:  
ibid, 52-3.

15 November 1496:

Commission to Brian Roche:  
to provide storehouses at Berwick and elsewhere on the marches for army

provisions: ibid, 87. Similar commissions concerned with the defence of the border against Warbeck's invasion were issued in November and December 1496, and January 1497: ibid, 88-93.

26 January 1501:

Commission to Sir Richard Chomeley:  
to manage the lands of John and William Heron for the king's use, during pleasure; and to inquire whether ... (Matthew ?) Whitefield is an idiot: ibid, 230.

18 June 1501:

Commission to Sir Richard Chomeley and John Cartington:  
to inquire into concealed royal revenue: ibid, 249.

7 November 1502:

Commission to Sir Thomas Darcy, captain of Berwick; Sir Ralph Evers; Sir John Raynesford; Thomas Garth; Humphrey Metcalf; Bertram Mitford; Michael Wharton; Robert Simson; Edmund Walle; Thomas Forster; and Humphrey Coke:  
to collect workmen and materials for the king's works in the north and in the marches: ibid, 327.

20 December 1502:

Commission to Henry, Lord Clifford; Humphrey Coningsby, king's serjeant-at-law; Sir Roger Bellingham; Sir Hugh Lowther; William Lancaster; Geoffrey Lancaster; John Ridge; and Thomas Blenkinsop, as justices:  
to investigate who, with Thomas Middleton, Thomas Lambert, George Storee, and Robert Rogers, entered the manor of Beetham and other property of George Stanley, Lord Strange, contrary to past acts of parliament: ibid, 325.

APPENDIX V : ENGLISH BORDER SHERIFFS 1455 - 1502. (1)

( \* = appointed during pleasure )

Cumberland:

John Appleby (of Carlisle): under-sheriff in February 1462, when he was replaced in the office of coroner to give him more time for his other duties: CCR 1461-8, 42.

Thomas Beauchamp: \*Nov.1488 - Nov.1489; \*Feb.1497 - Nov.1497: CCR 1485-1509, 89, 248.

John Crackenthorp: under-sheriff at Michaelmas 1477: List of Sheriffs for England and Wales from the earliest times to 1831 (PRO, Lists and Indexes No.12, London, 1898), 27.

(Sir Richard Curwen: Nov.1474 - Feb.1475: PRO, Sheriffs, 27. The name Richard seems, however, to be an error for Thomas.)

Sir Thomas Curwen: \*Nov.1456 - Nov.1457; \*Nov.1474 - Feb.1475: CCR 1452-61, 175; CCR 1471-85, 84.

Christopher Dacre: \*Nov.1497 until after 1502: CCR 1485-1509, 263.

Henry Denton: \*Nov.1490 - Nov.1491: ibid, 139.

Sir Henry Fenwick: \*Nov.1458 - Nov.1459, but his account was rendered by his executor: CCR 1452-61, 221; PRO, Sheriffs, 27.

Richard, Duke of Gloucester: Feb.1475 - Nov.1483: ibid.

Sir John Huddleston: \*Nov.1454 - Nov.1455; \*Nov.1463 - Nov.1464; \*Nov.1468 - Nov.1469; \*Nov.1472 - Nov.1473; under-sheriff at Michaelmas 1474: CCR 1452-61, 101; CCR 1461-71, 122, 221; CCR 1471-85, 47; PRO, Sheriffs, 27.

Richard Kirkeby: \*Nov.1486 - Nov.1487: CCR 1485-1509, 94.

Sir Thomas Lamplugh: \*Nov.1464 - Nov.1465: CCR 1461-71, 128.

Sir William Legh: \*Nov.1469 - Oct.1470; \*Oct.1470 - Nov.1470 (second appointment due to the readeption of Henry VI); \*Nov.1473 - Nov.1474: ibid, 254, 268; CCR 1471-85, 62.

Hugh Lowther: \*Nov.1455 - Nov.1456: CCR 1452-61, 144.

Christopher Moresby: \*Nov.1460 - March 1461. The next sheriff was appointed in March 1461, but accounted from the previous Michaelmas, and Moresby probably died soon after his appointment: ibid, 289; PRO, Sheriffs, 27.

Sir Christopher Moresby (son of the above): \*June 1471 - Nov.1471 (but he accounted from Michaelmas 1470); \*Sept.1485 - Nov.1486; \*Nov.1487 - Nov.1488; \*Nov.1495 - Feb.1497: ibid; CCR 1471-85, 19; CCR 1485-1509, 40, 81, 225.

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1. Scottish border sheriffs of the period are listed in the text: see above, pp.386-90.

Sir John Musgrave: \*Nov.1489 - Nov.1490, but he accounted until Michaelmas 1491, although Henry Denton was appointed sheriff in November 1490; \*Nov.1493 - Nov.1494. CFR 1485-1509, 132, 203; PRO, Sheriffs, 27.

Sir William Parr: \*Nov.1471 - Nov.1472: CFR 1471-85, 30.

Sir John Pennington: \*Nov.1459 - Nov.1460: CFR 1452-61, 251.

Edward Redmayne: \*Nov.1492 - Nov.1493: CFR 1485-1509, 191.

Sir Richard Salkeld: \*Nov.1457 - Nov.1458; \*March 1461 - Nov.1461, but he accounted from Michaelmas 1460; \*Nov.1465 - Nov.1466; \*Nov.1470 - June 1471; \*Nov.1483 - Sept.1485, but he accounted from Easter 1483; \*Nov.1494 - Nov.1495: CFR 1452-61, 196; CFR 1461-71, 10, 168, 280; CFR 1471-85, 276; CFR 1485-1509, 214; PRO, Sheriffs, 27.

Lancelot Threlkeld: \*Nov.1491 - Nov.1492: CFR 1485-1509, 155.

Holand Vaus: \*Nov.1461 - Nov.1463; \*Nov.1466 - Michaelmas 1467, after which date there was apparently no sheriff until November 1468, unless he remained in office: CFR 1461-71, 48, 191, 209-10; PRO, Sheriffs, 27.

#### Northumberland:

William Bartram: \*Nov.1458 - Nov.1459: CFR 1452-61, 221.

Sir William Bowes: \*Nov.1465 - July 1466: CFR 1461-71, 168.

Richard Chomeley: \*Nov.1494 - Nov.1495: CFR 1485-1509, 214.

Sir Ralph Eure: \*Nov.1502 - Nov.1503: ibid, 342.

Roger Fenwick: \*Nov.1492 - Nov.1493: ibid, 190.

Sir Ralph Grey of Chillingham: \*Nov.1455 - Nov.1456; \*Nov.1459 - Nov.1460: CFR 1452-61, 144, 252.

Sir Thomas Grey (probably of Chillingham, son of the above): \*Nov.1490 - Michaelmas 1491; \*Nov.1496 - Nov.1497; under-sheriff at Michaelmas 1480: CFR 1485-1509, 139, 248; PRO, Sheriffs, 98.

Sir Ralph Harbottle: \*Nov.1495 - Nov.1496; under-sheriff at Michaelmas 1483: ibid; CFR 1485-1509, 226.

Sir John Heron of Ford: \*Nov.1456 - Nov.1457: CFR 1452-61, 175.

John Heron of Chipchase: \*Nov.1493 - Nov.1494: CFR 1485-1509, 203.

John Lilbourn, the younger: under-sheriff at Michaelmas 1474: PRO, Sheriffs, 98.

Sir George Lumley: \*Nov.1461 - Nov.1463; under-sheriff at Michaelmas 1467: ibid; CFR 1461-71, 48.

Robert Maners: \*Nov.1454 - Nov.1455: CFR 1452-61, 101.

Sir Robert Maners (son of the above): \*Nov.1463 - Nov.1464; appointed again during pleasure in September 1485, but Henry, Earl of Northumberland, regained the office and accounted from Michaelmas 1485: CFR 1461-71, 122; CFR 1485-1509, 40; PRO, Sheriffs, 98.

Sir John Middleton: \*Nov.1460 - March 1461; (either he, or his son)  
 \*March 1461 - Nov.1461: CPR 1452-61, 289; CPR 1461-71, 9.

Sir John Middleton (son of the above): \*Nov.1489 - Nov.1490: CPR 1485-1509, 132.

John Neville, Earl of Northumberland: granted the office of sheriff for life 28 July 1466: CPR 1461-7, 525.

Henry Percy, fourth Earl of Northumberland: granted the office for life 14 August 1474; reappointed during pleasure 1 March 1488: CPR 1467-77, 467; CPR 1485-1509, 81.

Edward Radcliffe: \*Nov.1499 - Nov.1502: ibid, 295.

Sir George Tailbois: \*Oct.1497 - Nov.1499: ibid, 263.

Roger Thornton: \*Nov.1457 - Nov.1458; under-sheriff at Michaelmas 1481: CPR 1452-61, 196; PRO, Sheriffs, 98.

Sir William Tyler: Michaelmas 1491 - Nov.1492: ibid; CPR 1485-1509, 191.

Sir Gerard Widdrington: \*Nov.1464 - Nov.1465: CPR 1461-71, 128.

John Widdrington: \*June 1471 - August 1474, when he became under-sheriff to the Earl of Northumberland: CPR 1471-85, 20; PRO, Sheriffs, 98.

#### Westmorland:

The sheriffdom was in the hereditary control of the Clifford family for much of the period: for details, see above, pp.378-80.

Sheriffs during the period of Clifford forfeiture, and under-sheriffs:

Roger Bellingham: appointed sheriff during pleasure 12 Sept.1485, but by Michaelmas (29 Sept.) he was no longer sheriff; under-sheriff at Michaelmas 1491: CPR 1485-1509, 40; PRO, Sheriffs, 151.

Ralph Blenkinsop: under-sheriff at Michaelmas 1467: ibid.

Richard Clifford: under-sheriff (possibly sheriff) Michaelmas 1485 - Michaelmas 1486: ibid.

John Fleming: under-sheriff at Michaelmas 1498: ibid.

William Lancaster: sheriff from Nov.1455 during the minority of John, Lord Clifford; under-sheriff Nov.1457 - Nov.1459: ibid; CPR 1452-61, 150; see above, p.378.

Christopher Moresby: under-sheriff Nov.1454 - Nov.1455: PRO, Sheriffs, 151.

Richard Neville, Earl of Warwick: granted the office of sheriff in perpetuity 11 April 1465, but deprived by Michaelmas 1470: ibid; CPR 1461-7, 434-5.

John Parr: appointed sheriff for life 28 May 1462; deprived by April 1465; sheriff again by Michaelmas 1470: CPR 1461-7, 187, 434-5; PRO, Sheriffs, 151.

Sir William Parr: appointed sheriff for life 1 June 1475: CPR 1467-77, 532.

Sir Richard Hatcliffe: appointed sheriff during pleasure 6 Nov.1483;  
granted the office for life 10 August 1484: CPR 1471-85, 276;  
CPR 1476-85, 512.

APPENDIX VI : ENGLISH ESCHEATORS 1455 - 1502.Cumberland and Westmorland:

- Alexander Appleby: 1490-1 (appointments from November for a year, unless otherwise stated): CFR 1485-1509, 140.  
 William Botham (Beetham?): 1466-7: CFR 1461-71, 192.  
 Henry Bellingham: 1459-60: CFR 1452-61, 253.  
 Nicholas Bellingham: December 1489-November 1490, 1492-3: CFR 1485-1509, 133, 192.  
 Thomas Causfield: December 1496-? : ibid, 249.  
 John Clappam: 1483-4, December 1484-November 1485: CFR 1471-85, 277, 301.  
 Robert Colville: 1465-6: CFR 1461-71, 169.  
 Christopher Curwen: 1458-9: CFR 1452-61, 222.  
 William Curwen: 1475-6: CFR 1471-85, 101.  
 John Green: 1482-3: ibid, 246, 268.  
 John Huddleston: 1460-1, 1463-4: CFR 1452-61, 292; CFR 1461-71, 123.  
 John Huddleston the younger (possibly the same man): 1468-9, November 1470-July 1471: ibid, 222, 281.  
 Richard Huddleston: 1473-4: CFR 1471-85, 63.  
 William Huddleston: called late escheator in November 1482: ibid, 246.  
 Henry Huddleston: November - December 1489: CFR 1485-1509, 133.  
 William Lambert: 1499-? : ibid, 296.  
 Sir Thomas Lamplugh: 1471-2: CFR 1471-85, 31.  
 Thomas Legh: November 1469-November 1471: CFR 1461-71, 255, 269; CFR 1471-85, 20.  
 Christopher Loresby: 1464-5: CFR 1461-71, 129.  
 James Loresby: 1486-7: CFR 1485-1509, 55.  
 Alexander Musgrave: 1467-8: CFR 1461-71, 211.  
 John Musgrave: 1477-? : CFR 1471-85, 139.  
 John Nyre: 1487-8, 1493-4 (Nyres): CFR 1485-1509, 82, 204.  
 William Parr: 1454-5: CFR 1452-61, 102.  
 Adam Pennington: 1485-6: CFR 1485-1509, 41.  
 William Pennington: 1491-2: ibid, 156.  
 Thomas Porter: 1488-9: ibid, 90.  
 Reynold Preston: 1456-7: CFR 1452-61, 176.  
 Gawain Radcliffe: 1495-6: CFR 1485-1509, 226.  
 Richard Salkeld: 1455-6, 1479-? : CFR 1452-61, 145; CFR 1471-85, 179.  
 John Saltgylde (Salkeld?): 1472-3: ibid, 48.  
 Clement Skelton: 1494-5: CFR 1485-1509, 215.  
 Roland Thornburgh: 1474-5: CFR 1471-85, 85.  
 Lancelot Threlkeld: 1457-8: CFR 1452-61, 197.  
 Robert Warcop: 1476-7: CFR 1471-85, 128.

Northumberland:

- Richard Saynbryge (Sainbridge?): 1456-7; May - November 1471: CFR 1452-61, 176; CFR 1471-85, 20.  
 Gerard Glenkinsop: 1490-? : CFR 1485-1509, 140.  
 John Cartington: 1484-? : CFR 1471-85, 301.  
 John Claving: 1483-4: ibid, 277.  
 William Claxton: 1459-60: CFR 1452-61, 253.  
 William Erington: 1455-6: ibid, 145.  
 William Folbery: 1468-9: CFR 1461-71, 222.  
 Richard Folbery: 1492-? : CFR 1485-1509, 192.  
 Richard Forster: 1458-9: CFR 1452-61, 222.  
 Guthbert Foster: 1495-? : CFR 1485-1509, 226.  
 William Heron: 1457-8: CFR 1452-61, 197.  
 Ralph Mutham: 1474-? , 1479-? : CFR 1471-85, 85, 179.

Robert Kelsy: 1454-5: OPR 1452-61, 102.  
John Lilbourn: November 1470 - May 1471: OPR 1461-71, 281.  
Robert Lumley: 1465-7: ibid, 169.  
John Middleton the younger: 1460-1: OPR 1452-61, 292.  
Richard Middleton: 1461-2 (still in office in October 1462, but removed  
before March 1465): OPR 1461-71, 49, 70, 152.  
Gilbert Ogle: 1487-8: OPR 1485-1509, 82.  
Thomas Strother: 1471-2: OPR 1471-85, 31.  
Simon Weltden: 1464-5: OPR 1461-71, 129.  
William Widdrington: November 1469 - October 1470, October 1470 - 1:  
ibid, 255, 269.

APPENDIX VII: ENGLISH BORDER MEMBERS OF PARLIAMENT 1455 - 1502.

( ? = attendance at parliament or the county represented is not definite )

Cumberland:(1)

Thomas Colt: MP 1455 - 6; ?1460 - 1; ?1461 - 2.

Sir Thomas Curwen: MP 1459 (and before 1455).

Christopher Dacre: MP 1491 - 2 (and after 1502).

Thomas Delamore: MP 1455 - 6 (and earlier).

'Humphrey' (Henry) Huddleston: MP 1491 - 2.

Sir John Huddleston: MP 1467 - 8; ?1484.

? Sir William Knyvet: ?MP 1495.

William Legh: MP 1459.

James Moresby: MP 1478.

Sir John Parr: MP ?1460 - 1; ?1461 - 2; 1472 - 5.

Sir William Parr: MP 1478; ?1483.

? Edward Redmayne: ?MP 1483.

Richard Salkeld: MP 1467 - 8; 1472 - 5.

Carlisle:(2)

John Appleby: MP 1478.

Richard Beauley: MP 1459 (and before 1455).

John Bere: MP 1455 - 6 (and earlier).

John Coldale: MP 1472 - 5

? Thomas Colt: ?MP 1463 - 5 (and definitely before 1455).

Henry Denton: MP 1467 - 8.

Thomas Derwent: MP 1455 - 6 (and earlier).

Richard George: MP 1467 - 8.

William Mounford: MP 1491 - 2.

John Myres: MP 1491 - 2.

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1. Names taken from: History of Parliament: Register of the Ministers and of the Members of both Houses 1439 - 1509 (London, 1938), 233, 257, 280, 305, 350, 410, 434, 459, 487, 552, 576.

2. Ibid, 233, 257, 328, 350, 410, 434, 487, 552.

Edward Redmayne: MP 1478; ?1484.

Thomas Rukyn: MP 1459.

Robert Skelton: MP 1472 - 5.

Northumberland: (1)

John Cartington: MP 1472 - 5.

Robert Collingwood: MP 1478.

Robert Folbery: MP 1467 - 8.

Ralph Hotham: MP 1478 (also sat for Scarborough, 1472 - 5.)

Sir Humphrey Lisle: MP 1491 - 2.

Sir George Lumley: MP 1467 - 8.

Thomas Lumley: MP 1495 (probably, but not certainly, representing Northumberland).

Sir George Maners: MP 1495 (likewise).

Robert Maners: MP 1460 - 1.

Sir John Middleton: MP 1472 - 5.

? John Ogle: ?MP 1455 - 6.

Sir William Tyler: MP 1491 - 2 (and probably after 1502).

Thomas Weltden: MP 1460 - 1.

Newcastle upon Tyne: (2)

John Ashington: MP 1478.

Alan Bird: MP 1455 - 6.

George Bird: MP 1491 - 2.

William Blackiston or Blaxton: MP 1472 - 5.

John Carlisle: MP 1478.

George Carr: MP 1491 - 2.

Robert Folbery: MP 1472 - 5.

John Penrith: MP 1455 - 6; 1459.

John Richardson: MP 1459.

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1. Ibid, 237, 283, 355, 415, 439, 557, 579.

2. Ibid, 237, 260, 356, 415, 440, 557.

Richard Weltden: MP 1467 - 8 (and before 1455).

John Wood: MP 1467 - 8.

Westmorland: (1)

John Blenkinsop: MP 1491 - 2.

Thomas Crackenthorp : MP 1455 - 6.

Sir William Harrington: MP 1478; ?1484.

Sir Christopher Moresby: MP 1467 - 8; ?1484.

Edward Musgrave: MP 1491 - 2.

Sir Thomas Parr: MP 1455 - 6 (and earlier).

Sir William Parr: MP ?1463 - 5; 1467 - 8; 1472 - 5.

Edward Redmayne: MP ?1484; 1495 (probably representing Westmorland).

Sir William Redmayne: MP 1478.

John Salkeld: MP 1472 - 5.

Appleby: (2)

Thomas Chamber: MP 1455 - 6.

Piers Curtis: MP 1467 - 8; 1472 - 5; (also sat for Leicestershire).

Thomas Gresley or Grysley: MP 1491 - 2.

Robert Halley: MP 1455 - 6.

Charles Noel or Nowell: MP 1478.

John Reyney: MP 1467 - 8.

Sir John Scott: MP 1472 - 5.

Richard Welles: MP 1491 - 2.

Piers Wrayton: MP 1478.

1. Ibid, 239, 332, 360, 420, 444, 492, 561, 581.

2. Ibid, 240, 360, 420, 444, 561.

APPENDIX VIII: THE ROLE OF SOME LEADING FAMILIES IN ANGLIO-SCOTTISH  
BORDER SOCIETY 1455 - 1502.

The appendix contains miscellaneous material on a sample of leading border families, and is intended to illustrate the part played by these and other families in border society. The chosen families are typical, rather than exceptional. The important Scottish border houses of Douglas, Scott, Maxwell and Johnstone have been omitted because detailed histories of these families and collections of their documents have been compiled by W. Fraser (see Bibliography). Facts of interest concerning members of the chosen families are given, but surviving evidence is limited, especially in the case of the Scottish families, and the appendix by no means provides a comprehensive survey of the role of such men in border society. The information noted is deliberately limited to the activities of certain men between 1455 and 1502 and within the border region.

All references are to pages in the thesis, unless otherwise stated.

A sample of leading English border families:

The MUSGRAVES:

Centred on Hartley (Westmorland), Edenhall (Cumberland), and Heaton and Ryal (Northumberland).

Land-holding connections: The landlords of various members of the family included the king; the Percy Marls of Northumberland; the Neville Earls of Westmorland; the Lords Clifford; the Lords Greystoke; the Lisles; the Widdringtons; and the Parrs: pp.90-7.

Marriage connections: Families with which the Musgraves formed marriages during the period included those of Beetham, Stapleton, Middleton, Ilderton, Thornburgh, Warcop, Clifford, Crackenthorp, Colville, Sandford, Lancaster, Ridley, Radcliffe, Ward (of Yorkshire), Heron, Fenwick, and Mitford: pp.116-8.

Individual Musgraves of the period:

Sir Richard Musgrave of Hartley:

- JP in Westmorland and possibly Cumberland (but it is difficult to distinguish between this man and his son and grandson, both of the same name): Appendix IV.
- Commissioner of array in Cumberland and Westmorland: Appendix IV.
- On miscellaneous royal commissions: ibid.
- Negotiator in Anglo-Scottish diplomacy: Appendix III.
- Conservator of truces: Appendix II.
- Probably a Neville retainer: p.169.
- Married Elizabeth, daughter of Sir Thomas Beetham: p.116.
- Died 1464: G.B.C., Complete Peerage, ix, 437.

Thomas Musgrave, son and heir of Sir Richard:

- Predeceased his father: ibid.
- 1453-5 accused, with others, of assaulting John Clibburn at his house with force and arms: PRO, C.1.24/222.
- A Thomas Musgrave of Hartley stood mainprise for Richard Salkeld in May 1460, and if this is the same man, the dating of his death as before 1457 by G.B.C., Complete Peerage must be an error: CRH 1452-61, 272.
- Married Joan, daughter and co-heiress of William Stapleton of Edenhall: p.116.

Richard Musgrave, brother of Thomas:

It is impossible in almost all instances to distinguish between this man and his nephew, and he may have held some of the offices listed below (especially those of earliest date), as well as possibly holding some of those listed above as being held by his father.

August 1465 he (Richard Musgrave the elder) was chosen as an arbiter by Thomas Sandford: Carlisle R.O., D/Lons.Deeds/AN 61. Married Mary, daughter and co-heiress of William Stapleton of Edenhall: p.116.

Richard Musgrave, grandson and heir of Sir Richard:

JP in Cumberland and Westmorland: Appendix IV.  
 Commissioner of array in Westmorland and possibly Cumberland: ibid.  
 On miscellaneous royal commissions: ibid.  
 Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 Feb.1462 granted for life the offices of constable and surveyor of Brougham castle and lordship (forfeited by the Cliffords), with attached lands, and the offices of constable of Pendragon, chief forester, keeper and surveyor of Kirkby Stephen forest, bailiff of the lordships of Brough and Kirkby Stephen, constable of Burgh under Stainemore, and chief forester of Burgh forest: CPR 1461-7, 74, 143.  
 1482 plaintiff in a De Banco case against John Widdrington concerning a debt: F.W.Dendy, 'Extracts from the De Banco Rolls relating to Northumberland 1308-1558', Arch.Ael., 3rd series, vi(1910), 82.  
 December 1483 appointed by Sir Robert Tailbois lieutenant of Redesdale: Bodl.Dodsw.MS.,49,f.81d.  
 1485/6 involved in a dispute over patronage of Musgrave church with the bishop of Carlisle and a priest, Edward Crackenthorp: Carlisle R.O., D/Mus./Musgrave Medieval Deeds/21.  
 Married Joan, daughter of Thomas, Lord Clifford: p.113.  
 Died August 1491: Cal.I.P.M., 2nd series, 1,291.

Sir John Musgrave, brother of Richard:

Sheriff, JP, and possibly escheator in Cumberland: Appendices IV, V, VI.  
 A royal commissioner on occasion, and commissioner to deliver Carlisle gaol in August 1497: Appendix IV; p.393; CDS, no. 1599 and Appendix I, no.34.  
 Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 June 1472 bound himself with Thomas Sandford and John Lancaster to abide an award: p.329.  
 Dec.1485 (with William Musgrave), June 1486, and May 1491 granted the keeping of lands in Inglewood forest: CPR 1485-1509, 25; CPR 1485-94, 101, 335.  
 May 1493, as a knight of the king's body, granted with his son, Thomas, in survivorship the offices of constable of Newcastle castle and chief forester of Nichol forest, Cumberland: CPR 1485-94, 429.  
 Before 1502 entered Scotland in company with Scottish traitors to burn and plunder: Reg.Hse.,Just.Ct.MS.,f.66d.  
 Married Joanna, daughter of John Crackenthorp: p.117.

Edward Musgrave, son and heir of Richard:

JP in and MP for Westmorland: Appendices IV, VII.  
 August 1487 received general pardon: CPR 1485-94, 191.

Feb. 1496 attacked, together with John Musgrave (possibly Sir John above), by a mob: PRO, KB 9/410.  
 1495/6 led over 40 yeomen in breaches of the peace: pp.312-3.  
 June 1498 involved in controversy with Thomas Blenkinsop over land boundaries: p.323.  
 Married 1) Alice, daughter of Thomas Radcliffe 2) Jane, daughter of Sir Christopher Ward: p.117.  
 Died 1542: G.B.O., Complete Peerage, ix, 438.

Nicholas Musgrave, brother of Richard and Sir John:

Sept. 1470 and August 1487 received general pardon, and June 1494 pardoned outlawry: CPR 1467-77, 214-5; CPR 1485-94, 191, 446.  
 1490/1 on jury for King's Bench indictments: PRO, KB 9/389.  
 In or before March 1485 his castle of Hayton was forcibly occupied by malefactors: CPR 1476-85, 545-6.  
 Married Margaret, co-heiress of William Colville: p.117.

William Musgrave, brother of Nicholas:

JP in Cumberland and Westmorland: Appendix IV.  
 Commissioner of array in Westmorland: ibid.  
 On miscellaneous royal commissions: ibid.  
 negotiator in Anglo-Scottish diplomacy: Appendix III.  
 Receiver for the border estates of the Neville Lord Latimer in 1476/7 and 1481/2: p.170.  
 Sept. 1470 received general pardon: CPR 1467-77, 214-5.  
 Dec. 1485 granted with John Musgrave the keeping of certain Cumberland meadows: CPR 1485-1509, 25.  
 A William Musgrave was mortally wounded in 1490/1, but another man of the same name was on King's Bench indictment juries in 1495/6 and 1499/1500: PRO, KB 9/389, 406, 421.  
 Married Phyllis, co-heiress of William Colville: p.117.

The Herons:

Centred on Ford and Chipchase in Northumberland.

Land-holding connections: Landlords of the family included the king, the Percy Earls of Northumberland, and Hexham Priory: p.91; Cal. I.P.M., 2nd series, iii, 20; The Priory of Hexham, vol. ii (Surtees Soc., vol. 46, 1864), 16.

Marriage connections: Families related to the Herons through marriage in this period included the Ogles, Musgraves, Bertrams, Thorntons, Swinburns, and Riddleys: pp.115, 117, 123, 124.

Individual Herons of the period:

Sir John Heron of Ford:

Sheriff and JP in Northumberland: Appendices IV, V.  
 Commissioner of array and on miscellaneous royal commissions: Appendix IV.  
 negotiator and conservator of truces in Anglo-Scottish diplomacy: appendices II, III.  
 On jury of gaol delivery in Northumberland: PRO, J.1.3/54/38.  
 Keeper of Bedesdale in 1446/7 and probably later: p.40.  
 July 1455 thanked by Henry VI for repulsing a Scottish siege of Berwick: p.201.  
 1457 provided surety, with others, that Richard Percy would remain in prison: p.161.

July 1459 granted with his son, Roger, the office of constable of Bamburgh castle: p.401 and n.3.  
 May 1460 granted with the same son in survivorship the offices of steward, master forester and keeper of warrens in the lordship of Bamburgh: CPR 1452-61, 585.  
 Married Elizabeth, daughter and heiress of Sir William Heron: CPR 1494-1509, 203; G.B.C., Complete Peerage, vi, 488.  
 December 1460 attained as a Lancastrian, and died at Towton in March 1461: ibid, 489.

Sir Roger Heron, son and heir of Sir John:

JP in Northumberland: Appendix IV.  
 Commissioner of array and for other royal business: ibid.  
 May 1461 Sir Robert Ugle was commissioned to sieze the possessions of the late John Heron of Ford, including the castles of Ford and Harbottle and the lordship of Redesdale, and to capture and keep John's son and heir, Roger, crushing any resistance in Northumberland: p.437.  
 1470 escheator in Northhamshire for the bishop of Durham: PRO, Durham 3/49.  
 1472/3 father's attainder reversed on petition: G.B.C., Complete Peerage, vi, 489.  
 March 1473 appointed approver of customs on Holy Island for 10 years: p.402.  
 By 1473/4 receiving a fee from Henry Percy, Earl of Northumberland: p.161.  
 April 1475 appointed constable of Norham castle, and sheriff, steward and escheator of Northhamshire for life by the Bishop of Durham: PRO, Durham 3/49.  
 Sept. 1481 granted, together with Henry Percy, Earl of Northumberland, custody of Norham castle for a year: ibid, 3/55.  
 Died before 1485: p.161.

John Heron, son and heir of Sir Roger:

Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 Royal commissioner, probably: Appendix IV. (It is difficult to distinguish between this John Heron of Ford and John Heron of Chipchase, both alive in the late fifteenth century. The distinction made here is largely guesswork.)  
 1485 granted by the will of the fourth Percy Earl of Northumberland an annuity from the age of 16: p.161.  
 Oct. 1488 made a bond, with others, to the king for the good behaviour of a Yorkshire man: CDS, no.1546.  
 Feb. 1490 as bailiff of Sir Robert Tailbois in Redesdale, made a bond of £500 to the king to execute his office conscientiously: p.316.  
 April 1491 granted a £10 annuity for life by the king: CPR 1485-94, 342.  
 Dec. 1493 appointed lieutenant of Redesdale and constable of Harbottle castle by Sir Robert Tailbois: Bodl., Dodsw. 20., 49, f.6d.  
 March 1494 on a commission concerning the priory of Canonbie: CDS, Appendix I, no.34. In this source Heron was described as lieutenant of the east and middle marches at that date.  
 Possibly married Joan, daughter of Sir Nicholas Midley: p.124.  
 Died 1497: G.B.C., Complete Peerage, vi, 489.

William Heron, brother and heir of John:

March 1500 licensed to enter on his father's lands: CPR 1494-1509, 203.  
 March 1500 appointed deputy warden in the middle march, and reappointed in August: p.372.

April 1500 described as captain of Redesdale: M.P. Howden, ed., The Register of Richard Fox, Lord Bishop of Durham, 1494-1501 (Surtees Soc., vol. 147, 1932), 129-30.

January 1501 a commissioner was appointed to enter in the king's name all the lands of John and William Heron, and to manage them for the king during pleasure: CPR 1494-1509, 230.

After James IV complained that the Scottish warden, Robert Ker, had been killed by the 'Bastard Heron', Henry VII surrendered William Heron and others as prisoners, and Heron remained in Scotland until after Flodden: G.E.C., Complete Peerage, vi, 490.

#### John Heron of Chipchase:

Sheriff of Northumberland: Appendix V.

March 1494 on a commission concerning Canonbie Friory (together with John Heron of Ford): see above, p.455.

March 1494 made a bond with others guaranteeing the good behaviour of William Widdrington: p.330.

Feb. 1500 indicted for assaulting royal officers and freeing two prisoners on their way to gaol: p.312.

Married Margaret, daughter of Richard Musgrave: p.117.

#### William Heron, probably of Chipchase and possibly grandfather of John:

Escheator in Northumberland: Appendix VI.

March 1457 appointed controller of customs in Berwick port: CPR 1452-61, 328.

March 1457 committed the keeping of Tweed fisheries for 12 years: CPR 1452-61, 186.

August 1459 granted with John Heron a 21 year lease of Bamburgh castle on the security of Sir John Heron of Ford: p.401, n.3.

#### The HIDDLESTONS:

Centred on Millos, Cumberland.

Land-holding connections: Hiddlestons held land from the king, Thomas, Marquis of Dorset, and the Nevilles (the heirs of Richard, late Earl of Warwick): Cal.I.P.A., 2nd series, i, 413; ii, 491; iii, 41.

Marriage connections: Among the families probably or definitely related through marriage in this period to the Hiddlestons were the Nevilles, Dacres, Swinburns, Fenwicks, Redmaynes, Leghs, Penningtons, Stapletons, Salkelds, and Flemings: pp.112, 118-9.

Individual Hiddlestons of the period:

#### Sir John Hiddleston:

Sheriff, under-sheriff, JP, and MP in Cumberland: Appendices IV, V, VII.

Escheator possibly in Cumberland and Westmorland: Appendix VI.

Commissioner of array and for miscellaneous royal business: Appendix IV.

Negotiator and conservator in Anglo-Scottish diplomacy: Appendices II, III.

Dec. 1459 received general pardon: p.313.

1460 involved in De Banco suit against John Fenwick: p.118.

Nov. 1460, as squire of the body, granted the office of porter in the castle of Newcastle for life, but he surrendered the office by 1464: CPR 1452-61, 631; CPR 1461-7, 357-8.

- Dec.1461 granted for life the offices of lieutenant of the honour of Cockermouth, constable of Cockermouth castle, and bailiff of Coupland, but on the restoration of these to the Percy earl, Huddleston in March 1472 was in recompense granted for life custody of the lordship of Egremont: ibid, 87; CPR 1467-77, 312.
- Leased various lands by the king Nov.1460, Nov.1461, and March 1482: CFR 1452-61,286; CFR 1461-71,44; CFR 1471-85,246.
- Knighthed between Nov. and Dec.1461: CFR 1461-71,44,47.
- Employed as steward of Bolton (Cumberland) by George Neville, Lord Latimer's custodian, the Earl of Warwick: p.170.
- Possibly deputy warden of the west march under the Duke of Gloucester: p.175.
- March 1465 arbiter in a dispute between Sir John Pennington and Sir Thomas Lamplugh: Carlisle R.O.,D/Pen./b.47,no.22.
- July 1467 granted Cumberland property forfeited by John, late Lord Clifford: CPR 1467-77, 40.
- Dec.1468 made a £2000 bond to Thomas, Lord Stanley, to abide an arbitration award in a dispute with James Harington of Lancashire: CCR 1468-76, 36.
- Aug.1474 made bond of 500 marks to the king to abide an arbitration award in a dispute with John Pennington:p.324.
- Dec.1477 involved in dispute with St.Mary's Abbey, Furness:p.331.
- July 1486 described as a rebel, and in hiding with adherents, but admitted into allegiance in August, when an act of attainder against him was reversed and he received a general pardon, together with Henry Huddleston and others: CPR 1485-94, 119, 132, 133.
- March 1487 received general pardon and release from all debts: ibid, 154.
- Married Mary, daughter of Sir Henry Fenwick: p.118.
- Died 6 Nov.1493: Cal.I.P.M.,2nd series,i,413.

Sir Richard Huddleston, son of Sir John:

- JP in Cumberland; escheator in Cumberland and Westmorland: Appendices IV, VI.
- Commissioner of array and for miscellaneous royal business: Appendix IV.
- Knighthed by the Duke of Gloucester in Scotland in 1482:p.175.
- Dec.1477 made a bond of 200 marks to the king that two Huddleston men would appear before the king's council, in connection with the dispute of Sir John Huddleston, John Huddleston the younger, and William Huddleston against St.Mary's Abbey, Furness: p.331.
- July 1483 appointed receiver of lands in Cumberland and Lancashire late of Thomas, Marquis of Dorset, and granted other offices and an annuity: CPR 1476-85, 363.
- Married Margaret, illegitimate daughter of Richard Neville, Earl of Warwick: p.112.
- Dead by Jan.1486 (predeceased father):Bodl.,Dodsw.BS.,41,f.113.

Sir John Huddleston, brother of Sir Richard:

- Escheator of Cumberland and Westmorland: Appendix VI.
- Dec.1477 involved in above dispute: p.331.
- Succeeded nephew in the Huddleston estates: Cal.I.P.M.,2nd series, iii, 137.
- Married Johanna, daughter of Sir Miles Stapleton:p.119.
- Will proved 1512: PRO, Prob.11/17 Fetiplace.

William Huddleston, brother of Sir Richard and Sir John:

Escheator in Cumberland and Westmorland: Appendix VI.  
 Dec.1477 involved in above dispute: pp.331, 457.  
 Nov.1492 summoned 3 times to appear before the king's council,  
 being described as a rebel, to answer charges of entering  
 on land without title. Still disobeying in March 1494:  
 Carlisle R.C., D/Pen./200.  
 1499 accused with others of a murder and obliged by arbitration  
 award to make compensation: J.F.Curwen, 'Isel Hall', Cild  
& Wild, N.S., xi(1911), 123.  
 Married Isabel, daughter of John Neville of Montague: p.112.

Henry Huddleston, brother of the last three:

Escheator in Cumberland and Westmorland; MP in Cumberland:  
 Appendices VI, VII.  
 Feb.1489 gentleman of the chamber (probably): CFR 1485-94, 271.

Richard Huddleston, son of Sir Richard; heir of grandfather:

Involved in a dispute with Thomas Senhouse over land, but  
 award made March 1501: Carlisle R.C., D/Senhouse Deeds  
 Seascale.  
 Possibly married Elizabeth Dacre: p.118.  
 Died Oct.1502 without issue: Cal. I. P. S., 2nd series, iii, 137.

The OGLES:

Centred on Ogle and other land near Morpeth and on the River Coquet in  
 Northumberland; held property in Newcastle and Morpeth; held land  
 in the region of Carlisle: pp.31,68.

Land-holding connections: Landlords of various members of the family  
 included the king; Thomas, Lord Scrope of Upsall; Ralph, Lord  
 Greystoke; Robert Folbery; Henry Percy, Earl of Northumberland;  
 Hexham Priory; the Lords Dacre; and Bishops of Carlisle (the last 2  
 of their Cumberland estates): pp.91,95,96-7; The Priory of Hexham,  
 vol.ii (Surtees Soc., vol.46, 1864), 11, 15.

Marriage connections: Members of the family married in this period into  
 the families of Eure, Heron, Widdrington, Hilton, Maners (possibly),  
 Middleton (possibly), Gascoigne of Yorkshire, and Kirkby of Lancashire:  
 p.115; see below, p.459.

## Individual Ogles of the period:

Robert, Lord Ogle:

Sir Robert Ogle was first summoned to parliament as Lord Ogle  
 in July 1461: p.68.  
 Warden of the east and middle marches: Appendix I.  
 JP in Northumberland: Appendix IV.  
 Commissioner of array, of oyer et terminer, and on miscellaneous  
 royal business: ibid.  
 Negotiator and conservator in Anglo-Scottish diplomacy:  
 Appendix II, III.  
 Before Feb.1459 warden of Roxburgh castle: CFR, no.1296.  
 JP, justice of gaol delivery, sheriff, escheator, steward,  
 and constable of Northamshire and Islandshire and Norham  
 castle for Bishops of Durham: PRO, Durham 3/48, 50 etc..

Bishops of Durham sought his protection: pp.47,298.  
 Aug.1461 granted for life the offices of steward and constable of forfeited Percy lands and castles in Northumberland: CPR 1461-7, 44.  
 Jan.1462 granted in perpetuity the lordship of Redesdale and Harbottle castle, forfeited by Sir William Tailbois, and other forfeited Lancastrian land in Northumberland: ibid, 114. Redesdale was held by the Ogles for only 10 years: p.68.  
 April 1462 granted, for an annual fee, the wardship of William, son and heir of Sir William Bertram: CPR 1461-71, 81.  
 July 1464 granted for life the offices of constable and receiver of Bamburgh castle and lordship, but soon surrendered the posts: CPR 1461-7, 335.  
 May 1468 licensed, with wife, to grant land and the patronage of a church to St.Mary's Priory, Carlisle: p.46.  
 Married Isabel, heiress of Alexander Kirkby of Lancashire: G.B.C., Complete Peerage, x, 31.  
 Died 1469: p.69. Nov.1473 Edward IV paid off a debt owed to Scottish merchants by the late Robert, Lord Ogle, and others: p.216.

Sir Robert Ogle, son of Lord Ogle:

Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 Royal commissioner, possibly (although not easily distinguishable from his father): Appendix IV.  
 1457/8 on a jury of gaol delivery at Newcastle: PRO, J.1.3/54/4.  
 Married Joan, daughter of Sir William Eure: G.B.C., Complete Peerage, x, 31.  
 Predeceased father: ibid.  
 Sir Robert Ogle was described as a commissioner of array in March 1472 and as a JP in Northumberland after 1471: Appendix IV. Unless this is a mistake for Owen, Lord Ogle, the date given here of the death of Robert Ogle, either the older or younger, must be wrong.

Owen, Lord Ogle, brother of Sir Robert:

JP in Northumberland: Appendix IV.  
 Feb.1473 received general pardon for offences and debts: CPR 1476-85, 196.  
 March 1482 provided surety for Sir John Middleton when Norham castle was leased to the latter: PRO, Durham 3/55.  
 Jan.1485 enfeoffed Sir Guy Fairfax, justice of King's Bench, and 4 Yorkshire men with his lands and Ogle castle, to the use of his son, Ralph: Bodl., Dodsw.MS., 18, f.44.  
 Married Eleanor, daughter of Sir William Hilton: p.115.  
 Died Sept.1486: Cal.I.P.M., 2nd series, iii, 16.

Ralph, Lord Ogle, son and heir of Owen:

1487/8 enfeoffed by Sir Christopher Ward and Sir Robert Plumpton in his father's estates: Bodl., Dodsw.MS., 18, f.44.  
 Servant to Henry Percy, fourth Earl of Northumberland: PRO, C.1.217/23.  
 March 1499 pardoned for intrusion into a Bedlingtonshire manor: PRO, Durham 3/61.  
 Married Margaret, daughter of Sir William Gascoigne: G.B.C., Complete Peerage, x, 33.  
 Died 1513: ibid.

Other Ogle office holders:

John Ogle, brother of the first Lord Ogle: JP and probably MP in Northumberland: Appendices IV, VII.

William Ogle: Commissioner of array and for miscellaneous royal business: Appendix IV.

Constable of Prudhoe castle for the fourth Earl of Northumberland: p.162.

Gilbert Ogle: Escheator in Northumberland: Appendix VI.

Deputy on the marches to the fourth Percy earl: p.162.

Sir Richard Ogle (possibly an error for Sir Robert): Royal commissioner in 1466 and 1470: Appendix IV.

#### The MIDDLETONS:

Centred on Middleton and Beetham in Westmorland and Belsay in Northumberland, and also held some land in Cumberland: p.70.

Land-holding connections: Landlords of the family included the king, the Bacres, the Percies, and the Priory of Hexham: pp.90,94; CPR 1461-71, 3; The Priory of Hexham, vol.ii (Surtees Soc., vol.46, 1864), 35.

Marriage connections: Families with which Middletons formed marriage connections in this period included the Ogles (probably), Musgraves, Stricklands, Bellinghams, Redmaynes, Beethams, Thornburghs, Maners, and Thorntons: pp.115,116,122,122n.6,123.

Individual Middletons of the period:

#### Sir John Middleton of Belsay:

Sheriff of Northumberland: Appendix V.

Negotiator in Anglo-Scottish diplomacy: Appendix III.

1459 executor of the will of Richard Neville, Earl of Salisbury: Testamenta Eboracensia, Part II (Surtees Soc., vol.30, 1855), 239-46.

1450s valet and retainer of the Neville Lord Latimer: p.172.

June 1460 a commission was ordered to secure the arrest of Sir John to answer charges before the king's council: p.437.

married 1) Isabel, daughter of Roger Thornton 2) Elizabeth, daughter of Sir Robert Ogle: pp.115,123; History of Northumberland, xiii, genealogical table opposite p.326.

Died before Nov.1461: CPR 1461-71, 3.

#### Sir John Middleton, son and heir of Sir John:

Sheriff, escheator, and JI in Northumberland: Appendices V,VI,VII.

1462/3 boarded at Holy Island Priory: p.49.

Jan.1470 a commission was ordered to investigate an accusation that Sir John Middleton had supported pirates: p.439.

June 1471 leased land in Cumberland and the farm of the subsidy on aliens there and in Westmorland from the king: CPR 1471-85, 21.

Sept.1480 granted the wardship of Thomas, son and heir of Thomas Middleton: CPR 1476-85, 211.

March 1482 leased Norham castle for 2 years from the Bishop of Durham, and was appointed constable of the castle, and steward, sheriff, and escheator of Northumberland and Islandshire. Sureties for Sir John were Owen, Lord Ogle, Sir Ralph Harbottle, Sir Ralph Widdrington, Thomas Haggerston, Thomas Carnaby, and Sir Roger Thornton: PRO, Durham 3/55.

1486-1493 lodged a petition against John Heron and others for detention of deeds: PRO, C.1.149/60.

Oct.1488 bound himself, with others, in 2000 marks to the king for the good behaviour of Roger Hastings of Yorkshire: CDE, no.1546.

May 1489 acted as an arbiter between the Abbot of Newminster, the Prior of Brinkburn, and the Master of St.Leonard's

hospital: Chartularium Abbathiae de Novo Monasterio  
(Surtees Soc., vol. 66, 1876), 248-9.  
March 1494 bound himself, with others, to the king for the  
good behaviour of William Widdrington: p. 330.

Thomas Middleton of Middleton:

JP in Westmorland; commissioner of array there and in Cumber-  
land: Appendix IV.  
1455 brought a De Banco suit against William Ogle: P. B. Dendy,  
'Extracts from the De Banco rolls relating to Northumber-  
land, 1308-1558', Arch. Ael., 3rd series, vi (1910), 79.  
Married Isabel, daughter of Sir Richard Musgrave: p. 116.  
Dead by Sept. 1480: OPR 1476-85, 211.

Thomas Middleton, son and heir of Thomas:

May 1498 made bond, with others, to 2 men that a land trans-  
action would take place, in connection with a dispute  
between Thomas Layburn and Margery Strickland: OPR 1485-1500, 314.  
Before Dec. 1502 entered on a manor contrary to acts of  
parliament: p. 442.  
Married (probably) 1) Alice, daughter of Ralph Wycliffe  
2) Anne, daughter of John Wakefield: History of Northumber-  
land, ix, 116.

Richard Middleton, possibly brother of Thomas:

Escheator in Northumberland: Appendix VI.  
Feb. 1471 stood mainprise for Richard Neville, Earl of  
Warwick: p. 172.  
Oct. 1477 acted as feoffee with Thomas Middleton of Lonsdale  
and others for Richard Musgrave: Cal. L. P. H., 2nd series, i, 291.  
July 1486 in hiding as a rebel when he was ordered to appear  
before the king, but in August he, George Middleton, and  
Sir Robert Middleton were granted a general pardon: OPR  
1485-94, 119, 132.

Sir Robert Middleton:

Negotiator in Anglo-Scottish diplomacy: Appendix III.  
1482 knighted in Scotland by Henry Percy, Earl of Northumber-  
land: HL, Harl. MS., 293, p. 208.  
Nov. 1485 attainted; Aug. 1486 received a general pardon, and  
Dec. 1487 regranted his lands in Westmorland: OPR 1485-94,  
119, 208.  
Married Anne, daughter of Roger Beetham: p. 122 n. 6.

A sample of leading Scottish border families:

The Scots Peerage provides details on all the following families, except the Turnbells, and here, therefore, only facts of direct relevance to and interest in a study of border society are noted, no attempt being made to provide full biographies.

The HEPBURNS:

Centred on Hailes in the shire of Edinburgh and in south Berwickshire, where they held the sheriffdom in hereditary from 1450. Also held land in Roxburghshire and Dumfriesshire by the end of the century: pp.73-4, 386.

Land-holding connections: Hepburns held land from the king, the Douglasses, the Scotts, and the Macdowells, among others, and their tenants included Kers, Scotts, and Gordons: pp.74, 103, 105-6.

Marriage connections: Families with whom the Hepburns were connected through marriage included the Douglasses, Humes, Haliburtons, Kers, Cunningham Lords Kilmaurs, and Gordon Earls of Huntly: pp.126-9.

Individual Hepburns of the period:

Patrick Hepburn, Lord Hailes (from 1452/3: p.73.)

Sheriff of Berwickshire from Dec.1450: p.386.  
 Steward of the Earldom of March in 1461: Exch.Rolls, vii, 99.  
 March 1471 acted on a jury trying Andrew Ker for treacherous negotiation with the English and other crimes: pp.291 n.4, 465.  
 Died soon after 1482: Scots Peerage, ii, 142.

Adam Hepburn of Dunsyde, son of Lord Hailes:

Sheriff of Berwickshire by April 1467: p.386.  
 March 1471 acted on the above jury trying Ker.  
 Married a sister of Alexander, Lord Hume: p.127.  
 Predeceased his father: p.73.

Patrick Hepburn, Earl of Bothwell (from Oct.1488:p.74), son of Adam:

Warden of the west and middle marches: Appendix I.  
 Sheriff of Berwick: p.386.  
 Steward of Kirkcudbright: p.390.  
 Captain of Berwick castle and keeper of Lochmaben castle: pp.401-2.  
 Oct.1488 appointed as a border justice: pp.396-7.  
 June 1487 William Cockburn bound himself in manrent to Hepburn, and among other borderers bound to him by manrent or employment were Sir Alexander Stewart of Garlies, Robert and Alexander Gordon, Alexander Scott, George Ormiston, Hugh and David Douglas, William Hoppringle, Ralph Ker, and George Turnbull: p.184.  
 Feb.1490 granted safe-conduct and protection for a year to go through England: CDS, no.1554.  
 March 1492 granted Liddesdale as a regality: p.74.  
 Jan.1493 involved in a dispute with Alexander, Lord Hume over the business pertaining to the offices of sheriff of Berwick and steward of the earldom of March: ADG 1478-95, 267.  
 Feb.1494, with George Turnbull, Captain of Hermitage, pledged himself for the appearance in court of many borderers, and did likewise for various Liddesdale men before Oct.1500: pp.332-3.  
 June 1501 ordered to ride against 70 Armstrongs: p.309.

August 1502 Robert Turnbull found guilty of breaking the special protection and respite granted to the Earl of Bothwell and his servants: ADG 1501-3, 187.

Died 1508: p.74. Married 1) a daughter of James Douglas, Earl of Morton 2) a daughter of George Gordon, Earl of Huntly: pp.126,129.

Miscellaneous relevant facts of interest concerning Hepburns:

William Hepburn: April 1456 acted on a jury at a court of wardenry trying Andrew Kerr for march treason: p.291 and n.4.

Archibald Hepburn: 1455-6 deputy sheriff of Berwick: p.391.

Patrick Hepburn: in May 1501 a Rutherford was at horn (outlawed) for the slaughter of Patrick Hepburn: ADG, no.691.

The Humes:

Centred on Hume in Berwickshire, but also held land in Strick Forest (Selkirkshire) and in Roxburghshire by the end of the fifteenth century: pp.74-5; ADG, no.309; Rep. Hse., 60 224/920 b.26.

Land-holding connections: The landlords of various members of the family included the king, the Douglas Earls of Angus, the Duke of Albany, the Gordon Earls of Huntly, the Lords Haliburton and Northwick, the Scotts and Kerrs, the Master of St. Andrew's Hospital (Edward Cockburn), and the Prior of Coldingham: pp.98-9, 103-5.

Marriage connections: Families connected to the Humes through marriage included the Douglases, Hepburns, Erskines, Kerrs, Sinclairs, Montomeries, Orichtons, Lindsayes, Kerrs, and Coppleinglases: pp.126,127-9.

Individual Humes of the period:

Alexander, first Lord Hume:

Created Lord Hume August 1473: p.74.

Negotiator and conservator in Anglo-Scottish diplomacy: Appendices II, III.

August 1475 granted the office of bailiff of Coldingham in fee and heritage by his son, John Hume, Prior of Coldingham: RC, 12th Report, Appendix, Part VIII, 176.

Died c.1480-2: Scotts Peerage, iv, 449. His son, Alexander, predeceased him: p.74.

Alexander, second Lord Hume, grandson of the first lord:

Warden of the east march: appendix 1.

Negotiator in Anglo-Scottish diplomacy: appendix III.

Oct.1488 appointed as a border justice: pp.398-7.

Steward of the earldom of March: p.75.

Held various royal offices in Strick Forest: pp.75,405 & n.2, as did his son.

August 1495 granted the office of bailiff of Eskdale in fee and heritage: RC, 12th Report, Appendix, Part VIII, 133.

Much rewarded by James IV for his help against James III, and appointed Great Chamberlain of Scotland: pp.74-5.

Employed by, and bound in vassalage to, George Gordon, Earl of Huntly: p.185.

Feb.1484 summoned for violently seizing royal letters of

summons from a messenger and for withholding the fruits and tithes of Coldingham Priory: ADC 1478-95, 113\*.  
 Jan.1493 involved in a dispute with Patrick Hepburn, Earl of Bothwell: see above, p.462.  
 July 1502 various men were accused of having broken the king's special protection granted to Alexander, Lord Hume: ADC 1501-3, 180.  
 Stood pledge for various borderers: p.186.  
 Died 1506: p.75. Married 1) Isobel Douglas 2) Nichola Ker: pp.126,128.

George Hume of Ayton, son of the first Lord Hume:

He, or George Hume of Wedderburn, was a negotiator in Anglo-Scottish diplomacy: Appendix III.  
 1470 licensed to build a tower on his lands of Ayton in the barony of Coldingham (Berwickshire): R.S., no.1008.  
 Before 1486-93 a George Hume (probably of Ayton or of Wedderburn) was ransomed after being taken prisoner into England: PRO, C.1. 129/8.  
 Feb.1490 rewarded, together with his son and heir John, for faithful service by having their burgh of Duns created a burgh of barony: R.S., no.1937.  
 Jan.1497 agreed to abide arbitration in a dispute with Patrick Hume of Polwarth: pp.324-5.

Patrick Hume of Eastcastle, brother of George:

Negotiator and conservator in Anglo-Scottish diplomacy: Appendices II, III.  
 Custodian of Berwick castle while it was in Scottish hands: R.S., no.1773.  
 Feb.1490 granted a safe-conduct and protection to go through England: QDS, no.1555.  
 March 1494 on a commission concerning the priory of Canonbie: QDS, Appendix I, no.34.  
 1501 deputy sheriff of Berwickshire under the Earl of Bothwell: p.391 n.4.

George Hume of Wedderburn:

Keeper of Berwick castle in 1477: p.401.  
 Possibly a negotiator in Anglo-Scottish diplomacy: see above.  
 March 1494 on the commission concerning Canonbie priory: see above.  
 He and his brother, Patrick Hume of Polwarth, held land from, and bound themselves in manrent to, Archibald Douglas, Earl of Angus: pp.98-9.  
 He and his brother married the co-heiresses of John Sinclair of Hermiston: p.128.  
 Died 1497: Scots Peerage, iii, 280.

David Hume of Wedderburn, son of George:

Jan.1498 granted, with others, a 19 year respite for various crimes: p.349.  
 Feb.1500 involved in a dispute with Marion Sinclair (probably his mother) and her husband, George Ker of Samuelston, over the lands of Polwarth: ADC 1496-1501, 394-5, 396.  
 1500 together with relatives he paid off part of a remission that they had bought: p.348.  
 Jan.1502 he was ordered, with other Humes, to pay a debt to the king for the remissions granted to their servants and accomplices following a killing, on pain of doubling the debt: p.348.  
 Married a daughter of David Hoppringle: p.129.  
 Died at Flodden in 1513: Scots Peerage, iii, 281.

Miscellaneous relevant facts of interest concerning Humes:

Sir David Hume: Sept.1459 conservator of a truce: Appendix II.  
Gerard and John Hume: negotiators in Anglo-Scottish diplomacy:  
Appendix III.

John Hume of Whitrig (Whitrig): procurator for Driburgh Abbey in  
Jan.1489: ADA, 125.

John Hume of Over Crailing sued Lawrence Rutherford for wilful  
spoliation and withholding of the tithes of Maxton church in  
March 1479: ibid, 72.

Thomas Hume of Stewarton: Feb.1490 called pretended sheriff of  
Berwickshire: ibid, 135.

Thomas Hume: 1452 granted office of royal keeper of Duns Park  
(Berwickshire): RHS, no.541.  
1455 - 1457 bailiff of the Earldom of March: Exch.  
Rolls, vi, 58-59, 255, 333, 429.

The KERS:

Centred on Cessford and Ferniehirst in Roxburghshire, but also held some  
Berwickshire land and some land in Ettrick Forest (Selkirkshire): pp.  
76, 100, 106; RSS, nos.200, 235, 688.

Land-holding connections: Landlords of various members of the family  
included the Duke of Albany, the Douglas Earls of Angus, the Douglasses  
of Cavers, the Humes, Hepburns, Scotts, Lindsays, and Cockburns:  
pp.100-1,105,106-7.

Marriage connections: The Kers were connected through marriage during  
the period with the families of Douglas, Hume, Hepburn, Tweedy,  
Crichton, Rutherford, Scott, and Murray: pp.127,128,129,131-2.

Individual Kers of the period:

Andrew Ker of Cessford:

Conservator of Anglo-Scottish truces: Appendix II.

June 1453 made mutual indenture of maintenance with Sir Robert  
Colville: p.185.

Dec.1454 Thomas Robson bound himself in manrent to Ker: p.185.

April 1456 indicted, but acquitted, of bringing English  
criminals into Scotland, and of other connected crimes of  
march treason: p.291.

Dec.1457 appointed bailiff of Jedburgh Forest regality for life  
by George Douglas, Earl of Angus, to whom he bound himself  
in manrent: p.180.

March 1470 acting, with his son, Walter, as bailiffs for  
William, Lord Crichton: pp.185-6.

March 1471 tried and acquitted on charges which included  
treacherous negotiation with Englishmen: p.291 n.4.

April 1472 acting, with his son again, as bailiffs for  
Archibald, Earl of Angus, in Liddesdale: p.180.

Acted as a pledge on various occasions for many borderers: pp.186,33  
Married 1) A daughter of William Douglas of Cavers 2) Margaret  
Tweedie of Drumelzier: p.131.

Walter Ker of Cessford, son of Andrew:

Warden of the middle march: Appendix I.  
 Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 Bailiff for the Earl of Angus and for Lord Crichton, together with his father: see above. Still bailiff for Angus in Oct. 1484: p.180.  
 Oct. 1478 appointed justiciar and bailiff in hereditary of the barony of Kelso by the abbot: p.44.  
 1482 squire to the Duke of Albany: p.186.  
 Aug. 1488 granted, for service, Roxburgh castle and the patronage of Roxburgh hospital and 'Tasondeu', in hereditary: ibid., no. 1765.  
 Oct. 1488 founded a chapel in Kelso Abbey: p.46.  
 Oct. 1493 chosen as a standby umpire in a dispute between borderers: p.324.  
 March 1494 on the commission concerning Canonbie Priory: see above, p.46.  
 Nov. 1500 founded a perpetual chaplaincy in Caverton chapel, Roxburghshire: ibid., no. 2552.  
 Stood pledge for many borderers at various times: pp.186-7, 336.  
 Died Nov. 1501, probably: Scots Peerage, vii, 329.

Robert Ker of Caverton, son of Walter:

Warden of the middle march: Appendix I.  
 Nov. 1497 paid, as master of the royal artillery, for bringing the artillery from Wedderburn, Hume, and other places: T.A., i, 365.  
 Killed at a day of truce by an Englishman, 'the Bastard Heron', before Oct. 1500: p.367.  
 Married Christine Rutherford: pp.131-2.

Ralph Ker:

(At least 3 men of the name Ralph Ker were alive at the end of the fifteenth century - Ralph, second son of Thomas Ker of Ferniehirst, Ralph, brother of Sir Walter Ker of Cessford, and Ralph, third son of the same Sir Walter - and the following facts may refer to any of them: Scots Peerage, v, 52; vii, 325, 331)

Negotiator in Anglo-Scottish diplomacy: Appendix III.  
 June 1484 acting as bailiff for Alexander, Lord Hume: p.184.  
 Sept. 1489 acting as bailiff in Selkirkshire for George Douglas, Master of Angus: p.180.  
 1490 possibly acting as deputy warden for the Earl of Bothwell: p.184.  
 Jan. 1502 Ralph, Mark, and David Ker appointed deputy wardens of the middle march: Appendix I.  
 1502 Ralph, Mark, and Andrew Ker paid fees as wardens of the middle march: ibid.

Miscellaneous relevant facts of interest concerning Kers:

Adam Ker: Jan. 1475 acting as bailiff in Jedburgh Forest for Archibald, Earl of Angus: p.180.  
 Alexander Ker, parish clerk of Selkirk: July 1489 sued Robert and John Scott for the wilful uptaking of the clerk's fees and profits: ibid., 129.  
 George Ker of 'Samaliston': 1477 keeper of Berwick castle: p.401.  
 George Ker: Dec. 1486 described as rector of Auld Roxburgh: National Register of Archives, survey 182.  
 Mark Ker, son of Walter Ker of Cessford: March 1502 David Ker of Ferniehirst undertook that Mark would do no injury to George and John Rutherford: pp.330-1. Oct. 1502 fined for failing to bring a man to a royal court of justice: p.332. Deputy warden and

possibly warden on the middle march: see above, p.466.

Robert Ker, brother of Walter Ker of Cessford: Abbot of Kelso in the later fifteenth century: p.48.

William Ker of 'Lintounlee': July 1501 & Feb.1502 sued by the Abbot of Jedburgh for wilful occupation of lands in Jedburgh Forest: ADC 1501-3, 71, 145.

#### The RUTHERFORDS:

Centred on Rutherford in the barony of Cavers, Roxburghshire, and on Hundalee and Chatto in the same shire, while they also held land in Peeblesshire, Ettrick Forest, and outside the borders: p.77; R.S., nos. 537, 538, 899, 2122; Exch.Rolls, viii,45.

Land-holding connections: The landlords of various members of the family included the king, the Douglasses of Cavers, the Douglasses of Lochleven, and the Glendinnings: p.103; R.S., nos.538, 899, 2122.

Marriage connections: Families with whom the Rutherfords were connected through marriage included the Kers, Erskines, Stewarts, Cockburns, Glendinnings, Borthwicks, Ormiston, and Turnbills: pp.131-2, 136.

Individual Rutherfords of the period:

#### James Rutherford of Rutherford:

Conservator of at least one Anglo-Scottish truce: Appendix II. April 1456, together with Nicholas and Andrew Rutherford, acted on a jury at a warden's court for the trial of Andrew Ker: p.291; see above, p.465.

May 1471 ordered by the Lords Auditor to restore to Adam Hoppringle harness that he had borrowed: ADA, 12.

June 1493 found guilty of failing to relieve a pledge from English custody and failing to make redress following an attack on Wark: p.334.

Married Margaret Erskine: p.136.

Died 1493: Scots Peerage, vii, 367. In March 1471 it was stated that in the last battle between the English and Scots the laird of Rutherford (apparently James) and other Scots had been taken, wounded, and slain, but James cannot have been among the dead: H.C., 14th Report, Appendix, Part III, 27-8.

#### Philip Rutherford, son of James:

Negotiator in Anglo-Scottish diplomacy: Appendix III.

Married Elizabeth, daughter of Sir Walter Ker of Cessford: p.132.

#### Thomas Rutherford, brother of Philip:

May 1501 at horn (outlawed) for the slaughter of Patrick Hepburn, and his lands were forfeited: R.S., no.691.

May 1502 granted a royal respite and protection, together with James, William, and Robert Rutherford: ibid, no.836.

#### John Rutherford:

Jan.1468 assigned to assess the taxable wealth of barons in the border shires: p.403.

June 1484 John Rutherford of Hundalee acted as bailiff for

Alexander Hume: p.183.

April 1499 two Turnbells obtained a remission for the killing of a John Rutherford: p.137; see below, p.470.

March 1502 surety was given that Mark Ker would do no injury to a George and a John Rutherford: pp.330-1; see above, p.466.

George Rutherford of Langnewton:

Possibly the George Rutherford mentioned directly above.

April 1494 acted as temporary sheriff of Selkirk to pass the hereditary office to Alexander, Lord Erskine: Fraser, Succleuch, ii, 97.

By Feb.1500 forfeited for treason: p.103.

Possibly married Elizabeth Turnbull: p.136; but before Nov.1502 Peter Turnbull destroyed property belonging to George: p.137.

Miscellaneous relevant facts of interest concerning Rutherfords:

Archibald Rutherford: Oct.1467 accused of the wilful occupation of lands at Maxton by Sir Robert Colville: ADA, 8.

James and Adam Rutherford: Nov.1502 Peter Turnbull obtained a remission for the cruel killing of James, son of Adam Rutherford, at Hawick: p.137.

Laurence Rutherford: March 1479 accused of the wilful spoliation and withholding of the tithes of Maxton church: see above, p.465.

Robert Rutherford of Chatto: July 1464 granted, with his wife, the right to burial in Jedburgh Abbey: MAC, Report on the MSS. of William Oliver Rutherford (1895), 735-6.

William Rutherford of Muthill: Nov.1502 bound himself to bring many Rutherfords and other men to justice for a homicide: p.332.

Many Rutherfords provided surety for their kinsmen during the period, and many were involved in crime: pp.186-7; Reg. Hse., Just. Ct. MS., passim.

Oct.1498 & Nov.1502 the Rutherfords, collectively it seems, were described as rebels against the king: ibid, f.60d; RSE, no.279.

The TURNBULLS:

Centred on Binto in Roxburgshire: p.77.

Land-holding connections: The family had land-holding connections with the king, the Douglases of Drumlanrig, and the Scotts (and probably with many other border families of importance): pp.102, 104, 108; RSE, nos. 223, 678.

Marriage connections: Few Turnbull marriages of the half century are known, but the family was connected to the Rutherfords and Scotts: pp.134, 136.

Individual Turnbells of the period:

(So little is known about the Turnbells in the later fifteenth century that it is only possible to list facts of relevant interest attached to certain names, without being able to determine whether each name refers to one or more individuals.)

John Turnbull:

Before Mar.1463 involved, together with Richard, Andrew, and Stephen

- Turnbull, in the capture of the rebel John Douglas, and in 1463 rewarded by the king: Fraser, Buccleuch, ii, 63-4.
- April 1456 acted on the warden court jury trying Andrew Ker: see above, pp.465,467.
- Jan.1468 assigned to assess the taxable wealth of barons in the border shires: p.403.
- Nov.1482 John, son of the deceased Walter Turnbull of 'Hardane', was granted the lands of 'Hardane' in the barony of Wilton, Roxburghshire: Fraser, Buccleuch, ii, 80.
- Feb.1485 acted as bailiff in Liddesdale for the Douglas Earl of Angus: p.181 n.3.
- By June 1491 John Turnbull of Harden had died a bastard without lawful heirs, and his lands passed to the king: H.C., 12th Report, Appendix, Part VIII, 143.
- Nov.1498 John Turnbull in 'Dridane', his father Robert Turnbull of Broadlee, and Alexander Turnbull obtained remissions for treacherously communing with the English and other crimes: RSS, nos.282, 293.
- 1501 John and other Turnbolls (including Robert, Ninian, George, and David) were amerced, and the amercement was granted to Thomas, son of George Turnbull of Bedrule: Exch.Rolls, xi, 328\*.
- A cleric, Mr. John Turnbull, was rector of the school at Dumfries in 1481: p.52.

#### Robert Turnbull:

- Sept.1479 Robert Turnbull of Broadlee resigned Broadlee in the barony of Hawick to William Douglas of Drumlanrig: p.102.
- 1484 a bailiff of Peebles was rewarded for the capture of certain rebels, one of which was a Robert Turnbull: pp.338-9.
- Nov.1498 Robert Turnbull of Broadlee obtained a remission for crimes of treason: see above.
- Feb.1500 acted as bailiff for George, Master of Angus: p.181 n.3.
- 1501 amerced: see above.
- Aug.1502 found guilty of having broken the royal protection granted to the Earl of Bothwell and his servants, through his attack on the lands of Bothwell: ADC 1501-3, 187.

#### George Turnbull:

- 1463 George and David Turnbull acted as temporary sheriffs (sheriffs in that part) in Roxburghshire: Reg.Hse., GD 224/891 b.12
- March 1495 George Turnbull of Hall-Rule was Captain of Hermitage Castle for the Earl of Bothwell: pp.184-5.
- 1501 amerced: see above.
- Oct.1502 amerced for failing to fulfil his pledge to bring kinsmen of his to justice: p.332. The kinsmen were outlawed.

#### James Turnbull:

- Feb.1484 claimed £100 from Adam Turnbull of Philiphalch for theft of cattle, destruction of his house, and the disturbance of him in his lands: ADA, 136\*.
- June 1501 granted, with Lungo Turnbull, a 4 month respite: p.348.
- Dec.1502 with accomplices, said to have killed Thomas Jameson: RSS, no.896.

#### Miscellaneous relevant facts of interest concerning Turnbolls:

- Peter Turnbull: Nov.1502 obtained a remission for the cruel slaughter of James Rutherford and the destruction of George Rutherford's property: p.137.
- Sir Thomas Turnbull: granted by James IV a special exemption from

the consequences of past crimes: p.335.

William Turnbull of Minto: April 1499, with Archibald, son of the late John Turnbull, obtained a remission for killing John Rutherford, for fleeing to England, and for other crimes: p.137; RSS, no.371. This and Peter Turnbull's crimes against the Rutherfords (see above) may have been part of a feud between the two families.

Turnbulls were in Oct.1498 described as rebels against the king: RSS, no.279.

Members of the Turnbull family were frequently involved in crime during the period, and often stood pledge for their kinsmen and for other borderers in courts of justice: pp.186-7, 332, 335, 336, 337; Reg.Hse., Just.Ct.HS., passim.

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