ART. VI.—*King James I and the western Border.**

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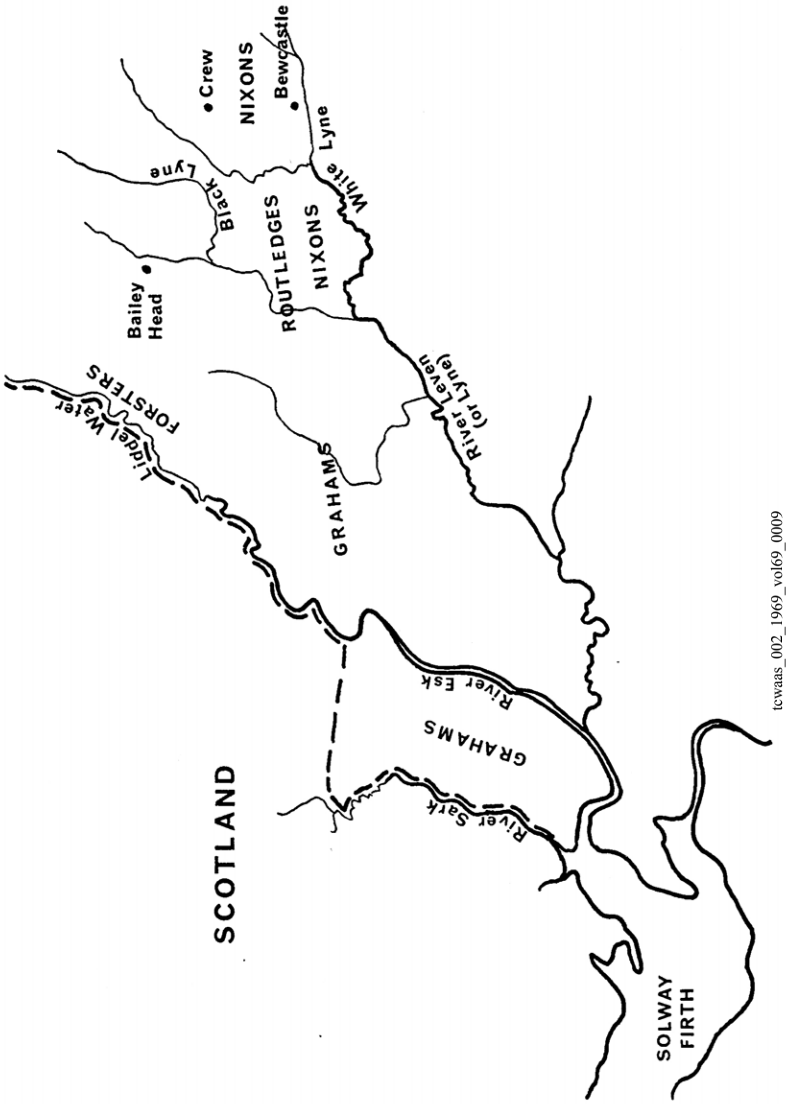
SHORTLY after his accession to the English throne King James I, wishing to get rid of hindrances to the uniting of his two kingdoms, decided to tackle one of the obstacles, the problem of the Border, by setting up a commission of investigation. The commissioners were instructed in the first place to inquire into and determine the boundary between the two realms; secondly, they were to report on the extent and condition of lands in the Border district; and thirdly to assess the values of the lands, quarries, mines and other resources of the region and consider how the king might derive more benefit from it. Their findings, preserved in the Border Survey of 1604,[1] are of great importance for the study of conditions along the northern edges of Northumberland and Cumberland. The evidence is here considered only in relation to the western end of the Border, including what were called the Debateable Lands.

I.

The Cumbrian territory comprised in the Survey stretched from a corner of the Solway Firth to the western tip of Northumberland. Its boundary on the west was the River Sark and on the north the River Esk and Liddel Water. Generally it consisted of the territory between the Esk and the River Line, or Leven, and its tributaries, the White and the Black Line, plus the English part of the Debateable Lands.

* I am very much indebted to Mr J. V. Harrison not only for the information in some of the footnotes below but also for much helpful comment. G.P.J.

[1] R. P. Sanderson (ed.), *Survey of the Debateable and Border Lands . . . 1604* (Alnwick, 1891), hereafter cited as BS.



It contained the whole of the present parishes of Arthuret, Kirkandrews-on-Esk and Bewcastle as well as the townships of Bellbank and Trough, in Stapleton parish, and part of Solport. Its extent was a little over 160 square miles.[2]

At present this stretch of country is very open, rising in the east to hills of which some are over 1500 feet above sea level, with little in the way of woodland. It can hardly have been less bare in 1604. Then, according to the Survey, in the manor of Bewcastle, containing 32,960 acres, there were only 2,589 acres[3] of arable and meadow, worth 18 pence an acre. "Shieldings" and common of the better sort, worth 6d. an acre, contained 16,480 acres, or 50 per cent of the whole, and 13,798 acres, or about 41.9 per cent, were moss and common of the worst kind, worth only 2d. an acre.

The small extent of arable and meadow in relation to the population is evident, e.g., in the account of the lands between the Sark and the Esk. There the surveyors found 34 tenants who, with their families, household servants and "cottingers appertaining", numbered 1,064 souls. The amount of arable and meadow was 1,222 acres, an average of 36 acres per tenement but of less than 1.2 acres per head of persons on the land. If the cottingers and their families, numbering 751 persons, be left out of account the average would still be less than four acres per head. The averages for the five largest tenements are set out in the table below:[4]

[2] The Survey, though noting the bounds of the lands between the Rivers Esk and Line and saying that one part was inhabited by Grahams and another by Forsters, does not name the individual tenants or give the acreage of their holdings as it does for the rest of the area surveyed.

[3] Mr J. V. Harrison points out that the Surveyors seem to have omitted the lands of the Trough, in the Bailey, and to have given the acreage of the Liddell side lands inaccurately. Adding 133 acres for the former and 23 for the latter would bring the total to 2,745 acres. The number of tenants should be increased by 8.

[4] Based on BS, 14-15.

Tenant.	Total arable and meadow.	Average per head including cottingers.	Average per head excluding cottingers.
William Graham of Rose Trees	165 acres	1.8 acres	8.0 acres
William Graham of Bating Bush	115	1.5	7.0
Hutchin Graham of Gards	85	1.8	6.5
William Graham of Medopp	72	1.2	7.2
David Graham of Bank Head	63	0.7	3.3

The relative scarcity of cultivable land may well suggest that the main cause of frequent robberies was over-population as a modern historian of the Border has concluded.[5] Certainly a 16th-century observer was convinced, with regard to Tynedale and Redesdale, that:

the great occasion of the disorder . . . is That there be moe inhabitants within either of them than the saide countryes maye susteyne to live truely for uppon a fyrme of a noble rent There doe inhabite in some place three or fower howsholds soe that they cannot uppon so smalle fermes without any other craftes live truely but either by stealing in England or Scotland.[6]

In the 16th century, however, there were no means of getting adequate and accurate information about the size and distribution of population or the resources for its maintenance, and it may be well to reserve judgment, especially when it is remembered that between the time when Bowes was writing and 1604 there may have occurred a marked fall in population because of the plague. This appeared in the Borders in 1568,[7] and in 1597-98 was raging in Carlisle, Penrith,

[5] D. L. W. Tough, *The Last Years of a Frontier*, 173.
[6] Sir Robert Bowes, *A Book of the State of the Frontiers betweixt England and Scotland*, written in 1550, printed in Rev. John Hodgson, *A History of Northumberland* (Newcastle, 1828), part III, vol. ii, 171-248. This important reference I owe to Mr J. V. Harrison.
[7] D. L. W. Tough, *op. cit.*, 55.

Greystoke and other places in Cumberland.[8] It is therefore worth considering briefly what light the Border Survey may throw on the question.

The evidence suggests a possibility, but by no means a certainty, that some of the Grahams could grow enough corn to feed their families and dependants.[9] That was perhaps true of, e.g., William Graham of Rose Trees. The surveyors did not indicate how many of his 165 acres were arable, but perhaps it may reasonably be supposed that about 60 per cent, say 100 acres, were used to grow corn. It may also be presumed, since he lived a century and a half before the agrarian reforms of Dr Robert Graham in the Netherby region, that William Graham's farming was not much, if any, better than that of medieval times. Accordingly, 33 of his acres might be lying fallow every year in turn, and on the remaining 66 or 67 he might sow three or four bushels of oats to the acre and get a return of 12 or at best 16 bushels.[10] His crop would thus amount to something between 800 and 1,070 bushels, out of which he would need to keep 200 to 270 bushels for the following year's seed. He would thus have left for food 600 to 800 bushels. J. C. Curwen, in 1826,[11] held that a man, wife and family consumed three-quarters, i.e. 24 bushels, in a year. He does not indicate how large a family he had in mind, and perhaps 30 bushels would be nearer the mark if a reasonable level of nutrition be assumed. At the higher rate of consumption William Graham's crop would suffice for from 20 to 26 families; at the lower rate, for from 25 to 33 families. His establish-

[8] H. Barnes, *Visitations of the Plague in Cumberland and Westmorland,* CW1 xi 172 *et seq.*

[9] Parts at least of their territory were suitable. According to Christopher Lowther in 1629 "from Leavens to Esk 2 miles" was "plain very good ground", and the land recently bought by Sir Richard Graham was "most of it good". *Our Journall into Scotland,* A.D. *1629* [Edinburgh, 1894.]

[10] On the quantity of seed and the yield see R. E. Prothero, *English Farming Past and Present* (1917) 10.

[11] Edward Hughes, *North Country Life in the Eighteenth Century,* ii 286.

ment consisted his own family, of 10 persons, and 10 household servants, and he had 21 cottages in which there lived 120 persons. The total of 140 persons in and about Rose Trees would need a quantity of oats equal to the amount consumed by about 28 families, which, at the rate of 24 bushels per annum, would come to 672 bushels, and with ordinary luck[12] William Graham's arable acres would yield that amount with, perhaps, a substantial margin. It is, moreover, to be borne in mind that these 140 people may have lived to a greater extent on meat, milk and cheese than the population of, e.g., the Midlands, and in consequence may have managed well enough with less bread.

It is, however, possible that the estimates suggested above are too optimistic, being based on an assumption that 60 per cent of the cultivated area was used for growing corn. In the parts of the region beyond the lands between Sark and Esk the proportion was markedly smaller:

Region.	Percentage of Arable.
Bewcastle: Crewe	41.1
East of White Leven	43.2
Between Black and White Leven	41.1
The Bailey	41.2
Solport	52.5
Parts inhabited by the Forsters	47.4

It is true that the land between Sark and Esk was flatter and at a lower level than the parts lying to the east and north-east of it and may therefore have contained a greater proportion of arable. If, however, that proportion was nearer to 50 than to 60 per cent, it would be necessary to reduce the estimate given above of the number of families which could be fed on corn locally grown. Or, if enough was indeed grown

[12] In a bad year, such as 1598, his crop may have been very poor. In that year oatmeal was scarce and dear in Scotland and probably in the north of England. H. Barnes, *op. cit.*, 178-179.

to feed the inhabitants, there might be no surplus. In that event, at times at least, if the families were not to go hungry, corn would have to be brought from outside, the grain or meal being paid for, presumably, out of the gains made by rearing cattle and sheep. A few slight indications of the extent to which some of the Grahams were concerned in raising crops are contained in a list, dated in September 1606, of the names and estates of men sent to Ireland.[13] George Graham had "in corn £3 which John Anderson is to sell"; John Grame of Sandhills left corn worth £16, to be sold by Sibell Grame; and Richard Grame of "Bakey" (? Bailey) left corn worth £30 to be sold by John Wilson. Not knowing precisely what kind of corn these men had and being ill-informed about current prices,[14] one cannot translate these sums into quantities, but it is possible that Richard Graham's corn, if it was oats, amounted to as much as 240 bushels.

Whatever the truth may be about the production of corn, it is clear enough that the economic basis of life in the western Border was grassland rather than arable. The pasture land was certainly extensive though much of it was poor in quality and gave little shelter to the beasts grazing on it. The surveyors in 1604 were not required to assess the numbers which the pastures would support and it is now impossible to make an estimate with any confidence. The inventories belonging to the wills of some individuals do indeed show how many beasts they had: John Routledge of Black Dubbs, e.g., in 1587 left 53 horned cattle of various kinds; James Routledge, of The Ash, in 1617 had 42 cattle, 17 sheep and a horse; James

[13] Calendar S.P. James I, Ireland, 552-556. This reference I owe to Mr C. Roy Hudleston.

[14] The prices of oats in the Naworth accounts, e.g. from 1612 to 1640, varied between 1s. 0d. and 4s. 6d. a bushel. George Ornsby (ed.), *Selections from the Household Books, &c.* (Surtees Soc., vol. 68), lxxv-lxxviii.

Routledge, of Bailey Head, in 1612 had 12 horned cattle, 27 sheep (including lambs) and a horse; but William Routledge of Todholes had only six cattle. In a foray in 1583, James Routledge of Cumcrook claimed to have lost 30 cattle, and in 1592 there were said to have been stolen from Cumcrook 6 horned cattle, 20 sheep and 20 goats.[15] Between 1582 and 1587, according to claims presented by the Routledges and others on the English side of the Border, raiders had robbed them of 2,071 cattle, 996 sheep and goats, and 17 horses.[16] It is true that the numbers in some cases were suspiciously round and may, like the estimates of value, have been exaggerated. Moreover, it may well have been that in counter-raids the English borderers recovered more than they lost. Certainly the total of losses by the Scots, £41,600, was declared to be much greater than that of English losses, £9,700.[17]

Much of the pasture being poor, it might be expected that the beasts on the fell sides and near the edges of these northern mosses would be of inferior quality, and the average values of the Bewcastle cattle and sheep noted by Mr J. V. Harrison, which were lower than those in various places in Northumberland, Durham and Westmorland at about the same time, suggest such a conclusion. Other evidence[18] points, though not very conclusively, in the same direction. Comparisons of prices, however, have little value unless one is sure about the weight and quality of the beasts in each case; and it may be that if more were known about the respective breeds and, e.g., the proportion of milch cows in the numbers on which the

[15] J. V. Harrison, *Five Bewcastle Wills, 1587-1617*, CW2 lxvii 102-106; *The Routledges of Cumcrook*, lxv 322.

[16] NB I xxx-xxxi, xxxiii-xxxv.

[17] NB I xxxvii. On the other hand, according to evidence cited by J. J. Bell (*The Armstrongs and the Border* in *History Today* II), between 1586 and 1596, English losses in the West Marches came to £54,000 and Scottish to only £10,000.

[18] C. M. L. Bouch and G. P. Jones, *Short Economic and Social History of the Lake Counties*, 105.

averages are based, that the comparison might appear less unfavourable to the Border.

It was no doubt by the sale of their wool and from the proceeds of trade as cattle dealers and drovers that the Grahams, Routledges and others were able to a large extent to pay for salt, iron wares and the articles of their "insight" not produced in the immediate neighbourhood. Whether or to what extent the Borderers themselves were concerned in the manufacture of textiles from their wool or leather from the hides of their cattle there is, so far as is known, nothing to show; and, according to the surveyors in 1604, the inhabitants had no interest in developing mineral resoures:

> There are within this dale [Bewcastle] great store of Coals and verie easie to come by, but the inhabitants esteeme not of them by reason they have such store of Peats . . . But if the Countrye were planted with industrious men of trade the mynes would be of great value.[19]

Concentration on the raising of livestock, if indeed that was what happened, was likely, apart from other causes of disturbance, to lead to conflicts. Expansion of the industry would require an extension of the meadows, which could be difficult even if possible, or an improvement of the grass on the commons, then even more out of the question. Intensive cultivation being unlikely, the only way out was by extensive use of land, the increase of pasture, to which there was a standing temptation in the indefiniteness of boundaries. Thus, in or about 1587, Walter Graham and others were accused of "bigging houses and depasturing their cattle in Scotland and sowing corn to the value of 40 chalders of corn for ten years bypast . . . pasturing 2,000 head of nolt and horse . . . 2,000 sheep".[20]

[19] BS 35.
[20] NB I xxxvii.

II.

Little is known about the origins of Border society, but evidence from the 16th century suggests that what then existed was the relic of a social order older than feudalism and imperfectly adaptable to it. There also presumably existed the machinery of parish and county organisation and, in addition, the arrangements whereby English and Scottish Wardens of the Marches co-operated to repress and punish robbery and violence; but this machinery was not able to cope properly with men whose ancestors had long been accustomed to rely on action by themselves and their kindred to defend their lives and property.

To a modern reader one of the outstanding features of the Border Survey is the large proportion of tenants bearing the same surname. Between Sark and Esk, e.g., there were 34 tenants, of whom 29 were called Graham, and in Solport six out of seven tenements were held by a Graham. Between the Black and the White Leven there were 36 tenants, of whom 20 were called Routledge; and of 41 Bailey tenants paying no rent, 31 were Routledges. In the Crew quarter of Bewcastle, of 21 tenants who paid no rent 17 were Nixons; and in Liddell-side there were 14 tenants, all called Forster. It is thus not strange that to contemporaries "name" or "surname" in this part of the Marches meant something like "clan" or "sept". In 1593, e.g., the Warden of the West Marches referred to "the bad and vagrant sort of the great surnames of the Borders, namely Grames, Armstrongs, Forsters, Bells, Nixons, Hethertons, Taylors, Routledges",[21] and to their chief members as the "principal headsmen of the Grames . . . and other names".[22] In a document of 1602 listing the "clans of all the Grames" the term headsman does not occur, but three men, Walter Grame of Netherby, William Grame of the

[21] NB I xcv.
[22] NB I xcv.

Mote, and Will Grame of Medop, are distinguished by the title "goodman",[23] which in these instances meant not simply that they were farmers or yeomen but that they had dependants for whose conduct they would answer.

According to tradition John Grahme, son of an Earl of Monteith, during the reign of Henry IV "upon some displeasure risen against him at court, retired with many of his clan and kindred into the English Borders . . . where they seated themselves, and many of their posterity have continued since".[24] Whether the Routledges, Nixons, Forsters and others were also descended from the followers of some early leader who moved with families, flocks and herds into new territory as Abraham did into Canaan history does not record; but it is known that they held together, pursued feuds against other clans and were much given to forays for cattle and sheep.

A second interesting feature of the Survey is that some of the tenants are recorded as paying no rent. The lands between Sark and Esk, it says, "are inhabited and possessed by certen Grahams without payinge any rent".[25] In Bewcastle there were 83 tenants who paid and 91 who did not, though the latter are said to "doe their service to Bewcastle".[26]

[23] NB I cx, cxii, cxiv.

[24] NB I 466. On the other hand, J. Graham (*Condition of the Border at the Union*, 2nd edn. (London, 1907), 105) states that Sir John Graham inherited all Upper Eskdale from his great-grandfather, Sir Roger Avenal, who died in 1243. Thomas Musgrave, however, reported to Lord Burghley in 1583 that the Grahams "within the memorye of man yet beinge had no land there [on the Esk] but the Storys had it and the right thereof". (J. Bain (ed.), *Calendar of Border Papers*, I 124-125.)

[25] BS 13.

[26] BS 32. Mr J. V. Harrison points out that about 1483 Royal Commissioners let out all the lands of Bewcastle to Cuthbert and John Routledge, Robert Elwald and Gerard Nyxon. Before this the castle and all the lands belonging to it had long lain waste. The four men named above were not required to pay rent either to Lord Dacre or to any other, but were to "maintain the King's [just] wars and to keep the borders there and to [maintain] the captain under the king of the same castle who then [was one] Nicholas Ridley". (*State Papers Henry VIII*, xiii 553-554). In 1629, Charles I granted the manor to Sir Richard Graham for £200 and a yearly rent of £7. 10s. 0d., and in 1630 the tenants agreed to pay a four-penny fine on the death of the lord or of the tenant or on alienation. (NB II 477.)

The Grahams and the Forsters of Liddell-side were regarded as holding their lands by a kind of military tenure but in time of war or danger no doubt the rent-paying tenants too were regarded as liable for some duty. The service of the Bewcastle tenants was performed under the direction of the Captain of Bewcastle, who in 1604 was Thomas Musgrave, a younger son of Sir Simon Musgrave, and he, if Lancelot Carleton can be believed, had neglected his duty and even offered to deliver Bewcastle to the Scots. Moreover he had made it "a den of thieves and an harbour and receipt of murderers".[27] It would certainly seem that the castle in 1604 was not in a condition to offer much resistance: it is described as "in great ruine and decaye in such sorte that there is not anye roome therof wherein a man may sytt drye . . . £300 will scarce repair the same in any reasonable sorte".[28]

Whatever may be thought of the Borderers as a frontier guard, there can be little doubt that the condition of some, as freeholders paying no rent, and the military tenure of all, which accustomed them to bear arms, imbued them with a spirit of independence. Their swords were treasured as status symbols and their wearers often assumed armorial bearings which, though not sanctioned by the College of Arms, were not infrequently carved on the backs of their tombstones.[29] Of their numbers no precise estimate is possible The list of "all the clans of the Grames" in 1602 referred to above enumerates 21 heads of establishments, who, with 76 members of their families and 334 tenants or dependants, add up to a total of 431 persons.[30] The 34 tenants between Sark and Esk in

[27] Carleton, according to the answer to a Graham petition in September 1600, was "a man known to be contentious" who had been convicted of falsely accusing John Musgrave, land sergeant of Gilsland (NB I cviii). A quarrel between Carleton and Thomas Musgrave led to arrangements for a duel in April 1602 (NB I 569 n.).

[28] BS 31.

[29] R. S. Ferguson, *The Heraldry of Cumberland Statesmen*, CW1 xiii.

[30] NB I cx *et seq.*

1604, however, made up a population of 1,064, including 172 members of their families, 141 household servants and 751 "cottingers appertaining".[31] No information is given about the families, servants and cottingers of the Bewcastle tenants, but the number of tenants was 174 and, allowing for wives and children, the total population would be between 780 and 870. Altogether it is thus likely that the aggregate population was at least about 1,800 and may have been about 2,000, scattered over the area at an average density of perhaps about 12.5 persons to the square mile.

These 1,800 to 2,000 people probably lived either in relatively isolated farmhouses or in small clusters of dwellings containing a homestead or two, barns and shippons and some cottages. The number of these humbler dwellings and their inhabitants may probably be taken as indicating the importance of the "goodman" living in the homestead. Thus William Graham of Rose Trees, with 10 household servants and 120 people living in 21 cottages, was a more substantial man than George Graham of Yeardfall with a family of four, six household servants and one cottage inhabited by three cottingers. The distribution of cottingers among the tenants between Esk and Sark may be tabulated thus:

Tenants having no cottingers	9
from 1 to 10	8
from 11 to 20	6
from 21 to 30	3
from 31 to 50	3
from 51 to 60	1
from 61 to 70	2
from 71 to 80	1
120	1

The richest or the most influential tenants were probably the six who, according to the Survey, came before

[31] BS 14-15.

the Commissioners and "made offer for themselves and the rest of their neighbours that they would give to his Majestie for the same the yearly rent of £500 and what further his Ma^tie would impose upon them".[32] Their names and the numbers of their cottingers were:

	cottages.	cottingers.
Walter Graham of Bating Bush	10	60
William Graham of Rose Trees	21	120
David Graham of Bank Head	14	70
William Graham of Meddop	8	50
Hutchin Graham of Gards	12	35
John Graham of Laike	4	30

If "neighbours" here means the tenants between Sark and Esk, the sum offered would work out on the average at just over £14. 14s. od. per tenement or about 8s. 2d. an acre of cultivated ground. The liability, if shared out on that basis, would mean that William Graham of Rose Trees would pay about £67. 7s. 6d., and Walter Graham of Solum, having only one acre, 8s. 2d. The six men who were said to have made the offer would between them pay about £227. 13s. od., or about 45.5 per cent of the whole sum. It is hardly possible to believe that such amounts could be raised year after year by the 34 tenants between Sark and Esk. William Graham of Rose Trees, for instance, was listed in 1606 as one of 23 Grahams worth "£20 a year and upwards",[33] which does not sound like an income out of which he could have paid £67 to the King. One must therefore conclude either that the surveyors had not understood what exactly was offered or that the "neighbours" included many more tenants than those between Sark and Esk.

[32] BS 16.

[33] Hist. MSS. Comm., *Lord Muncaster's MSS.* (hereafter cited as MP), 258-259. These papers contain a mass of material relating to the Borders. Joseph Pennington of Muncaster was appointed a Border Commissioner in 1605.

It is clear that some borderers must have been markedly wealthier than others and not only in the land between Sark and Esk. In Solport, e.g., there were seven tenements, all occupied by Grahams, containing in all 141 acres of arable and meadow, but three of these tenements, containing 55 acres, were in the possession of one man who had bought them for £100.[34] To the west of the Black Leven there were eight rent-paying tenants but only two of them held more than the average amount of 16.6 acres: one of them, William Forster of Trough Head, held 68 acres, more than 51 per cent of the whole acreage.[35] Elsewhere the disparity was less marked, as, e.g., among the Forsters in the west of Bewcastle.[36] There was one holding of 43 acres and two of 5 acres 3 roods, but the average was 19.3 acres, and 8 of the 14 tenants had more than that. Among the tenants between the Black and the White Leven who paid no rent,[37] the largest holding was 25 acres and the smallest 6 acres, but the average was 12.9 acres and 7 of the 15 tenants had more than 12 acres each.

III.

The continuance of these pastoral communities, or at any rate of the Grahams, was, by the beginning of the 17th century, threatened from several sides. Even before the King's accession the Grahams thought they had reason to fear some of the neighbouring gentry. In a petition to Lord Scrope, Warden of the Western Marches, in September 1600[38] they asserted that there was a conspiracy aimed against by some who "sit on the bench and at the gaol delivery as our judges, and

[34] BS 31. Either the Surveyors' arithmetic is wrong or there is a misprint in the text. The total should perhaps be 136 acres.
[35] BS 28.
[36] BS 32. The Bewcastle demesne lands, held for life by Thomas Musgrave, contained 132 acres, of which 59 were arable.
[37] BS 27. Fourteen of the tenants were Nixons.
[38] NB I cvi-cviii.

are known to thirst for our bloods, and would cut our throats with their hands if they durst''. They named Thomas Salkeld and William Hutton as principals, ''standing . . . in favour, kindred and alliance to Mr Francis Dacre''. The risk would be less if it could be shown that such local intriguers were, as Dacre was alleged to be, not good subjects of the Queen; but it would be greatly increased if more powerful men were to be supported by the Crown, and that in the end was what happened. The policy of James was to maintain his authority and pursue his economic interests by supporting feudal landlords against what he regarded as lawless chiefs of clans. Acts for that purpose were passed in Scotland in 1587 and later enforced by means of a Committee of Privy Council.[39] Having already met the problem in the Highlands, James was likely to take the same view of it on the Borders, for he had a high notion of monarchical rights and was not remarkably unacquisitive. Moreover, it is possible, as Nicolson and Burn suggested, that he thought ill of the Grahams because in conflicts between the two countries they ''generally adhered to the English interest''.[40]

The barony of Liddale, including Arthuret and Kirkandrews-on-Esk, had been a Crown possession since the reign of Richard II,[41] but James I got little gain from it, one reason being that many of the tenants paid no rent. That ordinary occupiers of land, not being noblemen or even esquires, should be in that happy position may well have seemed wrong both to the King and to neighbouring magnates, and it is easy to understand James's wish to increase his revenue from the land and its inhabitants. To achieve that it would be necessary to come to some agreement with the Grahams or to get rid of some of them, bringing

[39] I. F. Grant, *Economic History of Scotland,* 131-134.
[40] NB I cxvii.
[41] NB I 465.

in tenants on different conditions. The Grahams' offer of £500 a year rent was presumably either not communicated to the King or was refused. In the end he made much less than that sum out of his western Border lands. What in fact he did was, in February 1604, to grant to George Clifford, third Earl of Cumberland, Nichol Forest and the lordships of Arthuret, Liddale and Randalinton for £100 a year. On the earl's death in 1605 these came to his brother Francis, to whom in March 1610 the King granted the lands between Sark and Esk for £150 a year.[42] The third earl did not live long enough to undertake any agricultural improvement on his Border estates, and in any event he was less interested in agriculture than in patriotic piracy which he deemed more becoming to his dignity. "My thoughts," he wrote in 1600, "must turn from intercepting of caracks to sowing of corn, from rigging ship to breeding sheep, and from honour to clownish cogitations."[43] His brother, too, is not known to have carried out any improvements. That very considerable changes for the better could be made was to be shown in the second half of the 18th century by Dr Robert Graham, Rector of Arthuret and Kirkandrews-on-Esk, whose example was followed by his son, Sir James Graham, but by then conditions were more favourable since the clans no longer caused disturbance.

It was very probably in King James's mind that the Earl of Cumberland, with an extensive estate along the Border, would in his own interest strive to keep order in the region and, to help him, he was given some jurisdiction as "His Majesty's Lieutenant".[44] His successor, moreover, had the help of troops, main-

[42] In 1606, as an officer of the Crown, he was concerned in a scheme to fill the king's pockets by raising more money from the customary tenants in the Forest of Knaresborough (Bernard Jennings (ed.), *A History of Nidderdale* (Huddersfield, 1967), 124).
[43] G. C. Williamson, *George, Third Earl of Cumberland*, 35.
[44] MP 231.

tained by the Border Commissioners, in taking possession of tenements on his estate,[45] and he was also made keeper of Carlisle Castle. In the effort to maintain order the bearing of arms and the owning of horses, other than "mean nags" used in farming, were forbidden except to nobles and gentlemen;[46] some Grahams, though no recent offence was proved against them, were imprisoned in Carlisle;[47] a troop of horsemen was maintained near the Esk;[48] and the Earl of Cumberland was advised not to let tenements to the wives or friends of the Grahams.[49] More radical measures, however, were thought necessary, namely the expulsion of all troublesome Grahams from the country. As a preliminary, some of them were induced to confess to crimes deserving severe punishment:

> We and others (they are represented as admitting) with all the warlike force and power that we could . . . spoiled many Englishmen with fire, sword, robbery and murder . . . We have deserved death and the confiscation of our lands and goods. Many of us have wives and children who may be able, with better education, to do good service to your Majesty in some other part of your dominions. We therefore pray that we may be . . . banished as an evil colony . . .to spend the residue of our days in sorrowing for our offences.[50]

This abject confession or another to the same effect, no doubt dictated, was, according to some of those who confessed, untrue in substance and was obtained by a promise of good treatment:

> Many of us who were true men confessed ourselves offenders by reason of the Earl of Cumberland's promise that provision should be made for our wives and children, nearly a thousand in number, as good as that which we had upon Esk.[51]

[45] MP 256.
[46] MP 229.
[47] MP 248. The castle was not a very safe prison. On one occasion 29 out of 33 prisoners escaped. MP 231.
[48] MP 249.
[49] MP 248.
[50] MP 244.
[51] MP 233.

The first plan, adopted in May 1605, was to send 100 men to Flushing and 50 to Brill to be employed as garrison soldiers in those towns, then in English hands as pledges for the repayment of military subsidies. The men, under two conductors, were to be allowed 8d. a day on the journey to Newcastle for embarkation.[52] Difficulty was encountered in making up the numbers and the Mayor of Newcastle was told in a letter of 28 June to expect only 50, who were to be sent to Brill.[53] The Governor of Flushing was informed in a letter of 6 July that 100 Grahams could not be collected but that 72 would be sent.[54] By October some of the conscripts had left without licence and reached Scotland, and many were said to be returning daily from the Low Countries. Some had been granted leave by the Governor, who did not know that they were to be kept in continuous service, and some had forged passes.[55] By November, it was said, out of 72 men sent to Flushing only 14 still remained there.[56]

It is thus little wonder that by September 1606 a different scheme was being tried, namely the transportation of a large number of Grahams with their families to the estates of Sir Ralph Sidley in Roscommon. The ostensible purpose was to induce the Grahams "to till land, which would keep them from idleness and bring them to wealth and fix them to their farms". Sidley, who was supplied with a list of their names and estates, undertook to let them have land on lease, initially for three years, at a low rent, forbearing the first year's rent until they had got in their first year's crop. At the end of three years the tenants would pay fines on renewal of their leases but

52 MP 231.
53 MP 233.
54 MP 234.
55 MP 239.
56 MP 240.

Sidley promised to use the first fines in binding the children apprentices to trades.[57] Some of the emigrants were expected to pay their own expenses. To cover the cost of transporting and settling the others, voluntary contributions were sought from the gentry and freeholders of Cumberland and a rate was levied on that county and Westmorland.[58] In all, £408. 19s. 9d. was collected, out of which £300 was paid to Sidley. In September 1606, 114 Grahams and 45 horses were shipped from Workington to Dublin, where the emigrants were met by "two knights of their own name and kindred", who "comforted them with kind entertainment and promises of help".[59] Nevertheless, in November the Bishop of Carlisle and Sir Wilfrid Lawson heard rumours that many of the emigrants had landed in Scotland. One of the returned exiles said they "left because they could get none of the money entrusted to R. Sidley for their relief".[60]

Since the Commissioners were not very successful in pacifying the Border, James I, in or about December 1606, appointed the Earl of Dunbar, "a councillor in both kingdoms", to assist them. He was told that he was not himself to act as judge or commissioner but was to give advice and to help by rounding up "loose persons" such as "disobedient Grahams" and deliver them to the Commissioners to be dealt with.[61] Dunbar, however, seems to have acted first and informed the Commissioners afterwards, as, e.g., in February 1606/7 when he reported that five men had been executed for very odious crimes and fourteen others for stealths, i.e. stealing, and other offences.[62] James also commissioned Lord Buccleugh, himself formerly a very active raider, to punish "malefactors

57 *Calendar State Papers James I, Ireland,* p. 552.
58 The contributions are set out in NB I cxviii-cxx.
59 MP 262.
60 MP 264, 266.
61 MP 266, 267.
62 MP 271.

and refractory persons", and it has been held that his ruthless harrying of the Borderers and destruction of their houses broke their resistance for good.[63] Border violence, nevertheless, was not brought to an end during the reign of James I. Lord William Howard, who in 1615 considered the Commissioners, however worthy, not resolute or energetic enough,[64] was himself very active in hunting down the outlaws. He left a list of 68 men whom he was instrumental in arresting and prosecuting.[65] By 1632 nearly all of them had been hanged, 16 at least in Carlisle and others in Newcastle, Durham, or elsewhere. Among them were 10 Armstrongs, 4 Grahams, 4 Forsters, 3 Routledges, and 3 Nixons.

The King, the Earl of Cumberland and Lord William Howard were in agreement on one point, that the union of the crowns removed the reason for the existence of Border tenure and that, consequently, new conditions could justly be imposed on the tenants. The Earl had a motive to exact from them more than he had to pay the Crown, and Lord William, who had had to spend great sums in litigation with the Dacres in getting the Dacre lands out of Queen Elizabeth's grasp, wanted, by the substitution of leasehold for customary tenure, to get rid of the disadvantage of fixed ancient rents.[66] To the tenantry such action could not but seem a denial of ancient right, and the Grahams, moreover, like the Routledges, Forsters and Nixons, were aware that the King's accession did not in fact stop the Scots from plundering

[63] John Graham, *Condition of the Border at the Union* (London, 1907), 198-201. Christopher Lowther in 1629 saw the place near Langham where Buccleugh "did wapp the outlaws into the dubb", i.e. drowned them.

[64] G. Ornsby (ed.), *Selections from the Household Books of the Lord William Howard* (Surtees Soc., vol. 68), 418. He thought Sir William Selby lived too far away and Sir John Fenwick in too retired a fashion. Sir Wilfrid Lawson, aged nearly 80, he thought too old and Sir William Hutton too infirm.

[65] Surtees Soc., vol. 68, 463-465.

[66] Surtees Soc., vol. 68, 413, 425-427.

his English subjects. Lord William may well have been right in his view that inadequate care in licensing "ostler houses", which encouraged drunkenness, and the absence of compulsion to sell beasts in open market, which made it easier to dispose of stolen property, contributed to violence and robbery in the Borders;[67] but so did the fact that the Borderers still felt, as their ancestors had done, a need to rely on themselves and their kindred for security. It might thus be held not that the Borders were disturbed because the Grahams were violent but that, in part at least, because the Borders were disturbed the Grahams were driven to violence.

How many emigrants stayed in Ireland, and for how long, is not known; nor have we adequate information about the composition and conditions of the occupiers of land in the time of the third and fourth Earls of Cumberland. It is nevertheless likely that, if the aim was to get rid of a considerable proportion of the Grahams, the scheme failed. At a later date it might have succeeded if, as James I suggested, probably in 1615, the offenders were sent to Virginia;[68] but it is very doubtful whether the emigration of any great numbers to America could have been financed. Much as the gentry of Cumberland and Westmorland disliked the activities of the Borderers, they were, in the opinion of the Council, lamentably backward in contributing to the expense of settling them in Ireland. Sir John Dalston, e.g., flatly refused in public to do so.[69] The Grahams, moreover, were not entirely without support among the gentry: in May 1606, Sir Wilfrid Lawson had reason to think that Sir Richard Lowther was sheltering "disobedient Grahams" in his house though, when it was searched, none could be

[67] *Ibid.*, 420-421.
[68] *Ibid.*, 420.
[69] MP 260.

found.[70] According to Lord William Howard, in past times most gentlemen in the region "had one maine theefe or other under their protection for private ends".[71] The Captain of Bewcastle was certainly an instance according to the Bishop of Carlisle and other commissioners. He was accused of hindering the execution of their warrants and of harbouring notorious murderers.[72]

A Christopher Graham was hanged in 1628 but in that year Richard Graham of Netherby bought out the Earl of Cumberland and he was not likely to carry out a policy of repression against men of his own name. Two Nixons were hanged at Carlisle as late as 1632, the last on Lord William Howard's list, but thereafter, though he lived until 1640, the Lord of Naworth may have been less active. It is clear that despite the harrying and hanging, the Grahams and their neighbours were not all dislodged from their homeland. Indeed, when one considers the numbers of the clansmen, the extent of the territory they occupied, the imperfect co-operation between English and Scottish commissioners, the ineffectiveness of the garrison used to keep order and the probability that the Grahams and others had relatives and sympathisers in Gilsland and elsewhere, one may well conclude that James I had begun a task which he could not finish. In 1829 there were among the the farmers in Arthuret, Kirkandrews-on-Esk and Bewcastle no fewer than 21 Armstrongs, 17 Grahams, 9 Forsters and 5 Routledges,[73] and their names had by no means disappeared by the beginning of the present century.

70 MP 255. Sir Richard was a brother of Gerard Lowther whom Lord William Howard accused of "lewd and treacherous dealing" and "infinite malice" in the dispute over the Dacre lands. (Surtees Soc., vol. 68, 372).
71 Surtees Soc., vol. 68, 419.
72 MP 265, 267.
73 Parson & White's *Directory*. In Bulmer's *Directory*, 1901, there are named among the farmers in the same parishes 11 Grahams, 7 Forsters, 6 Armstrongs, 4 Routledges, and 2 Nixons.