

## Literature, &amp;c.

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## AN ACCOUNT OF THE BORDERS.

At an early period, the boundaries of England differed considerably from their present limits. The south-eastern provinces of Lothian and Berwickshire belonged to England, while the south-western frontier of Scotland was enlarged beyond its present bounds by the possession of the ancient British kingdom of Cumberland. In the year 1030, Eadulf, Earl of Northumberland ceded to Malcolm II the whole district of Lothian and Berwickshire to the Tweed. But this extension of territory on the eastern frontier was balanced by the loss of Cumberland, which was wrested from Malcolm Canmore by William the Conqueror. After this period no permanent change took place on the boundaries of the two kingdoms; and the Borders, with the exception of Berwick on the east, and the "Debatable Land" on the west, which were constant subjects of dispute, might be considered as finally settled according to the present limits.

At the eastern extremity of the boundary line between England and Scotland stands the town of Berwick, on the north bank of the Tweed. This ancient town was the key of the kingdom on this side, and was therefore the object of perpetual strife for several centuries. It was finally left in possession of the English about the close of the fifteenth century. And in 1551 the town, and a small district adjoining to it, called Berwick Bounds—in all about eight miles—were made independent of both England and Scotland. By a charter granted by King James I., the town and its liberties enjoy many valuable privileges of peculiar nature; which, however, have been greatly modified by the English reform and municipal corporation acts. In consequence of this circumstance, the boundary line between the two countries at its eastern extremity leaves the German Ocean about three miles to the north of the Tweed, and proceeding in a south-westerly direction, strikes the river about three miles from the sea. From this point the Tweed forms the line of demarcation as far as Carham four miles west from Coldstream, when the boundary proceeds southward, inclining to the east for a distance of fifteen or sixteen miles; it afterwards turns towards the south-west, in which direction it continues nearly the whole of the remaining distance. For forty or fifty miles the dividing line runs through a wild and mountainous country, and along the highest ridges of the Cheviot Hills—the *waterbreak*, as it is so called, being understood as the proper boundary. A large extent of the district through which part of the line runs was formerly in the condition of a forest, and now consists of extensive sheep-walks. On leaving the mountain ridges which divide Northumberland from Roxburghshire, the line takes the bottom of a valley, along by a stream called the Kershope (a branch of the Liddel), and afterwards along the river Liddel, till about four miles north of Longtown, when it strikes off abruptly from the course of this stream in a direction due west, being marked by an old ditch and embankment called the Scots Dike. This dike is four miles in length, and terminates on the banks of a stream called Sark, which flows in a southerly direction towards the Solway, and forms the boundary of the two countries between the place where the Scots Dike touches it, and its efflux into the Solway. The Solway Firth, which separates Cumberland from the Scottish counties of Dumfries and Kirkcudbright, may be considered as forming the remaining portion of the boundary between the two kingdoms. In ordinary conversation, it is customary to speak of the Tweed as the great dividing line of England and Scotland; but it will be observed from the above that the Tweed really forms a comparatively small part of the boundary, by far the larger portion being an ill-marked track across a mountainous country.

From the indistinctness of the line in many parts of its course, there are, in different places, disputed or debatable lands, claimed by opposite jurisdictions; but these being desolate pastoral tracts, no practical inconvenience ensues.

In consequence of the mutual discord which long unhappily subsisted between England and Scotland, as well as from the feebleness of the administrative law on both sides, the tract of country along the Borders, extending to a length of seventy or eighty miles, by an irregular breadth of from ten to thirty or forty, was distinguished as the scene of almost perpetual disturbance. Apart from that of England and Scotland, the Borders may be said to have a history of their own; for while the two contending nations were at peace, this central district was often engaged in its own family wars and predatory forays, over which the monarchs on either side had no vigorous control.

To remedy this state of things as far as possible, the Borders were divided into east, west, and middle marches, which were placed under the charge of officers of high rank, holding special commissions from the crown, and entitled wardens or guardians of the marches. The persons who filled this important office were usually noblemen or chiefs, possessed of great personal influence in the districts committed to their jurisdiction. The duties intrusted to their charge were of a very extensive nature, comprehending the maintenance of law and good order among the inhabitants of their own dis-

tricts, the control and administration of all the crown manors within their jurisdiction; and the power of apprehending and inflicting summary punishment on those who had been guilty of march treason and felony, or of violating any of the ancient rules and customs of the marches. In times of war, the warden was captain-general within his district, with full powers to call out all "the fencible men," for the purpose either of defending their own territory, or of invading that of the enemy. In time of peace he had the difficult duty committed to him of maintaining the amicable relation between the two countries, and of redressing the various grievances arising out of the continual incursions of the mossroopers on both sides.

The weakness of the Scottish monarchs usually compelled them to confer the office of warden on some of the chiefs of the great Border clans, who appear, without any scruple, to have employed their authority to crush their private enemies, rather than to preserve the public peace, or to secure the impartial administration of justice. The extensive powers of these turbulent chieftains made it almost equally dangerous to withhold or to grant whatever booms they chose to exact. Their numerous and devoted clansmen and allies were ever ready to obey their commands, even in opposition to the royal authority; and a combination of these formidable barons, on more than one occasion, proved too strong for the reigning sovereign.

## BORDER CLANS AND FEUDS.

The system of clanship existed at a very early period on the Borders, and continued to flourish there until the union of the crowns. The frontier provinces of England and Scotland were inhabited in ancient times by several tribes of Britons or Celts, and the patriarchal form of government—a leading feature of Celtic manners—remained on the Borders long after the abrogation of the other peculiar usages of the ancient inhabitants, and in despite of the feudal system, with which it was often at variance. According to this simple mode of government, which was universal among the ancient Celtic nations, the chief of the clan was supposed to be the immediate representative of the common ancestor whose name they usually bore, and from whom, it was alleged, they were all descended. He was their counsellor in peace, and leader in war. His authority over them was absolute, and they paid the most unlimited obedience to his commands. Indeed they respected no other authority: and so completely were they devoted to the service of their chief, that they were at all times ready to follow him against the king himself. In return for this devoted attachment to his person and interest, the clansmen looked up to their chief for advice, subsistence, protection, and revenge. He was expected to display the most profuse hospitality, and to expend his means of subsistence in the service of his clan. He seems to have had little that he could properly call his own, except his horses and his arms. However extensive his domains, he derived no advantage from them, save only from such parts as he could himself cultivate or occupy. The rest of his territories were distributed among his friends and principal followers, who repaid him by their personal service in battle, the assistance in labouring the land retained in his own possession, the payment of the various feudal casualties, and probably by a share of their plunder. Payment of rent was unknown on the Borders till after the union of the crowns. The revenues of the chieftains were therefore almost exclusively derived from their extensive flocks and herds, and from the *black-mail* which they exacted from their neighbours in payment of the protection afforded them from plunder.

As the clansmen were expected to exhibit the deepest devotion to the interests of their chief, so, in return, he was expected to extend to them his protection under all circumstances, and by all means, legal or illegal. The authority of the feudal superior was greatly inferior to that of the chief; for, in the acts regulating the Borders, we find repeated mention of "clannes having dependants and chieftaines, on whom they depend, oft-times against the willes of their landeslordes." Consequently these laws looked to the chieftain rather than to the feudal superior for the restraint of the disorderly tribes; and it is repeatedly enacted, that the head of the clan should be first called upon to deliver those of his sept who should commit any trespass; and that on his failure to do so, he should be liable to the injured party in full redress. Hence, in accordance with the ancient Celtic usages, the chief not unfrequently made atonement for the murders or acts of aggression committed by his clan, by the payment of such a fine, or "assythement," as it was called, as might make up the feud. Oftener, however, the chieftains not only connived at the misconduct of their clansmen and allies, but protected them in all their deeds of rapine and bloodshed; and as the offended clan considered it a sacred duty to avenge the death of any of their number, not only upon the homicide, but, in the phrase of the time, upon "all his name, kindred, maintainers, and upholders," deadly feuds were of frequent occurrence, and the most savage acts of cruelty were remorselessly committed. Speaking of this custom of blood-revenge, which it justly terms most heathenish and barbarous, the statute (1594) expressly declares that the "murders, ravages, and daily oppression of the subjects, to the displeasure of God, dishonour of the prince, and devastation of the country," was occasioned partly by the negligence of the landlords and territorial magistrates, within whose jurisdiction the malefactors dwelt, but chiefly by the chieftains, and principal leaders of the clans and their branches, who bore dead-

ly quarrel, and sought revenge for the hurt or slaughter of any of their "unhappy race," although done in form of justice, or in recovery of stolen goods. "So that the said chieftain's principals of branches and householders worthily may be esteemed the very authors, fomenters, and maintainers of the wicked deeds of the vagabonds of their clans or surnames."

Of the inveterate determination of the Borderers to act vengefully, we have a striking example in the case of Sir Robert Kerr, warden of the middle marches in the year 1511, who was slain at a Border meeting by three Englishmen—Heron, Starhead, and Lilburn. The English monarch delivered up Lilburn to justice in Scotland; but the other two escaped. Starhead fled for refuge to the very centre of England, and there lived in secret and on his guard. Two dependents of the murdered warden were deputed by Andrew Kerr, of Cessford, to revenge his father's death. They travelled through England in various disguises till they discovered the place of Starhead's retreat, murdered him in his bed, and brought his head to their master, by whom, as memorial of their vengeance, it was exposed at the Cross of Edinburgh. Heron would have shared the same fate, had he not spread abroad a report of his having died of the plague, and caused his funeral obsequies to be performed. A deadly feud of this kind, attended with all the circumstances of horror peculiar to a barbarous age, raged between the powerful families of Johnstone and Maxwell, about the close of the sixteenth century. In the year 1593, Lord Maxwell, who was then warden of the west marches, armed with the royal authority, assembled all the barons of Nithsdale, and displaying his banner as the king's lieutenant, invaded Annandale, at the head of two thousand men, with the purpose of crushing the ancient rival and enemy of his house. The Johnstones, however, assisted by the Scots, Elliots, and other clans, boldly stood their ground; and in a desperate conflict which took place at the Dryffe Sands, not far from Lockerby, gained a decisive victory. Lord Maxwell was struck from his horse, mutilated of his right hand, and then cruelly slain under a tree, still called Maxwell's Thorn. His followers suffered grievously in the retreat. Many of them were slashed in the face by the pursuers; a kind of blow which to this day is called in that district "a Lockerby lick."

So feeble was the royal authority, that the king not only found himself unable to exact any vengeance for this outrage, but was even constrained to bestow on Johnstone the wardenship of the middle marches. The feuds between the Maxwells and the Johnstones were carried on with every circumstance of ferocity which could add horror to civil war. The son of slain Lord Maxwell vowed the deepest vengeance for his father's death. With this view he invited Sir James Johnstone to a friendly conference, under the pretence of a desire to terminate the feud between their clans. They met, each with a single attendant, at a place called Auchmanhill, on the 6th August, 1608—fifteen years after the battle of Dryffe Sands—when Lord Maxwell, availing himself of a favourable opportunity, treacherously shot Sir James Johnstone through the back with a brace of bullets. The gallant old chief died on the spot, after having for some time bravely defended himself against the traitorous assassin, who endeavored to strike him with his sword while he lay dying on the ground. "A fact," says Spottiswood, "detested by all honest men, and the gentleman's misfortune severely lamented, for he was a man full of courage and wisdom."

The murderer, finding no refuge in the Borders, made his escape to France; but, having ventured to return to Scotland after the union of the crowns, he was apprehended, and brought to trial at Edinburgh; and the royal authority being now much strengthened, the king caused him to be publicly executed, 21st May 1618. Thus, says Sir Walter Scott, was finally ended, by a solitary example of severity, the "foul debate" betwixt the Maxwells and Johnstones, in the course of which each family lost two chieftains—one dying of a broken heart, one in the field of battle, one by assassination, and one by the sword of the executioner.

In cases of deadly feuds, vengeance was sought not only against the offender, but against all who were in any way connected with him. Of this the tragical fate of Anthony d'Arcy Sieur de la Bastie affords a melancholy example. After the execution of Lord Home by the regent Albany in 1516, De la Bastie was appointed to succeed him as warden of the east marches. It does not appear that this gallant knight, whose talents were equally high in the cabinet and in the field, had the least concern in Lord Home's execution; but he was a friend of the regent, and that was enough to expose him to the vengeance of the ferocious Borderers, who burned to avenge the death of their chief. A plot, contrived by Home of Wedderburn and other friends of the late earl, drew De la Bastie towards Langton in the Merse. Here, ere he was aware, he found himself surrounded by his unrelenting enemies. He attempted to save himself by the fleetness of his horse; but his ignorance of the country unfortunately led him into a morass near the town of Dunse. His pursuers came up, and put him to death. The ferocious Wedderburn cut off his head, tied it by its long and plaited tresses to his saddle-bow, and galloping into the town of Dunse, affixed the ghastly trophy on the market-cross.

The exaction of blood for blood to the uttermost drachm was indeed handed down from father to son, as a sacred duty, which no lapse of time could set aside.

"At the sacred font, the priest  
Through ages left the masterhand unlost,

To urge with keener aim the blood-incrusted spear."

The deadly feud between the clans of Scott and Kerr, which arose out of the slaughter of the laird of Cessford at the battle of Melrose, in the year 1526, raged during the greater part of a century, in spite of all the efforts made to bring about an agreement. Among other expedients resorted to for this purpose, there was a bond executed in 1529 between the hands of each clan, binding themselves to perform reciprocally the four principal pilgrimages of Scotland, for the benefit of those of the opposite name who had fallen in the quarrel. All was in vain. Sir Walter Scott of Buccleuch was slain by the Kerrs in the streets of Edinburgh in revenge for the death of Cessford, twenty-six years after that event had taken place; and half a century later, the animosity between the families continued to rage as fiercely as ever.

A story, which has been handed down by tradition respecting a quarrel between the Murrays and Scotts, would seem to indicate that these family feuds had sometimes a more amicable termination. During the reign of James VI., William (afterwards Sir William) Scott, eldest son of Scott of Harden, made an incursion upon the lands of Sir Gideon Murray of Elibank, afterwards deputy-treasurer of Scotland, and a great favorite of the king. But the laird of Elibank was upon his guard, and having collected his retainers, attacked the marauders when they were encumbered with their plunder, defeated them, and made young Harden prisoner. Sir Gideon conducted his captive to Elibank Tower, where his lady received him with congratulations on his victory, and inquired what he intended to do with his prisoner. "I intend," said the victorious laird, "to consign him instantly to the gallows, as a man taken red-hand in the act of robbery and violence." "Hoot na, Sir Gideon," answered his more considerate lady, "that is not like your wisdom. Would you hang the winsome young laird of Harden when ye have three ill-favored daughters to marry?" "Right," answered the laird, who joyfully caught at the idea; "he shall either marry our daughter Mickle-mouthed Meg, or starve for it." When this alternative was proposed to the prisoner, he for some time stoutly preferred the gibbet to Mickle-mouthed Meg, and persevered in this ungallant resolution till he was literally led forth to execution, when, seeing no other chance of escape, he consented to save his life at the expense of marrying the young lady.

The marriage contracted under such singular circumstances proved eminently happy, and it appears to have completely terminated the feud between the Murrays and Scotts. Such was the confidence which the chief of the latter clan reposed in the talents and probity of Sir Gideon, that when he was afterwards obliged to leave Scotland for some time, he committed to him the management of his affairs; and accordingly, acting as his representative, the laird of Elibank carried five hundred of the clan of Scott to the assistance of the Johnstones at the bloody battle of Dryffe Sands.

According to a vague tradition, the number of Scottish Border clans was eighteen. The most powerful of these were the Douglasses, Homes, Kerrs, and Scotts, on the east and middle marches; and the Maxwells, Johnstones, and Jardines, on the west. The power of these mighty families were greatly increased by the bonds of alliance (or *man-rent*, as they were termed) which they were in the habit of forming with the chiefs of the smaller clans, who, in return for maintenance and protection, engaged to become their followers and liegemen. In this way several of the Border barons became possessed of such exorbitant power, as to be enabled to set the royal authority at defiance. The formidable house of Douglas, in particular, on various occasions contended with the sovereign on equal terms, and had at one period nearly gained possession of the Scottish throne.

Each of these mighty chiefs, surrounded by his own officers and supported on all occasions by a train of knights, squires, and inferior chiefs, was almost a king in miniature. Every chieftain, too, was the supreme criminal judge within his own territories, possessed the power of life and death over his own retainers, and even of reclaiming from the supreme court any vassal who lived upon his lands. Can we wonder that privileges so extensive were often abused, and that the excesses of these petty tyrants should have frequently proved altogether intolerable?

The tradition of the country has preserved many instances of the cruel and oppressive actions perpetrated by these Border-chiefs; and though it may sometimes be difficult to separate facts from fables, yet, making every allowance for popular exaggeration, enough remains behind to show the fearful miseries which the exorbitant power of these nobles produced. The crimes of the last Lord Soules, a great feudal oppressor, who held extensive sway in the Borders about the beginning of the fourteenth century, have left an indelible impression on the popular mind. The scene of his cruelties is said to have been the strong castle of Hermitage in Liddesdale, the ruins of which are still regarded by the peasantry with peculiar aversion and terror.

Local tradition represents him as a cruel tyrant and sorcerer, combining prodigious bodily strength with cruelty, avarice, dissimulation, and treachery; as constantly employed in oppressing his vassals, harassing his neighbours, and employing all means, human and infernal, to fortify his castle against the royal authority; invoking the fiends by his incantations; and forcing his vassals to drug materials like beasts of burden. Tradition proceeds to relate that "a