

ART. IX.—*The Bishop of Durham, the West March Border Negotiations, and the Treaty of Carlisle, 1597.*<sup>1</sup> By REV. JOS. B. GAVIN, S.J.

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ON 25 September 1596, the Privy Council informed Tobias Matthew, Bishop of Durham, that the queen had chosen him to be chief negotiator on a border commission to meet with the Scots. This commission of English and Scottish representatives was to settle all border disputes between the two countries, and to draw up an international treaty with new border laws for governing this unruly area. The bishop was instructed,

You shall understand that upon certain great disorders of late times committed on the borders of England and Scotland, the Scottish king has offered to appoint certain commissioners on his part to join with others to be appointed by the queen's majesty. Whereto her majesty has assented and for that purpose has made special choice of your lordship to be one and the chiefest of hers, and has also named three others to join with you, that is, Sir William Bowes, knight, Francis Slingsby and Dr Colmore.

The Privy Council was wise in selecting Matthew as its chief negotiator. He had been closely involved in northern religious and political affairs since 1583 when he came to the north country as dean of Durham. In 1595 he was appointed to the office of bishop by a government anxious to plant well-chosen and trusted agents in the politically sensitive north. For centuries the Palatinate of Durham had been governed by a bishop as a kind of separate state, and traditionally,

<sup>1</sup> This paper is taken from chapter three of the author's Ph.D. dissertation, "An Elizabethan Bishop of Durham: Tobias Matthew, 1595-1606" (McGill University, 1972). It is on open access in the university's McLennan Library, Montréal, and in the Borthwick Institute of Historical Research, York. Hereafter cited as "Tobias Matthew".

too, the English kings had looked upon the bishopric and its bishop as a "stone wall against the Scots". Since 1583 the government had frequently relied upon Matthew, and used him as its medium with spies and agents in northern England and with Scotland. Matthew had faithfully kept the government informed of northern events, and had become one of the most trusted northern agents. Now as head of the English negotiators, he was expected to make all preparations concerning time and place for a meeting with the Scots so that the border commission could meet as soon as possible. He was also expected to inform the government of every detail of preparation and negotiation.<sup>2</sup>

The object of this paper is to describe the role of Matthew on the border commission during its second phase of negotiations which it held in Carlisle from 13 April to 5 May, and the series of events leading up to this meeting. This will be done under five divisions: the general state of decay in the border area; the delays which Matthew encountered before the Carlisle meeting; the negotiations in Carlisle; the domestic problems he supervised; the treaty and its general significance.

## I.

That the Anglo-Scottish border was in decay during most of Elizabeth's reign is indisputable. Not until after the accession of James I to England's throne was the frontier country reduced to order. There were many causes for this decayed state of border affairs. In the first place, the isolation of the frontier area made it difficult to govern, especially from London. The high fells with their trackless ridges and upland dales were inaccessible to all but those who knew them, and the

<sup>2</sup> The Privy Council to Bishop Matthew, 25 September 1596 (PC, 2/21/418); the Queen's Commission to Bishop Matthew and Others, 2 October 1596 (Record Office, Carlisle, Richard Bell MSS., fols. 131-131v); "Tobias Matthew", 40-68, 85-123 (esp. 105-106). Spelling, capitalization, and punctuation of manuscript material have been modernized. The new year is calculated from 1 January, not from 25 March.

wardens, who governed the Marches, seldom ventured outside the main routes. Secondly, the turbulent character of the borderers on both sides of the frontier, and the hostility of the opposite nation, actively encouraged the borderers in their predatory habits. Brigandage on the borders was a part-time industry practised by many whose lands could not supply a living, notably during the agriculturally quiescent period from October to April. The border country carried a population greater than it could feed. Lastly, domestic feuds, such as those which festered between the Grahams and Carletons and Lord Scrope, warden of the West March, and neglect of office and mismanagement by the wardens made it difficult to maintain border peace.<sup>3</sup>

The principal borderers on each side of the frontier were very much alike. Rough and hardened by years of strife, by a seasonal economy, and by a rigorous climate, many were inclined toward thieving, raiding, and at times murder. They were often full of malice and bloody revenge against their foes, and were fearless in face of long-standing feuds. Loyalty to one's family was an addiction which could lead easily to murderous revenge should quarrels erupt. During Elizabeth's reign it was generally but mistakenly presumed throughout much of England that the borderers were brave savages who, if kept under strict military discipline and worthy wardens, would keep the peace. Such a picture was unrealistic in light of the murders, thefts, and raids which continued even under wardens

<sup>3</sup> "Tobias Matthew", 107-117. Works of particular interest touching border history are: D. L. Tough, *The Last Years of a Frontier* (Oxford, 1928); T. I. Rae, *The Administration of the Scottish Frontier, 1513-1603* (Edinburgh, 1966); A. L. Rowse, *The Expansion of Elizabethan England* (New York, 1965), especially chapter one; B. W. Beckingsale, "The characteristics of the Tudor North", in *Northern History*, IV (1969), 67-83; George MacDonald Fraser, *The Steel Bonnets* (London, 1971), is rich with examples of border life, disorder, and people. I have relied extensively upon the Border Papers among the State Papers in the PRO, London, because these still remain the best source of information for every aspect of border history.

such as the Careys in the East March or Scrope in the West March. At the same time too, although the English believed that the Scottish borderers were more given to raiding and reiving in Cumberland and Northumberland than were the English in the Scottish Marches, the English borderers were undoubtedly guilty of raids into Scotland as devastating as any incursion into England. Moreover, the English reprisals against the Scots were apt to be better organized and to inflict more damage than the Scottish attacks.

The state of the border makes lamentable reading today because it was the common people who were the victims of border feuds. These people, living on small farms in the dales and the plains, were defenceless against the roving groups of armed raiders. Marauding bands from the opposite nation easily attacked or killed people while at the plough or during the night. Frequently after such raids many innocent people were held to ransom, their cattle, horses, and sheep slaughtered or driven from one country into the other, their houses, barns and other buildings ransacked or burned, churches pillaged, mills and bridges destroyed, and timber cut and crops trampled or put to the flame.

Although complaints about decay and brigandage in the West March had been common for years, early in 1593 John Mey, Bishop of Carlisle, the sheriff, and justices of the peace expressed their growing alarm at the increased lawlessness in this March. They informed the Privy Council that the number of raids from both countries had been doubled. Generally, most of the gentry "dwelling within twenty miles above Carlisle are put in fear of their lives, houses, and goods" so that everyone was forced to keep cattle in their houses during the night. The Bishop and the others begged the Council to take order for the reformation of these abuses in the West March.<sup>4</sup>

<sup>4</sup> Petition of Bishop John Mey and Eleven Others to the Privy Council, 7 February 1593 (SP, 15/32/66).

Yet the abuses remained. Feuds between families increased during the mid 1590s; the Grahams, Carletons, Maxwells, Johnstons and other chief families on both sides of the border continued their blood-feuds among themselves and with each other. By 1596 it was evident to both English and Scottish governments that a special border commission was necessary to settle these abuses and lawlessness, and to draw up a treaty to help govern the frontier area.<sup>5</sup>

The need for this commission had been emphasized in the spring of 1596 after an episode at a truce day held between Scrope and Walter Scott, the laird of Buccleugh, keeper of Liddesdale, and a notorious border raider and troublemaker. The story has been told many times. Members of the Musgrave family, deputies of Scrope, asserted that a certain prisoner, Blacklock, had been kidnapped from Bewcastle by Scotsmen. When the Musgraves pursued them into Scotland, another notable Scottish thief, William Armstrong of Kinmont ("Kinmont Willie"), tried to raise the country against the English. The Musgraves captured Kinmont, and despite the circumstances surrounding this action, sent him prisoner to Carlisle Castle. Although Kinmont was not captured at a truce meeting but later on the same day, technically the English were in the wrong since the custom was that on a day of truce, assurances must be given until the next sunrise. The Scots rightly protested against the Musgraves' attack, and Buccleugh decided to free the prisoner from Carlisle Castle.

He attempted first by peaceful means to persuade Scrope to release Kinmont Willie. But Scrope, who violently disliked Buccleugh, refused to do so. Buccleugh at once made a daring night attack on Carlisle Castle, evidently with the assistance of some English

<sup>5</sup> Tough, *Last Years*, 258-264; Fraser, *Steel Bonnets*, 169-188, 346-354, 366-373.

Grahams and Carletons, and released the prisoner. Scrope was beside himself with rage, and the ensuing uproar raised by the Queen, who had been led to believe by the warden that Buccleugh was a pro-Spanish Catholic sympathizer, caused King James, who secretly approved of Buccleugh's behaviour, to attempt to placate Elizabeth. He agreed to submit the affair to a border commission.<sup>6</sup>

In September 1596, Burghley informed Elizabeth's ambassador in Scotland, Sir Robert Bowes, that she had agreed to appoint a commission for redressing frontier ills, and that she would select "one lord of parliament, a bishop, and four gentlemen". Twenty days later Matthew was notified that he had been chosen as "the chiefest" commissioner. The Scots chose Bishop Peter Rollock of Dunkeld. Sir George Home, Andrew Ker, and George Young. The commissioners in co-operation with the wardens and their deputies for all the Marches were to decide border questions, settle disputes, present bills of indictment, make redress for wrongs and draw up a new treaty between the countries.<sup>7</sup>

## II.

During January 1597, Matthew led the English delegation to Berwick upon Tweed to settle the East and Middle Marches bills. By the end of February this stage of their work was successfully completed. They agreed to prorogue the meeting until 10 March at which time they would meet again but at Gretna Kirk. Here they planned to determine the second half of their task — when and whether to meet in Carlisle or Dumfries to continue their negotiations.<sup>8</sup>

Matthew had not, however, anticipated the difficulties

<sup>6</sup> Tough, *Last Years*, 260-263; Fraser, *Steel Bonnets*, 329-346.

<sup>7</sup> Tough, *Last Years*, 264; "Tobias Matthew", 126-128.

<sup>8</sup> "Tobias Matthew", 132-136.

which lay ahead. In March, shortly after he had returned from Berwick to Bishop Auckland, the meeting at Gretna Kirk was almost cancelled for two reasons. First, not only did the Scots find reasons for postponing it, but Scrope was determined to seek redress for Buccleugh's raid on Carlisle Castle. The warden claimed that this attack was a personal insult to his authority, and he became quite unbalanced in his accusations against Buccleugh and against his English abettors, the Carletons and Grahams. Scrope bombarded the Privy Council and Matthew with letters protesting his innocence and accusing Buccleugh and his accomplices. His attitude brought the border negotiations to a standstill.<sup>9</sup>

He wrote to Matthew on 27 February insisting that he must intercede for him with the Privy Council. The bishop prudently passed Scrope's letter to Burghley; "You may plainly perceive," Matthew wrote, "how stiffly he stands upon satisfaction to be received for Buccleugh's insolent act at Carlisle Castle, before he may or will be content to yield that any redress be made for other bills." To Matthew's request for guidance in this affair, the Privy Council wisely counselled, after considerable correspondence to and from Carlisle, that the border commission ought not to treat of Buccleugh's invasion; rather, let it attend to the other bills. The bishop was relieved, and was confident that this procedure would be satisfactory for all. The English could now keep the assigned day of 10 March "so that we give no colour of quarrel to our opposites".<sup>10</sup>

Matthew continued to fret over details. He believed that the Scots could not be trusted, and that they would try to hinder the meeting. His fears were justified.

<sup>9</sup> Bishop Matthew to Lord Burghley, 1 March 1597 (SP, 59/33/C. II. 538); Bishop Matthew to Lord Burghley, 1 March 1597 (SP, 59/33/C. II. 539).

<sup>10</sup> Lord Scrope to Bishop Matthew, 27 February 1597 (SP, 59/33/C. II. 538); Bishop Matthew to Lord Burghley, 1 March 1597 (SP, 59/33/C. II. 539).

To strengthen the English cause, he asked the Queen to appoint a civil lawyer to advise them. He argued that with a lawyer the English would be better qualified to meet their opposites since "words make matter, and our opposites are very cunning artificers in the border occupation, and over-skilled in my opinion for us". Should this request be denied, he added, "we shall walk more warily because suspicion increases commonly men's circumspection". John Bennet, chancellor of York, was shortly afterwards assigned by the Queen to the commission.<sup>11</sup>

There was also the problem of religion in the border country which concerned Matthew. The queen's instructions had ordered him to look into the neglect of religion on the frontier. In view of this, Mey and Scrope drew up a list of the more stubborn Catholic recusants in Cumberland and Westmorland, which they sent to Matthew in February. Their effort pleased him. It was his duty, he wrote to Burghley, to look diligently into "the causes and to labour the reformation of those that have made so notorious and lamentable defection from God's truth established". To this end, and to assist the preparations for the meeting on 10 March, he asked that Sir William Bowes and the other English commissioners join him in Bishop Auckland "for the better following of the border causes, that so both works, the one of religion, the other of justice, may proceed together".<sup>12</sup>

Meanwhile, however, events in Scotland postponed the Gretna Kirk meeting. Sir Robert Bowes warned Matthew in a letter on 5 March that the meeting might be cancelled. The West March of Scotland had grown very disquieted by an assembly of Scottish forces gathered by the Maxwells and Johnstones to revenge internal feuds. King James was determined to see that

<sup>11</sup> Bishop Matthew to Lord Burghley, 2 March. 1597 (SP, 59/33/C. II. 541).

<sup>12</sup> *Ibid.*, "Tobias Matthew", 136-139.

the March remained peaceful, and intended to ride there to besiege the houses and pacify the country. On account of this, he instructed Bowes that a meeting of the commission would accomplish little until order was restored in the Scottish West March. The Scots wanted a postponement until 10 April. Despite a warning letter from Sir William Bowes, Matthew insisted that the English commissioners must keep the appointment at Gretna Kirk because they had received no contrary instructions from London, and also, he believed that the Scots were not serious in their wish to pacify their March. The bishop seriously miscalculated.<sup>13</sup>

The English commissioners left Auckland Castle for Gretna Kirk on 8 March. It was an exasperating journey, they wrote bitterly from Penrith, where they were forced to halt. They had travelled the difficult miles only to be advised that the Scots were unwilling to come to the meeting place. This confirmed the English belief that the Scots were treacherous. The Scots should not have broken the appointment, the English noted with displeasure, without telling them before they had set out for the West March. The Scots abused the English in many ways and would as long as they believed that the English feared Scotland and had less cause to love the Scots each day. The English were not ignorant of the Scottish "accustomed practices, natural sleights, utter inability to answer our demands of manifold great spoils and outrages together with the intolerable abuses they offer her most excellent majesty". Was it therefore meet that the Scots should thus insolently be suffered always to take and assign their own times? Before returning to Auckland, the English delegation wrote a stinging letter to King

<sup>13</sup> Sir William Bowes to Bishop Matthew, 5 March 1597 (SP, 59/33/C. II. 548); the English Commissioners to Lord Burghley, 9 March 1597 (SP, 59/33/C. II. 548); Lord Eure to Lord Burghley, 10 March 1597 (SP, 59/33/C. II. 533).

James condemning him for the cancellation. Certainly the bishop was annoyed after a difficult and fruitless journey across the Pennines, but he had only himself to blame for Sir William Bowes had warned him that the Scots would not appear. The only comfort the bishop was able to draw from this journey was that Scrope had journeyed to Penrith to prevent them from travelling further north, and that in Penrith he had preached to the townspeople.<sup>14</sup>

Back in Auckland, Matthew told Burghley of his doubts about the Scots, about their lack of sincerity in border matters, about the slowness of the English wardens in settling the bills in the East and the Middle Marches, about a new date for meeting with the Scots, and about the method of procedure in the West March. Errors could be avoided, he believed, if new directions were sent from London before the next meeting. He also wanted the government to approve the postponement of the meeting in Gretna Kirk until the end of May for those who were to appear at the commission would be better able to provide themselves with provisions. They could thus avoid the excessive prices for food which would be charged them locally. In the second place, the postponement would prevent further delay by the Scots who would be unable to argue that they had not sufficient time to prepare for the meeting.<sup>15</sup>

However, the central government did not accept Matthew's suggested date for the meeting in Gretna Kirk. It believed that both sides had sufficient time to prepare for the journey and for the stay in the West March. The council, however, did send a glowing letter of gratitude to Matthew for his services on the

<sup>14</sup> "The Diary and Journal of His Grace Tobias Matthew, Lord Archbishop of York, from 3rd September 1583 to the 23rd Sunday after Trinity, 1622" (York Minster Library, Additional MSS. 18, p. 51); the English Commissioners to Lord Burghley, 9 March 1597 (SP, 59/33/C. II. 548).

<sup>15</sup> Bishop Matthew to Lord Burghley, 15 March 1597 (SP, 59/33/C. II. 564).

queen's behalf. She was pleased with his work and devotion, and asked him to continue his care while visiting the west frontier area since this would be for her honour, the satisfaction of England, and the peace of the northern area.<sup>16</sup>

The English departed once again from Auckland to meet in Gretna Kirk on 13 April to begin anew the border negotiations with the Scots.<sup>17</sup>

### III.

On Tuesday, 12 April, the English came to Carlisle, and next day met the Scots at Gretna Kirk in Scottish ground, entreating them to come to Carlisle and there conclude. Whereunto after much arguing, they consented conditionally that the next treaty should be held in Scotland wholly unless otherwise settled by the princes. And so delivering them a safe conduct under the great seal of England, all came together to Carlisle.<sup>18</sup>

The commissioners selected Carlisle rather than Dumfries because Carlisle was "walled" while Dumfries was "open and unwalled" and afforded no safety for the commissioners. Originally King James had thought it wise to meet first in Carlisle, then in Dumfries to settle the Maxwell bills since this family could not cross the lands of the Johnstones to reach Carlisle. But after assurances of safety were granted to all sides, the commissioners agreed to Carlisle. Matthew's letters suggest that the English were reluctant to enter Scotland for fear of being set upon. Repeatedly throughout Matthew's correspondence is the fear that the Scots would never negotiate in trust.<sup>19</sup>

After arriving in Carlisle, the commissioners began their second phase of negotiations. They were accomp-

<sup>16</sup> The Privy Council to the English Commissioners, 31 March 1597 (PC, 2/22/173); the Privy Council to Bishop Matthew, 31 March 1597 (PC, 2/22/173).

<sup>17</sup> "The Diary and Journal of His Grace Tobias Matthew . . .", p. 51.

<sup>18</sup> The Commissioners' Meeting, 13 April 1597 (SP, 59/34/C. II. 588).

<sup>19</sup> Sir Robert Bowes to the English Commissioners, 26 February 1597 (SP, 59/33/C. II. 527). Cf. "Tobias Matthew" for further examples illustrating his mistrust of the Scots, 128-130, 138, 141, 146-147, 179-180, 182-183, 190-194.

panied by the six March wardens: Lord Scrope, Lord Eure, Sir Robert Carey, William Ker, Sir James Johnstone and Lord Hume. Matthew described how he exhorted the English wardens to bury their personal hostilities one towards the other, and to work for the queen's harmony and peace:

At what time we imparted unto them her majesty's most Christian and princely admonition to accommodate themselves mutually, and the gentlemen under their several charges respectively, to such amicable concord and unity as best might please the God of peace and most further her majesty's service upon the border.

In the past lack of harmony between the wardens, the bishop thought, had greatly discouraged the better sort, impaired their own reputations and "advanced the crest of their opposites". The wardens duly accepted the admonition; they became reconciled and promised to work together. The English commissioners were edified and wrote enthusiastically to Burghley that "all our three wardens, upon her majesty's most gracious notion, are well accorded and friends which we trust will do much good and prevent many great inconveniences". This was indeed necessary if the English hoped to present any common front. With this assurance of harmony, the commissioners began to meet daily in the tollbooth. They divided themselves into three working groups. The deputy wardens of the English Middle March and Liddesdale tried their bills; the border commissioners tried the bills between the English West March and Liddesdale; and the wardens of the two West Marches tried theirs.<sup>20</sup>

Progress was slow. The Scots, particularly William Ker of Cessford, Scottish warden of the Middle March, and Sir James Johnstone, Scottish warden of the West March, disrupted the meeting by withdrawing into

<sup>20</sup> Bishop Matthew to Sir Robert Cecil, 7 May 1597 (SP, 59/34/C. II. 625); the English Commissioners to Lord Burghley, 29 April 1597 (SP, 59/34/C. II. 610); the Agreement by the Commissioners to be sent to all the Wardens, 19 April 1597 (SP, 59/34/C. II. 599).

Scotland to settle quarrels there. Meantime, too, Buccleugh's followers in Liddesdale, "to welcome us hither", invaded the English Middle March and killed Lord Eure's sergeant, while Buccleugh himself made a day's foray into Tynedale, ravaged the area and killed twelve or thirteen "innocent creatures". This brutal behaviour angered and alarmed Matthew and his fellow commissioners. Yet in spite of their fears, by 29 April the English were cautiously writing that the negotiations had proceeded; they had laboured as diligently and warily as they could to bring the treaty to a good conclusion. Many bills were filed for the West and Middle Marches, and Buccleugh was filed for his savagery in Tynedale. The commissioners agreed that on the "bound road nigh Gretna Kirk" those persons filed for offences would be delivered between the wardens of the West Marches; the same had been agreed to between Liddesdale and the Middle March. "It may be," the English commissioners wrote with pious satisfaction, "God Almighty of His great mercy will cause some good fruit to follow of this our simple service."<sup>21</sup>

Perhaps so, but there was still much to be done. Many bills had yet to be filed, the exchange of pledges agreed to in surety until all the bills were filed, and dates settled on which the remaining West March complaints, amounting to £13,000 against England and £12,000 against Scotland, could be discussed and settled. As well, there were the terms of the treaty to be negotiated and clarified. By 5 May the work of the commissioners was completed after many hours of discussion: "We have accomplished the treaty of the

<sup>21</sup> Lord Eure to Lord Burghley, 18 April 1597 (SP, 59/34/C. II. 596); Note of those Slain and Burned in Tyndale on Sunday, 17 April, by Buccleugh, 18 April 1597 (SP, 59/34/C. II. 596); The English Commissioners to Lord Burghley, 20 April 1597 (SP, 59/34/C. II. 600); the English Commissioners to Lord Burghley, 29 April 1597 (SP, 59/34/C. I. 610); Lord Eure to Lord Burghley, 29 April 1597 (SP, 59/34/C. II. 611); Lord Eure to Sir Robert Cecil, 29 April 1597 (SP, 59/34/C. II. 612).

border causes," the English commissioners informed Burghley, "with all the diligence we could use; . . . by God's grace, if the orders there undertaken shall be soundly and speedily executed, some good fruit both of truth and peace may grow upon the frontiers of both kingdoms." They signed the treaty on 5 May. Matthew proclaimed it was a new set of laws establishing "peace and good rule upon the border, *donec et quousque*".<sup>22</sup>

#### IV.

The queen had earlier assigned two other tasks to Matthew while he visited Carlisle. The first was to investigate the several family feuds which ravaged the March; the second was to look into the religious state of Carlisle diocese which had been noticeably slow to accept Protestantism.

One of the outstanding domestic feuds in the West March was that between Scrope and the English Carletons and Grahams. Their antagonism was long standing. In 1596/7, hostilities between them were brought to the boil after clear evidence pointed to the involvement of the two families in Buccleugh's raid on Carlisle Castle. Matthew discreetly summarized the problem when he wrote to Sir Robert Cecil that once again Scrope was stubbornly involved since he had now challenged a friend of the Grahams, Richard Lowther, with complicity in Graham's part in aiding Buccleugh. There had been bad blood between Lowther and Scrope ever since Scrope was named warden in 1593; Lowther had wanted the office but Scrope had won it. Professing to know little about the complicated

<sup>22</sup> West March Bills against Scotland, 28 April 1597 (SP, 59/34/C. II. 606); West March Bills against England, 28 April 1597 (SP, 59/34/C. II. 607); Liddesdale Bills on England, 28-30 April 1597 (SP, 59/34/C. II. 608); Middle March Bills on Liddesdale, 28-30 April 1597 (SP, 59/34/C. II. 609); the Commissioners' Proclamation, 5 May 1597 (SP, 59/34/C. II. 621); the English Commissioners to Lord Burghley, 7 May 1597 (SP, 59/34/C. II. 626); "Tobias Matthew", 144.

matters of West March feuds, Matthew exhorted both men to root out their antagonisms. But, he observed to Cecil, "all asserted themselves guiltless of Scrope's charges". The Carletons, Thomas, Lancelot, and Anthony, three bad characters, had been friendly with Lowther for years. They had "entered into a deep and dangerous course", Matthew believed, by feuding with Scrope who clearly wanted them, together with several Grahams, punished for their part in Buccleugh's raid. Because Kinmont Willie was a distant kinsman of the Grahams, and some of these in turn related to the Carletons by marriage, it was a formidable band which plotted with Buccleugh to free the prisoner and to deal Scrope an embarrassing blow.<sup>23</sup>

They succeeded on both accounts, and because Scrope became so noisy about the affair, the Privy Council, which seemed not fully satisfied about the Graham and Carleton complicity, ordered Matthew to examine these men while he visited Carlisle. This turned out to be a bigger nuisance than his dealings with the Scots. The matter as seen through contemporary correspondence was complicated then and remains even more complicated now. The bishop dutifully summoned Lancelot and Thomas Carleton and "Walter, the chief of the Grahams" to appear before him and a select jury of men to answer charges. But they refused to come. They pretended, as Sir William Bowes observed, to fear that Scrope might take his vengeance in Carlisle. Their fears may have been well founded; Scrope had built up a positive mania against them by this time. They would come only if the bishop offered them his "word of assurance" of safe coming and going. Matthew assured them of his word, a gesture which disgusted Scrope since he believed this was too obliging. They accepted Matthew's second

<sup>23</sup> Bishop Matthew to Sir Robert Cecil, 7 May 1597 (SP, 59/34/C. II. 625); Fraser, *Steel Bonnets*, 335-354.

invitation and appeared in Carlisle where Matthew treated them very well, although he was so pressed by the meetings with the Scots that he had no leisure to examine them. Scrope refused to give up now that his enemies had appeared for examination; he harassed the reluctant bishop to begin the examinations. Matthew obliged Scrope eventually, and examined Thomas Carleton, but by now several days had passed so that the time was "trifled", as the warden complained loudly. Before long the others were brought for examination; the situation soon degenerated into charges and countercharges, lies and half-truths, denials of confessions, and shouts of "traitor" from several sides. Scrope was beside himself with frustration because Matthew did not seem to be co-operating. In fact, Matthew had grown weary during the complicated and protracted procedures; obviously the wrangling and unpleasant atmosphere between Scrope and the Carletons and Grahams physically exhausted the bishop and he postponed further meetings. Scrope now doubled his harassment; he made several abortive efforts to persuade Matthew to renew the proceedings. Finally he did succeed in bringing Matthew back to the examination room, but again he would have shortly retired had he not himself been shocked into a violent rage by Carleton. Scrope described the scene to the Privy Council. You must hear, he wrote, how Carleton had earlier written to Matthew on "that day that his lordship did celebrate the Holy Communion". Yet now under examination before the bishop, Carleton denied this and declared,

. . . that by the holy sacrament, which the said Carleton had taken, if he spoke with George Sibson, Scotsman, since Easter last was a twelvemonth, he was foul of all that was laid to his charge. And if that could be proved against him, he would become guilty of all those crimes.

Immediately Scrope pressed Carleton with proofs

against his statement, but he denied, "body and soul", if ever he had written or said anything to Matthew. At this "my lord of Durham grew in a rage" and shouted that he now truly believed all the charges against the Carletons since Thomas had so little regard for the truth. The unpleasant scene dragged on; Carleton easily denied all further accusations against him while Scrope countered each new denial. There was no convicting the Carletons and the Grahams in Carlisle.<sup>24</sup>

After Matthew had had time to cool down, he again wrote at great length to his friend Sir Robert Cecil that whatsoever may be asserted about the Carletons' strength in the West March, the Grahams were clearly "a surname of half broken men" not so able to serve as they had been. He urged that they ought to be kept on reasonable terms of friendship until the frontier was settled lest they "leap out and become lawless". They were a large family which could become dangerous about Gilsland and Bewcastle if ever they joined with the Scots. Therefore, to resolve the disputes, the bishop persuaded the commissioners to send Lancelot and Thomas Carleton with some of the chief Grahams to the Privy Council, bound with good surety to appear in person. They were sent off to London. Here they could answer Scrope's charges. To his annoyance, they found sympathetic ears at court. Even Matthew became noticeably favourable after he learned that Scrope had accused him and his fellow commissioners of not granting sufficient time in Carlisle to hear all the charges. Matthew thought that Scrope exaggerated the matter, a judgment which no doubt Burghley shared by this time. Eventually the Carletons and Grahams were released and returned to Cumberland to continue their lawless plotting, feuding, and

<sup>24</sup> Sir William Bowes to Sir Robert Cecil, 18 April 1597 (SP, 59/34/C. II. 597); Lord Scrope to the Privy Council, 16 May 1597 (SP, 59/34/C. II. 634).

provoking mischief against the West March warden. It would be some years before their strength was broken.<sup>25</sup>

The second domestic matter which Matthew investigated was the state of religion in Carlisle diocese, and especially in the frontier area. For some time the diocese had been known to be disaffected towards the Elizabethan religious settlement. Matthew was given the special charge of examining and proposing remedies for this religious decay. To this end, he appointed a special sitting of the ecclesiastical commission; it was to examine the state of religion in the diocese and the quality of the Catholic recusants, and to confer with Bishop Mey on the reformation of abuses.<sup>26</sup>

A summary report was given to Matthew that there were only twenty-six recusants in Cumberland and twenty-one in Westmorland who had been presented to a Grand Jury at the assizes during the past five years. The churches at Bewcastle, Stapleton, and Arthuret had been decayed for over sixty years and the patrons were unknown; Lanercost church was likewise tumble-down for the space of two or three years, but no one could find out who ought to repair it; and Kirkclinton church had decayed for twenty years although the Musgraves were responsible for its repair.<sup>27</sup>

Several Catholic recusants were brought before Matthew, but there were larger numbers who refused to appear. Religious conformity was better than in other parts of the north, the English commissioners wrote with some gratification, "yet we can conceive the less hope of the conformity of the ill-affected for that

<sup>25</sup> Bishop Matthew to Sir Robert Cecil, 7 May 1597 (SP, 59/34/C. II. 631); Fraser, *Steel Bonnets*, 340-354.

<sup>26</sup> The English Commissioners to Lord Burghley, 29 April 1597 (SP, 59/34/C. II. 610).

<sup>27</sup> Verdict by a Jury of the West March, 30 April 1597 (SP, 59/34/C. II. 613).

upon summonses" they will not come before the commissioners. To make them appear,

... we have advised with the lord bishop of Carlisle and the Lord Scrope, whom we find very ready and willing to proceed against them somewhat more strictly than heretofore, at leastwise until the wilful and obstinate recusants may be personally answerable for their contempt. But who they are and what behaviour as also in what condition they stand, shall be declared by such particular certificate as shall be sent with the other books.<sup>28</sup>

To test local piety, Matthew held a general communion upon Ascension day. Most of the gentlemen of the diocese and some with their wives attended and communicated "in dutiful manner (which was more than we looked for), a good demonstration of their obedience, especially of the better sort". Nonetheless, conformity of the ill-affected was not so simple. Two months after Matthew's enthusiastic general communion service, Bishop Mey complained to Cecil that Jesuits and seminarists "do lurk within my diocese to the corruption of many of her majesty's subjects". He dispatched his pursuivants — Thomas Lancaster in particular — who searched diligently for these priests, but they continued "to pass and repass within my diocese without controlment". Bishop Mey said this was due to the carelessness of the local justices. Possibly so, yet his advanced age and ill health — he was dead within eight months — were also to blame. At all events, at least in anticipation of the commission's arrival, Mey had attempted to effect some reform; one priest, Christopher Robinson, was found and quickly executed in April 1597. This action "terrified a great sort of our obstinate recusants", as well it might. Matthew agreed heartily with this procedure; he urged more severity to encourage recusants to attend their parish church. Punishment

<sup>28</sup> The English Commissioners to Lord Burghley, 7 May 1597 (SP, 59/34/C. II. 626).

and stricter laws were the only solution. However, neither bishop seemed to realize that the problems of religious decay lay elsewhere. Both agreed in Carlisle to recall their non-resident clergy, a vital step if the Elizabethan Church was to survive. Nevertheless, Bishop Mey's greedy habit of keeping the better livings for himself rather than appointing educated and worthy ministers had brought about near total neglect of religion in the West March. Recusancy continued to flourish and churches to decay. It is not easy to say that the religious conditions of the diocese improved after 1597.<sup>29</sup>

## V.

The meeting in Carlisle ended with a treaty of thirty-six clauses. The first article agreed that good preachers ought to be placed in every border church, and the churches repaired. Three clauses were concerned with warden truce days. Wardens were to pay £10 for every month's delay in apprehending murderers, thieves, and raiders, who must be handed over to the opposite warden to be punished at his discretion. Fugitives exiled for thefts were likewise to be handed over. Pledges were to be named and entered to the opposite warden until the bills of each March were settled, and released only after the bills were filed. To prevent future mischief along the border, both sovereigns were to appoint a special council in each March made up of the most trustworthy borderers who would meet twice a year to settle border disputes. To avoid bloody confrontations, no warden or any other officer was permitted to ride in the opposite realm without a special

<sup>29</sup> The Diary and Journal of His Grace Tobias Matthew . . .", p. 51; Bishop Mey to Sir Robert Cecil, 11 July 1597 (Cecil Papers, 53/28); Bishop Matthew to Lord Burghley, 14 May 1597 (SP, 59/34/C. II. 631); Bishop Matthew to Lord Burghley, 2 June 1597 (SP, 59/34/C. II. 646); Bishop Robinson to Sir Robert Cecil, 26 December 1599 (SP, 12/273/56/fol. 134); Tough, *Last Years*, 71-73; Godfrey Anstruther, *The Seminary Priests: Elizabethan, 1558-1603* (Ware, 1968), I, 293.

licence. Other clauses were concerned with the black-listing of thieves, the condemnation and punishment of those who nourished deadly feuds, the censuring of idle persons along the borders, and the *bona fide* possession of stolen goods.<sup>30</sup>

In spite of the agreement at Carlisle, confidence was sadly lacking among the English commissioners. They mistrusted the Scots, and Matthew was decidedly despondent at first since he believed that the expected fruits from the commission's meetings and from the treaty would not materialise. His despondency may have been due partly to his mistrust of the Scots, partly to the English domestic strife which he found so tiresome, and partly to overwork in Carlisle. To prevent the treaty from being ignored or abandoned, the bishop and the other English commissioners entreated their government to request both King James and Queen Elizabeth to order all the wardens to submit themselves to the commission's recommendations as presented in the treaty. Only in this way, and by God's grace, did the bishop believe that the treaty would be of useful service in bringing peace to the borderers.<sup>31</sup>

Nevertheless, the treaty of Carlisle was responsible for introducing a new era into the north country. This treaty was a sweeping effort to improve the frontier area, and although many of its clauses were concerned with small details, it did attempt to remedy the more serious infringement of border law. To have laid down strict punishment for murder, raids, thefts, ransom, and wardens' neglect of duty, was an important step forward. Furthermore, perhaps the most important feature of this treaty was the clause that pledges must be given to the opposite country for redress of the filed

<sup>30</sup> The Anglo-Scottish Treaty, 1 May 1597 (Record Office, Carlisle, Richard Bell MSS., fols. 124-130v). Bell errs in dating the treaty 1 May. It was formally signed and promulgated on 5 May.

<sup>31</sup> Bishop Matthew to Sir Robert Cecil, 7 May 1597 (SP, 59/34/C. II. 625); the English Commissioners to Lord Burghley, 7 May 1597 (SP, 59/34/C. II. 626); Bishop Matthew to Lord Burghley, 14 May 1597 (SP, 59/34/C. II. 631).

bills. The filing of some two hundred bills, even if delivery was painstakingly slow, the settlement of the exchange of pledges between the two nations, and the determination to punish all violators of border law and the wardens for their neglect were major achievements in border history.

After the signing of the treaty, the bishop wrote to Cecil to express his pleasure on learning how grateful the queen was for his endeavours on her behalf in Carlisle. He admitted that the favourable and gracious royal acceptance of his service was and would be his singular comfort and encouragement. On this comforting note, the bishop left Carlisle for Auckland.<sup>32</sup>

The border unrest and raids did not completely cease with the signing of the treaty of Carlisle. The English and Scottish wardens assembled to exchange the pledges according to instructions on 25 June at Norham in Northumberland, but the meeting was unsuccessful because most of the Scottish pledges failed to appear. Regardless of this breach of trust, the English government still held to the treaty's scheme of exchanging these pledges, although it was unsure whether another meeting could be planned. The plague raged during the summer of 1597, so further attempts to hold a meeting failed. Efforts to meet during the autumn also proved unsuccessful. Both Buccleugh and Cessford were unwilling to enter their pledges and continued to disturb the frontier by frequent raids. Towards the end of 1597, King James, who had previously not hesitated to keep the frontier area in agitation for his own purposes but who was now set on having the English throne, deliberately moved to bring about peace. He entered Buccleugh into ward in England to satisfy the English demands for redress, and early in 1598 also sent Cessford into

<sup>32</sup> Bishop Matthew to Sir Robert Cecil, 7 May 1597 (SP, 59/34/C. II. 625); "The Diary and Journal of His Grace Tobias Matthew . . .", p. 51.

England until all the pledges were delivered. This action contributed a great deal to end border disorders. Eventually during 1598, the pledges were exchanged between the two nations, and efforts were made to carry out other clauses of the treaty to bring about order along the border. With this, the work of Matthew and the other commissioners was accomplished.<sup>33</sup>

Notwithstanding his misgivings, Matthew's work in Carlisle marked an important stage towards decreased tension in the border country. Tensions remained in many places, it is true, but due to the implementation of the treaty of Carlisle, a growing era of peace in the border Marches was under way. This foreshadowed the situation after the accession of King James in 1603 to England's throne when the international aspects of frontier administration had been eliminated, and when border problems had become domestic ones of diminished importance.<sup>34</sup>

<sup>33</sup> Tough, *Last Years*, 266-269.

<sup>34</sup> *Ibid.*, 268-269; "Tobias Matthew", 157-160; Fraser, *Steel Bonnets*, 360-365. Rowse, *Expansion*, 27-28; G. P. Jones, "King James I and the Western Border", in CW2 lxix.