

ART. IV.—*The Debatable Land. Part II.* By T. H. B. GRAHAM.

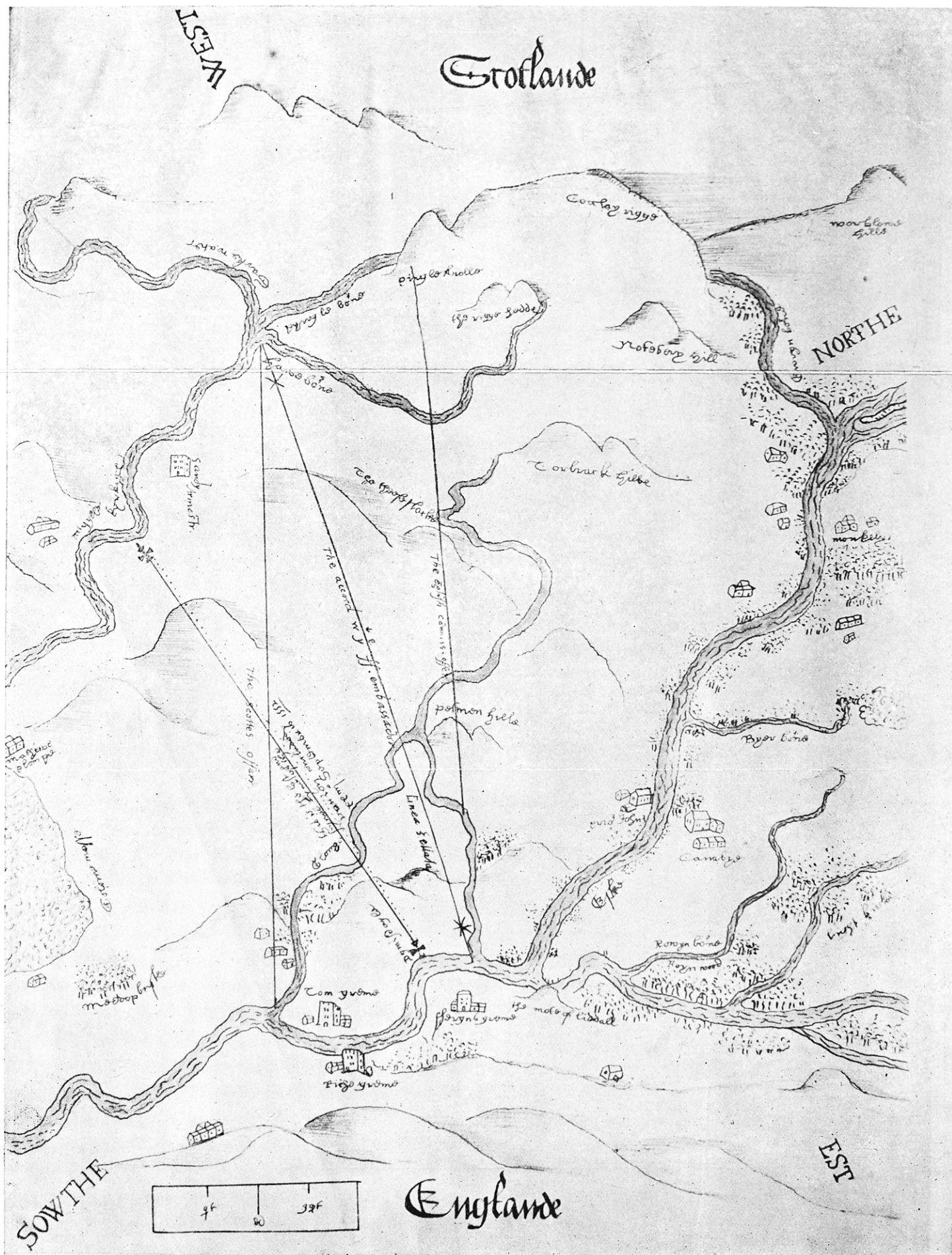
Communicated at Carlisle, April 10th, 1913.

I.—THE ARMSTRONGS.

THE family of Armstrong plays so large a part in the affairs of the Cumberland border, that I am tempted to give a short outline of its history from details supplied by the public records and by a valuable paper on the Debatable land written by the late Mr. T. J. Carlyle of Templehill, Waterbeck, Dumfriesshire, and read to the Dumfriesshire and Galloway Natural History and Antiquarian Society in 1868.

At the dawn of the sixteenth century the Armstrongs were settled along the Scottish slope of the Liddle valley. The head of their clan resided at Mangerton Tower, near Newcastleton, and his over-lord was the Earl of Bothwell.

The rights and liberties enjoyed by the monks of Canobie had at the beginning of the sixteenth century become very restricted. No traces remain of the Priory. Some say that its former position is marked by a large ash tree which grows upon the peninsula between the rivers Esk and Liddle, in the latitude of the Mote scar and Woodhouselees Mansion. Others have placed it at Hall Green, though one would naturally be inclined to look for its remains near Canobie Church. Eastward of the Esk, the cultivated land of the Priory was bounded east by the Rowanburn, which rises near Canobie colliery and descends into the Liddle, and north by the Nether Thorniewhatsburn, which flows past Gilnockie railway station and falls into the Esk close to Hollows Bridge, and it abutted eastward and northward upon debatable



land claimed as parcel of the barony of Harelaw. Westward of the Esk, the cultivated land of the Priory was bounded, north by the Hollowsburn, and south by the Prior linn, as the name implies. The boundary of Canobie parish at that period was the Glenzier (pronounced Glinger) burn. Westward again of the last mentioned stream, and extending to the Sark, was another tract of debatable land claimed as parcel of the barony of Morton Wood. In 1707 all that portion of the barony of Morton Wood which had anciently been debatable land was annexed to Canobie parish, while the remainder was comprised in the parish of Half Morton. The residue of the Debatable land lying southward of the barony of Morton Wood, and extending to the sea shore, constituted the old Scottish barony of Kirkandrews, but has since the Partition formed part of Cumberland. Across the Sark, and stretching as far as the Kirtlewater, was a forest called Logan Woodhead belonging to the Scottish crown (Chalmers, *Caledonia*, iii., 118).

An act concerning the Debatable land, passed in favour of James Maxwell in 1609, indicates the limits of the once disputed territory and implies that the residue of Canobie parish, not therein mentioned, was ancient church land. I have modernized the spelling except in the case of place-names—

The lands of Tarrasfute, Monibihirst, Brounischeilhill, Quhitlisyd, Bankheid, Meirburne, Harlaw and Harlawwod, Rowaneburne, Wodheid, Tornequhattis, Wabredhillis, the lands of Barres Knowes, Wodhousleyis, Holhous, Tarkune, Brounischilburne, Auchinriffok, with the manor place, &c., all lying within the parochin of Canobie, and the lands of Glenyard, Mortoun and Barnegleishe, with the manor place, &c., lying within the parochin of Mertoun, all which lands are bounded as follows, to wit, beginning at the water of Tarres, running in Aisk at the Brommeholme, up the water of Tarres, and up the Parterburne, and from that to Tynnischill, and down the Meirburne to the water of Litchell [Liddle] and down Litchell to Rowaneburne, and thorter

[across] Ingreis yeattis, by the foot of Magilwod, and then to the foot of Nather Thornequhatburne, running in Eask by the head of Knottieholme, the lands of Wodhousleyis and Mortoun bounding with Scottis dyke, marching as well with the water of Ask as with the water of Sark, and up Sark to the march of Auchinbedrig, and from thence up Barnegleysis to the Righeidis, and from thence down Irving burne to Ask, and down Ask to the foot of Holhous, to the marches of Bowholme, were ever held and reputed debatable lands betwixt the two nations of Scotland and England, like as the possessors thereof were noways answerable to his highness's laws, but bruiked [enjoyed] the said lands, without any acknowledging of his highness or his predecessors (*Acts of the Parliaments of Scotland*, vol. iv., p. 443).

The cultivated lands of Canobie Priory were therefore hemmed in east, west, and north by debatable land, to which nobody could show an indefeasible title (these *Transactions*, N.S., xii., p. 35), and the Armstrongs conceived the design, which they never abandoned, of appropriating all those tracts of disputed land.

Their first act of aggression was the erection of the tower of Gilnockie, at the mouth of the Thorniewhats burn, and at the very edge of the cultivated church-land above defined. The tower stood on the precipitous bank of the Esk, fifty yards east of Hollows bridge, and was enclosed by a moat and rampart of which there are remains. Pennant (second edition, vol. i., p. 87) calls the site "Gilnockie's garden," and thinks that it was originally a small British fortress. The remains of the tower were removed when the bridge was built towards the close of the eighteenth century.

In 1501 James IV. ordered the Earl of Bothwell to eject the Armstrongs (Pitcairn, *Criminal Trials*, vol. i., p. 102*), but he failed to do so, and in 1504 the king made a "raid of Eskdale," hanged some thieves, and caused the Armstrongs to be fetched to him (*Accounts of the Lord*

* The asterisks are thus appended to some numerals of Pitcairn's paging.

High Treasurer, vol. ii., p. 456, and Introduction). They were proclaimed rebels in 1514 because they had taken part in Lord Dacre's savage raid upon Dumfriesshire, but on May 18th, 1517, a respite, to continue for a year, was granted to the Armstrongs and others dwelling in the Debatable land and woods, provided they gave pledges for good conduct (Pitcairn, vol. i., p. 235*). Shortly afterwards their leader, the notorious John Armstrong of Gilnockie, brother of Thomas, laird of Mangerton (Pitcairn, vol. i., p. 154*), obtained from Robert Lord Maxwell, Warden of the West Marches, a grant of lands at Langholm. The Nithsdale charter chest contains a document, dated November 3rd 1525, by which the said John Armstrong promised to become Lord Maxwell's vassal. His hand was guided in forming the signature because he could not write, and his seal, bearing the Armstrongs' coat of arms, is appended. On the same occasion, his son Christie Armstrong obtained a grant of £10 land at Barnghliesh, and entered into a similar bond with Lord Maxwell. In 1528 John Armstrong surrendered his said lands at Langholm to Lord Maxwell, and, in the following year, Dr. Magnus complained to Cardinal Wolsey that the clan had destroyed fifty-two parish kirks, and had been denounced as enemies to the Church (Pinkerton, *History of Scotland*, vol. ii., p. 305).

In May 1530 James V. came in person and captured and hanged the laird of Gilnockie and his gaily caparisoned retinue of horsemen. His property was confiscated and given, on July 8th, 1530, to Robert Lord Maxwell. His son Christie and other inhabitants of Liddesdale escaped into Cumberland and by daily incursions ransacked the adjoining territory (Pitcairn, *op. cit.*, p. 153*).

At the death of James V. in 1542 there were only 20 or 30 men at most resident in "the parcel of waste ground that lay opposite to the west borders of Scotland," but by 1579 they had grown to three or four hundred and

had built eight or nine strong houses upon the frontier of Scotland (Spottiswood, *Hist. Scot.*, p. 305).

Mr. Carlyle considered that those strong houses were the towers of Woodhouselees, Sark, Barnglies, Auchenrivoek, Mumbiehurst, Hall Green, Harelaw and Hollows, and that the last-named at any rate was built in conformity with the provisions of an act passed in 1535 which provided that—

Every landed man dwelling in the inland or upon the borders, having there £100 land of new extent, shall big one sufficient barmkyn upon his heritage, in place most convenient, of stone and lime, containing three score feet of the square, an ell thick and 6 ells high, for the receipt and defence of him, his tenants and goods, with one tower in the same for himself, if he thinks it expedient, and that all landed men of smaller rent and revenue big peles and great strengths as they please, and that all the said strengths, barmkyns, and peles, be bigged and completed within two years under the pain (*Acts of the Parliaments of Scotland*, vol. ii., p. 346).

It is important to note the position of the above-named strongholds :—

(1) Woodhouse lees stood on the site of the present mansion of the same name west of Canobie. The land appurtenant to it is bounded west by the Boughlin (pronounced Boafin) burn and south by the Woodslee burn. It belonged to the family of "Ill-Will Sandie," and Ebye Armstrong was "goodman" of Woodhouselees in 1583 (Bain, *Border Papers*, vol. i., p. 122).

(2) The tower of Sark or Morton, Kinmont Willie's residence, occupied the space between the farm house and steading, as shown on the Ordnance Survey. The same survey marks a hamlet at Crawsknow, the western extremity of Scots dyke. The pump standing in a field is the last relic of that hamlet. Close to Sark Tower farmhouse is the disused graveyard of Old Morton Kirk. Kinmont Willie married Hutchin Graham's daughter, sister of "Hutchin's Richie" (*Ibid.*, p. 122).

(3) Barnglies on the Sark was the residence of Christie son of Johnnie Armstrong of Gilnockie. The pump-tree which is fixed seven yards from the rear of the farmhouse marks the position of the tower. An old inhabitant, Matthew Byers of the March, says that his father, who died at the age of 94, was shown the site by an old man who was present when the tower was pulled down. The said Christie Armstrong, described as goodman of Langholm Castle in 1583, and Christie Armstrong of Barnglies (probably his son) both married Grahams of Esk (*Ibid.*, p. 122).

(4) Auchenrivock Tower is situate near the mouth of the Irvine burn, the northern limit of the Debatable land. Its western wall, 33 feet long and originally 4 feet thick, is standing; as is its northern wall, 7 feet long and 3 feet thick. Both walls are pierced by a loophole, splaying inward and outward from a small circular porthole in the middle of the wall, similar to those at the Crew, Bewcastle. Auchenrivock was sometimes known as "Stakeheugh," and belonged to the Irwins.

(5) Mumbiehurst is a farmhouse situate $1\frac{1}{4}$ miles north-west of Gilnockie railway station. I am told by a resident that traces of the tower were found, near the farmhouse, in a meadow which has been levelled. Alexander Armstrong of Monkbehirst is mentioned in 1569 (*Register of the Privy Council of Scotland*, vol. ii., p. 42).

(6) Hall Green is a hamlet lying south-east of Canobie village. The isolated mound in the holm may possibly have been the site of the tower.

(7) Harelaw Tower, the abode of Hector Armstrong, and the scene in 1569 of the betrayal, by that laird, of the Earl of Northumberland, was erected on Harelaw hill. The building stood, between the two old sycamore trees growing 74 feet apart in the plantation, at a distance of 20 yards from the high road. Mr. William Armstrong of Calside remembers the site being pointed out to him

by the carter who removed the foundation stones. Young Hector, son of the above-named Hector, married Fergus Graham's daughter (Bain, *op. cit.*, i., p. 122).

(8) Hollows Tower is still standing on the bank of the Esk above Hollows bridge. According to tradition, it was the home of Johnnie Armstrong of Gilnockie, but Mr. Carlyle assigned it to a somewhat later date. John Armstrong of Hollows (probably "Gilnockies'" grandson) married a sister of Walter Graham of Netherby (*Ibid.*, p. 122).

Two other strongholds of the Armstrongs deserve passing notice:—

(9) Whitlawside, situate a mile north-east of Harelaw Tower, on the right side of the highway leading to Newcastleton. Mr. William Armstrong of Calside remembers a large foundation stone of the tower, embedded in the edge of the steep bank between the dwelling house and the front gate. Sim Armstrong, called "Whitlawside," married a daughter of "Little Tom" Graham of Esk (*Ibid.*, p. 122).

Lastly, (10) Greena Tower, which stood across the Mearburn, and just outside the limit of the Debatable land. Its site, which shows traces of building, is bounded west and south by a deep natural gully and lies a quarter of a mile south-east of the shepherd's cottage at Ryelea-head. Rotterford or Rutherford was the ford which crosses the river about 30 yards west of the Mearburn and just below the garden of Liddle Bank. It gave its name to a stronghold of the Forsters, perhaps identical with the one called on the Ordnance Survey Stonehouse Tower.

In 1535, five years after Johnnie Armstrong's execution, Thomas, laird of Mangerton, and Sim, laird of Whithaugh, near Newcastleton, were denounced as rebels, and, in the following year the latter was hanged for aiding and abetting "Evil wullet Sandie" (Kinmont's father) and other Armstrongs, sworn Englishmen (Pitcairn, 171*, 172).

After the battle of Solway Moss and the death of James V. in 1542, the Armstrongs ventured to return to Scotland and took forcible possession of the land of the destroyed Priory of Canobie and of some adjacent property of Lord Maxwell, who was a prisoner in London. In 1544 they placed themselves under English protection and assisted Lord Wharton to ravage Dumfriesshire in barbarous fashion (*Caledonia*, iii., p. 96). In 1547 there were three hundred Armstrongs in Liddesdale and the Debatable land who were sworn to serve King Henry VIII. (Nicolson and Burn, lvi.).

Shortly afterwards Lord Wharton reported to the English Privy Council that the old laird of Mangerton and his son were "well worthy of reward" (*Ibid.*, lix.), and when, in 1550, Lord Maxwell had made an ineffectual attempt to destroy a house within sight of the border (the Tower of Sark) belonging to Sandie Armstrong, Lord Dacre wrote that Sandie had served very dutifully all the time of the war but there was a danger of the King's losing his services (Nicolson and Burn, lxxv.). Then followed the partition of 1552, when Canobie and Morton were assigned to Scotland and Kirkandrews to England. In 1557, Christie, son of Johnnie Armstrong of Gilnockie, became a vassal of Lord Maxwell and obtained a regrant of his father's escheated lands, and in 1562 was appointed custodier of the house of Langholm and factor, or agent, of Lord Maxwell's property in Eskdale (*Nithsdale Charters*, No. 297). He never returned to Gilnockie, which had probably been destroyed after his father's execution, but resided on his old property at Barnglies.

On February 10th, 1558, a warrant was delivered to the Receiver of Cumberland to pay monthly the wages of 9d. a day, granted to Sandie Armstrong and ten of his sons, for their service during the present and future wars with the Scots, upon the warrant of Lord Dacre, Warden of the West Marches (*State Papers, Dom. Add. Mary*, 1558, p. 469).

In 1569 the Regent of Scotland raided England and induced Hector Armstrong of the Harelaw to betray his guest, the Earl of Northumberland. In 1579, William Armstrong, called Kinmont but residing in Morton, Tower of Sark, and John his son and heir, were vassals of John, Lord Maxwell.

When Lord Maxwell, who had assumed the title of Earl of Morton, made his historic raid upon Stirling in 1585, to displace the Earl of Arran, his followers included William Armstrong called Kinmont, his seven sons all told, his brother Fergie, and ninety-two others of the clan (*Acts of the Parliaments of Scotland*, vol. iii., p. 393). There was "great reaf of horses and goods by William Kinmont and his bairns" (Moysie, *Memoirs*, p. 54), and the Armstrongs even carried off the iron gratings of the windows (Johnstonus, *Historia*, p. 102). Soon after this Lord Maxwell deprived the Armstrongs of the custody of Langholm Castle, and dismissed them from his service, an act which they greatly resented.

The border lairds held occasional race meetings, as appears from information laid in April, 1585:—

On Easter Tuesday, at a horse race in Liddesdale, Thomas Carleton talked secretly with the lairds of Mangerton and Whithaugh and Will of Kinmont. Humphrey Musgrave's horse, "Bay Sandforth," ran and won all the three bells. It is thought he ran that Mangerton might see how he liked him, who now has him. Carleton came that night home to Askerton, and next day ran the "Bell of the Wainerigge." Will of Kinmont and other Scotsmen came with him to Naworth for the night, and, on leaving, Kinmont got "Gray Carver" a horse of Lancelot Carleton's and has him yet (Bain, *Border Papers*, vol. i., p. 180).

Lancelot Carleton was Thomas's brother, and resided at Brampton in 1596 (*Ibid.*, vol. ii., p. 268).

In 1588, Archibald, Earl of Angus, the Scottish Warden, made a raid upon the Armstrongs, but they all escaped into Tarras Moss (Godscroft, vol. ii., p. 411), and ten

years later Sir Robert Carey, the English Warden, besieged the clan, under old Sim of Whitram (? Whithaugh), in the same moss, described as "a great forest surrounded with bogs, marsh grounds, and thick bushes and shrubs." He took five of their principal men prisoners, and made such stringent terms with them, that he "was never after troubled with this kind of people" (Carey's *Memoirs*, p. 151).

At the end of 1595, or beginning of 1596, Salkeld (deputy for Lord Scrope, the English Warden) and Robert Scott of Haining (deputy for Sir Walter Scott, Keeper of Liddesdale) held a Warden court at the Dayholm of Kershope. Kinmont Willie was present, and is alleged, when returning homeward, to have obstructed some Englishmen, who were pursuing some of his own clan "hot trod."

He was arrested and lodged in Carlisle Castle. This act was regarded by the Scots as a breach of the ancient privilege of freedom from arrest on a day of truce. The facts were greatly disputed and warmly debated. One night in the following month, the said Sir Walter Scott, commonly known as "Buccleugh," arrived with seventy followers at the Tower of Morton, Kinmont's residence, and there found assembled Kinmont's sons and retainers, the Armstrongs of Morton, Barnglies, Hollows, Calf Hill, Bigholms, Langholm, Gingles, and others, and preparations were made to release Kinmont from custody. I will quote Lord Scrope's account of the rescue:—

April 14th, 1596. Yesternight, in the dead time thereof, Walter Scott of Harding, the chief man about Buccleugh, accompanied with 500 horsemen of Buccleugh's and Kinmont's friends, did come, armed and appointed with gavelocks, and crows of iron, handpecks, axes, and scaling ladders, unto an outward corner of the base court of this castle, and to the postern door of the same, which they undermined speedily and quietly, and made themselves possessors of the base court, brake into the chamber where Will of Kinmont was, carried him away, and, in their discovery

by the watch, left for dead two of the watchmen, hurt a servant of mine (one of Kinmont's keepers) and were issued again out of the postern before they were descried by the watch of the inner ward, and ere resistance could be made. The watch, as it should seem, by reason of the stormy night, were either on sleep, or gotten under some covert to defend themselves from the violence of the weather, by means whereof the Scots achieved their enterprise with less difficulty. The warding place of Kinmont, in respect of the manner of his taking, and the assurance he had given that he would not break away, I supposed to have been of sufficient surety (Bain, *Border Papers*, vol. ii., p. 120).

One cannot but admire Lord Scrope's candid confession. He had not, like others about him, been reared in an atmosphere of chicanery and fraud, and there is nothing in his narrative to suggest that the prisoner had been treated with indignity, loaded with fetters, and immured in a dungeon, as the author of the border ballad would have us believe. Lord Scrope strongly suspected the Lowthers, Carletons, and Grahams of complicity in the plot (*Ibid.*, p. 122). A reported conversation between Thomas Carleton and Will's Jock Graham leaves little doubt that the watchmen of the castle had been tampered with (*Ibid.*, p. 368), and one of the Grahams had brought Buccleugh's ring to the prisoner, as a token that he would be set at liberty (*Ibid.*, p. 123). The plot is alleged to have been hatched at a horse-race, where Walter Graham of Netherby, Young Hutchin and Rosetrees were on the field, spoke to Buccleugh, and afterwards dined with him at Langholm (*Ibid.*, p. 170), and Buccleugh admitted that he could not have done the deed without "the great friendship of the Grahams of Esk, especially Francis of Canobie and Walter Graham of Netherby" (*Ibid.*, p. 367).

Will of Kinmont after his release became leader of a band of Armstrongs, inhabiting the Debatable land and known as "Sandie's bairns" (*Border Minstrelsy*, p. 204). As late as January 1602-3, he was accused of having spoiled the two villages of Hesket in Cumberland (Bain,

Border Papers, vol. ii., p. 816), but very shortly afterwards the clan of Armstrong was rooted out, its towers demolished and its lands forfeited to the crown.

According to Burke, *General Armory*, the arms of the family were:—

Armstrong of Mangerton, *Argent*, three pallets *azure*. Crest, an arm from the shoulder armed proper.

Armstrong of Whittoch (Whithaugh), *Argent*, three pallets *sable*. Crest, an arm from the shoulder *gules*. Motto, "*Invictus maneo*."

II.—THE GRAHAMS.

The origin of the Grahams, who made their first appearance in Cumberland at the beginning of the sixteenth century, is an interesting but very difficult subject. The first of the name mentioned in the Scottish records is William de Graham, one of the witnesses to the foundation charter of the Abbey of Holyrood House, granted by David I. in 1128. The surname is invariably spelt de Graham in the monastic chartularies of the twelfth and thirteenth centuries, and is presumably a territorial one, derived from a locality with an English termination, though its whereabouts is uncertain.* Under the influence of the Norman-French language it became softened into Grame, and Sir Thomas Grey of Heton, author of the *Scalacronica*, who was in a position to speak with authority states that *lez Grames* were a Norman family, who rose to distinction in Scotland during the reign of William the Lion, 1165-1214 (Paul, *Scots Peerage*, vol. vi., p. 191 *et*

* Greetham near Horncastle, Lincs., is spelt "Graham" in a charter of King Stephen, 1140, which gave to Ranulf, Earl of Chester, "Graham" with the Soke, "and if the heirs of Graham made concord with the king, the earl should possess that honor as his inheritance, and the king would give the heirs some other estate by way of exchange" (Farrer, *Lancs. Pipe Rolls*, 368, 369). Twelve years earlier, William de Graham, who had possibly migrated from the Lincolnshire manor of the same name, was an adherent of King David, Stephen's enemy. It is evident that Stephen wished to obtain the support of the de Grahams of Lincolnshire, but regarded them all as sympathizers with the Scottish king.

seqq.). The passage which contains the statement is as follows :—

Pur quoi il enprist od ly en Escoce plusours dez fitz pusnes dez seynours d'Engleterre, qi ly estoient beinvoillauntz, et lour dona lez terres dez autres, qy ly estoient rebelis. Si estoient ceaux dez Baillolfs, de Bruys, de Soulis et de Mowbray ; et lez Saynciers, lez Hayes, lez Giffardis, lez Ramesays et Laundels, lez Biseys, lez Berkleys, lez Walenges, lez Boysis, lez Mountgomeris, lez Vaus, lez Coleuyles, lez Frysers, lez Grames, lez Gourlays et plusours autres (*Scalacronica*, Maitland Club, p. 41).

But it is certain that the Grahams and de Soules had become Scottish subjects at a date somewhat earlier than that here indicated.

It is assumed that the said William de Graham acquired the manor of Dalkeith, near Edinburgh, from David I. and that his sons were (1) Peter de Graham of Dalkeith, who, early in William the Lion's reign, made a grant of certain lands on the Esk (not the Cumberland river) to the Abbey of Newbattle, and was ancestor to the *elder* branch of the Grahams ; and (2) Alan (not John) de Graham, called *frater Petri de Graham* in his brother's said grant to Newbattle, who was the presumed ancestor of the *younger* branch of the Grahams, including the noble houses of Montrose and Menteith (Paul, *op. cit.*, vol. vi., p. 199).

I will pursue the history of the elder branch because it was especially connected with the English borders.

Sir Peter de Graham had a son, grandson, and great-grandson, respectively named Henry and styled "of Dalkeith." Sir Henry de Graham, the son, witnessed a charter to Newbattle Abbey in 1153-9. Sir Henry de Graham, the grandson, confirmed his ancestor's said grant to Newbattle in 1203-33 and appears to have held the manor of Simundburn in Northumberland, a lordship which belonged to the Kings of Scotland (*Cal. Doc. Scot.*, vol. ii., p. 52). Sir Henry de Graham, the great-grandson,

married the daughter and heiress of Roger Avenel (who died in 1243), and thus acquired extensive landed property in Eskdale, Dumfriesshire. Sir Henry was in the *Curia Regis* at Berwick in 1248, and was one of the magnates of Scotland in the Parliament of Scone, February 5th, 1283-4, who acknowledged Margaret of Norway as heir to the throne (*Acts of the Parliaments of Scotland*, vol. i., pp. 79*, 82).

The last-named Henry had by his marriage with the heiress of the Avenels *six* children, of whom the eldest was :—

Sir Nicholas de Graham of Dalkeith and Eskdale. He married, before 1269, Maria, younger daughter of Malise, Earl of Strathearn, and so obtained an interest in a moiety of the barony of Muschamp, including Belford, Northumberland (*Cal. Doc. Scot.*, vol. ii., p. 476). He swore fealty to Edward I. in 1296, when he was described as "of the county of Linlescu," from which it may be inferred that his principal seat was Abercorn (*Ragman Roll*, *Bannatyne Club Publications*, p. 162). On the same occasion, his *brothers* Henry and Pieres de Graham are both designated "of the county of Dumfries" (*Ibid.*, p. 140). Nicholas was dead in 1306, and his heir, then aged 28, was John de Graham, presently mentioned.

An old poem, written in Anglo-Norman, describes the siege of Carlaverock, in July 1300, and states that one of the knights who fought for Edward I. on that occasion was Henry de Graham. His arms were *gules* a saltire *argent*, on a chief *argent* three escallops *gules*. Of his retinue only two returned unhurt, or with their shields unbroken (*Siege of Carlaverock*, translated by Nicolas, pp. 69, 73). He was probably the above-mentioned brother of Sir Nicholas, and seems to have got a grant of Simundburn, Northumberland, in his father's lifetime (Paul, *op. cit.*, vol. vi., p. 197).

Sir John de Graham of Dalkeith and Eskdale the elder,

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son and heir of Sir Nicholas, died April 25th, 1337, leaving a widow Isabella (*Cal. Doc. Scot.*, vol. iii., p. 382), and was succeeded by his eldest son, Sir John de Graham the younger, who on January 6th, 1341-2, resigned Dalkeith in favour of Sir William Douglas de Laudonia (Lowthian), the "Knight of Liddesdale," and ancestor of the earls of Morton, who, by the way, did not derive their title from Morton in the Debatable land. Sir John the younger also parted with his estates in Eskdale, Dumfriesshire, and, on his death, *without issue*, the direct male line of the *elder* branch of the Grahams became extinct (Paul, *op. cit.*, vol. vi., p. 196.)

But Mr. T. J. Carlyle, in a paper to which I have previously referred, has propounded a theory, which, though not supported by conclusive evidence, is deserving of careful attention.

The Grahams, he writes, for a couple of centuries previous to their first recorded appearance as Cumbrians, had been located in Dumfriesshire, their leader, or chieftain, residing in the tower of Graham, and possessing the Mosskesso or Mosskeswra barony in the parish of Hutton. . . . Though the direct male line of the Grahams of Dalkeith was extinct, there were several collateral branches, which genealogists, unfortunately, have not recorded. What more likely than that some near relative of the last proprietor, John, should have got a donation of the western outskirt of the Avenels' Eskdale lands in Upper Dryfesdale, and founded the Mosskesso barony?

He proceeds to cite records which tend to show that the Grahams of Dalkeith and Eskdale were connected with the parish of Hutton in Dryfesdale, and that there were collateral branches of the same family:—A charter of the supposed date 1321 mentions land at Brakanwra, *quæ fuit Petri de Grame* (Robertson's *Index*, p. 6, No. 36). Brackenwrae is near Langholm.

Again, in 1355, John the Grahame, son of Sir John Grahame of Mosskessen, granted to Roger Kirkpatrick

an annual rent of 40s. out of the lands of Overdryfe (Scott, *Lord of the Isles*, canto ii., note), and a charter of David II., dated 23rd March 1361-2, confirms a gift by John de Graham of Dalkeith to a certain John de Graham, son and heir of *Richard de Graham*, of the lands of Elyvyston near Edinburgh (Douglas, *Peerage*, second edition, vol. ii., p. 234).

The barony of Mosskesso or Mosskeswra was parcel of the Avenels' estate, and there is no record of its devolution immediately after the death without issue of Sir John de Graham the younger of Dalkeith and Eskdale, but, a century later, it was still occupied by the Grahams, for an inquisition dated 1476, concerning Westerkirk, Dumfriesshire, mentions Thomas Graham and William Graham of Mosskeswra.

In 1480 William the Graham of Mosskeswra brought an action against the Earl of Morton regarding the lands of Croftend in Dryfe (*Acts of the Lords of Council*, p. 53), and, in 1492, the Earl of Morton brought an action against the same William Graham, for taking violent possession of half the lands of Hutton, besides other lands situate on the eastern side of Dryfe and forming a considerable proportion of the Mosskesso estate (*Ibid.*, p. 294). The actions probably resulted in favour of the earl, for local Grahams are thereafter styled "of Gillesbie," instead of Mosskesso, and Mr. Carlyle observes that:—

The Grahams, thus hemmed in by powerful neighbours, on a comparatively narrow strip of mountainous land, would be compelled to migrate, and, as the barony of Kirkandrews on the Debatable land had fallen to the crown (on the forfeiture of the Douglasses in 1455), and had not been subsequently regranted, it presented an inviting field to adventurers, of which the Grahams availed themselves, and obtained undisturbed possession. . . . Oral tradition, which seems to be corroborated by historical facts, affirms that cadets of the Grahams of Dryfe migrated to Kirkpatrick-Fleming and Kirkandrews, and that several of them from the latter were thereafter extruded and sought refuge in Cumberland.

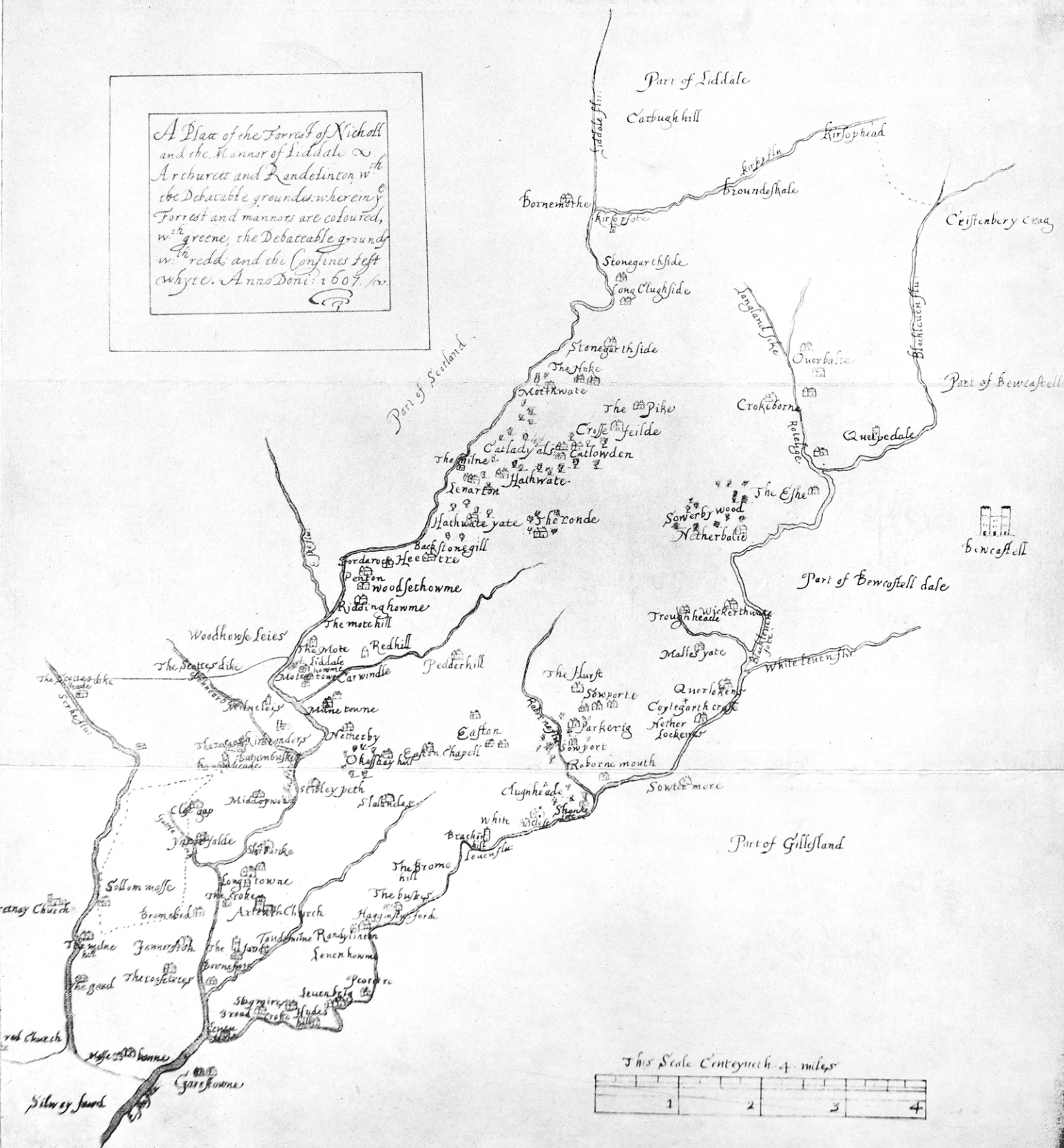
It is not until 1528 that the public records of England and Scotland bear witness to the presence of the Grahams in Cumberland. In February of that year, Maxwell, the Scottish warden, burned Netherby, and the English demanded compensation (*Calendar of State Papers*, Hen. VIII., vol. iv., part ii., p. 1766). A few months later, the Armstrongs and Irwins burned many adjacent dwellings belonging to the Grahams, whose chief was Lang Will of Stuble* (*Ibid.*, pp. 1901, 1935). Lang Will was appointed an assessor for England, at an assize to be holden at Batingbush, Kirkandrews, in 1534 (*Ibid.*, vol. vii., p. 157), and seems to have lived to a great age, for the petition presented to Henry VIII., on May 16th, 1537, by Arthur Graham and his "bretheren" states that :—

Our father, yet alive, has dwelt on Esk for sixty years, and served your Grace and the wardens, and, till now, was never rent demanded of him. Once an Englishman, rebel to your Grace, who had slain fourteen Englishmen, robbed a merchant in Carlisle, and we took him, and I, Arthur Graham, who spoke with your Grace lately, smote off his head and set it on the walls of Carlisle. In the Insurrection we rescued your Grace's serjeant from the rebels, and brought him to Carlisle. Afterwards, when the commons made the "sawte" to Carlisle, half of us went to defend the castle without wages, and the other half to stay the country. Afterwards we put all our force together, put the rebels to flight, and took seven score of them, and I, Arthur Graham, took one of the captains.

They prayed for letters patent, that they might "sit as free as their father before them," and Norfolk, in a letter of the same date, begged Cromwell "to be good lord to these four bretheren of the Grahams" (*Ibid.*, vol. xii., part i., p. 560).

* Stuble is Peth near Longtown and is called "Stibleypeth" in the accompanying map of Nichol Forest. The peth or path ascends from the holm through a gap in the bank to what appears to be the site of a large building. Donald's map shows a hamlet at Peth and the old road which ran from there to Netherby via Crofthead. The existing building at Peth is said to have been erected as a poor-house.

A Plat of the Forrest of Nicholl
and the Mannor of Siddale &
Archurce and Randelinton wth
the Debatable grounds. wherein
Forrest and mannors are coloured,
wth greene, the Debatable ground
wth redde, and the Confines left
whyte. Anno Dom. 1607. W.



The insurrection referred to was the "Pilgrimage of Grace." Arthur Graham is styled "of Canobie" in Lord Scrope's pedigree (these *Transactions*, N.S., xi., p. 73), and, if the allegations of the petition are true, his father, Lang Will, must have settled on the border of the Debatable land as early as 1477, a date which coincides with the mention of William Graham of Mosskeswra, but I do not assert that the two are identical. There is, however, a strong presumption that all the Grahams of the Debatable land emanated from Dumfriesshire, and belonged to the *elder* branch of the family which was connected with that county, and known, according to a paper written by Mr. John Graham for the Glasgow Archæological Society, as the "English faction."

The term "Graham of Esk" is sometimes loosely applied, but Lord Scrope definitely assigns it to "Lang Will" and his descendants (these *Transactions*, N.S., xi., p. 71). Tradition asserts that "Lang Will" married a sister of Johnnie Armstrong of Gilnockie, and in 1528 his eldest son, Richard of Netherby, is expressly called "Richie Graham of Esk" (*Ibid.*, N.S., xii., p. 38). The latter was chief of the clan in 1541, for he is then described as "Richard *the* Graham, son of Lang Will *the* Graham" (*Ibid.*, N.S., xii., p. 41). Old Richie's eldest son, Richie the younger, married a daughter of Edward Aglionby of Carlisle, probably the Edward Aglionby who was sheriff of Cumberland in 1544-5. As an English subject Richie Graham the younger was out of touch with the Scottish College of Heralds and unable to prove his right to assume the old armorial bearings of the family; so for good service Henry VIII. gave him land and the Duke of Norfolk gave him arms (these *Transactions*, N.S., xi., p. 72). The grant is not recorded at the Heralds' College, London, but it may have been similar to the one next mentioned.

Walter, eldest son of the last-named Richie, was chief of the clan in 1596, and, in 1602, was answerable as

“goodman of Netherby” for twenty-five dependents (Nicolson and Burn, i., cx.). Next in importance was Fergus Graham of the Mote, third son of Lang Will. He too received a grant of arms on December 10th, 1553, from William Harvey, Norroy King of arms, for service done in the time of King Henry VIII. and Edward VI. (Stodart, *Scottish Arms*, vol. ii., p. 419.)

There is no mention of this grant to Fergus Graham in the books of the Herald's College, London, but, on June 20th, 1648, “a true coppie of the originall” patent was recorded in the Office of Arms, Dublin, by William Roberts, Ulster King of arms, at the request of Captain Arthur Graham, son and heir to Arthur Graham, second son of Arthur Graham, son and heir to Fergus Graham of Mote in Lidisdale, co. Cumberland, and the arms are described as:—

Barry of six pieces argent and gules, over all in bend a branch of an oak root branched, within a border engrailed sable, on the first gules a boar's head coupé argent. Crest—An arm bend[ée] in four pieces gules and azure holding in the hand charnell a branch of the bend, on a wreath argent and gules, mantled of the same.

The accompanying illustration explains the somewhat difficult description.

Fergus was succeeded by a younger son, Arthur, who “lived on his father's land at the Mote,” and was killed by Thomas Musgrave, captain of Bewcastle (these *Transactions*, N.S., xi., pp. 60, 73), and a pension of £20 a year was, in consequence, granted by Queen Elizabeth to his son, William, living at the Mote in 1596.

There was a long feud between the houses of Netherby and Mote, resulting in much bloodshed, and, in 1602, the said William Graham was by far the most powerful of the local lairds, being answerable, as “goodman of the Mote,” for 102 dependents (Nicolson and Burn, p. cxii),



Arms granted to Fergus Graham of the Mote of Lydysdale, Com. Cumberland, for services done in the time of King Henry VIII. and Edward VI., by William Harvey Esqr., Norroy King of Arms, 10th Dec. 1553.

Barry of six pieces argent and gules, over all in bend a branch of an oak root branched, within a bordure engrailed sable. On the first bar gules a boar's head coupé argent.

Crest—On a wreath argent and gules an arm bendy in four pieces gules and azure holding in the hand carnal a branch of the bend.

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including Arthur of the Mote (brother), Richie of Brackenhill Tower (uncle), and Richie junior of the same place (first cousin).

William and Arthur of the Mote, and Richard (probably the younger) of Brackenhill, were all transported to Ireland in 1607 (*Ibid.*, cxxi.), but they retrieved their character by gallant service in the royal cause, and eventually returned to Cumberland, as is attested by the following inscriptions upon two tombstones formerly in Arthuret churchyard:—

Here lyes the body of Lievetenant Collonel William Graham of Mote, Esq^r., who loyally served the Crown of England in the reigns of Queen Elizabeth, King James the sixth, King Charles the first and King Charles the second, and dyed the 19th of May 1657, in the 94th year of his age. Erected by Mr. Arthur Grahame, his nephew, 1662.

Hic jacet hoc tumulo Maria sponsa Richardi Grahame. "The loving spouse of Breakenhill," 1670. (Nicolson, *Miscellany Accounts*, p. 138.)

Brackenhill Tower bears the date 1586, and was probably built by Richard the elder. It remained in possession of the Grahams until 1752 (these *Transactions*, N.S., viii., p. 375).

Another distinguished member of the family was "William of Carliell," seventh son of Lang Will. King Edward VI., by letters patent dated March 9th, 1553, granted to the said William Graham, *alias* "Carlisle," gentleman, the house and site of the late priory of Armathwaite (a small religious community, consisting of a prioress and nuns of the Order of St. Benedict), and all the lands belonging to the same. Those lands were, for the most part, situate at Armathwaite, within an ancient enclosure of Inglewood forest called the "Nunclose," but the Nunnery itself stood, at that period, on the opposite bank of the Eden in Ainstable parish. I should note, by the way, that part of the Nunclose had always been in lay hands (these *Transactions*, N.S., xii., p. 8).

William Graham's eldest son Arthur lived at Blaatawood, which seems to have been near the Red Kirk in Scotland (cf. these *Transactions*, N.S., xi., pp. 61, 75), so, in 1561, the former levied a fine of the Nunnery, and settled the same upon his second son Fergus Graham, *alias* "Carlisle," in tail-male (Nicolson and Burn, vol. ii., p. 430).

Thomas Musgrave, writing in 1583, says that this Fergus was known as "Forge of Nunnery," and dwelt on the ground King Henry gave his father (these *Transactions*, N.S., xi., p. 61), and, according to Lord Scrope's pedigree, he was married to "Barro," and had two sons, William and Robert, "dwelling inward in England and very good subjects." (*Ibid.*, p. 75).

After the Union of the two Kingdoms, none of Lang Will's immediate descendants retained possession of land in Cumberland, except Fergus Graham of Nunnery. His home was remote from the Border, he did not share the fate of his kinsmen, and his branch became established as a county family.

So far there has not been any evidence whatever to show that the Cumberland Grahams of Esk, Leven and Sark belonged to the *younger* branch of the family.

But Lord Scrope, when commenting upon the pedigree of the Grahams of Esk, observed that the earls of Menteith and Montrose had (perhaps for a political reason) been endeavouring to influence and control the Cumberland Grahams, by alleging that the latter "were descended out of their houses," and there is a story that when Montrose was plotting the assassination of Angus, he employed Jock Graham of the Peartree, *a retainer of his own*, who had a blood feud with Angus on account of the murder of a kinsman, gave him £10 Scots, supplied him with a short matlock or riding piece, and sent him to the North of England, with directions how best to effect his purpose. Jock Graham was apprehended on suspicion, and brought to Lord Scrope at Carlisle, where he made a

full confession on November 25th, 1584 (Calderwood, iv., p. 239). It is clear, then, that the earls of Menteith and Montrose first suggested that the Cumberland Grahams were descendants of their houses, although it is probable from what has been said that they were in fact descended from the *elder* branch of the family.

At the herald's Visitation in 1615, no Cumberland Graham was recorded as entitled to English armorial bearings. The old families of Netherby and Mote, though so entitled, had been deported to Ireland, and that remarkable character, Richard Graham of Plomp, had not yet risen to local eminence.

Richard Graham of Plomp, strange as it may seem, was the especial *protégé* of the two most ambitious and powerful men of the day—Buckingham and Menteith—and was a favourite of the King. He obtained in 1627 a grant of land at Auchenbedrigg (now Solway Bank), Dumfriesshire, as though to acquire a Scottish domicile, because his only landed possessions then lay at Norton Conyers, Yorkshire. On May 21st, 1628, he purchased the lands formerly comprised in the barony of Liddel and since known as the "Netherby estate." He was knighted as Richard Graham "of Esk" on January 9th, 1628-9, and was created a baronet "of Esk" on March 29th, 1629. On one or other of those occasions it was proper that he should receive from the Heralds' College a new grant of arms. Accordingly his patron, William, seventh earl of Menteith, and Thomas Dryisdail, the Scottish Islay Herald, declared and attested the alleged descent of the said Richard Graham from Malise, first earl of Menteith, and the arms appropriate to his family. The English Heralds, on the strength of such apparently weighty testimony, permitted that gallant Cumberland worthy to assume the arms of Menteith, with a crescent for difference, surrounded by a bordure engrailed, which implied that he was a cadet of the house of Menteith (*Earl Marshal's*

Book, i., 9, p. 56). In 1633 he was naturalized as a Scottish subject.

There were now only two Cumberland Grahams of any note, namely Sir Richard Graham, and George Graham of Nunnery, whose family was not as yet entitled to any specific grant of arms from the English College of Heralds. It is possible that Graham of Nunnery thought it prudent to identify himself with the prosperous family of Sir Richard, rather than with his own relations, the old Grahams of Esk, who had fallen into disgrace and forfeited their lands, and he too placed himself under the protecting wing of Menteith. And now comes the climax of the story.

On March 27th, 1665, Sir William Dugdale visited Penrith, and, supposing naturally that what was right in the one case of a Cumberland Graham was right in the other (for there was nobody left to contradict the supposition), allowed George Graham of Nunnery, then aged 72, to assume the arms of Menteith surrounded by a bordure engrailed (see these *Transactions*, N.S., xi., p. 81, note). Two days later he visited Carlisle and allowed Sir Richard Graham of Netherby, then a boy of 16, "*arms as Graham of Nunnery, the bordure azure, with a crescent for difference: crest, two wings addorsed or,*" although the same had in the first instance been granted to his grandfather, Sir Richard, alone. On the same occasion, there was produced on behalf of the infant Sir Richard the pedigree over which such a controversy has been waged (see these *Transactions*, N.S., xi., p. 81). "John with the bright sword," therein represented as the ancestor of "all the Grahams of the borders," cannot possibly have been the well-known "John of Kilbride," because the latter had no connection whatever with the English border and appears by the Menteith pedigree to have died without issue. It may be observed in passing that there was a John Graham of Mosskessen in

Dumfriesshire, who lived a hundred years before John of Kilbride, but the suggestion that he was the real "John with the bright sword" is irrelevant, because he too is alleged to have died without issue.

Finally, in 1681, when Sir Richard Graham, grandson of the first baronet, had been created Viscount of Preston in the Kingdom of Scotland, the Lyon King of arms, at the instance of the eighth earl of Menteith, made a certificate to the effect that Lord Preston was "lineally descended from Alexander the eldest son to earl Malise his father, my predecessors," and a warrant of the deputy Earl Marshal directed the removal of the surrounding bordure from the family arms (*Earl Marshal's Book*, i., 25, p. 226). Authority to remove the crescent for difference had been previously given (*Ibid.*, p. 225).

But here again the earl of Menteith seems to have been acting under a fallacy, for the said Alexander was neither his ancestor nor predecessor in the title, for he predeceased his father Malise and died a hostage in England before April 19th, 1471, *without issue* (Paul, *op. cit.*, vol. vi., p. 142). The second earl of Menteith, and actual ancestor of the eighth earl, was a younger Alexander, grandson of Malise. There is consequently not a shadow of evidence to prove that either Graham of Plomp or Graham of Nunnery were cadets of the family of Menteith, although they were entitled by special grant to assume its armorial bearings. The proposition that the Grahams of Cumberland derive descent from the younger branch of the family, settled remote in Perthshire and the neighbouring counties, is absurd on the face of it, and quite untenable, and it is preferable to regard them all as descendants of the *elder* branch, which long enjoyed landed possessions in Dumfriesshire adjacent to the Debatable land.

The original baronetcy "of Esk," conferred upon the first Sir Richard Graham, almost certainly became extinct in 1690, when the third baronet, who had meanwhile been

created Viscount Preston, was attainted for treason and forfeited his titles. It does not appear to have been restored, but was assumed, about the year 1819, by the Rev. William Graham, great-grandson of the second baronet, and is still assumed by his descendant, who lives in America (see Foster, *Baronetage*, at p. 700). The present baronetcy "of Netherby" is of more recent origin, having been created in 1783.

I have added copies of two maps preserved at the Public Record Office. The first (*S. P. Scotland*, Edw. VI., vol. 5., No. 70) is referred to in these *Transactions*, N.S., xii., p. 46, and shows the various proposals for the partition of the Debatable land in 1552, and the following localities:—Sarke water, Pyngle borne, Pingle Knolle, y^e rigge hedde, Haweborne (Hall burn), the theefe slacke, Sandy Armestr., Kirkige (Kirkrigg), Catgylle (Cadgill), Malhille (Mill hill), Plompe, Solome mosse, Meedop buske, Glonge (Glinger), Dymisdayle, Tom Greme, Riche Greme, ffergus Greme, y^e Mote of Liddall, Rowynborne, Roynwood, Canabye, Prior John, Byerborne and Monkeby. The proposed lines of partition are respectively marked "The English commiss. offer"; "The accord w^t y^e ff. ambassador, *linea stellata*"; "The Scottes offerr"; and "This is the last and fynal lyne of the parcon concluded xxiiij^o Septembris 1552."

The second map (*Maps and plans, Duchy of Lancaster*, No. 91) showing the boundaries of Nichol Forest in 1607, indicates the site of Easton chapel and marks several localities, such as Broundeskale and Quelpedale, mentioned in the inquisition of 1275-6 concerning the barony of Liddel (these *Transactions*, N.S., xiii., 45). The Black Line, and thereafter the White Line, separated the old forest from Bewcastle.

My attention has been called to an error in my account of the barony of Liddel (these *Transactions*, N.S., xi., p. 57). Black dubbs (now Shelahill), the former settle-

ment of the Routledges, was situate at the junction of the Bailey Water and Black Line, not at that of the Black Line and White Line which unite at the Luckens of Line.

I desire to express my thanks to Mr. Clement Armstrong of Langholm for the loan of a MS. copy of Mr. Carlyle's paper, and for much information concerning the Debatable land; and to my cousin, Mr. Harold Graham, for his remarks on the armorial bearings of the Cumberland Grahams.
