

THE TRANSACTIONS  
AND  
JOURNAL OF THE PROCEEDINGS  
OF THE  
DUMFRIESSHIRE & GALLOWAY  
NATURAL HISTORY  
AND  
ANTIQUARIAN SOCIETY.

SESSION 1865-66.

DUMFRIES:  
PRINTED BY W. R. M'DIARMID AND CO.  
1868.

" For I have lov'd the rural walk through lanes  
Of grassy swarth, close cropp'd by nibbling sheep,  
And skirted thick with intertexture firm  
Of thorny boughs : have lov'd the rural walk  
O'er hills, through valleys, and by rivers' brink."  
COWPER.

" Make knowledge circle with the winds,  
But let her herald, Reverence, fly  
Before her to whatever sky  
Bear seed of men and growth of minds."  
TENNYSON.

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# JOURNAL OF THE PROCEEDINGS

OF THE

*Dumfriesshire & Galloway Natural History and  
Antiquarian Society.*

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*November 7th, 1865.*

THE SOCIETY held the first meeting of the Session,—being the Annual Meeting,—in their apartment in the Dumfries and Galloway Club Rooms,

Sir WILLIAM JARDINE, Bart., in the Chair.

The Secretary read the Annual Report of the Progress of the Society.

The Report of the Committee of Management, preparatory to the Annual Meeting, was read.

Sir William Jardine was unanimously re-elected President, and the thanks of the Society were tendered to him for again accepting office. The Committee suggested that instead of changing the whole number of the Vice-Presidents, the first only on the list should retire in order of rotation, and that on the present occasion, Mr Stark, Troqueer Holm, should take the place of Dr Grierson, Thornhill. It was requested by the Secretaries that some one who could devote time more readily to the duties of the summer excursions should be appointed to that office, and as Dr Gilchrist had kindly consented to undertake the duty, it was agreed that

he should be appointed Joint-Secretary with Dr Dickson in room of Dr Kerr. Upon the suggestion of the President it was proposed that the retiring Vice-President should in future deliver the Inaugural Address. He thought that this arrangement would secure a wider range and more diversified views and opinions. The proposal was unanimously accepted, and Mr M'Diarmid as the retiring Vice-President agreed to give the next Address. Mr Corrie, P.F., was appointed Treasurer in room of Mr Gibson, and Mr Gibson conjointly with the Secretaries were proposed as Conservators of the Museum. Dr Kerr, Mr Aitken, and Mr Murray Manufacturer, were elected Members of Committee in room of those who retire by rotation. Notice was given by Mr Corrie, P.F., that at first meeting he would propose that a new rule should be added appointing a Conservator to the Museum. The proposed Committee to stand over until the rule should be made.

A vote of thanks was given to Mr Hogg draper, for his contribution to the local herbarium of the Society of the plants collected during the summer excursions.

The Committee reported that Dr Gilchrist, while agreeing in the opinion of the Society that the contributions to the Museum should be purely of a local character, had expressed a desire to present a series of Typical Specimens for consultation and reference, if the arrangements of the Society admitted of their accommodation. This proposal was referred with thanks of the Society to the consideration of the Committee. A gratuity of one pound sterling to the keeper of the room, as proposed by the Committee, was unanimously agreed to.

The Treasurer's Abstract of the income and expenditure of the Society during the past Session was submitted, and was requested to be prepared for publication and to be upon the table at next meeting.

Some discussion took place regarding the operation of *Treasure trove*, after which the meeting adjourned.

December 4th, 1865.

The Society held the second meeting of the Session in the Assembly Street Club Rooms.

Sir W. JARDINE, Bart., in the Chair.

The following Members were enrolled :— *Ordinary Members*—Rev. M. Morrison, Durrisdeer ; Dr Robertson, Wanlockhead ; Mr William Broun, Junr., Dumfries. *Corresponding Members*—Miss M. S. Allan, Bellevue House, near Perth. Dr Grierson, in proposing this lady as a Member of the Society, presented in her name a series of preparations for the microscope. Mr John Sadler, Royal Botanic Gardens, Edinburgh.

A collection of published papers presented by Mr Carruthers of the Botanical department of the British Museum was laid upon the table, and the Secretary was instructed to thank Mr Carruthers for his valuable donation.

In accordance with the intimation given at last meeting, Mr Corrie, P.F., moved that a new rule be added to the rules of the Society to enable it to appoint a Conservator of the Museum in conjunction with the Secretary. This was agreed to, and Mr W. G. Gibson was appointed to that office.

The President then read the Inaugural Address, at the close of which Mr Starke proposed a vote of thanks, which was cordially given.

Dr Gilchrist presented the Society with an illustrated catalogue of the Swiss collection of objects taken from the lake dwellings. Mr Hastings exhibited two specimens of the Chough or Red-legged Crow from Islay, and a specimen of the Northern Diver taken near Kirkcudbright.

The Society then adjourned.

January 3d, 1866.

The Society held the third meeting of the session in the Assembly Street Club Rooms.

Dr GILCHRIST in the Chair.

The following Members were enrolled:—*Ordinary Members*—Rev. J. Duncan, St. Michael's Church; Mr Allan, Surveyor of Taxes, Maxwelltown.

Mr Starke, Troqueer Holm, read a communication entitled "Notices of the Circuit Court held in Dumfries in 1504." In the course of conversation which followed, the Rev. Mr Symington remarked that he had seen in the possession of Mr Clark, Maxwelltown, a very old picture of Dumfries. Mr Starke undertook to enquire about it.

The Rev. Mr Underwood read a paper entitled "Relics of Covenanting Times in Irongray," and exhibited a flag which had been carried by the Covenanting army at Drumclog, and which bore the motto, "Covenant for Religion, according to the word of God, Crown, and Kingdom." He also exhibited two swords which had been used in the same battle. These relics were the property of one of his parishioners, and were preserved by him as a memorial of his family's history.

The Society then adjourned.

*February 6th, 1866.*

The Society held the third meeting of the session in the Assembly Street Club Rooms.

Sir W. JARDINE, Bart., in the Chair.

The following Member was enrolled:—*Ordinary Member*—Mr J. Ewing, Druggist.

Dr Gilchrist read some notes with reference to the stone circles in the neighbourhood of Inverness,\* and referred especially to certain depressions on some of the stones, which he believed to be artificial, and which appeared to him to correspond with those recently pointed out on the Holywood

\* See last Transactions, p. 33.



circle of stones. So far as he was aware, no notice had hitherto been taken of them. He exhibited a diagram made from a tracing taken at the time of his visit.

Mr M'Diarmid read a communication relative to the regulation of farm servants in Dumfriesshire in 1751, based upon an extract taken from a minute of a meeting of Quarter Sessions held at Dumfries on the 6th March, 1751.\*

Mr Shaw, schoolmaster, Tynron, read a paper entitled 'The appreciation of Beauty by Animals,' which gave rise to considerable discussion as to its bearing upon Darwin's theory of natural selection in the preservation of species.

Owing to the lateness of the hour, Dr Longmuir's paper on "The Window Stone, Garioch, Aberdeenshire," was postponed until next meeting.

Dr Gilchrist presented the Society with a collection of dried plants, gathered during the summer excursions upon the Loch islands of Sanquhar and Colvend. Mr Coupland a photograph of the New Church of Dumfries.

Dr Grierson, Thornhill, exhibited an *aphis* collected in Closeburn, a Silver Denarius of Nero (year 32), found near the sea, Castle Strichen, in Aberdeenshire, and a number of beads found in Picts' houses in the North; also, a jet bead, found in Lochar Moss, and a similar one from the neighbourhood of Penpont.

The Society then adjourned.

March 6th, 1866.

The Rev. Mr UNDERWOOD in the Chair.

The Society held the fifth meeting of the session in the Assembly Street Club Rooms.

The following Members were enrolled:—*Ordinary Members*—Mr William Milligan; Rev. Mr Turnbull, St. Mary's; Mr Barbour, Architect.

\* See last Transactions, p. 37.

The Rev. Mr Hogg, Kirkmahoe, read the first of a series of papers, which he proposed reading before the Society, "on Scotch Clerical Customs," entitled "Preachings."\* In the conversation which followed, the Rev. Mr Underwood remarked that in the North of Scotland the practice of preparing for catechising the minister still existed; and Mr Fraser, Colvend, referred specially to the custom as it prevailed in Skye.

Mr M'Diarmid read a paper on "The Poor in Dumfriesshire in 1750."† Dr Grierson, Thornhill, read a lengthened paper on "The History and Growth of the Ivy," illustrated by specimens of different varieties.

Mr M'Diarmid exhibited, and presented to the Society, a quantity of down from the neck of a bird belonging to Central Australia.

The meeting then adjourned.

*April 3d, 1866.*

Mr STARKE, Troqueer Holm, in the Chair.

The Society held the sixth meeting of the Session in the Assembly Street Club-Room.

The following Members were enrolled:—*Ordinary Members*—Mr James Craik; Mr James Johnston, Bank of Scotland; Mr William Dickson, Veterinary Surgeon; Rev. Mr Hope, Dunscore.

Mr Starke read a paper "On the Abbot Stone in Dundrennan Abbey."‡ Mr Starke thought that the figures on the stone might be regarded as symbolical of the subjection to the Catholic faith of the wild Scots of Galloway, who are affirmed by tradition and some of the earliest historians to have retained the Culdee faith during the early centuries.

\* See last Transactions, p. 6. † See last Transactions, p. 6.

‡ See last Transactions, p. 27.

Mr Maxwell, Breoch, differed in his interpretation of the symbolical figures. He thought they more probably meant to testify the victory obtained by the monks over the world, the flesh, and the devil. He also differed from Mr Starke in doubting if the Culdees were ever in Galloway, and stated his belief that it had been abundantly proved that the followers both of St. Columba and St. Ninian held tenets almost wholly identical with the Church of Rome. Mr Underwood of Irongray remarked that the Culdees disappeared as to their distinctive tenets about the 6th century, but believed that spreading from Iona they were found over the whole of Scotland. In answer to Mr Maxwell, Mr Starke seemed to think the whole story of the history of the Culdees very doubtful.

Dr Grierson, Thornhill, exhibited the model of a Canoe found while draining a loch near Closeburn Castle in the year 1858, and since sent to the Edinburgh Antiquarian Society. With the aid of this model Dr Grierson entered at some length upon an explanation of the construction of the primitive canoe as contrasted with the method employed by uncivilized nations of the present day. In the instance of the canoe found in Closeburn loch, as in many other instances cited, there was found a movable thin piece running in a groove, the object and purpose of which was discussed at some length. Dr Grierson also exhibited a Canoe Paddle found in the same district, viz., on the farm of Kirkbog, Closeburn, in the year 1862. It was discovered in a moss lying below a deposit of loam and gravel of about six feet in depth, and if the gravelly deposit was not due to the change in the bed of the Nith, near which it was found, might be regarded as the only instance, so far as he knew, of the discovery of human implements in the gravel of the country. A Roman Tripod, also found near the same spot but not in the gravel, was also exhibited.

Mr Shaw, Tynron, read a paper "On the Growth of the Taste for Beauty in Objects of Natural History," showing

by various quotations from the writings of successive poets from ancient to modern times how gradual had been the development of the faculty of appreciating the beautiful in objects of natural history for its own sake.

Dr Grierson, Thornhill, requested leave to bring before the notice of the Society some suggestions with reference to the working of the Society. A minute of these was made, and the subject referred to the first meeting of the Committee.

Dr Gilchrist offered to give to the Society the results of the Meteorological Observations taken at the Crichton Institution, which might be published in the Transactions of the Society.

Mr Corrie, P.-F., exhibited ten Silver Coins, chiefly of the time of Edward, which were found in the Thornhill district. These coins were found, as has been the case in many other instances, in a horn. He also exhibited three Copper Coins which were recently found in Cumberland, belonging respectively to Hadrian, Constantine, and Dioclesian. Also from the same locality a small vase of coarse pottery resembling a Highland quoch.

The Secretary called attention to two plants which had been sent to him for identification. The one was a doubtful specimen of an *Asplenium*, which bore a remarkable affinity to the *A. germanicum*; it was found at Maiden Bower Craigs in the neighbourhood of Dumfries by Mr W. Lennon. The other was gathered by Mr Caldow on the occasion of the Moffat excursion, and was regarded by him as a specimen of *Asplenium marinum*. Dr Gilchrist was requested to examine and report upon both plants.

The Secretary reported that he had received through Dr Grierson, Thornhill, a copy of a pamphlet entitled "Recollections of the Lodge of Freemasons at Thornhill."

The meeting then adjourned.

May 1st, 1866.

MR MAXWELL, Breoch, in the Chair.

The Society held the seventh meeting of the session in the Assembly Street Club-Room.

The following Members were enrolled :—*Ordinary Members*—Mr Alexr. Walker, Castle New, Aberdeenshire ; Mr Newbigging, seedsman, Dumfries.

Dr. Gilchrist read a paper “On the Waste of Coal.” He remarked that for many years he had been engaged in experiments connected with the saving of waste in the consumption of coal. The waste of coal in an ordinary fire was computed at more than seven-eighths of the quantity used, and Dr. Gilchrist showed by a scientific explanation how this occurred. The greater part of the waste consisted in unconsumed cinder, and he pursued the simple plan of lighting his fires at the top instead of at the bottom, by which method he got a good fire, and ascertained by careful calculation that he had a saving of one-fourth of the fuel.

Mr Biggar, Thornhill, read a paper “On the Derivation of the Word Hogmanay.” He had met, he said, an old French rhyme relative to the Christmas customs which began with the words, “Au qui menay.” Translated, “To the miseltoe bower,” or “On to the miseltoe ;” and he conceived that in these words corrupted he had got the derivation of Hogmanay. In a conversation which followed Mr A. D. Murray mentioned as an illustration of forced and erroneous derivations the efforts that had been made to explain a familiar local slogan or motto of great antiquity peculiar to the town of Hawick, which was generally spelled, “Teribugs ye Teri Odin.” The popular belief was that the matter was old Scotch or Celtic, and it had been translated as “Veterans arm yourselves for war.” It had been quite recently pointed out that by a different spelling retaining the precise sound of the slogan it became, “Tyr hochbens ye Try ye Odin,”

which was pure Saxon for "Tyr upholds us, yea Tyr and Odin," and was the invocation of two well known Saxon deities.

Mr Shaw, Tynron, read a paper on "Words which he considered peculiar to Dumfriesshire." Mr Barbour read a paper "On Sculptured Stones found in the Foundation of the New Church, Dumfries."

Mr W. G. Gibson exhibited an ancient Silver Brooch with an inscription, "Jesus of Nazareth, King of the Jews;" also a Silver Coin of Augustus, and a Silver Ring, all found on the Estate of Drumcoltran, in Kirkcudbrightshire. He also exhibited a bronze image of Christ, taken out in digging the foundations of the New Church, Dumfries. It was about 4 inches in length, and beautifully executed. A cast of it was obtained for the Society. Mr Hastings exhibited a specimen of the Arctic Tern, shot at Brow Well, and of the Black Tern, shot in Kirkcudbrightshire.

Dr. Gilchrist exhibited a specimen of limestone extensively bored by a large specimen of pholas.

This concluded the business of the evening and of the Winter Meetings of the Society; and it was arranged that the first Summer Excursion should visit Kirkmahoe and Amisfield.

## ABSTRACT OF TREASURER'S ACCOUNTS.

YEAR 1865-6.

<i>Dr.</i>		<i>Cr.</i>	
1865-6. By Balance in hand from last year . . .	£3 1 5	1865-6. To Arrears for 1863-4 and 1864-5 . . .	£5 6 5
By Arrears for 1864-5 . . .	7 5 0	To Arrears for 1865-6 . . .	2 0 0
By 99 Subscriptions for 1865-6. . .	24 15 0	To 6 Subscribers for 1865-6 withdrawn or re- moved. . .	1 10 0
By 6 Copies Transactions sold . . .	0 9 0	To Secretary and Treasurer's Outlays . . .	3 5 9
		To D. Blaylock delivering Circulars. . .	0 12 8
		To J. Douglas for attendance . . .	1 0 0
		To J. Coupland for Photographs . . .	3 0 0
		To R. Johnstone, Printer . . .	2 3 0
		To Courier Office, printing "Transactions" . . .	8 19 6
		To Anderson & Son, Stationery . . .	2 3 6
		To Cash in Treasurer's hands . . .	4 9 7
	£34 10 5		£34 10 5





# ADDRESS OF THE VICE-PRESIDENT,

WILLIAM R. M'DIARMID, Esq.,

*4th December, 1866.*

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IN laying before you a summary of the proceedings of our society during the year which closed last October, allow me in the first place to congratulate the society upon its continued prosperity : and in the second to express the great diffidence with which I have undertaken this task, especially as following immediately after a gentleman so eminent in science as our President, who has hitherto, since the constitution of our society, discharged this annual labour in so admirable a manner. The standard set by his addresses is far beyond my reach ; and what follows is simply the expression of a feeling that it is the duty of every member of the society to take his share of the work allotted, and to do that as he best can.

During the year which has passed there were seven winter evening meetings held. The first was devoted to general business : the second chiefly to the President's Address : the remainder were occupied by the reading of papers, contributed by various members, on the two branches of knowledge to which the attention of the society is directed—antiquity and natural history—by discussions upon the views brought forward in these papers, and by the examination of numerous articles of interest laid from time to time upon our table. In the course of the summer there were five excursions

taken : of four of these you have the following sketch : of the fifth—to the ancient castle of Lochmaben—I must be silent, as, unfortunately for myself, owing to a misunderstanding, I was in another part of the country when it was made.

The first excursion took place on the first Thursday of June, the chief point of attraction being the ancient border Tower or Castle of Amisfield, and subordinate thereto various other remains of antiquity of a still older date. The weather upon this and the two succeeding days fixed for excursions was most unfavourable, and on this occasion nearly confined the members of the society to an examination of the interior of the Tower, rain, after a protracted drought of nearly two months' duration, pouring in torrents during the whole day. The query may be hazarded whether this casualty is in any manner connected with the utter neglect with which the society has hitherto treated that important and most interesting branch of natural history called Meteorology. The excursion was made by railway, for which the recently formed line which connects Annandale with Nithsdale offered facilities, and it was interesting to learn from our host on this occasion, Mr Jackson of Amisfield, that the route fixed upon by the railway engineer, after repeated trials to avoid as much as possible the formidable difficulties presented by the range of Silurian hills that divide the two dales, was nearly that taken by the Romans in order to secure their communications and maintain their positions in the south of Scotland. The chief object of interest passed by the line are the extensive quarries of the red sandstone of the lower basin of the Nith, which have, however, been hitherto singularly barren in organic remains, and in this respect contrast unfavourably with those of Corncockle, Greenmill, and Craigs. The reptiles which have left their footmarks on what are now solid rocks, and were when they followed their slimy trail the sands of inland seas washing the bases of the old Silurian hills, either did not live upon

the area now occupied by Locharbriggs or the conditions were unfavourable for the retention of evidence of their movements. Betwixt the Locharbriggs and Amisfield stations the ancient sea-beaches were distinctly seen at the northern end of Lochar Moss, the traces of the action of a later and succeeding sea to that to which the sandstone formation is due ; on these waters, we know, from numerous remains that have been found, that there floated the rude canoe of the ancient Briton, but it is at least possible that they had also borne sea-going ships, as tradition has handed down that on an old Dutch chart the Isles of Tinwald are marked as affording the safest and most commodious harbour for shipping in Scotland.

The tower of Amisfield, though unoccupied for upwards of two centuries and a half, the mansion (which superseded it, and which has in its turn been incorporated in the modern Amisfield house) having been erected in 1631, is well preserved, having a watertight proof, neglect of which is in this weeping climate the chief cause of the ruin of ancient buildings. There are some rents in the stately walls of the quadrangular tower, but nothing of a serious nature, and in all probability it will interest the antiquarian and charm the lover of the picturesque for centuries to come. The exterior presents architectural merits of which there is no equal in buildings of this character in the South of Scotland with the exception of Caerlaverock Castle, and the combination of towers and turrets on the upper part, the steep roof of the main tower and its crowstep gables, are varied and charming in detail, but harmonious in whole. The roof of the main tower was originally covered with thick and ponderous slates which had evidently been taken from the Silurian rock of the adjacent hills, and the building itself consists of a mixture of the sandstone of the district and rolled blocks of Silurian rock, all the dressed portions being of sandstone. Two carved stones inserted in the south wall contain the initials J. C. and A. M., the date 1600, and the arms of the

families of Charteris and Herries, who were connected by marriage at that period—the marriage having taken place in 1581, the parties being Agnes Maxwell, daughter of John Lord Herries, and John Charteris, Laird of Amisfield. A stone which has been built into the wall of the adjoining office houses has inscribed a coronet, and under the legend “God is my defence.” This stone was taken from the front of a building adjacent to the tower which had been used as a chapel. The interior contains a spacious kitchen and hall, which must have been handsome rooms : in each there is a large stone mantelpiece with single slab and double pillar which have not escaped injury. The walls of the hall retain traces of the plaster with which they had been covered, and a border betwixt the top of the wall and the ceiling in fresco can still be traced to the extent of several yards : it is most distinct above the fireplace : it is very similar to the borders of room papers common some thirty years ago, and which have recently been re-introduced in house decoration : it is about a foot in height, and consists of three designs repeated : the first figure is a pillar, the second the moon, and the third a lion’s head with a ring in his mouth. When Grose visited the tower in 1789 he was shown a chamber and bedstead in which King James VI. was said to have slept when on his way to England. He describes the ceilings of several of the rooms as stuccoed and painted, which is a round about expression for fresco : the ornaments, he says, were of the grotesque kind. He also says : “ On one of the doors is the figure of a man, tearing open the jaws of a lion, most barbarously carved in basso relievo, and most tawdrily painted : the carver was undoubtedly the same that cut the figure of Sir Herbert Herries in Terregles Church.” This door is now one of the most conspicuous articles in the museum of the Antiquarian Society of Scotland in Edinburgh. On my first visit to Amisfield tower this door was *in situ*, and to the best of my recollection the entrance to a room in the upper storey of the tower. When that eminent artist, Mr D. O. Hill,

visited Dumfriesshire for the purpose of making sketches for the illustrations of the Land of Burns, he went to Amisfield and was presented by the then proprietor with this door which thus found its way to Edinburgh. Looking at the state of preservation in which the tower is, I cannot but express my regret that the door should have been removed. It might still have added interest to the ancient keep, and with the frescoes shown what were the ideas of house decoration in the 15th century. The man is supposed to be Samson encountering the lion, and the artist has depicted him in the costume of the Court of Elizabeth or James the First of England, in doublet and trunk hose: the figure is so tall that the artist had not wood left to introduce a Spanish hat in its proper place, and accordingly it is let in at a corner as if it had fallen off during the encounter: but the easy and languid air with which Samson is tearing up the lion gives no warrant of this as the consequence of exertion, and shows that the hat only fell off because there was no room for it in the picture. The best view of the exterior of the tower is obtained from the fair and well ordered garden of Amisfield House, where the botanists and florists of the party enjoyed the examination of a choice collection of ferns and flowering plants. Amisfield is a place of great antiquity, having been the seat of the family of Charteris from the earliest period of authentic Scottish history, down to the year 1830. There was a Robert Charteris in the reign of William the Lion, and a Sir William Charteris, one of the companions of Robert the Bruce, when he slew Comyn in the Grey Friars' Church, Dumfries. Members of the family filled various important offices in Scotland, and according to tradition their lands once extended from Queensberry to the sea. Their decadence is said to have dated from the reign of James the Fifth, who finding by personal enquiry that the Charteris of his day was neglecting his duty as Lord Warden of the Marches, punished him by quartering upon him a large body of horse and foot, from the expense of which the estate never recovered.

A little to the west of Amisfield Tower there are the remains of a fortified place, which was, according to Chalmers, a Roman station. The form is nearly quadrilateral, and the line of the surrounding ditch is quite distinct, being in some places, indeed, no less than six feet in depth. The great Roman road into Scotland ran from Carlisle up the valley of the Annan : a branch of this road crossed into Nithsdale near the head of the parish of Tinwald, touched Amisfield and Dalswinton, ran up the valley of the Nith to the Roman station at Tibbers, and thence to the valley of the Clyde. Some of the members of the society ventured, in despite of the rain, to the high ground to the north of Amisfield, and there saw the line of this road proceeding from the valley of the *Æ*, and which is easily traced. Persons living within the last few years remembered that it was paved with flat stones, which, during the present century, have been disturbed by the plough. The state of the weather prevented a visit being paid to several sites of ancient forts in the neighbourhood which are supposed to have been stations of the *Selgovæ*. The name of the parish, Tinwald, sufficiently indicates that it abounded in fortified positions.

The second excursion was made on the first Tuesday of July, with the object of examining the ancient and interesting burgh of Kirkcudbright, and some at least of the numerous places in the neighbourhood worthy of observation. A halt was made at Castle-Douglas to give the numerous party who joined in this excursion an opportunity of inspecting the bronze caldron filled with antique articles which had been discovered a few weeks previously by Mr Gordon of Castle-Douglas, a member of the society, under the waters of Carlingwark Loch. These articles consisted of chain armour, weapons, bridle bits, chisels and other tools, nails, glass, forming indeed a small museum of themselves. They have since been consigned to the Antiquarian Society of Scotland, and are undergoing a scientific test and examination, the probability being at present that they will be found to belong

to the period when Agricola carried the Roman arms to Benutium, which then occupied the site of Kirkcudbright.

From Castle-Douglas the party proceeded by omnibus, and, passing along the banks of Carlingwark, were shown the spot where the cauldron and its contents had been brought to the light of day after centuries of immersion, and they were able to see that the usually clear waters of the lake were clouded and filled with enormous quantities of the *Rivularia Pygmæa*, as on a previous visit of the society to Carlingwark, a phenomenon which the society first brought into notice, an engraving of this *Alga* forming the chief illustration of the last published volume of its transactions. At Tongland a second halt was made, and an opportunity was afforded of seeing one of the most picturesque portions of the valley of the Dee, the scene of Montgomery's poem of the Cherry and the Slae. The river here flows over a rocky bed forming a charming succession of pools and streams, terminating in the large pool above Tongland bridge, into which the tide flows and which is celebrated for its yield of salmon. The doachs were examined, constructions on the rocks for the purpose of catching fish and preventing their entering the upper waters: and the elaborate apparatus at Tongland mill for the hatching of parr from salmon roe, which was shown and explained by Mr Gillone. In the parish churchyard, the trees of which afforded some shelter from the torrents of rain that had begun to fall, was seen a small low arch forming part of the wall of the old and ruined church, the only remaining portion of the abbey of Tongland, erected in the 12th century by Fergus, Lord of Galloway.

The party next crossed the Dee by the handsome bridge designed by the great engineer Telford, one of the most eminent men whom Dumfriesshire can claim as a son, and proceeded to Kirkcudbright. The weather continued so unfavourable that only a few objects of antiquity could be examined, and that under difficulties, and the shores of the Solway at the mouth of the Dee were left for some future excursion. The ancient market cross of the burgh and the

quaint Town-house were examined; and then, under the guidance of a veteran antiquary who has since departed, Mr John Nicholson, the party proceeded to the Castledykes, on the banks of the Dee, the site of the Castle of the Lords of Galloway. Of this little now remains but the deep fosse which had surrounded the building, and which, according to tradition, borne out by the position of the castle, was filled with tidal water. The ruins of a more modern castle stand in front of the harbour and form a conspicuous feature of the old town. The edifice was erected in 1582 by Sir Thomas M'Lellan of Bombie: the walls are tolerably entire, and the building has been extensive, but not of great strength. Near this is the aisle of the church attached to the convent of the Greyfriars, now used as a school-room, in which there is in good preservation the family tomb of the M'Lellans, which was examined with much interest. It is to be hoped that the society may be able to repeat their visit to Kirkcudbright, in the vicinity of which there is a rich field for exploration, and that the second visit may be favoured with good weather.

The third excursion of the society was to Wanlock-head and Leadhills, the society for the first time going beyond the bounds of Dumfriesshire and Galloway, but only by half a mile, the boundary line betwixt Lanarkshire and Dumfriesshire running betwixt the two villages, which are about a mile apart. The party proceeded by railway to Thornhill, and thence by omnibus to Wanlock-head, and had thus the now rare opportunity of seeing the charming scenery of Upper Nithsdale which the railway leaves, with very bad taste, to the right. The Glasgow road was left about two miles south of Sanquhar, and the pastoral valley of the Minoch, a tributary of the Nith, entered upon. The purity of the air, the height and size of the mountains on either side, the solitude of the scene rendered this alternate ride and walk for about eight miles agreeable and impressive. Glacier action was distinctly visible on the surface of grooved



and polished rocks exposed at the foot of the hills, and at one opening, amid the mountain wall, what appeared to be the remains of a moraine. Even in the month of August, no great stretch of imagination was required to restore to the mountain tops ranges of never-melting snow with the masses of ice slowly gliding down the mountain sides, which, in this more genial epoch of the globe, can now only be seen in regions either very elevated above the sea level or in high latitudes. At last the summit level was reached, and in place of a valley hemmed in with mountains, a wide expanse of moor and hill was gained. The view of this was brief however: passing Wanlockhead in the first place, and almost ere reaching Leadhills, a thick mist descended, and continued during the day: the party did not emerge from the envious cloud until they had returned to the sunny valley of the Nith. On arrival in front of the Inn of Leadhills we found the principal personages of the two mining villages in waiting to receive us, and the first impression, in consequence of the prevalence of the costume in vogue in this country on occasions of festivity or mourning, was that some funeral procession was about to start. The party was agreeably undeceived by a very warm reception, and the presence of so many veterans in a high state of health and activity showed that funerals must be very rare occurrences at Leadhills. There is a cemetery, however, in the neighbourhood in which was shown the tombstone of John Taylor, who, according to the inscription, died in his 137th year, and, according to the tradition of the village, fished in the Clyde until he was 120 years old. One portion of the party descended one of the lead mines and returned with specimens of the ores and minerals which abound in these excavations. Another visited the miners' library, a homely building, but well stored with books, the appearance of which showed the studious habits of the miners. It was established so long ago as 1741, and its continued prosperity is highly creditable to the population. Allan Ramsay, who was born at Leadhills, took a great interest in the library of his native village, and a copy

of the Gentle Shepherd and other of his poetical works which he presented to the Institution is shown with honest pride. The real pride of Leadhills, however, is the wood which surrounds the villa built for the manager of the mines, and which consists of beech, larch, plane, elm, and the common and mountain ash : considering the elevation, nearly 1500 feet above the sea level, these trees are well grown and healthy, and in this otherwise treeless region are regarded with a feeling akin to veneration. Attached to the villa itself where the party were kindly received and shown a very fine collection of minerals, chiefly from the north of England, is a kitchen garden where the more hardy vegetables and small fruits are reared, which ripen from a month to six weeks later than at the level of Dumfries. In favourable summers the fruit of the apple tree comes to maturity. The miners cultivate a few vegetables, such as the onion, cabbages, carrots, and potatoes : the ground is too elevated for cereal crops, and hay alone is grown on a large scale. The longevity of the people has been already alluded to : very different is the case with poultry, which invariably droop and die soon after importation even when confined within a yard. The lives of cats and dogs brought to the villages are also very brief. No satisfactory explanation of these facts was obtained. Returning to Wanlockhead the party had an opportunity of examining the various processes by which the lead ore is first raised from the deep mine, washed, and smelted into pure metal : and also that of extracting silver from the lead. The mines of Leadhills and Wanlockhead are of great antiquity, and the debris of rocks in the bed of the streams at one time yielded a considerable quantity of gold. Indeed, the probability is that the thirst for this metal led to the discovery of the mineral treasures of Leadhills, and the establishment of what may be called colonies in this high and in respect to climate inhospitable region. Into the history or practice of mining it is however unnecessary to enter, as a paper upon the subject has been prepared by one of the denizens of Leadhills, and will be read before the Society in the

course of this winter. The party returned delighted with their excursion to what had in many respects a strong resemblance to a lonely island, the inhabitants of which have little intercourse with the adjacent world.

The scene of the fourth excursion of the Society was the parish of Ruthwell, on which occasion the party were favoured with a glorious September day. The first place of interest visited was the ancient castle of Comlongan, a lofty quadrangular tower that would form a much more conspicuous feature of the here flat shore of the Solway were it not surrounded by noble woods. Like the tower of Amisfield, Comlongan Castle has been re-roofed, to which both are indebted for the state of preservation in which the walls are. The building is externally plain but relieved by the battlements and port-holes at the summit. Nothing now remains of out-buildings: only the solid square tower, 90 feet in height, with walls of such thickness as to contain rooms within them. The hall is spacious and must have been a handsome apartment. In the south wall there is a recess adorned with elaborate and graceful carving in stone which may have been an oratory: there is nothing similar in any of the castles in this district as far as I am aware. The stone stair from the ground floor to the roof is in excellent preservation, and from the battlements a delightful view is obtained of the surrounding country and woods, including a group of magnificent yews which probably furnished bows to the ancient occupiers of the castle. Of its history there is almost no record. It was the residence of the Murrays of Cockpool, a family of eminence in Annandale, of whom the Earl of Mansfield, the proprietor of Comlongan, is the representative. Comlongan castle was the birth-place of the eminent English judge, Lord Mansfield. It is worthy of note that the most of the dressed stone of the castle is of the formation found on the opposite shores of Colvend and Rerrick, a stone of which Dundrennan Abbey is composed, and which has furnished corner

stones and doors and window pieces for most of the old churches and castles along the Galloway shore as far west as the Priory of Whithorn. Comlongan castle is the only building in Dumfriesshire in which I have observed this excellent building stone, which was better known and appreciated in the 12th century than now.

From Comlongan the party proceeded through the woods to the flat shore of the Solway where formerly there was a rude manufacture of salt from the brackish and muddy waters, the produce being exempted from duty under an Act of the Scottish Parliament of 1671. Happily the removal of the salt duty has superseded this process. At Cockpool the site may be traced of a seat of the Murrays, more ancient even than that of Comlongan. Skirting the shore the Brow Well was reached, the mineral waters of which have a more than local fame, and which will ever be associated with the last days of Robert Burns.

The next point of interest was the celebrated Runic cross of stone now standing in the garden attached to Ruthwell manse, undoubtedly the most interesting relic of antiquity in the south of Scotland if not in Scotland itself. This cross, covered with figures and inscriptions, tells to a certain extent its own story, and its origin by the learned men who have made it their study is placed in the remote antiquity of the seventh century. Previous to the Reformation it stood in the parish church of Ruthwell, and was so much venerated that it escaped destruction at that epoch. It was thrown down by order of the Act of the General Assembly of 1642 for the destruction of idolatrous monuments, an Act which antiquaries must ever deplore, but was allowed to lie where it fell. It was lying there in 1772 when Pennant visited the church, but was afterwards removed into the church-yard, where it was found by the late Rev. Henry Duncan when he became minister of the parish. In 1802 Dr Duncan had the broken pieces joined together and the cross set up where it now stands for the sake of preservation. The stone is sandstone and resembles that of

Upper Nithsdale. There is a common belief regarding this cross that it contains sculptures and inscriptions of different dates and that the elder refers to Scandinavian mythology, the later to the Christian religion. This is however erroneous : whether or not the sculptures and inscriptions are of different date they are both Christian.

Apart from the meetings and excursions, there are several points of the past year worthy of note. Of these probably the most important was the discovery by a member of the Society in the peaty mud of Carlingwark lake of a large bronze vessel filled with a vast variety of instruments, which there is reason to believe will be identified as of Roman workmanship. The excavations of Buittle Castle, conducted by another member of the Society, have been fruitful in the discovery of objects of antiquarian interest of which the Society will be furnished during the coming winter with a detailed account.

In Zoology we have to record the discovery of the black Tern, *Sterna Nigra*, new to Scotland, which was shot on Conheath merse, on the Nith ; that beautiful Falcon, the Hobby, which was shot at Rockhall, and was also previously unknown in Scotland : four Phalaropes were obtained this season, three at the mouth of the Nith, and one at Lochrut-ton Loch, and a stormy Petrel was recently caught in the neighbourhood of Annan. Allusion was made in a former address to the increase of the Roe deer in this district. In the valley of Glencairn a herd of seven of these beautiful animals was seen together on one morning last summer, and in the autumn one fell a victim to a railway train running up Nithsdale.

In Entomology, Mr Lennon has been highly fortunate in the discovery of three moths new to Scotland,—*Peridea Trepida*, found near Dalscairth, and, *Ephippihord Nigricostana* found in the grounds of the Crichton Institution. In the previous year the third and most important capture was made, but as the moth was not identified until last summer

the narrative comes within the proceedings of the past year. The following is Mr Lennon's description :—

**“CAPTURE OF A VERY RARE INSECT AT THE CRICHTON ROYAL INSTITUTION.**

“In the first week of September, 1865, I succeeded in capturing a small moth, which had been attracted by the light to one of the windows of the Institution. From its general appearance I was quite sure that I had got a rare specimen, although not certain of its correct specific name. On shewing it to Dr Hearder (Worcestershire Asylum), when that gentleman was here during the summer, he recommended me to send it to Dr H. G. Knaggs, F.L.S., conductor of the *Entomologists' Monthly Magazine*, which I accordingly did. Dr Knaggs, having at once taken it to the British Museum for comparison, discovered that there were only three known specimens in existence,—one in the British Museum, one in the collection of Mr Stainton, and my own. Its scientific name is *Eromene Ocella*. What increases the rarity of the specimen is, that it has *not* been found on the Continent. The genus *Eromene* contains eight species; and it is closely allied to the genus *Crambus*. The insects assigned to this genus have all their antennæ simple in both sexes, and extending conspicuously beyond the head. They are all of the ordinary medium size of the very typical *Crambidae*, the wings narrowly folded when in repose, but, like all those belonging to the genus *Eromene*, they are not marked longitudinally by different tones of colour, but having, instead, transverse markings generally near the edge of the anterior wings.

“The following description is by Teller :—‘*Alis anticis elongatis pallide griseis, fascia post medium obliqua ochracea strigam argenteam continente, spatio post eam cano fusco-punctato striga geminata proxima ante puncta marginalia; margine postico punctis atris orichalceonitentibus ornato.*’ The fore wings elongate, pale grey, the oblique fascia beyond the middle, ochreous containing a silver striga. In the hoary space beyond it is a germinated striga, immediately before the marginal spots. The hind margin adorned with black spots, and shining with coppery spots. Hind wings white or ashy, with snow-white cilia.

WM. LENNON.”

In Botany, it may be mentioned that fully fifty specimens will be added to the Herbarium this season collected by members of the Society. *Senatula Tinctoria* (Sawort), a rare plant in Scotland, was gathered on the Dee at Tongland, at the excursion to Kirkcudbright. A new station has been

found for another rare plant—*Scutellaria Minor*, (The Lesser Skull Cap.) The Rev. J. M. Fraser found it on Lagganhill, Colvend, some years ago, and this season the Rev. Mr Barclay and Mr Hogg gathered it on the Rerrick shore, about two miles west of Aird's Point. The Rev. James Fraser, Colvend, has discovered during this summer *Scrophularia Aquatica* in the bed of the streamlet which runs into the Solway at the Needle's eye, in the parish of Colvend. During the excursion to Leadhills the *Viola Lutea* was found on the summit level betwixt Leadhills and Wanlock-head.

Within the last day or two, and since the preceding pages were written, I have been favoured by the Rev. W. Gordon, of Ruthwell, with the opportunity of examining the latest work on the Ruthwell Cross. It is from the pen of Professor Stephens of Copenhagen, who is engaged upon an elaborate work on the Runic monuments of Scandinavia and England. So great is the interest felt in the Ruthwell Cross, on which I understand there have been three publications issued in Germany during the present year, that Professor Stephens has been induced to publish his paper in a separate form, and before his general work has been completed.

As has been previously observed, the cross contains two kinds of sculptures and inscriptions. The one never presented any great difficulty—consisting of figures chiefly illustrative of passages of scripture, with inscriptions chiefly quotations from scripture, as far as they could be deciphered, in the Roman tongue, which the Church of Rome adopted in place of the Greek language about the end of the fourth century of the Christian era. It was the Runic inscriptions which so much puzzled the antiquaries. The puzzle was first solved by Mr Kemble, who, in his essay on the Ruins of the Anglo-Saxons, published in 1840, declared that the Ruthwell inscription consisted of a portion of a poem in old North English on the Holy Rood, the Cross of Christ, and of this he gave a translation. Previously to this, but unknown to Mr Kemble, Professor Blume had discovered (in 1823) a book

in the library of Vercelli, in Italy, containing a number of homilies and poems in the ancient English tongue. These poems were published about 1836, and attracted Mr Kemble's attention in 1842, when he discovered that one of them was the poem on the Holy Rood, a portion of which had been inscribed on the Ruthwell Cross. So exact had been Mr Kemble's text and version, that on collation only three letters required to be corrected. In 1856 Mr Haigh, in a paper published by him on the Bewcastle and Ruthwell crosses, ascribed the authorship of the poem on the Holy Rood to Caedmon, who lived in the seventh century, and who was the earliest author of sacred poems in the English language.

This is a brief summary of what has been hitherto known to those paying attention to the subject. An additional discovery appears to have been made by Professor Stephens. A Danish antiquary had in his possession an engraving of the Ruthwell Cross, of which nothing positive was known. It came into the possession of Professor Stephens, who had copies made and transmitted to a number of antiquaries. Professor Sir James Simpson recognised the engraving as having appeared in a work on ancient monuments, published by the London Society of Antiquaries in 1789. This engraving had been overlooked by nearly all the antiquaries who had written on the subject; but it is the most accurate that had been made, and from its early date gives some points which have since been dilapidated. By careful study of this engraving, and rubbings of the cross itself, Professor Stephens makes out the double inscription on the top of the pillar, hitherto unknown, to be, on the one side in Runic, "Cedmon me made"—certainly an extraordinary confirmation of the accuracy of Mr Haigh's conjecture; and on the second side, in Roman letters, *In principio erat verbum*, "In the beginning was the word," the opening sentence of the Gospel of St. John. It is proper to state that Professor Stephens, in making out this inscription, may not be entirely indebted to his imagination.

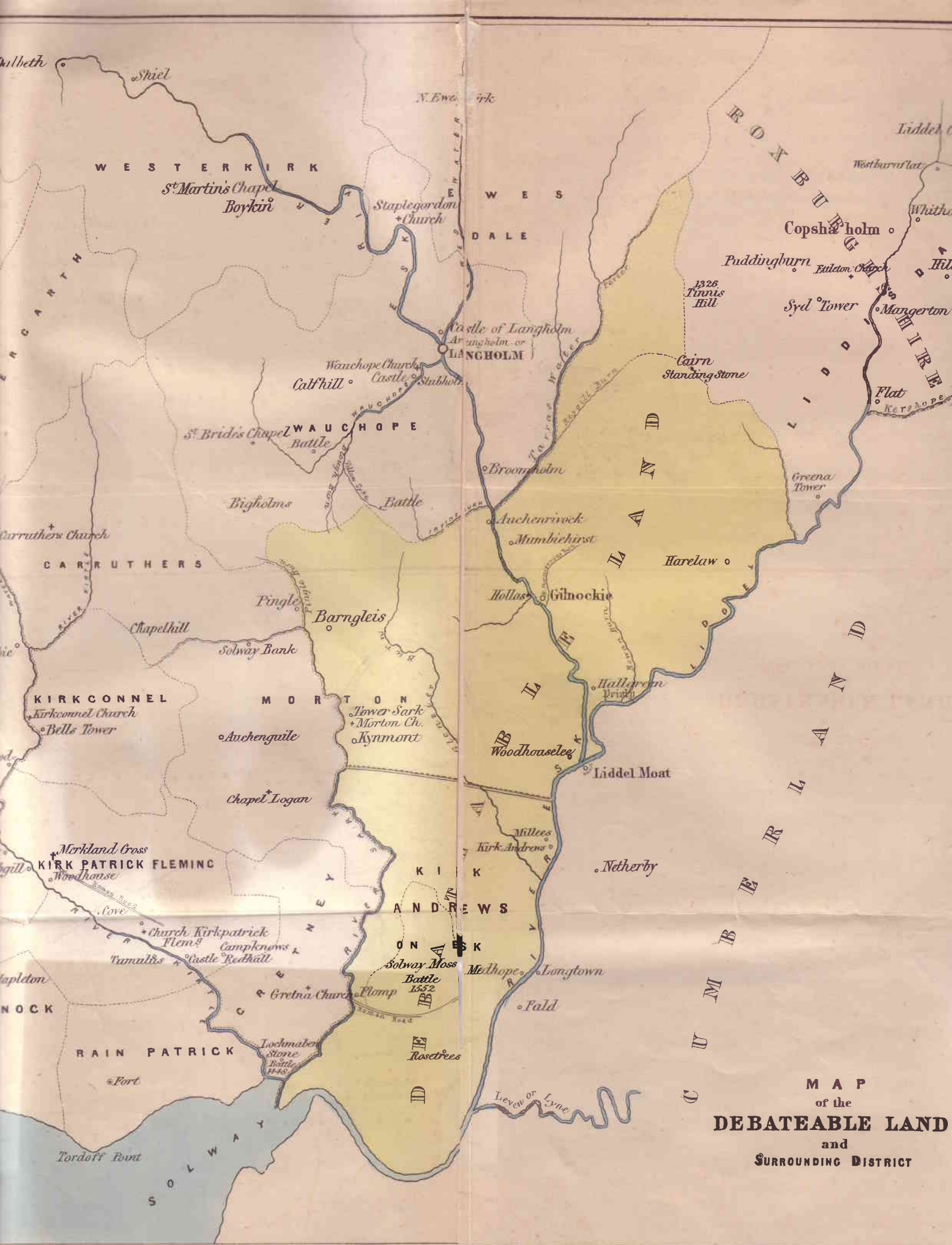
There have been handed down by tradition various



stories as to the origin of this monument : but the necessity of explaining why it should have been erected at or near the place where it now stands does not clearly appear. The stone must have been carved and erected somewhere about a century or so after Augustine's mission to Britain from Rome for the purpose of spreading Christianity, and it told the story of the Cross to Churchmen skilled in the Latin tongue, to the natives speaking their own English, and, by its figures, to those who were unable to read. It stood within what were then the confines of ancient Northumbria, and very probably near or upon the highway from Northumbria to Galloway.

In conclusion it may be stated that the history of this cross affords us a useful lesson. The members of the Society have probably not been fully alive to the value of the historical treasure within their bounds. Let us endeavour to imitate the patient research after truth which is shown in the labours of antiquaries upon this cross. Our aims are almost purely local and therefore comparatively humble ; but if they are guided by the pure love of truth they will never be undignified or unworthy. The search for truth throws lustre on the capture of a moth, the finding of a tiny plant, or the deciphering of a mouldering inscription. In these the works of the Creator are traced or those of man who was made in his image. Nothing should be overlooked because it is apparently small or worthless. There may be no actual result, but the labour of inquiry is never in vain : the effort brings its own reward in mental work and discipline. We have already added something to the great roll of human knowledge, and we need not fear as to the exhaustion of our field. With truth as our guide and aim, let us go on in patience and humility. The Ruthwell Cross tells us from its summit "In the beginning was the word," and so it will be in the end. There is much in the working of the human intellect in our day to startle and to bewilder ; but *magna est veritas et prevalebit*—all will come right in time.

Let us steer the happy mean if possible betwixt credulity and taking things or opinions for granted and hardness of belief: let us seek the truth with our whole heart and mind, fearless of whatever conclusions its discovery may open up, for it is only to our finite understandings that any links are wanting or twisted in the great and continuous chain of the creation of intellect and matter.



MAP  
 of the  
**DEBATEABLE LAND**  
 and  
 SURROUNDING DISTRICT

## TRANSACTIONS.

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THE DEBATEABLE LAND. By T. J. CARLYLE, Templehill, Waterbeck.

THE Debateable Land, now forming the Parishes of Canonbie in Scotland and Kirk Andrews on Esk in England, was bounded on the West by the Sark and Pingleburn, on the North by the Irvine burn, Tarras and Reygill, on the East by the Mereburn, Liddal and Esk, and on the South by the Solway Frith.

The original parish of Canonbie, bounded on the West by Glenzier burn, was intersected from North to South by the River Esk, whose after-course separated Kirk Andrews from Cumberland.

The Canons Regular of St. Augustine had extensive possessions in Canonbie; those on the eastern side of the Esk (whereon the Cloister Houses were built) had for boundaries the Nether Thorniewhaite burn—Rowanburn and Liddal, and those on the opposite side of the Esk comprised the entire area of the Western division of this parish.—*Sasines of Ladies Mary and Anna Scotts*, 1653, 61.

It may be stated, however, that in the preamble of a private Scots Act, 1609, these Western limits are indirectly restricted to the land on the Esk between the marches of Hollas and Woodhouselees, and the claim of Maxwells to the remainder recognised.

Within the Debateable Land, eastward of the Church lands were the Barony of Harelaw and the woods and wilds of Tarras, Westwards, the forest clad marshlands of the Barony of Morton Wood situated between the Glenzier and the Sark

(annexed in 1707 to Canonbie) and Southwards the Barony of Kirk Andrews, within which was the Solway Moss, having on its Southern extremity the Roman road from Cumberland into Scotland.

The whole of the Debateable Land originally belonged to Scotland, but at what period this designation was first applied is not revealed in history. Certainly it could not have been prior to 1242, when Cumberland, which had been long held by the Princes of Scotland as a Fief under the English Crown, was relinquished.

Seven years afterwards the March Laws between England and Scotland were first instituted, and therein the Esk is referred to as a frontier stream.

In the 4th year of Edward I. (1276) an inquest was held at Carlisle finding Sir Baldwin de Wake heir of the Barony of Liddal situated in Cumberland on the east side of the Esk. (Berkley Peerage Case 1859. No. 180.)

We find from Robertson's Index of Charters that the Scottish Monarchs had antecedently and subsequently granted Charters of Kirk Andrews on the West of river Esk, and from other sources that the inhabitants of the Debateable Land were recognised as Scottish subjects.

In 1126 David I. confirmed a Charter granted by Turgot de Rossendale of a portion of his lands of Lower Eskdale situated in Canonbie including the Church of Kirk Andrews on Esk and pertinents which he had conveyed to the Monks of Jedburgh.

In 1165 William the Lyon confirmed a Charter by a Guido de Rossendale of additional Lands and a right of fishing in the Lydal to the same Monastery.

In 1290 William the Prior of Canonbie sat in the Scottish Parliament assembled at Brigham, and in 1296 he and his Canons with other Scotchmen were compelled to swear fealty to Edward I. of England.

When Bruce had re-established the independence of Scotland he granted to the Monks of Jedburgh a Confirmation of the Charters referred to of Canonbie and Kirk Andrews.

He also granted a Charter of the Barony of Kirk Andrews, County of Dumfries, to John de Soulis "whilk had pertained to Sir John de Wake of Lydal."

Soulis being implicated in a conspiracy against the King in 1321, the Barony of Kirk Andrews was forfeited and bestowed on one Archd. Douglas. (See Robertson's Index.)

Previously to the reign of Edward I. the Scottish Monarchs having to perform homage to the English Sovereigns for Cumberland and other possessions, there was a friendly intercourse generally maintained, and many Englishmen held lands in Scotland. After the battle of Bannockburn those of them who had not adhered to Scotland being dispossessed, made frequent application to have their lands restored, which was ultimately conceded by the Treaty of Northampton in 1328, but which not being implemented by the Scotch, these disinherited Englishmen aided Edward Baliol in his attempt to recover the Scottish throne 1332-3. Owing to this war insubordination prevailing on the Borders, the Prior and Canons of Canonbie obtained from Edward III. of England in 1341 a Writ of Protection for themselves, vassals, and possessions.

This English protection super-added to the Scotch Charters, and hallowed by the authority of the Church, rendered the Monks independent of either nation, and constituted Canonbie a sort of neutral territory.

Prior to this date a claim for the restitution of the forfeited lands of Kirk Andrews adjoining Canonbie had no doubt been preferred by Sir John de Wake of Lydal to the Scottish Monarch.

That recognition by the Canonbie Monks of English Supremacy coupled with de Wake's unrecognised claim to Kirk Andrews was in all probability the foundation of the English pretensions to these parishes, and the origin of the term Debateable Land.

Subsequently an Heiress of the De Wakes being married to Edward the Black Prince, the Barony of Lydal was added to the Duchy of Lancaster and transferred to the English

Crown, where it remained till granted to Clifford, Earl of Cumberland, in 1603. The De Wake claim to Kirk Andrews would be strengthened in popular belief by this marriage to Royalty.

A considerable time elapsed before the designation of the Debateable Land was known in history, and the first reference to it was in 1450, when the Cumbrians asserted their traditional right, but no evidence is extant that the English Monarch or his Successors preferred any right till 1484, nor claimed any prerogative therein till it was advanced by Henry VIII. in 1543, demanding the possession of Canonbie priory as having "belonged of auld to England."

No historical references to the Debateable Land being obtainable before 1450, and very meagre details for the 50 years ensuing, the result of our researches will be principally confined to the families who flourished and the events which transpired in the sixteenth century.

In the beginning of the 15th century the powerful family of Douglas exercised nearly regal sway over the Barons in the Western Shires.

In 1455, James, ninth Earl of Douglas, having rebelled against his Sovereign, James II., had to retire to the wilds of the Western border, and his three brothers, Moray, Ormond, and Balveny, having raised his vassals, were assailed by the Maxwells, Johnstones, Carlyles, Scotts, and other loyalists, and defeated at Arkingholm, now Langholm.

The office of Warden of the West Marches, which for nearly a century had been hereditary in this family, was transferred, their extensive property confiscated, and their influence annihilated.

Thereafter several border families rose to wealth, influence and power; of these the most fortunate were the Maxwells, who got the Wardenship of the West Marches, acquired nearly all the Scottish ground surrounding the Debateable Land, and afterwards claimed the lands within it not pre-occupied by the Church.

We purpose giving a preliminary sketch of the Maxwells

in their official capacity as Wardens of the West Marches, with a list of their successors in office, and afterwards incorporating in the separate histories of the Grahams and Armstrongs, occupants of the Debateable Land, the events in which the Maxwells and other cotemporaries were concerned.

#### THE MAXWELLS, &C.

Early in the 12th century the Maxwells acquired extensive landed property in Dumfriesshire. In 1409 Sir Herbert Maxwell of Caerlaverock was appointed Steward of Annandale by Archd. Earl of Douglas, which was confirmed by Robert Duke of Albany, and this office remained hereditarily in the family for  $2\frac{1}{2}$  centuries. Sir Herbert also held the office of Warden of the West Marches from 1430 to 1438. His great-great grandson, John, 3rd Lord Maxwell, conjointly with George, Master of Angus, had the same office conferred in 1488, and he and his descendants or their guardians were consecutively Wardens of the West Marches for a century thereafter.

John, 3rd Lord Maxwell, died on the field of Flodden, 1513, and was succeeded by his son Robert, 4th Lord Maxwell, who died in 1546, leaving two sons, Robert and John, the latter known in history as Master of Maxwell and afterwards as Lord Herries.

Robert, 5th Lord Maxwell, only survived his father six years, leaving a posthumous son, John, 6th Lord Maxwell, born 1553, and who was killed at the battle of Dryfe Sands, 1593.

The Wardenship of the West Marches during the long minority of John, 6th Lord Maxwell, and afterwards to the final abrogation of the office, was held as under.

John, Master of Maxwell (his uncle), who had been deputy Warden from 1543 to 1549, was made Warden 1551, resigned in 1553 in favor of his maternal uncle, Douglas of Drumlanrig, was re-appointed the following year, and retained the office till 1568, when he again resigned it to



Drumlanrig, who held the appointment till Lord Maxwell's majority, 1573-75.

The list of the Successors to this office is as follows—

Lord John Herries, - - - -	1578
Johnstone of Johnstone, - - - -	1579
Lord Maxwell, now Morton, - - - -	1581
Johnstone of Johnstone, - - - -	1582
Wm. Lord Herries, - - - -	1586 or 7
Sir John Carmichael, - - - -	1590
Lord Maxwell, - - - -	1592
Wm. Lord Herries, - - - -	1593
Johnstone of Johnstone, - - - -	1596
Lord Ochiltree, - - - -	1597
Sir John Carmichael, - - - -	1598
Sir Jas. Johnstone, Dunskelly, - - - -	1600

#### THE GRAHAMS.

The History of the Grahams, occupying Kirk Andrews, including the pedigree of Fergus Graham of Plomp, progenitor of the present Netherbie family, is given by Nicholson and Burns in their history of Cumberland, which being relied on and quoted as an authority by subsequent historians and genealogists, we purpose giving an extract therefrom and then proving that some of the statements are erroneous, and the whole incredible, being evidently a rude attempt by some ignorant genealogist to cleftgraft a vigorous scion of a border stock on the old guarled tree of Monteith.

The following are the details given by Nicholson and Burns :—

“The mother of Malise Earl of Stratherne afterwards of Monteith was granddaughter of Robert II., King of Scotland. The second son of Malise was John with the bright sword, proprietor of Kilbride, and his son Richard was father to Matthias the father of Fergus of Plomp, whose second son Richard was the founder of the present Netherbie family.

“John with the bright sword sought refuge with many of his clan in the English border in the time of Henry IV., and as he could bring 400 followers to aid the English was connived at though outlawed by both nations.”

“Richard, second son of Fergus of Plomp, from a low and inconsiderable beginning, acquired wealth and purchased the Barony of Lydal and Kirk Andrews from Clifford, Earl of Cumberland, was created a baronet, and died in 1653.”

In the foregoing extract no other date is given than 1653. Calculating therefore backwards and allowing 32 years for a generation, Fergus would die about 1621; Matthias, 1589; Richard, 1557; and John with the bright sword, 1525.

We now contrast these statements with the following authenticated facts.

History informs us that Henry IV. reigned in England from 1399 to 1416. That Malise Earl of Stratherne was born 1413, got in exchange for the earldom and lands of Stratherne the earldom and lands of Monteith, 1427. That year was sent to England as one of the hostages for the ransom of James I., where he remained a prisoner till 1453, when his son and heir Alexander was substituted.

In the patent of nobility and in the charter of the lands of Monteith there were clauses of reversion to the Crown on the failure of male heirs.

Notwithstanding of which provision we find in the Scottish law records of the period, that Malise resigned Kilbride to his second son John, 1469, afterwards mortgaged it to James Muschat of Tolgarth, and then sold it to the Earl of Bothwell.

Malise and his son John were both dead before 1491. That year Margaret Muschat, relict of John the Graham, got a tierce of the lands of Kilbride, and afterwards, in conjunction with her son-in-law, William Monteith of the Kerse, pursued James Muschat of Tolgarth for 12 score merks due to her late husband.

In 1493, Alexander Earl of Monteith as heir of John successfully maintained the plea that the resignation to John

being antecedent to the Wadset to Muschat and disposition to the Earl of Bothwell he had a preferable right to Kilbride.

The disposition of Kilbride must have contained a provision of reversion to the holder of the paternal estate on the failure of John's male-heirs, and therefore his nephew, the Earl Alexander, in order to defeat the claims of Muschat and Bothwell, served himself heir of provision to John in preference to Malise as heir of line.

According to Douglas Peerage this Alexander was son of the eldest son of Malise, and on acquiring Kilbride, in 1494, he conveyed it to his uncle Walter and his male-heirs, whom failing to revert to the paternal estate.

Contrasting now these historical facts with those averments of Nicholson and Burns, we deduce the following conclusions.

1st. John of the Netherbie line dying in 1525 could not have been John of Kilbride, who had died before 1491, and neither of them were nor could have been contemporary with Henry IV., whose reign terminated 1413.

2d. John with the bright sword, as we have shown, could not have renounced his allegiance to the Scottish monarch and permanently settled with his family on the border.

3d. John could not have left a son, otherwise his nephew the Earl Alexander could not have succeeded as his heir to Kilbride, and consequently John of Kilbride could not have been the progenitor legitimately of the Grahams of Netherbie.

An indirect but strongly corroborative proof of the non-relationship of the Monteith and Netherbie families is to be found in the fact that notwithstanding the strong clanship feeling predominating even over the territorial influence in the reign of James VI. as referred to in Scots Acts, yet the border Grahams never recognised Fergus of Plomp as the great-grandson and lineal representative of John of Kilbride.

If history corroborates not the early pedigree of the Netherbie family, the correlative account of the original settlement of the Grahams in Cumberland, as given by Nichol-

son and Burns, is self-contradictory and incredible. Who can believe that a leader with such a lineage should have settled with 400 followers in a barren waste ; surrounded yet unchallenged by warlike Borderers, outlawed yet connived at by two hostile nations ; that no feat of arms of theirs should be chronicled in border lore or traditionary story, and that no reference should be made to them among the frequently narrated traitors of the Leven, in the enumeration of renegade Scotchmen in the criminal annals of the 15th century : we therefore discard in toto the account of the Grahams given by Nicholson and Burns as a myth, and valueless as an historical reference. From other more reliable sources it can be established that the Grahams for a couple of centuries previously to their first recorded appearance as Cumbrians had been located in Dumfries-shire, their leader or chieftain residing in the Tower of Graham, and possessing the Mosskesso or Mosskeswra barony, in the parish of Hutton.

The connection of this family with that of the parent stem of the Grahams of Dalkeith is inferable from the following history of this family given in "Chambers's Caledonia," vol. 1, page 146.

In the reign of David I., William Graham, who was proprietor of Abercorn and Dalkeith, had two sons, Peter and John, the eldest of whom was the founder of the Dalkeith, and the younger the progenitor of the Montrose family.

Peter Graham of Dalkeith was succeeded by his son, grandson, and great-grandson, each of whom was named Henry. The last of these marrying the only daughter and heiress of Roger Avenel, acquired, in 1243, extensive landed property in Eskdale and Upper Dryfesdale.

The eldest son of this marriage was Sir Nicholas Graham, who was married to a daughter of the Countess of Stratherne, the issue of which marriage is not recorded excepting the son and heir Sir John the Graham, who succeeded and died leaving a son John and two daughters.

John dying without issue his elder sister succeeded to the Abercorn property, and his younger sister Margaret married

Douglas of Lugton (the predecessor of the Earls of Morton) to the Dalkeith and Eskdale estates.

Though the direct male line of the Grahams of Dalkeith was extinct there were several collateral branches, which genealogists unfortunately have not recorded.

What more likely than that some near relative of the last proprietor, John, should have got a donation of the western outskirt of the Avenel's Eskdale lands, in Upper Dryfesdale, and founded the Mosskesso barony.

This of course is mere conjecture, but rendered probable from the following facts from the Public Records.

In Robertson's Index we find that in 1321 a Peter Graham had been proprietor of the lands of Bracanwra, parish of Hutton, in the vale of Annand.

In 1355 John, son of Sir John the Grame, granted to Roger Kirkpatrick an annual sum of 40s out of the lands of Overdryfe (see Lord of the Isles), and in 1361-62 he gifted the lands of Elsystone, or Ellastown, to John, son and heir of Richard de Graham.

We have no evidence of the alienation of the Mosskesso Barony, and no reference to its occupants till 1476, when we find, on an inquest about the lands of Daldurran in Westerkirk, a Thomas Graham and a William Graham of Mosskeswra.

In 1480 William Graham of Mosskessara was pursuer in an action against the Earl of Morton and his tenant, John Boyle of Wamfra, about the lands of Croftend in Dryfe. In 1492 the Earl of Morton pursued him for taking violent possession of half of the lands of Hutton and levying the mails, profits, and avails of the lands and town of Hutton and pertinents, and those of Cumstone, Fenton, Bordland, Androgilles, and Hillies (see Acta Dom. Con., 294). These lands, situated on the eastern side of the Dryfe, formed a considerable portion of the Mosskesso estate.

At this date the Grahams not only occupied this portion, but had extended their possessions further eastwards into Corrie.

The result of this litigation, Earl of Morton *ver.* Graham, is not recorded ; but we infer it had been adverse to Graham, for hereafter we find him designated "of Gillesbie," instead of Mosskesso.

The Grahams, thus hemmed in by powerful neighbours on a comparatively narrow stripe of mountainous land, would be compelled to migrate ; and as the Barony of Kirk Andrews on the Debateable Land, which had fallen to the Crown on the forfeiture of the Douglasses in 1455, had not been subsequently re-granted, it presented an inviting field to adventurers, of which the Grahams availed themselves, and obtained undisturbed possession.

Before referring to this diverging branch we shall briefly allude to incidents in the history of the Grahams of Dryfe.

In 1508 Robt. Graham of Gillesbie and Ronald Graham, Water of Dryfe, supported Lord J. Maxwell in his feud with the Creightons of Sanquhar.

Subsequently we find the Grahams of Dryfe attached to the Johnstone clan and opponents of Lord Maxwell.

In 1513 Pitcairn refers to a Robert Graham in Gillesbie, and a Ronald Graham in Corrie.

In 1546-7 among the West Borderers who pledged themselves to Lord Wharton to serve the King of England was—Graham, Laird of Gillesbie, with 44 retainers, and his cousin Archibald Graham was surrendered as a pledge.

1565, James Graham of Gillesbie, along with other vassals of the House of Johnstone, granted a bond supplementary to the general bond of the Barons and others to support their chieftain in his Wardenship of West Border.

In 1593 John Graham, in Dryfe, supported the Johnstones at the battle of Dryfe Sands, and in 1607 Sir Jas. Johnstone of Dunskeillie entered himself as his surety to abide the law.

1626, John Graham of Dryfe resigned to the Earl of Melrose the Temple lands of Shaw and Shawneuk, to whom and his son John there was a re-grant of said lands, in which the latter was infeft 1627. (Annandale Charter Chest.)

Sometime between 1625-49, during the reign of Charles I., Lord Durie, president of the Court of Session, was captured on Leith Sands by a Border freebooter, and immured for three months in the old Tower of Graham.

The Grahams having relinquished this old residence, had taken up their abode at Shaw, in 1698 we find the Laird of Shaw one of the Commissioners of Supply for the County of Dumfries. Subsequently we find a James Graham in Shaw married to one of the three co-heiresses of the old family of Hunter of Ballagan in Nithsdale, from which couple downwards to Mr John Graham, the present Laird of Shaw, the family can be distinctly traced in uninterrupted succession.

The Grahams of Mossknow had settled there before 1698 ; but genealogists, in referring to the antecedents of this family, go no farther back than 1715, when the proprietor then was a supporter of the Pretender.

Oral tradition, which seems to be corroborated by historical facts, affirms that cadets of the Grahams of Dryfe migrated to Kirkpatrick-Fleming and Kirk Andrews, and that several of them from the latter were thereafter extruded and sought refuge in Cumberland.

In the Criminal Annals of the reign of James IV., terminating 1513, we have Scotts, Armstrongs, Elliots, Halliburtons, and other Scotchmen, referred to as the *Traitors of the Leven* ; yet not a Graham is in the list, which is a conclusive proof they had not then taken up their abode on the Leven, now called the Line, in the Barony of the Lydal in Cumberland, which was the district referred to, and is not situated in Lancashire as erroneously suggested by Pitcairn.

In 1514 Lord Dacre, English Warden of the West Marches, aided by the tribes resident in Upper Eskdale and Cannobie, overran and devastated Lower Annandale and Ewesdale.

The occupants of Kirk Andrews are not specially referred to as co-operating, but no doubt from their proximity to Cumberland they did, and on the reflux of this eruption some of the Grahams would be transferred thither.

In 1528 Lord Maxwell, as Warden of the West Border, pursuing some Border marauders, impolitically crossed the Esk and burned Netherbie, then occupied by a Graham, for which he had afterwards to make compensation.

This is the first historical notice of the Grahams being in Cumberland. From that event onwards to the close of the century the Grahams manifested a spirit of hostility against the Maxwells and their retainers, Armstrongs excepted, with whom they generally lived on friendly terms, instigating and supporting them against the Maxwells.

In 1530 a few Grahams were in the retinue of Gilnockie, when he was captured at Caerlanrickrigg, and they were executed.

In 1545 the Grahams, aided by the Armstrongs, then rebels, and other Scottish malcontents, waylaid, defeated, and captured at Yellowsykehead, in Wauchopedale, Robert, Master of Maxwell, the newly appointed Warden of the West Marches, with his array going towards Stakehaigh (near Langholm) to apprehend some depredators. Maxwell was sent a prisoner to London, where he remained till exchanged in 1549.\*

In 1547 the Earl of Lennox, then a Refugee in England, being appointed Warden of the English West Border, made a successful inroad into Eskdale and Annandale. He assailed and destroyed the Castle of Annard, and got possession of Castlemilk, which he garrisoned with 50 soldiers commanded by a Fergus Graham.

In 1552 the Debateable Land was divided—Canonbie being allocated to Scotland, and Kirk Andrews to England.

On the following year the lieges of Cumberland preferred a complaint to Robert Alridge, Bishop of Carlisle, against Scotch and English Border delinquents, enumerating them. In this list we find the following Grahams :—George Graham in Catgill (Scotland) ; and the following in Cumberland—Walter Graham, Netherbie ; Richard of the Bailie ; George

\* Yellowsyke is a small tributary of the Bloughburn, which joins the Wauchope about two or three miles from Langholm.



of Sandhills ; Adam of Hall ; Richard, Oakshawhill ; John of Catterlin ; William Graham, Rosetrees.

There is also reference to Meikle Will Graham ; Watt Graham ; Nimble Will Graham ; Watt Graham, Flaughtail ; Will's Jock Graham ; Fergy's Willy Graham ; and William, brother of Hutchin Graham.

In addition to these may be added a few with such duplicated Christian names as Black Jock's Johnnie, Pattie's Geordie's John, &c., who very possibly were Grahams.

At this date Richard, son of the alleged John with the Bright Sword, must have lived ; but whether he was of the Bailie or of Oakshawhill, or of neither, our informant saith not.

In 1552-3 the Barons of Nithsdale entered into a bond against the Grahams of Esk and their allies.

In the seventeen years ensuing there is no historical reference to the Grahams. Within this period Matthias, the eldest son of Richard above referred to, would attain his majority, and his eldest son, Fergus of Plomp, would be born about 1560.

In April, 1570, Lord Scrope reported to the English Privy Council (see Cabala) that he had made an inroad into Dumfriesshire, burning Ecclefechan, Hoddam, and Repentance. Then stationing his forces at Cummertrees, had despatched Simon Musgrave and *Fergus Graham* with 100 horsemen, who destroyed Ruthwell, Cockpool, and Blackshaw, but being intercepted on their return at Old Cockpool, he had to send them a reinforcement of 150 men, when they assailed Lords Maxwell, Carlyle, and others, with 1000 followers, whom they defeated, and took 200 prisoners, among whom was an alderman and sixteen burgesses of Dumfries.

In Lord Herries' memoirs reference is made to this inroad and Scrope's forced retreat, which is more likely to be the fact.

In 1586 the Grahams made a foray into Carlaverock, and killed John Maxwell of Newlaw, son of John Lord Herries, at the Blackshaw.

In a Warden Court held at Berwick 1587, complaints were made by the Grahams of Esk against the Armstrongs, Bells, and Carlyles, for spoilation and robbery, and counter complaints were preferred against the Grahams by those accused and sundry other Dumfriesians.

One of these complaints was preferred by Adam Carliel and the Bells against Wat Graham of Netherbie, Davie and Willie his brother, Ritchie's Will, and Rob o' the Fald, for burning Godsbrig and herrying 300 kine and oxen, 4000 sheep and gaites, and 500 horses,—damages estimated at £40,000 Scots.

Fergus of Plomp being married to Sybella, daughter of William Bell of Godsbrig (his eldest son William subsequently to Ann Carlyle, Brydekirk, and his daughter to Armstrong of Sark) he had not joined the Netherbie Grahams in the spoilation and robbery of his father-in-law, but had he been chieftain of the Grahams he could undoubtedly have restrained their outrages.

In addition to the above Grahams who were criminals at said Warden Court we find William Graham of Rosetrees, Hutchin's Ritchie of the Baillie, Ritchie of Moat, Fergues Christy and Robert his son, Will of the Fald, Fergue of Meedhope, Braid Jock's Johnie, and a few others similarly described.

At the Battle of the Dryfesands in 1593 the Grahams of Esk were supporters of the Johnstones.

Towards the close of Queen Elizabeth's reign the Grahams got so noisome that each of the twenty head men who then represented the family had to give in a list of his retainers, which was presented to Lord Scrope 8th October, 1602. The aggregate number contained in the whole of the lists delivered was 439, of whom 85 only were named Grahams, 102 were of other surnames, and 233 unnamed. The principal leader was John Graham of Moat and Breckonhill, having 103 followers; next was William Graham of Rosetrees, having 54; John Graham, Anguswells, 36; David Graham, Bankhead, 27; John Graham, Lake, 24; Watt of

Netherbie, 23; Hutchins Sons, Sowport, Millins and Medhope, and others complete the list.

Immediately after the accession of James VI. to the English crown he issued the following Proclamation, dated December 4, 1603:—

“Divers Borderers, especially the Grahams, having perpetrated sundry outrages; but the Grahams are now at our mercy confessing themselves to be no meet persons to live in those countries, and therefore have humbly besought us that they might be removed to some other parts, where with our gracious favor they hope to live to become new men and to deserve our mercy. We have rather inclined to this course as more agreeable to our nature than taking so much blood. This for the present proceedeth from no alteration of our detestation of such crimes, but from the lack of means to provide for the transplantation of the Grahams, to the intent that their lands be inhabited by others of good and honest conversation. For the ease of the prisons we dismiss the vulgar sort of them, retaining their heads and principals for pledges that they shall be forthcoming, and for their good behaviour in meantime.”

The Cumbrians, sympathising with their sovereign's laudable anxiety to free the country of such pests, entered into a subscription, which amounting to £400, they were enabled to freight three vessels from Workington, in which were shipped a number of the Grahams who were transported to Ireland.

The list of subscribers with the names of the expatriated is given in Nicholson & Burns, vol. i. page 119.

The tenure by which the Grahams had held their possessions in Cumberland is nowhere narrated; very possibly by copyhold from the Wardens of the West Marches. However held they were then dispossessed, and the Barony of Lydal and Kirk Andrews was shortly afterwards gifted by King James I. to the English Warden, Clifford, Earl of Cumberland.

Fergus Graham of Plomp appears not to have been implicated in the doings of the clan Graham which had

evoked the hostility of the Cumbrians. We find, however, that John, 6th Lord Herries, in a letter addressed to the King dated 21st May, 1608, refers to him as follows:—

“Twa limmers, Fergus Graham in Plomp, and Scallet Davie Johnstone, liveth in Cumberland, wha murdered my uncle the Provost of Dumfries,” and his Lordship prays the King to authorise the Cumbrian authorities to apprehend and hand them over to the Dumfries officials for execution.

The reply is not recorded.

Fergus Graham of Plomp would die about 1621.

His second son Richard, from being page to the Duke of Buckingham, rose rapidly in Court favour, amassed wealth, ultimately bought Netherbie and Kirk Andrews, was created a baronet, and founded the present Netherbie family.

#### ARMSTRONGS.

In the beginning of the sixteenth century the Armstrongs possessed under Mangerton their chieftain, and Francis Earl of Bothwell as his over lord, the western slopes of Liddesdale, bounded on the south by Cumberland, and on the west by that portion of the parish of Canonbie in the Debateable Land which had the wastes and woods of Tarras on its northern end, and the Esk from Tarrasfoot to Nether Thorneywhaite Burnfoot, thence round the confines of the eastern Priory lands to the Liddal as its western boundary.

This district, being unclaimed by any neighbouring proprietor, was about this period appropriated by the Armstrongs, who erected thereon the Tower of Gilnockie, on the eastern bank of the Esk, in close proximity to the northern boundary of the Church lands on that side of the river, but of which not a vestige now remains, the foundations having been excavated when the eastern end of Gilnockie Bridge was founded toward the close of the last century.

On the 14th June, 1501, King James IV. issued a mandate to the Earl of Bothwell ordering the Armstrongs to be extirpated, which not having been implemented, the King

in 1504 made a raid to Eskdale and Canonbie where he hanged a number of thieves, and "earnestly desiring" an acquaintance with the Armstrongs, "fe'ed a James Taylor to pass and fetch them to the King." P.C.T., 1, 102.

In 1514 the Armstrongs disloyally joining the English under Lord Dacre in their inroad into Lower Annandale and Ewesdale, were proclaimed rebels.

"In 1517 a respite was granted to the Armstrongs, Tailzors, and all their kinsmen, friends, servants, and other dependents on them of the clan of Liddesdale, now dwelland in the Debateable-land and woods, that sall deliver to the Governer sufficient pledges to remain for good rule. To endure for one year." P.C.T.

In all probability the Armstrongs availed themselves of this respite, for we find that shortly thereafter Lord Robert Maxwell, the warden, extended their possessions by assigning the lands of Brumeholm, Langholm, Shield, and Debeth to their leader, John, brother to the laird of Mangerton. In the Nithsdale charter chest there is still extant a bond of manrent dated Dumfries, 3d November, 1525, in which he (John Armstrong) promises true and leal obedience as Lord Maxwell's vassal. His signature thereto formed by his hand being led, as he could not write, and to this document is attached a seal with the Armstrong coat of arms.

At same time and place Christy, son of Johnie Armstrong, got a grant of a ten pound land in Eskdale (Barnghiesh as will subsequently be shown) and granted a bond of manrent to Lord Maxwell.

In 1528 John Armstrong renounced to Lord Maxwell the lands of Langholm.

In 1529 Dr Magnus reported to Cardinal Wolsey that the Armstrongs had destroyed 52 parish kirks, for which they had been denounced enemies of the Church.

In 1530 Johnie Armstrong of Gilnockie with 36 attendants were by James V. decoyed, entrapped, and executed at Caerlanrigg. His movable and heritable estate being escheated, was gifted by the King to Lord Maxwell on 5th

July, 1530. This occurrence, so notable in the history of the period, is referred to in the ballad of "Gilnockie" in the *Border Minstrelsy*. His son Christy escaped with the remaining Armstrongs of Liddesdale to Cumberland, from whence, aided by their English allies, they made frequent incursions into Scotland in this and subsequent years.

After the flight of the Armstrongs there were only about 20 or 30 men at arms occupying the Debateable Land, and there was not a tower or stronghold within its extent. (See Lord Herries in Spottiswood.)

In 1535 there was an Act passed anent strengths on the Border. Hollas Tower, which is a little higher up the Esk than where Gilnockie stood, but on the opposite side of the river, is built in conformity to the plan recited in this Act, and must have been one of the eight or nine towers that Lord Herries in 1579 refers to as having been recently erected. See Spottiswood, History of the Church of Scotland. These towers were Woodhouselees, Kinmount or Sark, Barnglies, Auchenriffoch, Mumbyhirst, Hallgreen, Hairlaw, and Hollas, the materials of which, with the exception of Hollas, have been used by utilitarians in the improvement of or additions to their farm steadings and dykes.

In 1535 we find many of the clan with Mangerton and Sym, a laird of Whithaugh, denounced as rebels. Following year the latter was caught, convicted, and hung for aiding and abetting "Evil wullet" Sandy and other Armstrongs, sworn Englishmen. His heritage of the over parochin of Ewes was forfeited and gifted to Robert, Master of Maxwell, and his movables were divided and granted to his son Andrew, and to David the Lady, and his brother Martin Scott.

Same year there was a Finlay Johnstone hung for theft and intercommuning with the Armstrongs and Grahams, Englishmen.

The year 1542 is memorable for the following events:—The inglorious surrender of the Scotch at Solway Moss, including among the prisoners Lord Maxwell the Warden, the

destruction thereafter of Canonby Priory by the English, and the subsequent death of King James V.

In 1544, Lord Maxwell being a prisoner in England, the Armstrongs got possession of and delivered the Castle of Langholm to the English.

In 1544-5 Lord Wharton ravaged Dumfriesshire, and the Armstrongs with the Battisons, Thomsons and Littles of Eskdale, instigated by him, committed a series of barbarous outrages in the district (Caledonia  $\frac{6}{8}$ .)

In 1545 at the battle of Ancrummoor the Scotch Border Auxiliaries of the English, among whom were the Armstrongs, finding they were to be overpowered, threw away their Red Crosses (emblematic of their being assured Englishmen), turned their lances on their friends, and by their treachery contributed to the success of their countrymen.

Shortly after Lord Maxwell's surrender at Solway Moss, he was liberated on condition that he sent his eldest son Robert as a pledge of his return to captivity when required. His younger and only other son John being substituted in the Wardenship (as Deputy-Warden), which he temporarily surrendered to his elder brother on his return from London in 1545, who shortly after his accession to and in discharge of this office was overpowered and captured by the Grahams and their allies, and re-transferred as a prisoner to London, where he remained till 1549, after which event John resumed and held the Deputy Wardenship till his father's death in 1546, and surrendered it to his brother, 1549, and reacquired it at his brother's death, 1552.

In 1547 Sir Thos. Carleton, in reporting to Lord Wharton his raid into West Marches, relates his residence in a return to Canonbie after visiting Dumfries and Kirkcudbright, gives a list of clans assured to serve King Henry VIII., and enumerates 300 Armstrongs in Liddesdale and the Debateable Land—he also refers to an Ill Will Armstrong who had a man Jok Lynton, born in the head of Amerdail, who had guided them to Loughwood, which they had surprised and taken.

Shortly afterwards Lord Wharton in writing to the English Council from Carlisle narrates:—

“The Earl of Angus and other noblemen of that realm work in all they may against Langholm and these Marches. The Scotsmen continue to serve at my commands notwithstanding the enemy approacheth toward them. The old Laird of Mangerton, his son and other Liddesdales, are with me once or twice a week, shew themselves willing to abide, and they are well worthy of reward.”

Patton relates that the Laird of Mangerton with 40 of his clan joined the Protector Somerset at Newcastle on his projected invasion of Scotland.

Towards the close of this year, 1547, the Governor of Scotland destroyed Langholm Castle.

In 1550 peace was proclaimed, and same year Lord Maxwell, accompanied by 2400 men (is reported by Lord Dacre) “to have ineffectually assailed a Castle on the Debateable Land within sight of the Border held by a Sandie Armstrong,” and adds, “That since the return of the Scotts, Sandy has been with me and saith, that he perceiveth the Scotts to be so full of malice that they will yet more and more pursue him, and desired me either to promise him aid or he should be forced to take such appointment from Scotland as he and others dwelling there used to do. He has served us faithfully, and we may loose his services, and the habitation of his ground will be noisome to this realm.”

Shortly after this period the Armstrongs renounced their English alliance and returned to their Scotch allegiance.

In 1552 the Debateable Land was divided, Canonbie being assigned to Scotland and Kirk Andrews to England.

In 1553 complaints were lodged by the Cumbrians to Bishop Alridge of the Grahams and other Border depredators, and in this list are the following Armstrongs—Hector of Hairlaw, Jok of the Syde, Jok, Geordie, and Wills Jok of the Gingles, and Jok of Kinmount.

On 24th January, 1557, Christy, son of John Armstrong of Gilnockie, granted a Bond of Manrent to Lord John Max-



well and Sir J. Maxwell his Tutor and Governor, and got in exchange the mails and duties of the Lands which had relapsed to Robert Lord Maxwell on his father's escheat in 1530.

In a contract between Sir John Maxwell of Terregles, Knight, and Christie Armstrong, Barnglies, *alias* John's Christy, dated at Lochmaben, 1562, it is arranged that Christie is to have the use and keeping of the House and place of Langholm, and be collector of the mails and duties of Lord Maxwell's property in Eskdale till the expiration of his Lordship's Tutory, (N. Monuments No. 297.)

This is an interesting document, and throws light on the history of the heir of Gilnockie.

Though the old border ballad would lead us to believe that Christy was an infant on the nurse's knee at the time of his father's death, we find he had five years previously signed a bond of manrent and got as a recompence a ten-pound land in Eskdale, which now appears to have been Barnglies.

On Christy's return from England we find him re-occupying Barnglies, and it was there he resided when the lands forfeited by his father were reconveyed to him in 1557, and he had not changed his residence when the additional boon was conferred in 1562 of being custodier of Langholm and factor for Eskdale. We infer he continued his residence at Barnglies, delegating the keeping of Langholm Castle to his sons John, Archy, and Robert, for we find among the followers of Lord Maxwell to Stirling in 1585 Christy Armstrong of Barnglies with 11 followers, not Armstrongs, and Archy and Robert, sons of Christy of the Langholm.

Christy does not appear ever to have re-occupied Gilnockie, which very probably was dismantled after his father's execution, or by the Scottish governor in 1547 when he destroyed the Castle of Langholm.

In 1569 the Regent with Morton and others passed to Hawick, thence to the English border (English warder cooperating). He lay 2 nights at Copshawholm, 2 at Canonbie and 2 in the Water of Milk, and so came to Dumfries having captured 72 borderers, who gave pledges for good behaviour.

It was on this raid that the Governor got Hector of Hairlaw to deliver up the Earl of Northumberland, who had reposed in the faith of a borderer, till then unimpeachable.

About this period bulks into view in history a notable Armstrong called Kinmont Willie, whom Scot of Satchells affirms to be a descendant of Gilnockie, and in a Bond of Manrent granted by William Armstrong, and John his son and heir apparent to Lord John Maxwell, 1579, he is described as Callet Kynmont, but residing in Morton (Tower of Sark), which he held of his Lordship.

In Lord Maxwell's famous raid to Stirling in 1585, among his followers were Will of Kynmont, 7 of his sons, a brother Fergy, and 92 other Armstrongs. (See Act Parl.)

Godscroft relates that after the surrender of Stirling, the Borderers decamped with the horses belonging to their friends and allies, leaving Lord Maxwell in an uncomfortable plight; but the success of the expedition and the knowledge that he was not in fault restored the amicable feeling of the allies.

The followers of Lord Maxwell (then Earl of Morton) to Stirling in 1585, being enumerated in an act of Parliament same year, we glean therefrom that the predominating names in Eskdalemuir were Batties with a few Thomsons. In Staplegordon and Neither Ewes, Littles. In Langholm, Wauchope and Canonbie, Armstrongs. In Middlebie, the Bells, and on Kirtlewater, the Irvings.

The Johnstones were over Lords of Dunskeillie in Kirkpatrick-Fleming, to whom the Irvings were Vassals, and they also owned Gretna and Stapleton, the occupants of these are unknown.

At this period there was a large forest between the Sark and Kirtle called Loganwoodhead, held by the Crown, of which a James, son of Gavin Johnstone, Middlegill, in 1611, succeeded his father as Forester with the right of pasturage in the Lordship of Loganwoodhead. (See Inquis., Spec. 80, and Caled. 118.)

About this time Lord Maxwell dispossessed the Armstrongs of Langholm Castle and grounds, and dismissed them

from his employment, substituting Halbert Maxwell of Cavens as his Representative, which the Armstrongs afterwards resented.

Lord John Maxwell as eldest son of the second daughter of the Earl of Morton, who died in 1581, assumed this title then, but had to relinquish it in 1585. In 1588, having rebelled against the King of Scotland, his forces were dispersed at Dumfries, and the Wardenship taken from him; he was, however, restored to this office 1593, and was shortly afterwards killed at the battle of Dryfe Sands. His opponent, Johnstone of Johnstone, having been supported by the Grahams of Esk, the Elliots of Liddesdale, and the Scotts of Buccleuch. (Spottiswood 401.)

The Armstrongs have also been referred to by some authors as supporters of Johnstone, but they being mostly retainers of the Maxwell at this time renders this statement dubious; there is however in the pardon granted to the Johnstone, 1605, five individuals enumerated not of the name, one of whom is Christopher Armstrong. Durdurran, the other four are Neil Ewart, Bodesbeck, Robert Moffat, Granton, John Carmichael, Meadowflat, and Christopher Carruthers, Dormont. (Copy in my Repositories.)

Likely enough the friends and vassals mustered by Lord Maxwell at Stirling (Dormont excepted) would be his followers at the battle of Dryfe Sands.

At a Warden Court held at Berwick, 1587, ten complaints were lodged by the Cumbrians against the following Armstrongs for Southreif, &c., viz., Kynmonts Jock, Geordie, and Jock of the Calf-hill, Eekie and his son Ritchie of Stubholm, John, son of Sandy Armstrong, Pate of Harelaw, Jock of the Hollas, Young Christy of Auchengill, and Willy Cany.

In 1588 Archd. (ninth and last) Earl of Angus, was made Warden, and same year had a raid against the Armstrongs. The King accompanied, and was present when he cast down their houses; but they having fled, the King returned home and the Earl pursued them into Tarras moss, whither no host had ever attempted to follow them. Though he had kept

his intention close, and had Jardine of Applegirth accompanied by one of his own retainers with a company stationed in Canonbie, he was foiled; the birds were all flown, and there was nothing but the empty nest. On Angus retreating, the Armstrongs shewed themselves, and had nearly captured one of his followers, young Douglas of Ively Godscroft, 480.

Ten years afterwards Sir Robert Carey, the English Warden, with the concurrence and aid of the King of Scotland, attacked the Armstrongs in Tarras Moss (which he describes as being a large and great forrest on marshy ground). He defeated them, secured their leader, old Sym of Whitram, whom he afterwards liberated on condition that the Armstrongs should give no further annoyance to the English. (Carey's Memoirs.)

In the latter end of 1595 or beginning of 1596 Robt. Scott of Haining, acting as Deputy for Sir Walter Scott, Keeper of Liddesdale, met Salkeld, Depute of Lord Scrope, the English Warden, and held a Warden Court at the Dayholm of Kersope.

There Kynmont Willie attended, and on returning homewards interfered with the English pursuing some of his clan hot trod, was captured and carried prisoner to Carlisle Castle. This interference was subsequently pleaded by the English as depriving him of the right of exemption from arrest on a day of truce; but this point is generally ignored by our Scotch historians.

On the 3d April, 1596, Lord Herries was superseded in the Wardenship of the West Marches by Johnstone of Johnstone, and owing to Kynmont's antecedents being a retainer of the Maxwells, it was natural that the friends of the prisoner preferred applying to Buccleuch, the Keeper of Liddesdale, at whose court the March laws had been violated; their appeal being favourably entertained. Buccleuch and a few personal attendants, with some of the Liddesdale men, arrived at the Tower of Morton, Kynmont's residence, and there found assembled with Kynmont's sons and retainers the Armstrongs of Morton, Barnglies, Hollas, Calf-hill, Big-

holms, Langholm, Gingles, &c., with the Bells of Middlebie, all of whom were vassals of Lord Maxwell, with this accession. Buccleuch numbered 70 followers (not 200 as stated by Tytler), and on the night of the 13th April, 1596, gallantly rescued Auld Kynmont Willie from Carlisle Castle. The bravery and daring displayed had been unparalleled in Border warfare, and Buccleuch was well entitled to the laudation of the minstrels and cotemporary historians. Some modern writers, instead of recording the simple facts of this heroic exploit, embellish and mislead,—Tytler, for instance, in his *History of Scotland*, refers to Sir Walter Scott being Warden of the West Marches, exaggerates the number of his followers, and erroneously states that Kynmont's residence was in Liddesdale, and that he was a retainer of Buccleugh.

The fact is that Buccleugh had at that date no land in Liddesdale, excepting what had been conveyed to him in trust by his stepfather, the Earl of Bothwell, and had not an acre of land in Dumfriesshire for 30 years afterwards.

On the year following this event, 1598, Kinmont and his neighbour, Christy Armstrong, Barnglies, headed a band of Border marauders, yclept "Sandie's Bairns," and made divers raids into England and Scotland.

Sir John Carmichael of Carmichael being appointed Warden same year, finding the Armstrongs maist troublesome, resolved on their punishment; but they having intelligence thereof, sends Alexander Armstrong, alias Sandy's Ringane (broder to Auld Will of Kynmont), to Sir John Carmichael, then resident at Lochmaben, wha finding nae favor, and the youths about having poured the yolk of eggs into his scabbert, from which he could not draw his sword, he swore vengeance, returned, and on getting home indignantly related to his sons and clansmen the reception he had met with; and at a game of footba on Murthome lea on the following Sunday, 16th June, 1600, it was arranged that he, his sons, Tom, Lancie, Hew, Archie, and Watt, with Sym and Lancie of the Syde, Rob, Sandie, Robt. Scott and William Grame of Medhope, with others, in whole 20, should meet at Blerehead

next day, which they did, and then proceeded to Raeknowes, where they shot Sir John Carmichael dead with a hagbut.

Thomas Armstrong aforesaid and Alexander Armstrong, Rowanburn, were shortly thereafter apprehended, convicted, and hung in a gibbet for this offence.

When the Armstrongs heard of the death of Queen Elizabeth in 1603 they resolved on having a raid into Cumberland ; mustering two hundred strong, they penetrated as far as Penrith. On returning with their booty, they were intercepted by Sir William Selby, and most of them were taken prisoners, tried, and executed. Afterwards their strongholds were razed, their possessions forfeited, and their influence as a clan completely annihilated.

Suppressive of further disturbances on the Borders, King James issued a proclamation in 1605 prohibiting any Borderer of a broken clan from possessing any military accoutrements, or having a horse above the value of £5 sterling or £30 Scots.

Individual members of the Armstrong families now began to feel the stringency of the laws of their country, which they had previously set at defiance, and several of them were executed.

Taking a retrospective view of the foregoing details, we find that the Armstrongs of Lower Eskdale (excepting those residing on the Church lands after the destruction of Canonbie Priory in 1552) were *unquestionably* vassals of the Maxwells.

This is an important fact which evidently had been unknown to our earlier historians, and is unrecognised by our later authorities.

Buchanan, Anderson, and others represent " Robt. Lord Maxwell as entertaining feelings of enmity and dread of Gilnockie ;" but the contents of the Nithsdale Charter Chest reveal the fact that Gilnockie had extensive possessions under his Lordship, for which he had granted a Bond of Manrent and promised leal and true obedience.

King James V. must have been aware of this transaction

when he took the precaution of imprisoning Lord Maxwell before he started on his expedition to Eskdale, when he captured and executed Johnnie and his followers. Immediately thereafter the Armstrongs of Liddesdale fled across the Border and transferred their allegiance to the English monarch. There they remained till 1542, when the battle of Solway Moss, the destruction of Canonbie Priory, and the death of the King induced them to return and take forcible possession of the Priory lands and some of the adjacent property of Lord Maxwell, which they retained for ten years ensuing, when the Debateable Land was divided ; afterwards, having relinquished their English allegiance and submitted to Scotch authority, most of them became vassals of Lord Maxwell. Christopher, son and heir of Gilnockie, having got first a grant of Barnglies, then in 1557 of the lands east of the Esk held by his late father, and ultimately was made Custodier of Langholm Castle and Lord Maxwell's agent for Eskdale. Kynmont Willie held the Tower of Morton, and many other Armstrongs in Wauchopdale, Staple-Gordon, Langholm, Ewes, and Canonbie, got possessions under his Lordship, most of whom are enumerated in the Acts of Parliament of 1585 as having followed Lord John Maxwell to the siege of Stirling.

This clan would be supporters of Lord John Maxwell in 1593 at the battle of Dryfesands.

Ten years afterwards the Armstrongs were extirpated, and their respective holdings forfeited.

#### MOSSTROOPERS, &C.

Having separately traced the history of Grahams and Armstrongs, we have to refer to them conjointly with other clans as Mosstroopers, their haunts and homes, and the subsequent social and moral improvement of the Borderers.

Leslie, Roman Catholic Bishop of Ross, 1565, gives the following graphic account of the Mosstroopers of those days, —after narrating their method of warfare he gives the fol-

lowing particulars of their mode of living, habits, &c. He adds, "Their food is principally flesh, milk, and boiled barley, rarely bread, and delight not in good beer and wine. Their residences are huts and cottages, about the burning of which they are no ways concerned. If they have nimble horses and can procure food and ornaments for themselves and wives they are content, having a persuasion that all property is common by the law of nature, and may be appropriated by them in their necessity, they rob English and Scotch indiscriminately, and or they start on thieving expedition, they say their prayers more fervently, and have more devout recurrence to the beads of their rosaries than at any other time. If possible they avoid shedding blood, not only for the deadly feud in which they would be involved with their opponents clansmen, but also for the wrath of God."

"Their promise is held inviolable, and no crime more heinous could be imputed than violated fidelity; when this happens the aggrieved hangs the culprit's glove on point of a lance at Warden and other meetings proclaiming the offence, by which a greater slur is cast on a clan than even the execution of the offender. Most of them are fond of poetry and music, and gifted with natural eloquence. To their credit they follow not the heretical secession from the Holy Church."

Another historian describes the Mosstrooper as being clothed in a quilted doublet, to which were attached pieces of brass or iron, mounted on a small nimble horse, and armed with a long spear and a couple of pistols.

In those days there could have been no lack of religious instruction, for we find the churches had been thickly studded in the district conterminous to the Debateable Land. There being no fewer than 10 parish kirks and 3 chapelries within the confines of the present parishes of Langholm, Middlebie, Kirkpatrick-Fleming, and Gretna.

The Reformation after its establishment in Scotland made little progress on the Borders. In the preamble of the Act of 1609 uniting parishes there, reference is made to the known poverty of the inhabitants and the lack of religious



instructors. Previously to this date, Johnstone, Parson of Tynnergarth, had been cruelly murdered, and subsequently his successor, the Rev. D. Rogers, with the Incumbents of Annand and Lochmaben, in 1622-23 applied to the civil power for protection. Fifty years afterwards the celebrated Richd. Cameron, then a licentiate, was sent by the Synod on a missionary tour to the Borders, and through his instrumentality many of the Annandalians were converted.

The homes of the Mosstroopers inhabiting the Debateable Land and adjacent district had been sheltered by forests or surrounded by morasses, forming a natural barrier and secure retreat.

The only artificial highway passing through the district was the Roman military road which had led from Netherbie round the southern end of Solway moss, in the Debateable Land, to the Plomp where it is still traceable, and entered Scotland at a point east of the village of Springfield—from thence it went in a straight north-westerly direction by Camp-house (described in the Statistical Account of Dumfriesshire) to Kirkpatrick Cove, Woodhouse and Merkland, as traced in ordnance survey, and so onwards to Burrance Camp, thereafter ascending the rising ground to the north-west and passing the western end of Burnswark hill. This portion of the Roman road has a different direction than that indicated by Camden, who conjectured that it had gone from Netherbie through the northern end of Solway Moss, and onwards in a straight line to Burnswark.

On the farm of Old Gretna there is a boulder stone 8 or 9 feet in height, and about 20 feet in breadth, called the Clochmaben or Lochmaben Stone, at which the Scottish warriors generally rendezvoused before they entered England by the Roman road at Plomp.

The cultivated land northwards of the Debateable Land appears to have been confined to the upland valleys and hill sides of Eskdale and Ewes, now almost exclusively pastoral districts.

At this period in the intermediate district between the

Debateable Land there were held extensive stocks of sheep, goats, nolt, and horses, which constituted the principal wealth of their possessors.

Having referred to the Mosstrooper, his home, and its surroundings, we have yet to advert to the licentiousness which prevailed on the Borders prior to the ascension of James VI. to the English throne. In those days when Literature was held in contempt—Art and Science unknown—Agriculture and Commerce undeveloped, and no outlet for the pent up energy of man but the foray or the field, it is no wonder our poor ignorant forefathers relying on the wisdom of their progenitors (virtually homologated by the Priesthood) should have been misguided in adopting the rule,—

“That he may tak wha has the power,  
And he may keep wha can.”

To restrain this unconstitutional love of liberty the Scottish Legislature enacted several laws against the Border predators, but these were not thoroughly enforced till the Union of the two Crowns had conferred greater power on the Executive. Then the justiciary powers which had been exercised by the Warden were transferred to a Committee of Border Landed Proprietors, constituted by a commission under the great Seal, who held Circuit Courts or Justice Ayres at Dumfries and Jedburgh.

In the annals of Hawick we have an interesting report of these Courts held 1622-23, giving the names of the Justices, Clerk, and Doomster, with a full account of the dittay against each panel—the verdict and the doom of the Fylet.

This Court in the exercise of judicial powers had called before them persons suspected of crime, whom they compelled to grant Bonds for their re-appearance, “to answer for anything that might be laid to their charge.” Others of this class, but possibly more deeply implicated, had to sign what was called a “Voluntary Bond,” agreeing to “leave the country and never to return without leave, under the penalty of death without any mair law.”

These stringent measures had a salutary effect, but two

or three generations passed ere the Borderers were reclaimed, and a higher moral standard regulated their actions.

In the reign of James VI. the commutation of feudal service for rent was generally adopted. The Church and the School extended their influence, and civilisation gradually progressed.

The ancient enmity against England had subsided into a jealous feeling of her reassertion of supremacy, and when the Union was under discussion in the Scottish Parliament the Borderers assembled at Dumfries, threatening vengeance on the supporters of the measure. The Commissioners of Supply for the County issued a manifesto to their representatives in the Scottish Parliament, imperiously commanding them not to vote for the Union, predicting that if adopted the Scotch Representatives would be outvoted; the English would tax us unduly, rob us of our Commerce, and overturn our Church—our rights and liberties would be jeopardized, and our independence as a nation gone for ever.

In spite of all opposition the Treaty for Union was arranged. Thereafter, social intercourse softened asperities, heart-burnings ceased, and the descendants of the once hostile Borders coalesced, and the Union was really consummated.

“Thank God we are one people,  
With but one heart, one aim,  
Yet my heart beats with a warmer pulse  
To hear old Scotland’s name.”

THE SANDS OF DUMFRIES IN 1508. By JAMES STARKE,  
F.S.A. Scot.

THE incident which I am to relate occurred at Dumfries in the year 1508, and as it marks very forcibly the disorganised state into which society had come, an account of it may be interesting.

The King of Scots at this time was King James IV., then 35 years old. He had succeeded to his father, James III., when the latter was treacherously murdered in his flight from the conflict at Sauchie. He was possessed of personal qualities which were then in universal demand—activity, vigour, and intrepidity; and he mixed freely and heartily in all the active exercises of the time. But family feuds and rivalries were so frequent and violent that the power of the Crown was sometimes set at defiance.

“Twixt Wigton and the toun o’ Ayr,  
Port Patrick and the cruives o’ Cree,  
Nae man needs think for to bide there  
Unless he court wi’ Kennedy.”

But in this part of the country the Maxwells of Caerlaverock were a prominent family. The head of that house at this time was John, 4th Lord Maxwell; and Robert, 2d Lord Crichton of Sanquhar, was the Sheriff of Dumfries. This office was hereditary in his family, having been given over to his grandfather by heritable grant from the Crown, and on the death of his father in 1502 Lord Crichton of Sanquhar succeeded to the office.

In the month of February thereafter a pardon was granted by the Crown to the family of Herries of Terraughty for oppression done to Sir James Cricton of Fren draught in houghing of his horses. But if any smouldering embers of hatred existed at this time they smouldered on, for the great Circuit Court at Dumfries in 1504 passed well enough. But the next year, 1505, one of the Sheriff’s officers was killed in the execution of his office, as also the officer’s brother, who was assisting.

Lindsay of Wauchope, a party in the suit, was accused, and in July that year (1505) the Sheriff proceeded to the market cross of Dumfries, and there by open proclamation summoned Lindsay to appear at the Justiciary Court at Edinburgh for trial. It would appear from this proceeding that the Sheriff was not able to execute the summons at Lindsay's abode. He did not appear on the day fixed for his trial, and not appearing sentence of default passed. It was now that the attack was made on the Sheriff himself personally and on his deputies.

Sir James Balfour's account of the matter is this :—

“ This yeire at Drumfreis there was a grate feight betwix the Lords Maxwell and Sanquhare and their friends and followers : quhairin the Lord Sanquhare was overthrown and many of his friends killed.”

Bishop Lesley's account is not more definite. He says :

“ There was a gret gadding the xxx day of July betwix the lord Maxwell and the lord Creychton of Sanquhar, quhair the lord Creychton was chaisit with his company fra Drumfreis, and the young laird of Creuchley slaine, with diverse utheris, quhair of there appeared gret deadly feud and bludshed. The King tuk sic ordour, partly be justice and partly be agreement, that the whole cause was suddenly quaysched and stanchied.”

It seems strange that so great an obstruction and affront to public justice should be thus treated by the historians of the time, as but a mere fight and gathering.

But the Sheriff's own account of the matter is equally deficient in clearness and point. He says this, that he had maid and set a court to be halden at Drumfress the last day of July, for ministration of justice to certain persons within the boundis of his office, and that he might nor durst nocht come to the said Burgh to hold the said court without warning, support, and supplie of his friends as well appearit, for his Deputes war cruelly slaine in the execution of his office and halding of his said court, and that the persons cuming with him, the said Robert to the samyn, come in the

strengthen of him in the executione of his office and furth puttin of the King's auctoritie and name utherwayes.

What a tedious, pointless story is here ! The said Robert is the Lord Crichton of Sanquhar, the Sheriff of the county, obstructed in proceeding to his court, and his Deputes are killed by an overpowering and lawless crowd headed by the Maxwells. But instead of plainly saying this, he makes a statement which appears like an apology for his defeat.

There was a great gathering on both sides. The two Sheriff Deputes who were killed were Dalziel of that Ilk and the young Laird of Carmichael, with many others, and the upshot was that the Sheriff was discomfited and chased out of the town with all his company. The fords and shallows of the Nith would no doubt afford to the routed party the readiest means of exit from the scene.

Such was the Raid of Lammas Eve, as it was termed by the Maxwells, who were the victorious party, and evidently too strong both for the King and his Sheriff.

On the 17th October, which was two months and a-half after the encounter, a pardon was granted by the King to Herbert Maxwell of Kirkconnel and three others of the Lord Maxwell's party. And a few days afterwards another pardon was granted for convocating the lieges with John Lord Maxwell and his accomplices, against Robert Lord Crichton, the Sheriff of Drumfress, his deputes, friends, and servants, and hindering him in the execution of his office ; and also for art and part of the slaughter of William Dalziel of that Ilk and John Carmichael, the Deputes of the said Sheriff, and of others slain at the same time, and for all other crimes done by him, day and place foresaid.

The Sheriff, seeing how things were going, made a representation of his side of the case to the King, and thereupon a letter issued exempting him and all his people from any charge or accusation at law for anything done by any of them on the occasion, it being the King's mind, it is added, that the samyn cease fra ever in tym to come.

And on the 29th Nov., 1511, which was 3 years and 4

months after the encounter, Lord Maxwell became bound betwixt and Candlemas following to satisfy and pay the Lord Secretary and his clerk all the fees of office on the occasion.

And thus ended the Raid of Lammas Eve, 1508.

Such is the vague and unsatisfactory account we have of this affair in the records and histories of the time. They seem to have regarded it in the light of a common family feud, and not as we should now regard it, as an obstruction of justice and a great public crime against the good order of society.

NOTICE OF THE CIRCUIT COURT HELD AT DUMFRIES IN THE  
YEAR 1504. By JAS. STARKE, F.S.A. Scot.

IN the summer of 1504 a Circuit Court was held at Dumfries—the King himself, King James IV., being also present.

A notice of this Court it has appeared to me may be interesting, and it will be found to open up questions of local or burgh topography, which appear still to remain unsettled.

At the time this Court was held the present Court of Session or College of Justice was not yet in existence. It was anterior to that event, and also to the Reformation.

The Justiciar was still ostensibly the great judicial officer of the kingdom, and the Circuit Court was the Justice Ayre. But preparatory measures and anticipations were already in existence, and the office of Justiciar had become settled in Lords of Parliament. One of the Lords Gray was the present Justiciar, and the Sheriff of the County was Lord Crichton of Sanquhar, in whose family the office of Sheriff was at this time hereditary.

On the 24th of June, 1504, which was about 7 weeks before the meeting of the Court, a messenger at arms was despatched to the Sheriff with the precept for the proclamation of the Justice Ayre. This proclamation would be made

at the usual place, which was the market cross in the High Street; and on Tuesday, 13th August, the Court met.

#### MEETING OF THE COURT.

The record does not state in what part of the town the Court was held. But it would be in the old Council Chamber, and the Justiciar would be accompanied as usual by the Lords Compositors, as they were called, who took up the compositions for fines and forfeitures so common in those days—the fines and forfeitures forming, in fact, a very large source of revenue. The High Court of Judicature knew this, and still more we may believe all the petty tribunals throughout the country. The Justiciar would also be accompanied by the Justice Clerk and the other officers of Court.

The ordinary mode of travel in those days was *horseback*; and such of us as have endeavoured to learn something of the early life of William Shakespeare (more than half a century after this) will recollect circumstances illustrative of this custom. Dunbar, the old Scottish poet, refers to it. And in other documents we find mention made of payments for *bridle silver*, which was, no doubt, a perquisite of the same sort of thing. Chaucer, in his *Canterbury Tales*, has all his pilgrims mounted, and in this manner they proceed on their journey. We may, therefore, picture to ourselves a cavalcade coming into the town at the entry of the judges.

#### BUSINESS DONE AT THE COURT.

Of the cases recorded in Pitcairn's Cr. Trials—

- 2 were outlawed for non-appearance;
- 2 came in the King's will, pleading guilty I presume;
- 2 were allowed to compound and make up with the Crown and the private parties;
- In 3 cases pardons had been secured, and were now produced in answer to the indictment; and
- 4 were convicted, of whom 1 was fined and 3 or 4 were hanged.

One of these capital cases was theft of merchandise from the merchants of Dumfries, at the time of the burning there-



of. Another was intercommuning with thieves and robbers in Eskdale ; and another was resetting a common thief in his theftuous deeds.

No formal sentence of death is recorded, nor any day of execution specified. All we have is the short word, "Hanged."

#### TIME AND PLACE OF EXECUTION.

The convictions appear to have taken place on Saturday, 17th August ; and under the same date in the Lord Treasurer's accounts we find a payment of 14s *to the man that hanged the thevis at the Hullerbuss, and for ane raipe to hing thaim in, 8d.* On the 21st of August, which was four days after, another payment of 14s is made *to the man that hanged the thevis in Canonbie be the Kinges command.* And the following day there is this further payment—*Item for ane hors to the cartair that had his hors dede at the Hullerbuss drawand the pailyeons, £4.*

If these executions followed on the convictions at this Circuit Court, as they appear to do, we must conclude that in those days culprits were instantly, after conviction, carried off and hanged ; and secondly, we must look for the *Hullerbuss* in Dumfries or its neighbourhood.

The name seems to be now unknown, but indications of it exist in the neighbourhood of the old place of execution. And here also is the *Loreburn*.

The word *Alorburne* and *Aloreburne* is on the Provost's staff and badge of office ; and the term is commonly said to have been the slogan or war cry of the town.

Various interpretations have been given of this term, and among others that it signifies "To the lower burn."

But this seems weak, for it supposes the term a heterogeneous compound of English, Scotch, and French.

First we have the Scottish *burn*, or streamlet ; then we have the English word *lower*, instead of the Scottish *nether* ; and prefixed to all is the French particle, *à*—à lower burn !

2. Such a formation is also at variance with other slogans

which gave the name of the place of meeting without any prefix, as *Bellendean, Craig alichry, Tulloch ard*.

3. The term would, moreover, be meaningless, the place where this *lower burn* is situated not being specified.

On the whole, therefore, it seems more reasonable to consider the term as designating the known name of a place, and what we have now is a corruption. The original name of the burn may have been the *Hullerburn*, which came to be disowned and repudiated with the improving morals and taste of the town—the term dropping to *Aloreburne* and then to *Loreburn*.

#### THE KING COMES TO DUMFRIES.

The King came to Dumfries on the 24th of August. This was the end of the week following after the convictions.

He had been at the great Raid of Eskdale, and came into Dumfries by Lochmaben, where he was the previous day, as we see by the Lord Treasurer's accounts, a payment of 46s. 8d. being entered on the 23d August made in Lochmaben to the King to play at the cards with Lord Dacre. He would thus naturally come into Dumfries by the East Port of the town, which lay a little to the south of St. Mary's Mount. In this way also the King would naturally pass through or by the narrow street King Street to arrive at the house which we shall afterwards refer to as his probable residence in what is now Queensberry Square.

A few days after the King's arrival in Dumfries the King granted under his privy seal at Dumfries special letters of license, protection, and respite to the Archbishop of Glasgow, then about to take journey to the Court of Rome, guaranteeing to all his kin, tenants, and dependents protection in his absence. But saving this, no special reason appears in the record for this visit of the King to the Justice Ayre. He probably took the opportunity of his being at the Raid of Eskdale while the Justice Ayre was being held at Dumfries to visit the town. The King is known to have

been of active habits, fond of exercise and display, and desirous of seeing every part of his dominions and all his people. A passage from Tytler's *History of Scotland* may explain this visit of the King:—

“Personal vigour in the King,” says Tytler, “was invariably accompanied by diminution of crime and a respect for the laws. And never was a sovereign more indefatigable than James in visiting with this object every district of his dominions, travelling frequently alone at night and in the most inclement seasons to great distances, surprising the judge when he least expected by his sudden appearance on the tribunal, and striking terror into the heart of the guilty by the rapidity and certainty of the royal vengeance. He was possessed of an athletic frame, which was strengthened by familiarity with all the warlike exercises of the age.”—*Tytler's Reign of King James IV.*

On the present occasion, however, the Justiciar appears to have anticipated the royal visit, for the business was all over, and the thieves were carried off and hanged.

King James IV. among his other royal tastes was fond of *music*, and there is reason to believe that at this time there was in the principal towns a band of music kept up under the name of the Pipers and Minstrels of the town; and at the opening of the court we find a payment made *in Dumfries to the Menstrales, to fee thaim horses to Eskdale and syne again to Dumfries*; and the following day there is a payment to the *Pipers of Dumfries*. These probably remained in the town to attend the judges.

What pipe it was the pipers played is not certain. The bagpipe was apparently in common use some centuries ago both in England and Scotland. In the “*Canterbury Tales*” this is the pipe and the only pipe among the pilgrims, and it was played by the miller, one of the pilgrims.

“A bagpipe well could he blow and soune,  
And therewithal he brought us of tounne.”

And in like manner in the old Scottish poem of “*Peebles*

to the Play," the bagpipe is the pipe among the merry May-day folks :—

“Hop, Calyé, and Cardrone,  
Gadert them out thick fald ;  
The bagpipe blew, and they out threw  
Out of the touns untald.”

But the bagpipe appears to have begun to retire, and shortly after the Reformation, when the minister and reader of Dumfries refused to keep Christmas day, the town brought a reader of their own with tabret and whistle, and caused him to read the prayers. By this time the bagpipe must have retired to the hills.

#### PLACE WHERE THE KING LIVED.

The King remained at Dumfries for more than three weeks, and on the 13th September there is the following entry in the Lord Treasurer's accounts :—*Item, to William Cunynghame's Wif in Dumfries for the King's bele chere, X li.*

This William Cunynghame was no doubt the William Cunynghame, merchant, burgess of Dumfries, to whom the sum of £42 was paid in the month of June preceding for 6 tun of wine ordered by the King as a present to Lord Dacre. He was perhaps one of the great merchants of the town, and on the occasion in question the King may have lived in his house as the principal inn of the place, the gudewife acting as hostess. For it does not appear there was now any public building in the town suitable for the residence of royalty. About half a century before this Queen Margaret, wife of Henry VI. of England, when she fled here during the wars of York and Lancaster, went to Lincluden Abbey and put up there. And a century after this King James VI., though he was twice royally entertained in the town, was obliged to the hospitalities of Terregles.

This state of matters may explain the charge for the King's *belly cheer*—a phrase which occurs in Chaucer, and appears to have been used to express provisions furnished to the King while he lived here.

Cuninghame's house has not been identified. But in connection with this it may be stated that when King James VI. came to Dumfries he was entertained by the town at a banquet, which was given to him in a room described as *the painted hall belonging to the Cuninghames*. This is the description which is left to us of the hall where King James VI. was entertained. It is very true that this description may be nothing more than an upholsterer's description ; but it is more likely to have a higher meaning, and to indicate some historical connexion with the hall occupied by his great grandfather, James IV.

The site of the house in question is known as having stood near the Duke's Monument in Queensberry Square. It was a house with a wooden front, and was taken down some 15 years before Dr Burnside's papers, which were in 1791. This would be about 90 years ago.

The house was thus in close proximity to King Street, by which we have supposed King James IV. entered the town.

The day after the payment to *Cuninghame's wif* there is a payment of 10s. *in Lochmaben to ane puir man that all the court took his hay from him*. From this item it may appear that the King returned from Dumfries by way of Lochmaben, where it seems the large hall of the castle was at this time being built under the King's direction. Before leaving Dumfries the King had given a gratuity to the friars, and the pipers they had been paid their fee at the closing of the Court.

On a survey and review of the facts disclosed in these observations we may see the great advance of the town in its streets and roads, in the materials and style of the houses, and in the improved moral feelings of the people.

These are the observations I have to submit in regard to this Circuit Court or Justice Ayre. They are desultory and incomplete ; but if they serve in any measure to stimulate enquiry into localities of interest in the district, something will have been done to further the objects of this Society.

## A BORDER THIEF OF THE LAST CENTURY.

By W. R. M'DIARMID.

DURING the removal of papers from the old to the new County Buildings of Dumfriesshire, the record of a criminal trial before the Sheriff Court was discovered, a vidimus of which presents a number of points of interest.

The trial of the case which, according to the present practice would be disposed of at a forenoon sitting, occupied the Court for three days.

On the 20th of February, 1777, John Forrest, late in Milkbank, near Netherby, Cumberland, was indicted by John Aitken, Procurator Fiscal of Court, as guilty of the crime of theft and housebreaking, before the two Sheriffs-Substitute, James Ewart of Mullock, and John Welsh of Milton, the former I believe an ancestor of the representative of the Dumfries Burghs.

The panel having pled not guilty, the Court was adjourned until next day, the 21st February, when the panel was defended by two procurators, Robert Ramsay and Thomas Stothert. A jury of fifteen persons was then empanelled, two of whom were writers in Dumfries, and witnesses for the prosecution were examined. The first, James Scott, Inn-keeper, Limecleuch, Canobie, deponed to his cellar having been broken into on the 24th of October, and a quantity of brandy and strong ale stolen therefrom. The witness suspected the panel to be the thief, and obtained a search warrant from Sir James Johnston of Westerhall, a Justice for Dumfriesshire. He crossed the border, got the warrant backed by Mr Dacre, a Justice for Cumberland, and obtained the assistance of David Edgar, a Cumberland constable. Witness was accompanied by his wife, by John M'Intosh, a Dumfriesshire constable, and two other persons. A search of panel's house was made, and a quantity of spirits found, and the bottles, jugs, and greybeards belonging to witness in which the spirit had been were found and identified. The panel was absent on the day the search was made at Longtown fair. Next

morning early the party returned to the panel's house and apprehended him, though not without resistance, and until they had agreed to take him before Mr Dacre, panel declaring he would lose his life rather than be taken before a Scotch Justice. Before they left the house panel offered to witness the best beasts he had about the house if he would stay proceedings. Mr Dacre ordered panel to be handcuffed and taken to Scotland for trial, and directed the party to take panel by the Longtown road and not by his own house in case of a rescue. Panel was accompanied by his wife, who was on horseback, and at her request he was allowed to sit beside her. Scarcely had he mounted when he urged the horse to a gallop, and his wife fell or slipped off. One of the party, the only one on horseback, galloped after him, overtook him, caught his horse by the bridle, and delivered panel to the constable. Panel was taken into Scotland and before Sir William Maxwell of Springkell, a Justice. Witness on being interrogated deponed that panel had for a number of years borne a very bad character. This evidence was confirmed by Mrs Scott, who identified the stolen brandy from its having a flavour of anniseed. Several other members of the party who went in search of the panel gave similar evidence to that of the first witness. James Nicol, who had captured panel when he rode off, deponed that the panel desired him to let him go, telling him he had never done the deponent any harm. On his refusal panel said, though his hands were then tied he hoped he would sometime get them free, when he would make him repent his refusal, and should he never get at liberty again he had a son who he had brought up to be a devil who would revenge the quarrel as he was a devil. A number of other witnesses were then examined as to character, who gave the panel a very bad one as a notorious thief, and whose house was the resort of thieves and gipsies. One of these witnesses deponed that were he to enumerate all the bad things he has heard of panel it would consume too much of the time of the court.

The prosecutor then declared that his case was closed,

and answered by anticipation an objection to be taken by the agent for the panel against the legality of the proceedings, on the alleged ground that one of the jurymen had not been sworn in until after the first two witnesses had been examined. He offered, if the Court thought there was any reality in the objection, to re-examine these witnesses. The objection was urged by the panel's agent, and repelled by the Court, against which decision a protest was taken to the High Court of Justiciary.

Three witnesses were then examined for the defence, but their evidence was confined to character, and was dubious on that point.

The witnesses had their evidence read over to them, and signed the pages in the record occupied by their evidence, which was also certified by the two Judges. Only two witnesses, out of thirteen, could not write—one for the prosecution, a very old woman, and one for the defence.

The prosecutor then summed up his evidence, and was answered by Ramsay for the panel. The Sheriff's-Substitute then ordained the assize to enclose and return their verdict next morning at eleven o'clock, the hail fifteen to be present under penalty of 100 merks each.

On the 22d February panel was again placed at the bar, and the Jury returned a unanimous verdict of guilty. Various technical objections and a protest were taken in a minute signed by the panel's agent: to which it was answered by the Procurator-Fiscal "that the reasoning in the above minute appears to him so absurd that he would consider any particular answer to it an insult to the judgment of the Court."

Then follows the sentence, which throws some light upon the anxiety shewn by the prisoner to escape by flight or compromise from the consequences of his crime. From his character and habits, it may be presumed that he was familiar with legal punishments on both sides of the Border:—

"The Sheriff-Substitutes having considered the Verdict of Assize returned this day against John Forrest the pannel,



Whereby It is found proven that he is guilty Actor or Art and part of the Crimes lybelled, with the objections to the said Verdict stated for the pannel and answer thereto, They decern and adjudge the said John Forrest pannel to be carried back to the Tolbooth of Dumfries and to be Imprizond therein untill Wedensday the twenty eight day of May next, and on that day Ordain him to be brought out of the said Tolbooth, and betwixt the hours of Twelve and two afternoon to be publicly whipped by the common hangman of Dumfries thro the Burgh of Dumfries, the pannel tyed at a Cartstail and receiving on his naked back thirty lashes at each of the following places, vizt., at the foot of the Bridge Vennel, at the head of the said Vennel, opposite to the Tolbooth, opposite to the Fish Cross, at the South gate Brae, and in the Kirkgate near the Kirkgate port, on the high street, at each of these places, And after the pannel has being so whiped, Ordain him to be again imprizoned in the said Tolbooth therein to remain until Wedensday the twentieth day of August also next, on which day Ordains the pannel to be again brought out of the said Tolbooth and to be again publicly whipped betwixt the hours of twelve and two oClock afternoon by the Common hangman of Dumfries through the said Burgh, the pannel receiving upon his naked back tyed at a Cartstail thirty lashes at Each of the places in the said Burgh above mentioned, and thereafter to be banished as the Judges hereby do banish the said John Forrest pannel out of this Shire of Dumfries for Life, that is during all the days of his Life time, and Ordain the Officers of Court conlly and seally and their assistants to receive the said John Forrest Pannel from the Majistrates of Dumfries after he shall have been so whipped upon the said twentieth day of August next, and immediately thereafter to Escort the said Pannel furth of this Shire, with Certification that if he the said John Forrest shall after being so escorted furth of the shire be again found therein, that he shall be again Imprizond, Whipped, and Bannished this Shire of Dumfries in manner above mentioned, and that so often as

he shall return and be found therein, and all Messengers at Arms, Sheriff Officers, Constables for this Shire, and other officers of the law, are hereby auztherized and required to apprehend and detain and to cause be Imprizoned in the Tolbooth of Dumfries the person of the said John Forrest pannel how often he shall be found in any part of this Shire of Dumfries after he shall be carried and Escorted furth of the same in Virtue of this Sentance, and the Magistrates of Dumfries are hereby required and warranted to receive and detain the person of the said John Forrest Pannel, and to cause this Sentance to be duly Executed, as they will answer at their peril.

“JAS. EWART.

“JOHN WELSH.”

