

THE GRAHAMS OR GRÆMES OF THE DEBATEABLE  
LAND—THEIR TRADITIONAL ORIGIN CONSIDERED.<sup>1</sup>

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The traveller from Carlisle to the North, when he reaches Gretna station and the little stream, the Sark, that here divides England from Scotland, knows, if he is read in Border history, that around him lies a tract of country, every acre of which has resounded to the clash of arms—the “Bateable Land,” as it was called of old. Two famous pitched battles have been fought within its bounds—Sark in 1449, when the Scots gained the day, and the Rout of Solway in 1542, when they were scattered to the winds. Claimed by both nations, but belonging to neither, it was the resort of all the broken men of the Western and Middle marches.

It was an oblong stretch of wild land, lying on the Scottish side of the waters of Esk and Liddel, and including within its bounds the historic Solway Moss. Originally it had belonged to Scotland, as early records shew, but in the course of the long Border warfare, it had become neutral, ruled by strange laws and customs ; one of these being that during peace time both Scots and Englishmen pastured their cattle there in safety while daylight lasted, but after sunset the animals remained at the risk, which it is needless to say was considerable, of their owners not seeing them again. It comprised two parishes, Canoby and Kirk Andrews, and when finally divided between the two countries about the middle of the sixteenth century, the former of these was allotted to Scotland, the latter to England. The memory of this division is preserved by the name of the artificial boundary—the “Scots Dyke.”

Long before this time the well-known Border clan of

<sup>1</sup> Read at the Monthly Meeting of the Institute, March 4th, 1886.

Armstrong held many of the peel houses in Canoby, while the Grahams occupied the greater part of Kirk Andrews. While no one has ever claimed an origin for the Armstrongs elsewhere than the scene of their bold exploits, the Grahams, on the other hand, say that they are the descendants of the great Earls of Stratherne or Menteith, whose domains lay around the lovely lake of Menteith or Inchmahome. The tradition in the family of Graham of Esk, from whom those of Netherby, Norton-Conyers, &c., are descended, is stated in Sir Bernard Burke's *Peerage and Baronetage*, ed. 1873, to be that their ancestor was,—

“Malise Graham earl of Stratherne, who changed the title to Menteith, that of Stratherne being annexed to the Royal house by King Robert II. This nobleman *m.* Anne daughter of Henry Vere earl of Oxford, and had three sons and two daughters, the second of which sons, the Hon. Sir John Graham of Kilbride, called *John with the Bright sword*, left Richard Graham, from whom are lineally descended the Grahams of the Borders, both of the English and Scottish side.”

This brilliant origin—some of the details of which are, however, incorrect; for it was James I, not his grandfather Robert II, who deprived Earl Malise of the title of Stratherne, and the latter's marriage to the daughter of a non-existent *Henry*, Earl of Oxford, is a fiction rejected by all good authorities—seems as yet unsupported by any authentic record. There is indeed some diversity of statement as to the sons of Earl Malise, their order, and even their names.

Mr. Fraser, who edited the *Red Book of Menteith* in 1880 for Mr. Stirling Home-Drummond, and had access to the best family archives, including those of the Duke of Montrose and Mr. Graham of Gartmore, gives a pedigree of the Menteith family. According to this, Earl Malise had five sons (1) Alexander, Master of Menteith, who died while a hostage for his father in England in 1469, *s.p.* (2) Sir John, of Kilbride, who *m.* Margaret Muschet, and died before 1478, leaving a daughter only, who was contracted to Malcolm Drummond. (3) Patrick, who also died in his father's lifetime, some time after

1478, leaving a son Alexander, who became second Earl of Menteith on his grandfather's death, *c.* 1493. (4) John. Mr. Fraser says, he was probably born after the death of his elder brother, Sir John. There is no evidence of his being married, and he had no connection with Kilbride. He adds that he has found no proof of the tradition that he was ancestor of the Grahams of Netherby. This is, of course, merely negative evidence on these last points. (5) Walter, of Lochton. He was ancestor of the Grahams of Balquhapple, a family which Mr. Fraser has traced down to 1625.

Mr. W. O. Hewlett in his *Notes on Scotch Dignities dormant or forfeited* (1882), gives a different account of the Earl and his children. He makes Alexander, the second earl, to be son of Earl Malise's eldest son Alexander, master of Menteith, who died *vita patris*; adding that the Grahams of Gartmore, in Perthshire, are the male representatives of Sir John of Kilbryde, the second son of Earl Malise.

While it is undoubted that towards the close of the fifteenth century there were great dissensions in the Earl's family, owing to unequal settlements of parts of his lands on his fourth and fifth sons, John and Walter, who are called his sons "carnall," and were both minors in 1494, there seems to be no positive authority for the tradition that one of these brothers betook himself to the Debateable Land.

Some slight countenance is perhaps given to it by the circumstance mentioned by Mr. Fraser (*Red Book of Menteith*, vol. ii) that William eighth and last Earl of Menteith gave Colonel Grahame, keeper of the Privy Purse to His Royal Highness the Duke of York (James II) while at Edinburgh, a "borebrife" (i.e. birthbrief), attesting that he and his brother, Sir Richard Graham of Esk, just created Lord Viscount Preston, were of his family. The Colonel had evidently prepared and sent this birthbrief to the Earl for his signature. In the Earl's letter, dated at the "Yle of Menteith," 4th July, 1681, he says that the Viscount and the Colonel were "lineallie descended of Alexander, Earl of Menteith, who was eldest son to Earl Malice," his predecessor, and that he is much honoured that so many noble and brave gentlemen are descended of

his family, and prays their "increase." It will be noticed that the terms of this certificate are quite at variance with the family tradition, thus showing the little value to be attached to these birthbrieves, which, as a great authority has remarked, were generally mere complimentary performances seldom founded on any authority.

This Colonel "Grahme" (so the name is spelt in the paper presently to be mentioned) was a man of note in the North. From an interesting paper<sup>1</sup> on Levens Hall, Westmoreland, an estate which he purchased in 1690 from the last of the old Northumbrian family of Bellingham, it appears that Colonel Grahme had been knighted by James II, and that his elder brother, Sir Richard, was at one time styled the "Goodman of Netherby," a territorial designation well known in Scotland, and given to land owners, however large their estates, who held them not of the Crown but of a subject. After the misfortunes of James II, Sir James Grahme settled at this beautiful estate of Levens, represented the county in Parliament, and married a daughter of the Earl of Berkshire. The descendants of this marriage still enjoy the property, the gardens of which are celebrated as having been laid out by M. Beaumont, a Frenchman, who designed those of Hampton Court.<sup>2</sup>

Long before this time, when the clan of Graham were being deported from the Borders as disorderly people, to the Low Countries and elsewhere in the reign of James VI in 1605, the Earl of Montrose, head of the Scottish Grahams, appears to have recognised Richard, son of Walter of Netherby and the rest of the clan, as his "cozens."<sup>3</sup>

Such attestations as these in most cases meant no more than the desire of a great Scottish noble to include all of his surname in the number of his followers.

But whatever the real facts may be as to the order or the names of the children of Earl Malise, or their career, there is clear evidence in the English records that so early

<sup>1</sup> Contributed to the Architectural Section of the Royal Archaeological Institute at their Meeting at Lancaster in July, 1868, by the Rev. G. F. Weston, Vicar of Crosby Ravensworth. (Printed, *Journal* vol. xxvi. p. 97, etc.)

<sup>2</sup> It is reported that there has been a

discovery lately made of some interesting original letters and papers of James II at Levens Hall.

<sup>3</sup> *4th Report of Historical MSS. Commission, Border papers of the Earl of Crawford.*

as the third year of Henry V. (1415) there was already a race of the same name living on the Esk. "John Grame dwelling on the water of Esk near Carlisle, gentleman," and others, are accused of having on divers occasions between Midsummer and Michaelmas, 1415, conspired with the coroner of Northampton against one John Peyntour, of Stony Stratford, in Buckingham, charged with clipping money.<sup>1</sup> This "John Grame" was thus much older than the Earl of Menteith, who must then have been a mere boy. In 1494 "Thomas Grahame, Scottishman," bailiff of the Prior of Canonby, appears in a claim for redress before the Wardens of the West Marches.

According to the Esk pedigree, the real founder of the family fortunes was Richard Graham, gentleman of the horse to James VI. He was created a baronet on 20th March, 1629, by Charles I. He is there said to have purchased Netherby and the barony of Liddel from Francis earl of Cumberland, and in short, like the Thane of Cawdor, was a prosperous gentleman. His father is there called "Fergus Graham esq. of Plomp."<sup>2</sup> When the latter flourished is not said, but he is the first man named after John "of the Bright sword," the traditionary link with Stratherne, who, as Mr. Fraser has shewn, was alive in 1500. This leaves a gap of 70 or more years between him and Fergus of Plomp, who must have lived in the latter half of the 16th century. And I am pleased to be able to contribute a link in this gap, in case the family archives do not shew it. This is an Obligation or Bond by "Riche Grame of Neyerbe and Fergus his broyer" as sureties for another Grame, called "Ney" Wille otherwise Clayseman," that he should not depart from my Lord Flemyng till Sunday next the 14th March, 1558, "under pane of thrydtene scoir (*i.e.* 260) crowns of ye sone." They also bind themselves "to hold my Lord harmless of the said

<sup>1</sup> Privy Seals, 14 Hen. VI.

<sup>2</sup> Fergus was probably "Fergus Grayme of the Moat of Liddel," who had a grant of Arms in 1555:—barry of six, or and gules, within a bordure engrailed sable; in the sinister chief a boar's head erased; over all, a branch of a tree leaved in bend dexter." (See the *History of Liddes-*

*dale, Eskdale, &c., and the Debateable Land* by R. Bruce Armstrong Esq., 1888 Pt. i pp. 174, 183, *n.*; citing Stodart's *Scottish Arms*). These arms are quite different from those now used by the Border Grahams, who all carry those of the Duke of Montrose, with some slight differences.

Wille." They sign the document after a fashion, on 11th March, before "Edward Irwing of Gretnay" thus:—

"Ryzhe Graym, of Netherbe,

"Fergus Graym, wt. our

"hands led at the pen."

James, 4th Lord Fleming, was Warden of the East and Middle Marches, and this bond seems in some way intended to secure the fidelity of "Wille Grame," perhaps as guide or otherwise to the Warden. Douglas, in his *Peerage of Scotland* however, says this Lord Fleming died on 15th December preceding, but in this he may be wrong. If he is right, John the 5th Lord Fleming, must be the person meant. The interest of the document consists in its showing that "Riche" (*i.e.* Richard) Graham, being styled "of" Netherby, was probably its owner (of some part at least) as early as 1558, a full half century before Sir Richard is said to have purchased it from the Earl of Cumberland. It also brings "Riche" within less than half a century of the traditional ancestor John. It was seen by myself some years ago in a collection in private hands, of the old papers of the Flemings, earls of Wigton. It is thus by no means *impossible* that "Riche" and Fergus Graham of 1558 might be the sons or grandsons of John (of Stratherne), but this remains to be proved. Undoubtedly it may be, for Mr. Fraser only says negatively it has not been. It must also be shown that John did fly from "the realms of fair Menteith" to the Debateable Land. He may have heard of namesakes there, and if cast off by his family, may have taken refuge with them. But all this is mere conjecture, in the absence of legal proof.

It is singular at the same time that these Border Grahams or whoever drew up their pedigree, appear to have ignored the fact that in the thirteenth century there were two families of the surname in the Marches, both of high distinction.<sup>1</sup> One of these held property both in

<sup>1</sup> Some authorities say they were the same. Henry de Graham attests a writ of Alexander II, at Kilwinning, 21st May, 1260. (*Calendar of Documents relating to Scotland*, Bain, vol. i, No. 2193). The same or his father occurs in the list of the partizans of Walter Comyn, Earl of Menteith, c. 1244 (*Calendar ut supra*, No. 2672). In 1279, Henry, son of Henry de Graham, grants to the Abbey

of Blanchland a yearly rent of 5s. from his mill of Symundburn in Tyndale, as in their charter from Henry, son of Henry de Graham, his grandfather (*Calendar ut supra*, vol. ii, p. 52). This seems to indicate four generations. Sir Henry de Graham, Knight, is a witness to a charter of Robert Bruce the Competitor, on 25th June, 1288. (*Calendar ut supra*, No. 556).

Tynedale and Eskdale, and there were at least three if not four successive heads of it named Henry. Sir Henry, the last of them, appears on the *Ragman Roll* in 1296, as of "Dumfriesshire," and also was at the siege of Carlaverock in 1300. His banner there exhibited a saltire with three escallop shells on a chief, showing feudal dependance on the Bruces of Annandale.<sup>1</sup> The other family had possessions on the East Marches at Wooler, Sir Nicholas their head having married a Muscamp co-heiress. Both he and Sir John, his son, often appear during the reign of Edward I.<sup>2</sup> It is just as likely, if not more so, that the Grahams of the Debateable Land were descendants of one or other of these families. It is, one may say, a more probable origin than from a younger son of the Menteith or Stratherne family, whose possessions lay in a distant part of Scotland.

Wherever they came from, the Grahams of Esk, Netherby, and their kindred, have become magnates on the Border. While their old neighbours the Armstrongs have been so completely despoiled of their possessions by the Scotts and Elliots, that it is believed no one of the name now owns land in the valleys of Esk or Liddel, where they were once so powerful, and Border ballads only preserve their renown, the Grahams are seated in the fair domain of Netherby. These once wild tracts, where the jackman, on his hardy nag, with "splent on spauld"<sup>3</sup> and lance in hand, pricked across the moor, with his stolen cattle, have been converted into a fertile and smiling region. There are few finer views on the Border than those from the knolls round Arthuret church, near Netherby. The spectator, if a believer in the Arthur of Strathclyde (and as a borderer he

<sup>1</sup> The seal to his homage is a gem—Victory on a car. (*Calendar ut supra*, App. iii, No. 154.)

<sup>2</sup> Their shield is the same as that of Montrose, 3 escallop shells on a chief (*Calendar ut supra* vol. ii, Plate IV, No. 12). As Sir Nicholas and Henry were contemporaries, the difference in their arms is interesting.

It would appear from the authorities cited in Mr. R. Bruce Armstrong's *Liddesdale, Eskdale, etc.*, 1883, Pt. i, p. 149, that c. 1243, Henry de Graham, son of Henry de Graham, of Abercorn and

Dalkeith, married the only child of Sir Roger Avenel of Eskdale. Sir Nicholas their son, succeeded to it. Sir Henry (of Carlaverock) was very likely his younger brother, and had emigrated into Annandale, shewn by his bearing the saltire of the Bruces. The main line represented by Sir Nicholas, ended in an heiress, who married William Douglas, the Knight of Liddesdale, whereby Dalkeith, Abercorn, etc., came to the Morton branch of the Douglasses.

<sup>3</sup> Armour on his back.

is bound to be), knows, as he looks down on the grand plain beneath him, that he surveys the very spot where the historical battle of Arderlydd was fought in A.D. 573, where the Christian Britons routed their Pagan kindred under Gwendoleu and Merlin the prophet.<sup>1</sup> In the dim distance to the west lies the Solway, overhung by the Dumfriesshire Criffel, and more southwards are Skiddaw and Saddleback and the other mountains of the lakes. Turning eastwards he may see the Moat of Liddel, an ancient British camp, and the Scottish southern Highlands, pierced by the valleys of the Esk and Liddel. Amid these scenes, a politician of much note in his day, the late Sir James Graham, of Netherby, delighted to cast himself free from the affairs of State, and occupy his leisure as a Cumberland farmer, and there his descendants still flourish in credit and renown.<sup>2</sup>

<sup>1</sup> See *Arthurian localities*, by J. S. Glennie, 1869, a most interesting work.

<sup>2</sup> In his "Douglas Book," lately completed, Mr. Fraser (vol. iii, p. 85) prints a seisin in favour of George fourth earl of Angus on 3rd January 1456-57, in the

lands of Ewesdale. The witnesses are Elwalds (*i.e.* Elliots), Armstrongs, Turnbulls and Scotts, with "Fergusse the Grame." All evidently Borderers of that district.