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POLITICS, ADMINISTRATION AND DIPLOMACY:
THE ANGLO-SCOTTISH BORDER
1550 - 1560

Paul Gerard Boscher

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THESIS SUBMITTED FOR THE DEGREE OF
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1
POLITICS, ADMINISTRATION AND DIPLOMACY :
THE ANGLO-SCOTTISH BORDER 1550-1560

PAUL GERARD BOSCHER

ABSTRACT

The administration of the Anglo-Scottish border posed a perennial problem for successive Tudor governments. Yet, it was one to which they devoted close attention. A prodigious amount of thought and effort were expended on the seemingly endless complexities of border administration, often to little avail. The importance of these attempts, their successes and failures warrant a detailed analysis. This study has set out to achieve two aims. It is first concerned with the impact of the border policies over the decade of three successive Tudor governments. The French presence in Scotland during the same period and the more often than not hostile reaction of the English regime meant that the border became an important focus for much diplomatic activity. To understand the political problems of the border during the period due weight must be given to Anglo-Scottish and indeed Anglo-French relations. Therefore, the second aim has been to set the border firmly in a diplomatic context. The geographical difficulties facing the Crown in this peripheral region of the kingdom have been dealt with. In addition, it is essential to grasp something of the complexity of border society to enable us to understand the problems of government. Therefore, consideration has been given to the social and economic background of the border. The administrative and judicial structure of the border is examined in order to assess the significance of the government's attempts at reform in these areas. A concomitant preoccupation with officials and administrators produces important bases which further illuminate Crown policy and the inter relationship of the government with the locality. Finally, the decade was one of war and military tension, and so much discussion has been devoted to the diplomatic side of the conflict as well as to the campaigns themselves.

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ABBREVIATIONS

(The following abbreviations have been used for works or locations frequently cited. For particulars of the works concerned, the Bibliography should be consulted.)

Aff. Etr.	Archives du Ministère des Affaires Etrangères, Paris.
B.L.	British Library.
B.N.	Bibliothèque Nationale, Paris.
B.R.O.	Berwick Record Office.
N.L.S.	National Library of Scotland.
P.R.O.	Public Record Office.
A.P.C.	Acts of the Privy Council.
Balcarres	Balcarres Papers, Foreign Correspondence of Mary of Lorraine.
Cal. For.,	Calendar of State Papers, Foreign.
Cal. Scot.,	Calendar of State Papers relating to Scotland.
Cal. Span.,	Calendar of State Papers, Spanish.
Cal. Ven.,	Calendar of State Papers, Venetian.
C.B.P.	Calendar of State Papers, Borders.
D.N.B.	Dictionary of National Biography.
E.H.R.	English Historical Review.
F.F.	Fonds Français
Foedera	Foedera, Conventiones, Litterae etc.
Forbes	P. Forbes, A Full View of the Public Transactions in the Reign of Queen Elizabeth.

G.E.C.	The Complete Peerage.
Hamilton	Hamilton Papers.
Haynes	S. Haynes, Collection of State Papers, 1542-1570.
H.M.C.	Historical Manuscripts Commission.
Hodgson	History of Northumberland.
Hughes and Larkin	P. L. Hughes and J. F. Larkin, Tudor Royal Proclamations.
Leges	Leges Marchiarum or the Border Laws.
Leslie	J. Leslie, Historie of Scotland.
Lit.Rem.	Literary Remains of Edward VI.
Lodge	E. Lodge, Illustrations of British History.
Machyn	The Diary of Henry Machyn.
N.C.H.	Northumberland County History.
Nicolson and Burn	J. Nicolson and R. Burn, The History and Antiquities of Westmorland and Cumberland.
Rae	T. I. Rae, The Administration of the Scottish Frontier, 1513-1603.
R.P.C.S.	Register of the Privy Council of Scotland.
R.T.	Rare Tracts.
Sadler	State Papers and Letters of Sir Ralph Sadler.
Scottish Corres.	The Scottish Correspondence of Mary of Lorraine.
S.H.R.	Scottish Historical Review.
S.P.	State Papers.
S.R.	Statutes of the Realm.
T.A.	Treasurers' Accounts.
Talbot	Talbot MSS. in the College of Arms.
Teulet	A. Teulet, Relations Politiques ...

Tough	D. L. W. Tough, Last Years of a Frontier.
V.C.H.	Victoria County Histories.
Vertot	R. A. de Vertot, Ambassades de Messieurs de Noailles.

PREFACE

The sixteenth century Anglo-Scottish border has not been lacking in historians to shed light on its past. Border historiography can be roughly categorised into three divisions, the quality of which vary enormously. To begin with many local writers imbued with regional loyalties and local patriotism have produced work of a very diverse nature. Many of them following in the footsteps of Sir Walter Scott¹ have been attracted by the colour, romance, excitement and almost Homeric quality attached to the border.² Many of the works of this nature while professing to be serious history are in fact no more than glorified tourist guides or pious family histories. Many of these writers chose their information indiscriminately and presented it haphazardly. In particular, their attention was drawn to the boldness and audacity of the border reivers. Commenting on the latter, Trevelyan dismissed these so called qualities, for him the borderers "... like the Homeric Greeks ... were cruel coarse savages slaying each other as beasts of the forest".³ Howard Pease argued that as for the predatory tendencies of the inhabitants of the region, the borderers were only making a virtue of necessity. As for their alleged savagery, this was merely a facade for "... underneath the 'barbarousness' lay the warm heart, the set purpose and the firm faith

of the Borderer".⁴ While these works have shaped many popular conceptions of border history, they have shed little serious light on our understanding of border institutions let alone the political, social and economic context in which they operated.

The border came under the close scrutiny of antiquaries during the revival of interest in historical studies that took place in the late eighteenth and early nineteenth centuries. In 1777, Nicolson and Burn produced their "History and Antiquities of Westmorland and Cumberland";⁵ while in 1848, George Ridpath, a Scottish border clergyman produced his "Border History of England and Scotland". Ridpath's work is the earliest and certainly the best of the older border histories. He produced an uncritical political narrative which ignored social and economic factors. He conscientiously made use of a variety of printed sources but he was obviously limited by the relatively restricted range of materials that was available at the time. Four years later in 1852, James Raine, the Librarian of the Dean and Chapter of Durham, produced his "History and Antiquities of North Durham," an account of the history of the County Palatine of Northumberland and its appurtenances. With Raine we enter the early era of the parochial histories. Raine's approach was essentially antiquarian: he used many unprinted documents but in a haphazard fashion. Raine's work has its limitations covering as it does a long period and concentrating on a

relatively small area of the border.

The calendaring begun in the 1890's of the massive corpus of state papers relating to the border brought fresh light to our understanding of the region. The standard modern histories of the three northern counties while retaining much value are essentially parochial histories. Often, as of necessity in such encyclopaedic works, the events of the sixteenth century are covered in a cursory fashion. Again, in works of this nature it is often difficult to grasp an overall view of border society. As for the work of individual scholars, border history entered a new phase with the work of Rachel Reid. Her learned articles and monograph on the Council in the North constituted a major contribution to our understanding of the border and one of its key institutions. In the same mould is Tough's great pioneering work on the borders during the reign of Queen Elizabeth. Since the appearance of Tough's study in 1928, historians such as M. E. James, M. L. Bush and S. J. Watts by highlighting particular aspects and individuals or by focussing on a specific area have added to our understanding of the border and its multi-faceted relationship with the Crown.

However, the important mid-Tudor decade while it has often been alluded to has not received the detailed treatment which it deserves. The period 1550 - 1560 was one of almost unprecedented activity in border affairs. It is

unique in the extent to which England's relations with France had an important bearing on border policy. It is because of the latter that I have attempted to examine border affairs through a dual perspective. Any analysis of the impact of government on the border cannot be dealt with in isolation or fully understood if it is separated from an assessment of the diplomatic relations between England and Scotland and the latter's ally, France.

In this study I have sought first of all to examine the border region and its society because in order to understand border politics and administration it is necessary to look at the social and economic context in which politics and administration functioned. This exercise allows one to ascertain how and why border society was so unstable, volatile and prone to violence. An examination of the machinery of law and order in the marches also enables one to draw some conclusions about the effectiveness of justice in the region. The social bonds of border society and the structure of kinship groups have been investigated in some detail. I have sought to demonstrate the reasons behind, and the effects of, the high degree of communal solidarity particularly in the Dales. Historians such as M. E. James have tended in their examination of border social stratification to concentrate on the descending, vertical links between men that gave the border a tenuous degree of stability and social cohesion but they have commented little on the horizontal links which bound men to men.

In my analysis of the political infrastructure and throughout the succeeding chapters I have attempted to answer a series of questions. The control of the border required skilful management as this part of the realm had a long tradition of disorder. To cope with the problem a settled and institutionally well developed system of local government had grown up. In examining the interaction of this government with the central government we need to discover how localised or how centralised political power was. This necessitates not only examining the roles of the magnates in royal government but also the activities of royal officials. As for the working of the administration, I have sought to demonstrate as far as is possible the extent of its operational efficiency, determining how crude or sophisticated government was as well as trying to identify continuity and change in the formulation of policy. It is not only essential to define border government but equally important to gauge its impact.

The problem of execution is a fundamental one: how did the central government impose its will on the provinces? and how did it respond to border lawlessness? These are some of the questions I have sought to answer. In addition, the fact that the border adjoined a potentially hostile realm was something English governments had to bear in mind constantly. I have attempted to assess the effects of foreign policy on the government's attitude to the border. This has entailed an examination of England's relationship with Scotland after the long years of war in the 1540's.

As the decade progressed it became clear that Scotland's unique relationship with France had significant ramifications for the border policies of English governments.

This study has been based on a wide variety of materials. The most important is the mass of English record sources and correspondence both printed and unprinted. Beginning with the former, the Privy Council Registers and the various Foreign Calendars furnish much information on border affairs. The Calendars of the Patent Rolls also play a significant role in elucidating the government's policy through appointments to the various border offices. An important printed source is the Calendar of Border Papers, but this does not begin properly till 1580. Prior to that date material relating to the border is to be found widely scattered in the Foreign Series of Calendars.

The Public Record Office contains an extensive range of manuscript material relevant to border affairs, especially in the sequence of State Papers. Apart from the massive collection of Border Papers much penetrating data is to be found in uncalendared memoranda. I have made much use of the two volumes of uncalendared documents entitled 'Laws of the Marches', (SP15/5-6). These contain a mass of miscellaneous documents relating to the sixteenth century border.

The Exchequer Accounts not only furnish much detail on government expenditure but information not found elsewhere can be gleaned from a careful examination of the rolls. A complete set of the Berwick Treasurer's Accounts unfortunately does not exist but sufficient accounts have survived, and these added to the various statements of account among the State Papers enable one to arrive at a fair assessment of the state of the government's border finances for most of the period.

The British Library contains a good deal of unprinted material dealing with border affairs particularly among the Harleian and Cottonian collections. Especially significant is the account of the border in 1551 written by Sir Robert Bowes and an important series of letters relating to the border commission of 1556.

The other major repository of material relating to the border is the College of Arms archive which contains the Talbot Papers, some of which were calendared by Lodge in his "Illustrations of British History". The Talbot Papers provide much detailed information on the state of the Marian border, shedding considerable light on the difficulties faced by border administrators and the role of the Wardens in march government.

As for printed materials other than record sources, especially worthy of note are the unique accounts of the state of the border in 1542 and 1551 by Sir Robert Bowes

and Sir Raufe Ellerker printed in Hodgson and in the less easily accessible "Reprints of Rare Tracts" by M. A. Richardson. Bishop Nicolson's "Leges Marchiarum" contains a printed account of the 1553 border commission as well as Wharton's "Order for the Watch". Both are taken from SP15/5-6. Two important sets of correspondence, those of Sir Ralph Sadler edited by A. Clifford and the Duke of Norfolk edited by S. Haynes, illuminate early Elizabethan border policy.

On the Scottish side I have restricted this study mainly to the diplomatic transactions between the two countries. The sixteenth century Scottish border has been adequately covered in Rae's magisterial study. I have dealt with Scottish border affairs only in so far as they illuminate some aspect of English border policy. Here, the nineteenth century Scottish mania for editing has meant that there is a wealth of Scottish records in print. This is not only true of record sources but in addition many learned Scottish societies have edited some important narratives and series of correspondence. Much additional material shedding light on the tripartite relationship between England, Scotland and France is to be found in the diplomatic records edited by Teulet and Vertot.

Some material relating to the Anglo-Scottish border is contained in two of the major French archives, the Bibliothèque Nationale and the Archives du Ministère des

Affaires Etrangères. These contain much unprinted correspondence between the French and Scottish governments which reflects the close interest that the French took in border affairs.

PREFACENotes

- 1 In particular see Sir Walter Scot Border Antiquities, London 1814, and Minstrelsy of the Scottish Border, ed. T. F. Henderson, Edinburgh 1902; but see also H. Pease, Northumbria's Decameron, Newcastle - upon - Tyne 1927, G. Watson, The Border Reivers, London 1974.
- 2 "As the duel and battle were raged for years about the walls of Troy between the Archaiaans and the Trojans, so for centuries the long contest raged upon the Borderland between the English and the Scots, and the earth streamed with blood". H. Pease, The Lord Wardens of the Marches of England and Scotland, London 1913, 2; Tough wrote dryly of Pease's work, "It does not aim at being a scientific history", Tough, XVI.
- 3 G. M. Trevelyan, The Middle Marches, London 1930.
- 4 Pease, op. cit., 32.
- 5 For full details of further works mentioned in the Preface, the Bibliography should be consulted.

CHAPTER I

THE SIXTEENTH CENTURY BORDER

Anatomy of a Society

In the sixteenth century the border towards Scotland comprised the three counties of Northumberland, Cumberland and Westmorland.¹ The outstanding physical features of the region are its mountains and hills; despite advances in land improvement the three counties contain nearly half the total acreage of mountain and heath lands in the whole of England.² The Cheviots form the largest area of continuous high ground. These hills extend over an area of some 200 square miles running at an elevation of 1,500-2,600 feet in a south-west to north-east direction. The range is dominated by the Cheviot itself at 2,676 feet; the stump of an ancient volcano, it is encircled by a cluster of summits about 2,000 feet high. The surrounding terrain is one of peat bog and heather

... the most part thereof and especially towarde the heighte ys a wete flowe mosse so depe that scarcely either horse or cattall may goo thereupon excepte yt be by the syde of certayne lytle broukes & waters,³ that springeth forthe of the said mountaine ...

On the Scottish side the hills drop sharply to the raised plateau of Teviotdale whereas the incline on the English side is much more gradual. The slowly descending



gradient makes up the dales, moors and scarplands between the highlands and lowlands of the coast and Tyne. The Cheviots form the watershed of many fast flowing rivers which follow roughly parallel south-east courses to the sea. The more northerly system forms the broad low lying vales of the Coquet, Aln and Till. These valleys were settled early and contained many rich villages.

Further south-west, cut off and separated by the high Otterburn moorlands, are the narrow deeply dissected valleys of the Rede and North Tyne. The valleys of the South Tyne and the Tyne were much more accessible forming the main east-west route across the narrow waist of the country, rising nowhere over an elevation of 600 feet.

Crossing the Pennines the uplands form a wide series of plateaux heavily intersected by small rivers and streams. The wastes of Bewcastledale give way further west to more fertile low lying land up to the Solway Firth.

The lowlands on the east side of the English border were much more extensive, beginning where the Cheviot Hills and moors leave off, stretching in a crescent from the Tweed down the coast to the Tyne. This coastal plain is covered by glacial deposits varying in character. North of the Coquet the limestone is overlain with clay and sand, a loamy mix providing potentially good farming country. South of the Coquet the coastal plain is underlain with coal deposits and covered with heavier clays and loams.

As with all upland areas border communications were a serious problem. The Romans were the first to leave their imprint, building a series of roads taking advantage of the natural lines of communication. The main route from east to west began at Newcastle and passed through the Tyne gap taking in Corbridge and Hexham and running roughly parallel to the Roman Wall to Carlisle. It was known as the Carelgate or Stanegate. One of the main arteries running north-south was Dere Street or Watling Street running from York to Corbridge and up through the Rede valley crossing the Cheviots at Gammelspath. The other main highway, the Great North Road, followed the east coast route from Newcastle to Berwick. This passed through Morpeth, Alnwick and Belford. In addition to these, there were other minor Roman roads as well as an array of tracks and ancient drove roads connecting the smaller towns and villages.

The little surviving evidence we have suggests that even the main connecting routes were generally in a poor condition. Sudden rain could quite easily make the roads impassable especially for carriages. The Earl of Westmorland writing of his journey from Morpeth to Alnwick in October 1557 complained that he had

... susteyned some paynes ... the waters was so great as I never saw theyme greater; so that although we were dryven to leve the hyeway and seke byways, yet did our horsses swyme in many places. 4

The nature of the terrain was such that pack horses were widely used for the transport of goods.⁵ Though even this

mode of transport had its limitations. Sir Robert Bowes and Sir Ralph Ellerker, royal commissioners surveying the border in 1542, recommended that it was preferable to transport timber for the repair of the northern fortifications by sea, "... for sparinge of muche caryage whiche surely ys verry nedefull the caryage of beasts be so small and weake in these parties...".⁶

Heavy rainfall also diminished the efficiency of overland transport by swelling the many rivers. Rising spates and deep pools could make them formidable barriers, rendering fording impossible. Bridges were few and far between and often in a poor state of repair.⁷

The vast majority of borderers were farmers. On the fells the characteristic settlement was the stead or single farm. Arable land was restricted to a few closes nearby and sheep and cattle were pastured on the hills. In the lowlands, villages were common. Mixed farming was practised and a wide variety of grains was grown, but owing to the limitations of geography and climate, the border was predominantly pastoral. This feature of the border economy frequently brought forth comment from southern observers who were shocked by the lack of ploughland and took it as an indication of poverty. Much has been made of the economic backwardness of the region. Poverty, however, is a relative concept, and thus, often difficult to identify; the land may have been poor but this was to some extent compensated by the fact that there was plenty of it.

The wills and inventories of the period reaffirm the importance of livestock, especially horses, sheep and cattle. Horses were bred as draught animals but also to fulfil tenurial obligations connected with border military service. Numerous sheep and cattle were pastured on the uplands, the hills and fells providing enormous areas for free range grazing. Northern wool, however, was coarse and hairy and of a poor quality. The London Merchant Adventurers considered it not worthwhile including it in their monopoly. Their colleagues at Newcastle were granted a licence to export wool and woolfells at a reduced rate, because the wool of the border was so "... coarse and poor".⁸

Transhumance was widely practised. The herds and flocks were driven at the beginning of April to higher and fresher pastures. Temporary lodges or 'shealings' were built to shelter the herdsmen and their families, for often whole communities shared in the seasonal migration, returning to the lowlands in August in time for the harvest.⁹

Border farmers grew a wide variety of grains but the wills and inventories of the period testify to the predominance of the poorer grains such as oats, barley, bere or bigg and rye over wheat.¹⁰ Oats formed the chief grain of Cumberland and Westmorland, barley coming second. Oats could thrive on poorer wetter soils which wheat would not tolerate.¹¹ They gave a high yield and were versatile. They were not only milled to provide flour for oat clap bread, a staple food, or used for porridge, they could also be

malted for the brewing of beer and provided fodder for livestock. Wheat and rye were grown throughout lowland Northumberland and on the Cumberland coastal plain.¹²

The shortness of the growing season and the nature of the soil meant that there was a shortage of corn in the North. Supplementary Baltic grain was imported into Newcastle or came via the southern ports, especially King's Lynn.¹³ Berwick was heavily dependent on imported victuals. The area known as the Merse in south-east Scotland afforded the richest corn growing region in that country and was conveniently near Berwick.¹⁴ There is even some suggestion that the Berwick garrison preferred to buy fresh food from Scottish merchants than trust royal victuallers.¹⁵ Bowes recommended in 1551 that to shelter Scottish merchants who brought their wares to the market on Calf Hill a house should be built,

... wherein the said Scottish people might in colde and stormye wether have fyer and meat and drinck for their money to repose them selves withall, otherwise they shalbe not able to kepe market there this wynter tyne wich wilbe a great hinderance of fresh victualls to the towne. 16

Afraid that Lord Hume would stop the Merse farmers victualling Berwick, the Deputy Captain of the town, John Carey, remarked anxiously to Burghley, "Wee ned no other seidge".¹⁷

The prevailing tenure on the border was customary tenure, known as border tenant right.¹⁸ Tenants were bound to perform military service on the border at their own expense, horsed or on foot. These tenements were known

respectively as 'nag tenements' or 'foot tenements'. Border service could continue for up to forty days.¹⁹ It not only involved repelling the Scots, but included following the fray (hue and cry), rescuing stolen goods and livestock and keeping watch and maintaining beacons. Borderers were expected to keep themselves fully equipped to carry out these services. All forms of border tenure stipulated these provisions and unfurnished tenants who held by tenant right were liable to eviction.²⁰

Apart from these provisions, a whole range of local customs quite different from customary tenures in other parts of the country existed.²¹ Some tenements were held at will or by lease. The holders, though not enjoying the security of tenant right which was comparable to freehold, were still liable for border service, paying small rents and fines. In other holdings, tenant right was by inheritance, free of entry fines, and tenants were liable to pay only small fixed gressoms. Other tenants were arbitrarily charged with entry fines which, in theory, were meant to be reasonable. Coupled with this was a 'running gressom', a form of recognition payment made every two to five years.

Successive Tudor governments sought to strengthen tenant right and protect tenants against unscrupulous landlords who demanded excessive gressoms. Lord Dacre in his perennial mud slinging against his enemy and fellow peer, Wharton, was well aware of the sort of accusation that would focus the Council's attention. Dacre informed the government

that Wharton's officers had been taking excess fines and gressoms on Crown leases, thereby contravening letters patent which stated that Crown lands were to be leased to men of service with accustomed rents and no fines. As a consequence of Wharton's rapacity Dacre remonstrated "... the countreyes now utterly impoverished and oppressed ... and the service therby decayed".²² Two years earlier Wharton had written to the Council in a similar vein informing the Lords that Dacre was obstructing him in granting tenements on the west border to men of service.²³

The government was equally sensitive to the possible dangerous repercussions of illegal enclosures, especially if they involved depopulation. The social and economic backwardness of the sixteenth century border was a strong impediment to this kind of change, yet it occasionally occurred. It brought swift reaction from the Council and the whole matter of border enclosure was the subject of Parliamentary legislation.²⁴

In seeking both to curb the taking of excessive fines and the consequent depopulation threat, the Crown was endeavouring to kill two birds with one stone. It was anxious to maintain the necessary force equipped with horse and weapon, thus ensuring that border security would be unimpaired, but it also wanted to weaken the influence of Lords upon their tenants, as this often took the form of a servile dependence which led men to follow their landlords into rebellion, as in 1536 and 1569.²⁵ There was, however,

no ready solution to the problem which continued despite the warnings of frontier officials of the 'decay of service'. The Crown lacked that degree of control over the border and its conservative landlords, and without the sustained surveillance necessary to curb them, such abuses continued as before.²⁶

The government's concern about the problem of manpower, that is the military security of the border, was justified because it was one of the most vulnerable areas of the kingdom and also among the most sparsely populated. Bouch and Jones on the basis of the Carlisle Diocesan returns for 1563 have estimated the combined population of Cumberland and Westmorland as 73,332 (45,786 and 27,546 respectively).²⁷ For Northumberland no such Diocesan returns exist for this period but a rough estimate can be gained from the muster certificates. The musters of 1584 appear to be the earliest complete figures that we have available. From these Watts has estimated the population of Northumberland as 74,300. Taking these two surveys together results in a density of only 30-35 persons per square mile in the three northern counties, which was well below half the national average.²⁸

Before taking a closer look at border society and its environment, it is necessary to take stock of the political situation on the border, focussing on the natural leaders of border society and outlining the main threads of Crown policy in the period preceding the mid decade. Up to

the mid 1530's the dominant figures in border society were the Percy Earls of Northumberland. Their influence spread over the entire border through the vast Percy estates in Northumberland and Cumberland where they were the largest landowners.²⁹ By an extensive patronage system the leading gentry of the north were attached to the Earls. They served them in their households as their familia, they acted as keepers of their castles or served them on their estates as stewards, bailiffs and receivers, or they were bound to them through the receipt of lucrative leases or annuities.³⁰ This relationship of man to lord was an important cohesive force in border society and constituted a powerful factor in maintaining political stability.

The other great families of the north, the Cliffords, Earls of Cumberland, the Nevilles, Earls of Westmorland and the Dacres, Lords of Greystoke, Gilsland and Morpeth, mirrored to a lesser extent Percy influence in the north. All augmented the power that great landed wealth gave them by acting as royal officers. They monopolised the important office of Warden and they acted as constables, keepers and stewards of the royal castles and lands. They served as Justices of the Peace and of the Forest and acted as Commissioners of Gaol Delivery and Oyer and Terminer.³¹

The Crown, although aware of the dangers inherent in such a system, depended on the cooperation of the northern nobility because of its own lack of a standing army. It was the nobility, the natural leaders of border society,

who raised the inhabitants of the border, often their own tenants, for the defence of the country against the Scots.

Henry VII and more particularly his son were much more reluctant than their predecessors to see the border ruled through its territorial magnates. Neither monarch particularly wished to destroy local power but both sought to exercise a more effective and more responsible control, ensuring that those who wielded power and influence should act more directly in the interests of the Crown. The first two Tudors achieved this by appointing 'inland' men to the offices of Warden and Lieutenant or by playing off one magnate family against the other as, for example, the introduction of Lord Dacre into the office of the East and Middle Marches, a traditional Percy preserve.³² This policy was facilitated by the personal character of the sixth Earl of Northumberland. He was weak and highly unstable and his financial recklessness made him a mere tool in the hands of the Crown. Royal pressure was exerted on him to make the King his heir and on his death in 1537 the vast Percy inheritance fell to the Crown. Shortly before the Earl's demise an abortive attack was launched against Lord Dacre. In 1534, he was arraigned before the Lords on trumped up charges of treason. Surprisingly, he was acquitted. Nevertheless, he was deprived of the West March.³³

The failure of the Pilgrimage paved the way for the restructuring of northern government. The Council of the North was re-organised on a permanent basis. Its area of

jurisdiction was extended to include not only Yorkshire but Durham and the three northern counties. The Council was given wide powers to proceed in cases of treason, murder, felony and civil disputes. The government effected a neat political compromise by ensuring that some of the members of the new Council were former participants in the Pilgrimage. This meant that vigorous action was taken against the disaffected as the gentry strove to prove their unswerving loyalty by attacking the King's enemies, their recent confederates. These changes had a profound impact on the structure of political power in the border. The main effect was that the influence of the Crown was more strongly felt than ever. The government was able to reward its followers with confiscated monastic lands and leases from the Percy inheritance. The forfeited lands of rebels after the Pilgrimage were also distributed to the Crown's supporters.³⁴ The gentry now looked to the Crown for reward and advancement. They were obligated to the King directly by patronage instead of through the Percies. By attracting the members of the prominent border families many of them former Percy feed men into the royal service, the King could offer the prospect of greater rewards. This was illustrated in 1544 when Sir Thomas Wharton, a former Percy officer, was raised to the Peerage and given the office of the West March. Wharton, who was amenable, ambitious and anxious to comply with royal policy, was a success symbol, the embodiment of Henrician policy towards the border.

After the political changes of the 1530's, the gentry were left as the leaders of border society. They served as Justices of the Peace or on the various commissions concerned with border government. They occupied various border offices in the gift of the Crown, and in periods of crisis or open warfare served as Captains bringing their tenants to serve at the command of the Warden. The border gentry were small as a class. Bouch and Jones estimated that the gentry and their families of the two lake counties c.1500 numbered 6-700 persons or about 1% of the population. The figure for Northumberland is almost the same.³⁵

The small number of gentry coupled with the fact that many of them were non-resident gave rise to problems in border administration, as sometimes there were not enough men of adequate social status for the smooth running of border government. The relative poverty of the border gentry meant that there were insufficient higher and middling gentry to fill the more important positions in local government.³⁶

The border gentry were an essentially conservative and insular class. They tended to marry within the region, and thus all the major families were interrelated. Their society was introspective and self-sufficient. Standards of literacy were low amongst them. Out of the sixty four Northumberland gentry who signed the recommendations of the royal commissioners on the border in 1561, only nineteen could sign their names. In another list of the 146 principal

landowners only fifty four could write.³⁷ Sir John Forster was clearly not exaggerating when,apologising to Walsingham for his brusque straightforwardness,he commented "... for we that inhabite Northumberland are not acquaynted with any lerned and rare frazes".³⁸ One of the more notorious traits of the northern gentry and a worrying concern of the government was their inveterate quarrelsomeness. Sir Robert Bowes in his survey in 1550 wrote

... the whole countrie of Northumberland is much geven to riottes speciallie the yonge gentlemen or headsmen and divers of them also to theftes and other greater offences. 39

Border officials often found that because of existing feuds among the gentry it was sometimes difficult to secure their cooperation in frontier affairs and their service could be more of a hindrance than a help.⁴⁰

The social organisation of the border assumed two different aspects. The first one, the more ubiquitous, was based on feudal concepts, the relationship of man to man on a tenurial basis. The tenant in return for rents and services paid to his Lord expected as of right that his Lord would 'maintain' him, looking after his interests and protecting him against his enemies. The semi-feudal ideals underlying this relationship inspired strong feelings of tenant loyalty : it was no mere commercial link between master and man. The second aspect, more particular to the border, was a powerful social bond based on blood relationship, known as 'surnames'. Although reminiscent of

primitive tribalism these kinship units must not be seen as hardy survivors. It seems that they rather developed as the natural reaction to the recurring chaos that the Anglo-Scottish wars of the fourteenth and fifteen centuries brought to the border. The ineffectiveness of traditional lordship encouraged the need for new forms of social organisation to protect and defend.⁴¹ The surname was led by one or more 'headsmen' who were responsible for the good behaviour of the rest and entered pledges to the Warden as a guarantee of this :

... of every surname their be sundrye famylies or graves as they call them of every of which theire be certayne headsmen that leadeth and answereth for the rest. And doe lay pleidges for them when neede requiereth for goode rules of the countrey. 42

Surname groups existed all along the border and in the cases of the Armstrongs, Grahams, Bells, Halls and others, they stretched across it, some were highly localised, others were widely scattered in small groups.⁴³ Predictably, surname groups were strongest in the most troubled areas of the border, in Tynedale, Redesdale and Liddisdale.

The surname groups arose as the response of the borderers to a lack of law and order but, paradoxically, they themselves often threatened the peace of the border because of the frequency of feuds among them and their capacity for sustaining them. The turbulent nature of border life provided numerous incidents that could generate a feud. The borderers' reaction to theft and violence

against themselves or their kinsmen was not to seek redress by the ordinary processes of the law, which had a limited success, instead, they often took matters into their own hands, exacting a similar but sure revenge.⁴⁴ These organised blood feuds or 'deidlie feides' could have dreadful consequences.⁴⁵ This was chiefly because of the corporate revenge that the surname pursued for the hurt to one or more of its members: it was a matter "... nocht of ane in ane, or few in few bot of thame ilk ane and al, quha ar of that familie stock or tribe".⁴⁶

Carey, the Deputy Governor of Berwick, writing to Burghley, commented on the sense of community and the security and even immunity from prosecution that a surname group could offer to its members. Taking the example of someone who caught a borderer 'red handed' committing a crime and handed him over to the Warden, Carey noted that if the guilty "... be but foote lownes and men of no esteame emongst them", the matter would pass but if the culprit was of a surname group his apprehender was most likely "... dearly to buy yt". Retribution was essentially a communal, not a personal concept. The surname would seek revenge, killing the individual who had surrendered one of their members to justice and two or three members of his kin.⁴⁷ Carey's remarks are interesting for they suggest that for a borderer, belonging to an important and feared surname conferred social status. In fact, it was as much a criterion for social status as owning a horse. With reference to the latter factor, Leslie commented that "A filthie thing thay esteime it, and

a verie abiecte man thay halde him that gangis upon his fute, ony voyage quhairthrouch cumis that al ar horsmen".⁴⁸

The effects of this revenge seeking were often widespread setting "... all the whole countrey by the eares", as other surnames took sides. Feuds extended beyond the grave, their memories kept alive through the medium of the popular border ballads.⁴⁹

The kinship links between English and Scottish surnames have already been noted; however, in a discussion of the social organisation of the border this international aspect of relationships deserves greater attention. The territorial line that formed the Anglo-Scottish frontier was one that existed in name only. The border was a homogeneous frontier region economically and socially. Interaction between the two nations was constant "... they are a people that wilbe Scottishe when they will, and Englishe at their pleasure".⁵⁰

Trading links between the two peoples on the border were strong. The 'Complaynt of Scotlande' speaks of the "... grit familiarite that inglis men and Scottis men hes hed on baitht the boirdours, ilk ane vitht vtheris, in marchandeis, in selling and bying hors nolt, and scheip".⁵¹ It has already been noted how the farmers of the fertile vale of the Tweed found a ready market for their produce especially in the garrison town of Berwick. The latter and Carlisle were the two main entrepots for Scottish produce coming overland. It was compulsory for all overland

Scottish goods to pass through one of these two towns.

Scottish merchants bringing goods into England exclusively for Berwick and its garrison were exempt from tolls by ancient custom, there was even a special site reserved in Berwick for the 'Scotch market'.⁵² The Scottish government frequently complained that their merchants were contributing to the dearth of victuals by selling their goods to the English, especially in Berwick. There is some evidence that advantageous prices were to be had by exporting to England. William Mudy, a Scottish merchant, informed the Regent in 1555 that he had "... ressavit for the schipe and fysche neirhand ane thousand merkis", but he lamented that he, "... wauld have gottin ane thousand pund fra the Inglis man (if) youre grace hed grantit me licence to sell".⁵³

It is also evident that there was widespread permanent settlement of Scots on the English border. The Complaynt boasted that

... there be abufe thre thousand Scottis men,
and there vyfis and childir, that has duellit in
ingland thir fyfthe year by past, and hes conquest
be there indустre batht heretage and guidis. 54

The government was worried about the number of leases granted to Scots, many reasons were suggested for this. It was said that Scots livestock became immune from theft by their fellow countrymen and consequently the Scots could afford to pay higher rents. Scots were also popular as servants.⁵⁵ There was also frequent intermarriage between the two peoples. This was especially prevalent on the

west border particularly in the Debatable lands. Scottish brides appear to have been popular among the Berwick garrison.⁵⁶ A Scottish marriage was often seen as an insurance measure, one writer informed Burghley of the English surname of "Ruttligis and there alleyaunce with Scotland which is but little, for they are every mans praye".⁵⁷ (Italics mine)

The government was especially concerned by the weakness of security that cross border contacts and Scottish immigration involved. The Scots were often regarded as a kind of fifth column for it was allegedly no difficult matter to acquire intelligence of English military intentions from Scots residing on the English border.⁵⁸ Hertford in 1542 and Hunsdon in the reign of Elizabeth both complained of this, the latter declaring that

... no exploit or purpose can be so secretly resolved uppon, but uppon the gathering of any men togeather, the Scottes have straight warning.⁵⁹

The collusion of Scottish and English thieves also caused concern. In a document 'Notes of Advice for Punishment of Crime' tendered to Mary of Lorraine, the anonymous author warned the Regent against

... the aquentenc at is betwen Scotland and Ingland amangis the theifis one bayth the bordouris ... quhilk, madem, beyng nocht weil luket apone, sall ever hald your grace in ane bessenes. 60

William Patten in his account of Somerset's 1547 expedition

into Scotland complained at length of the borderers' collusion with the Scots. He claimed that each side wore letters embroidered on their caps, or hankerchiefs tied on their arms, to enable them to recognise each other "... and so, in conflict, either each to spare the other, or gently each to take the other". English borderers were to be seen talking in battle with the enemy and were more concerned to take prisoners than achieve victory.⁶¹

Although marrying Scottish women and intercommuning with Scots without the licence of the Warden were classed as March treasons,⁶² it proved impossible to enforce laws preventing social contacts between the two peoples. The views of the government in London as to what was permissible and the actual state of affairs on the border were clearly worlds apart. Much of this was due to the fact that in a country where the government was based in the south-east corner of the kingdom, the border was remote. It normally took five days for letters to reach Carlisle and Berwick from London. In winter conditions it took eight or even ten days.⁶³

The border was a land of sprawling parishes, small villages and hamlets. The scarcity of parish churches was alleviated by large numbers of dependent chapelries. Livings were poor and the best of them were often appropriated.⁶⁴ The relative poverty of the border was mirrored in the lack of sufficient schools. Provision for schooling was uneven over the region. In Northumberland, there were

only three endowed grammar schools. The school at Alnwick was founded in 1448, but the other two were both recent foundations. Those of Newcastle and Morpeth were founded in 1545 and 1552 respectively. The Morpeth foundation was supported by Lord Dacre who held the Barony of Morpeth. The new school was funded by a grant of the lands of three former chantries.⁶⁵ It is doubtful if there was a school at Berwick, an entry in the Guild Books for 12 October 1555 reads "... Rembrance to spek to the dene (of Durham) consarnynge the kepene of a Skowll in Bewyke and for a larnyd mane to mantyne the same".⁶⁶

No school was recorded in the 'Valor Ecclesiasticus' for Cumberland. There is, however, evidence for the existence of schools at Penrith and Cockermouth. In 1545, a school was founded at Carlisle under the provisions of the Cathedral Statutes of Henry VIII.⁶⁷

Westmorland, on the other hand, was well provided with schools. Appleby grammar school was the most senior foundation originating in two chantry bequests of the late thirteenth and early fourteenth centuries. The school just managed to sustain a continued existence, for although the dissolution of the chantries removed the revenues on which the town school depended, Queen Mary compensated for this by granting £5 10s 8d out of the rectory for the maintenance of the school.⁶⁸ There were also schools at Brough, Kendal and Burgh.

The provision of schooling in the three border counties compares very unfavourably with contemporary Yorkshire which, although containing twice the population of our region, possessed no less than 46 grammar schools.⁶⁹ The North, unlike Yorkshire, was badly affected by the dissolution of the chantries which were the largest class of institutions connected with the schools.⁷⁰ Later evidence, however, suggests that the number of schools quoted underestimates the scale of educational provision as there were many unendowed schools and there may have been many priests hidden from the records who did some teaching to supplement their income.⁷¹

The poverty of the border was directly related to adverse conditions of soil and climate but also to the chronic lawlessness of the area. As a whole, Tudor society was a rough and volatile one; breaches of the peace were everyday occurrences. Men were quick to take affront at the slightest insult and quarrels could frequently result in bloodshed. This ready resort to violence was exacerbated by the fact that the law required all men between the ages of sixteen and sixty to possess and practise the use of arms. Society looked upon martial prowess and chivalrous valour as praiseworthy qualities in any man; "Pleasure in acts d'armys" was the motto Lord Wharton had inscribed over his new gatehouse at Wharton Hall.⁷² In addition to this, the insecurity of the area was heightened because the border was essentially a buffer zone between two frequently hostile powers. They constituted the "... bulwarks and first

defence of the realme, the people whereof susteyne the first brunt and furie of the enemye, with fier and sworde and all manor of hostilitie, most commonlye when they least, looke for it".⁷³ It was because they were bound to rise to the defence of the realm against the Scots that the inhabitants of the three northern counties and the Bishopric of Durham were exempt from Parliamentary subsidies.⁷⁴ Borderers were expected to weaken the enemy by stealing his livestock and destroying his crops, depriving him of the resources with which to wage war. Border service nourished a tradition of violence. The inhabitants of the border were quick to profit from a situation that gave them employment and legitimised their thieving activities. At the height of the Edwardian hostilities with Scotland, Wharton informed Somerset that borderers on both sides were anxious that the war should continue for their own private gain. Open warfare unleashed a tide of official violence that swept through border society. It was a short step from participating in looting and burning expeditions across the border to engaging in similar activities on return. The biggest problem of Tudor governments was to control these activities in peacetime. The transition was not an easy one, for border society had become inured to war.⁷⁵

The wealth of the borderers was assessed in herds and flocks and so the chief object of the thief's attention was livestock : horses, cattle and sheep,

Of Liddisdail the commoun theifis
 Sa pertlie steillis now and reifis,
 That name may keip
 Hors, nolt nor scheip; nor yit dar sleip
 For thair mischeifis. 76

The bulk of thieving expeditions concentrated on livestock
 but anything of value could be regarded as prey,

Thay spuillye puir men of thair pakis,
 Thay leif thame nocht on bed, nor bakis,
 Bayth hen, and cok
 With reill, and rok the lardis Jok
 all with him takis. 77

Prisoners for whom ransoms could be demanded were also
 taken.⁷⁸ However, it must not be assumed that the borderers
 confined themselves to raiding exclusively across the border:
 "... nathir gyve thay mekle betuene, quhither the Scottis or
 the Inglesmen steile or reiue or dryue away prayis".⁷⁸
 On the Scottish side it was claimed that the Liddesdalers,

Have neirhand herreit hail,
 Etterick forest and lawderdail;
 Now are they gane,
 In lawthiane;
 And spairis nane
 That they will waill. 79

Over the border Englishmen could complain, "... that they
 are worse handled with Tyndail men & suche other ... then
 with the Scottes themselves".⁸⁰

Although raiding was seasonal, Sir Robert Carey, an
 Elizabethan Warden noted that

... the last moneths in the yeare are theyr cheife
 time of stealling : for then are the nightes longest,
 theyr horse at hard meat, and will ride best, cattell
 strong, and will drive furthest; after Candlemas

(February 2) the nightes grow shorter, all cattell grow weaker, the oates growing clearer, they feed their horses worst, and quickly turne them to grasse. 81

Faced with the daily threat of loss of life and goods from across the border and from their own countrymen, the borderers had responded to the situation by forging strong social links with each other. Moreover, in their struggle for safety, they changed the landscape of their region. Both recurring Anglo-Scottish warfare and the chronic insecurity of border life resulted in the fact that the border was one of the most heavily fortified areas of the kingdom. The Elizabethan antiquary, William Camden, was overwhelmed "... many castles in this tract I purposely omit for it would be endless to enumerate them all".⁸²

Besides the great medieval strongholds of Berwick, Norham, Wark and Carlisle, to name but a few, the border is studded with fortified houses in the form of free standing stone towers known as 'peles'. These were common throughout the border, usually extending within a twenty mile radius of the frontier line. They were, of course, thickest on the ground in the more exposed areas such as along the open Solway crossings. Peles were also widely scattered in the vulnerable East Marches. From there they extended in a thick crescent following the edge of the Cheviot foothills from Chillingham to Haltwhistle.⁸³ These towers provided security for the gentry, wealthier landowners and their dependents. They were stone built, oblong in form and usually contained three storeys. Access to the higher

floors was by means of an interior spiral staircase, often built clockwise giving free advantage to the sword arm of the defender whose opponent's was hampered by the wall.⁸⁴ The inhabitants relied mainly on defence, the massive thickness of the walls and spartan provision of doors and windows made peles almost impregnable against marauders.⁸⁵ More often than not a 'barmkin' was attached to the pele. This was a stone wall or wooden palisade enclosing an open space, acting rather like the bailey of a medieval castle. It afforded protection to the humbler inhabitants of the area and their livestock.⁸⁶ Warning of impending danger or a summons for help was by means of a lighted beacon situated at the top of the pele. Further down the scale was an array of semi-fortified dwellings built for comfort as well as defence. Many vicarages and church towers were built for defensive purposes as at Embleton, Corbridge, Shilbottle and Elsdon.

Contemporaries were loud in bewailing the poor state of the great border castles. Repeated attacks by the Scots coupled with neglect and inadequate repairs had seriously reduced their usefulness as a means of defence. Even the poor state of the towers and barmkins was enough to worry the commissioners Bowes and Ellerker. The reason for the latter, they suggested was that the gentry who were bound to keep their towers and barmkins in good repair and ensure that a person of some competence was resident were failing in their duties. They eschewed living on the extreme border and "... for their more easye quyetness & savyng of expences did withdrawe themselves in fermes or other small houses

within the cuntreie further distante from the sayd borders to the great decaye of the same".⁸⁷

The weakness of the defensive capacity of the border was a constant worry to Tudor governments over the decade. Their attempts to reverse the decline in the border defences will be examined as they constitute a major aspect of each administration's border policy.

The Marches

For purposes of administration and defence the border was divided into three marches, the East, Middle and West.

The East March was the smallest of the three. It was made up of the extreme north of Northumberland and comprised Norhamshire, Islandshire, Glendale and Bamburghshire. Beginning at a place called the Hanging Stone just east of Carham, the march followed the Anglo-Scottish border south to the Cheviot.⁸⁸ Several parts of this stretch of the border were claimed by both realms. They were known by contemporaries as 'debatable' or 'threap lands'. Certain tracts of land were said to be 'in plee or threip' between the two kingdoms, lawful to be pastured by both peoples but occupied by neither.⁸⁹ The first parcel one hundred acres in extent, known as the Midrigdge lay near Wark. The second which constituted some three hundred acres was known as the Threap Ridge. The third, further south, apparently unworthy of a name, was forty acres in extent, containing

"... morishe evill ground of litle valore".⁹⁰ These lands were pastured by the Scots tenants of Hadden and the English of Wark and Carham. They proved the source of endless disputes. The Scots ploughed in the Debatable lands in an effort to enforce their claim. This could not be tolerated by the English since once a precedent was established English claims to the lands would be lost.⁹¹ To combat this, the royal commissioners in 1542 destroyed growing crops.⁹² The Scots, it was also claimed, dammed burns altering their course with the result that they flowed further into England and gave their own borderers more territory. Again, the commissioners reacted by breaking the dams and allowing the streams to flow in their former channels.⁹³

There had been many previous attempts by commissioners of both realms at the amicable settlement of these lands but they had ended in deadlock over the difficulty of ascertaining which particular piece of territory pertained to each side.⁹⁴ As will be seen, future commissions were no more successful. It was only when the border became the 'Middle Shires' in 1603 that the question was finally resolved. It was generally agreed that the river Aln formed the southern boundary of the East March with the Middle March but the matter aroused much controversy. Bowes declared in 1551 that "... of the perfect boundes betweene theis two marchies I coulde never be certeyne".⁹⁵ The northern boundary of the East March was the Anglo-Scottish frontier formed by the Tweed. At the extreme east end, just before the Tweed met

the sea, the border branched off slightly northwards to form a district of approximately eight square miles, known as the 'bounds' or 'liberties' of Berwick. The Tweed, chiefly because of the richness of the salmon fishing there, proved the cause of innumerable disputes between the two realms. The Scots were permitted to draw their nets over the whole river provided they landed them on their own side. Bowes noted that the English were singularly fortunate as the most convenient landing places were on the south side of the river.⁹⁶ The Tweed was a formidable defensive barrier when in flood but otherwise there were numerous places at which it was easily fordable. These fords had to be carefully watched and trenches dug beside them to impede the passage of marauding Scots.⁹⁷ The East March was more open to incursions than the other two marches. Ease of access was coupled with the attraction that the march contained some of the richest farm land of the border, especially in Glendale, "... a very good plenteous and fertyll countrie".⁹⁸ The East borderers also felt themselves at a disadvantage in other respects for they claimed that, while their march contained only 120 villages and steads, they were surrounded by the Scottish East and Middle Marches which contained 400, "... wherof divers ar markett townes and very populous".⁹⁹ The bulk of Scotland's population lay towards the border, especially along the Tweed valley and the coasts of the Solway Firth.¹⁰⁰ As a means of defence there were numerous peles and barmkins in the East March, but they were still insufficient for all the inhabitants

some of whom, it was alleged, were forced upon suspicion of war to take their livestock and goods far away to safety, leaving their lands to waste.¹⁰¹ This was especially true of the villages in the eastern part of the march,

... for the said waste townes lye in such wylde & dessolate places so far from any strength or ayde of Englyshmen & so nere the plenyshed groundes of Scotland that the wysest borderers in those parties doo thinke yt a great jopardye for such as shoulde Inhabyte in them. 102

Bowes and Ellerker recommended that to improve the security of the area it should be "...better stablyshed & fortefyed" with towers and barmkins. £100, they claimed was sufficient to build a tower and 200 marks a barmkin. The commissioners advocated that rewards should be given to those who had built strongholds, and money for repairs given to others to encourage the rest.¹⁰³

The East March was dominated by the fortress town of Berwick-upon-Tweed, for three centuries the shuttlecock of war between England and Scotland. The town was secured permanently for England in 1482. Once the richest Scottish burgh, Berwick had never recovered its former prosperity since first taken by the English in 1296. In the late sixteenth century, the Mayor of the town lamented

... this towne standinge in the outplace of the lande, invironed with a barren and verye poore soil, doth not yealde anye revenues towardses our comon chardge as other townes in Englande, but everye poore man dothe open his purse to contribute thereunto. 104

Cut off from the rich agricultural hinterland of the Merse

the urban economy was heavily dependent on the rich salmon fishing of the Tweed and on supplying the needs of the garrison. However, there was also a small amount of trade in hides and wool. Berwick, whose civilian population numbered some 2,000 was by far the largest town in what was a fairly thinly populated march. It was the major market town in the East March, Wooler was the only other market town of any consequence there.¹⁰⁵

The surviving Guild Books of Berwick provide much evidence of the importance of the salmon industry to the town. A considerable proportion of the town's population must have been engaged in the packing and preserving of salmon. Frequent mention is made in the records of "fore-stallers and regraters"; the burgesses were deeply concerned about breaches in the local market regulations and preventive measures abounded. One common method of supervision was severely to restrict the hours of sale. Market tolls and tolls to 'strangers' were farmed out to a consortium of Freemen for £21 6s 8d per annum.¹⁰⁶ The privileges of the town rested on a Corporation Act passed in the last Parliament of Edward IV.¹⁰⁷ This stated that all merchants carrying merchandise out of Scotland were to bring it to Berwick to enable it to be customed and sold. All sales of goods to the Scots were to be made within Berwick. The Statute also granted to the town the monopoly of the Northumberland coastal trade : no manner of goods were to be shipped or landed between Tynemouth and Berwick. As for the privileges of the Freemen, they were granted the

common ground of the Snook and Magdalene fields which were within the bounds of the town.¹⁰⁸ The freemen were also to have the rent of the Crown fishings in the Tweed providing in return sixty barrels of salmon annually to the sovereign's household. The salmon trade was to be solely in the hands of the freemen.¹⁰⁹

Although Berwick was a port, its trade was of minor significance. The customs revenues amounted to only £129 19s 6d for the two years 1553-1554.¹¹⁰ The customer and comptroller of the customs were paid by the Crown and the issues and profits of their office went towards the upkeep of the garrison. The water bailiffs were responsible for incoming ships, making sure that they paid anchorage. These offices were farmed out to two freemen for an annual fee of £20.¹¹¹ The economy of Berwick was firmly linked to the military establishment there. This included not only furnishing supplies and materials for the fortifications but also the everyday food, drink and clothing for the garrisoning crews. The surviving evidence refers particularly to the role played by the merchants of the town in the provision of foodstuffs to the men. The soldiers were provided with food through a victualler who was under government contract to furnish them with supplies at fixed prices according to a book of rates. The victualler kept an account with each man and at pay day was paid by the Treasurer the amount that each man owed; this sum was then deducted from the soldier's pay. If the victualler's supply

was short, he issued tickets which were supposed to be equal in value to the food but, as the troops frequently complained, they were in fact taken at a heavy discount by the shopkeepers of the town.¹¹²

The military establishment of Berwick was considerable. The figures for the permanent or ordinary garrison as it was known tended to fluctuate. On average, however, it seems to have numbered some 200-260 officers and soldiers. This excludes the men's families and the servants, bakers, butchers, brewers and other hangers-on who were attached to the barracks.¹¹³

Berwick was the headquarters of the Warden of the East March. The Captainship of the town and castle usually went with the office of Warden, enabling both these officers to combine their forces for increased security.¹¹⁴ Berwick was an important supply base and served as the arsenal for Northumberland and the Bishopric of Durham.¹¹⁵

Subordinate to the Captain of Berwick were the Captains of Norham and Wark. After Berwick, these two strongholds were the most important in the East March. Their garrisons were bound to assist the Captain of Berwick or the Warden whenever occasion demanded.¹¹⁶

Norham castle lay just south-east of Berwick on a rock overlooking the Tweed and belonged to the Bishop of Durham. Bowes in 1551 commented adversely on the inadequacy of the military establishment provided by the Bishop

who allowed in wages only a captain, constable and two gunners. He remarked that Norham "... standeth marvellously well for the defence and relief of the countrie", protecting the frontier down to Wark and guarding the Tweed fords from Berwick bounds to the mouth of the Till. Bowes noted that the castle was in 'much decaye' and he outlined extensive repairs.¹¹⁷

Norham formed the administrative centre of Norhamshire, a fairly extensive triangular shaped district stretching from Tweedmouth at its apex westward along the Tweed to Cornhill and south-east to Budle Bay, just north of Bamburgh. Norhamshire with Islandshire and Bedlingtonshire (a small enclave in the Middle March) formed outlying parts of the Bishopric of Durham. Though the Bishopric's status as a County Palatine remained intact, the independent judicial powers of the Bishops had been severely curtailed in the mid 1530's as part of Cromwell's attack on independent jurisdictions. By the Resumption Act of 1536 the princely prerogatives enjoyed by the Bishops of Durham for over six centuries were vested in the Crown. Despite the fact that the palatine privileges were for the most part abolished, the form and dignity of the institution were preserved.¹¹⁸ Norhamshire was still regarded as a liberty within which the Warden had no authority; justice was administered by the Captain and his officials who were appointed by the Bishop.¹¹⁹ These liberties were often a menace to the Warden's authority. Lord Grey, Captain of Berwick, complained that when he banished whores and thieves from

the town, they were received into the liberties of Norhamshire and Islandshire leaving his hands tied.¹²⁰ Although the Farne Islands and Holy Island were part of the County Palatine, their Captain and small garrison were appointed and paid by the Crown and they were placed under the command of the Captain of Berwick.¹²¹

Wark, Norham's sister castle, was the mainstay of defence from there to the Cheviot and the chief bulwark guarding the fertile vale of the Till. Like Norham, the castle did not belong to the Crown but to the Greys of Chillingham, although it had been held by the Crown in wardship since 1531.¹²² Despite the fact that an extensive range of works had been carried out at Wark in the 1540's, Bowes commented on the poor state of repair of the fortress. The previous work had included attempts to strengthen the castle by building another wall inside the old and packing the intervening space with earth; this, however, was never completed. Bowes recommended that this task should be taken up again and that the embankment be made so as to encompass both the castle and town. This he argued would contribute "... much savety to the castle specyally from mynorye where unto the said Inner ward of the castle is much subject". The town thus enlarged would constitute an ideal place of refuge for the villagers in the area. Bowes was also concerned to increase the 'plenishinge and inhabitation' of Wark. This could be achieved and at the same time a stop could be put to the widespread cross border traffic and customs evasion by the granting of

... a market every weeke and two fayres in the yeare where the commerce and enterchaunge of all wares and marchandize passing betweene the realmes of England and Scotland uppon horsback ... should be had and made. And the tolle and custome their paid for the same to goe to the fortifications. 123

The arbitrary territorial division between the marches, which made the East March the smallest of the three, was most likely due to the fact that it contained the most easily accessible routes into England for any potential Scottish invasions; therefore the march required a greater degree of defence. The Middle Marches, though less vulnerable as far as full scale enemy invasions were concerned, nevertheless presented a wide range of particular problems to Tudor administrators.¹²⁴

The Middle Marches comprised the remainder of Northumberland not included in the East Marches. It was a vast upland area, consisting for the most part of the Cheviot mountains and foothills. For forty miles the Cheviot range formed the boundary between the two kingdoms and, thus, was a deterrent to troops with heavy artillery. Yet, it was easily accessible to raiders because of the innumerable passages across it.¹²⁵ Scottish raiders could follow the many river valleys such as those of the Coquet, Jed, Rede and Kale Water as well as the numerous tributary streams flowing from the Cheviot watershed. These led directly into the rich valleys of lowland Northumberland.¹²⁶ The farmers of this region suffered greatly from the raiders of Teviotdale and Liddesdale who were the 'greatest theaves and truce breakers in all Scotland' and notoriously lawless people.¹²⁷

As if this was not enough to contend with, peaceable Northumberland farmers also had to endure the depredations of their own countrymen.

In his survey of the Middle March, Bowes noted that the greatest problem that presented itself to the Warden was the "... good observation in order and rule of the countryes of Tyndall and Riddesdall".¹²⁸ These two remote river valleys in the western highlands of Northumberland were the most troublesome areas of the border: "... that countrie of north Tyndall is much given to thefte and must be kept contynually in dread of justice ... the Tyndalls be so much inclyned to wildness and disorder". Redesdale was in a similar state.¹²⁹ Lowland Northumberland was the obvious target of raiders from these valleys but they even raided each other.¹³⁰ The habit of the Tynedalers and Redesdalers of 'inbringing' Scots added fuel to the flames. The commissioners of 1542 found the people of the area surrounding the two valleys

... abashed and oute of all courage by the greatt and manyfold losses hurtes and overthrowes wich they have of late susteyned and had by and of the said Tynedales Ryddesdales and Scots of Lyddesdale. 131

Victims of theft, for fear of incurring deadly feud at the hands of the powerful surnames of the two dales, would not attempt to retrieve their goods by raising the hue and cry. They sought to come to terms with the thief, seeking a part of their goods in composition rather than trying to obtain restitution by lawful means.¹³²

The reasons for the disordered state of these two valleys were manifold. A contributory factor was that they had formerly been part of lay liberties which had come to an end in 1495/6 in the case of Tynedale and as late as 1540 in that of Redesdale.¹³³ Although fully incorporated into Northumberland, the two valleys like all liberties still remained to some extent havens for fugitives from justice. Even after their special status had been terminated, the inhabitants of the two valleys still claimed exemption from the jurisdiction of the sheriff.¹³⁴ This feeling of judicial separateness was not easily eradicated and was no doubt kept alive by the fact that these areas continued to be ruled separately by their own keepers holding their own courts.¹³⁵

These were subsidiary factors. Bowes was clear as to the primordial reasons for the anarchic state of the two dales, "... surely the great occasion of the disorder of both those countreys is that there be moe inhabitants within either of them then the saide countreys maye susteyne".¹³⁶

The valleys were densely populated. The commissioners of 1542 estimated that they were capable of producing 1,500 horse and foot, this suggests they contained a population somewhere in the region of 10,000. The conspicuous lack of towns in the area, apart from Bellingham, meant that opportunities for employment and supplementary means of livelihood other than husbandry were limited.

Aggravating the situation was the widespread tenure of gavelkind, the division of tenements on the death of the occupant. This factor led Bowes to remark that "The people of that countrey (specially the men) be lothe to departe forth of the same but had rather live poorely theire as theaves then more wealthyly in another countrey".¹³⁷ This custom of Tynedale and Redesdale persuaded younger sons to stay at home by promising them a share in the family holding. The government recognised the danger of too many people pressing on the land; crime and beggary increased and the inhabitants could not afford to equip themselves for border service.¹³⁸ The only way of alleviating the problem, Bowes argued, was forced resettlement elsewhere. Bowes and Ellerker drew attention to the strong degree of communal solidarity in the two dales and believed that this was one of the reasons why the inhabitants would have to be forcibly resettled, "... for their delyte ys muche in the greatt nombres of their countrey thynking them of most strength and power thereby".¹³⁹ Bowes recommended that the "... superfluous people of these two countreys..." be sent far southwards away from their kin and friends, so that if they began their criminal activities, they might not so easily seek refuge at home.

This emphasis on the fact that the excess population of the two dales should be settled far beyond the border is evidence of the conspicuous suspicion and regional prejudice held against these people. Bowes alleged that "... other true countreys be very lothe to have any of the Tyndall or

Riddesdall inhabitinge amonge them".¹⁴⁰ Their notoriety was such that in 1554 the Newcastle Merchant Adventurers passed an act concerning the taking in of apprentices, stipulating a fine of £20 if any member took an apprentice from either of the two dales because "... the parties there brought upp ar knowen, either by educatyon or nature, not to be of honest conversation".¹⁴¹ The commissioners of 1542 revived the recommendation that the keepers of the two dales should have strong garrisons in a proper fortified base, thus enabling them to maintain a strong control over the area and dispense justice quickly and effectively.¹⁴²

Chipchase castle was regarded as the most suitable residence for the keeper of Tynedale. It was part of the Heron inheritance and for this reason the Herons were frequently appointed as keepers.¹⁴³ Bowes, however, was not wholly content with this arrangement and he urged that the Crown should have a suitable place at its disposal for the keeper to be based at. He suggested that the former Percy castle of Langley be repaired for that purpose.¹⁴⁴

Harbottle castle was universally recognised as the best base for the keepership of Redesdale. It was precisely for this reason that the castle, once part of the Talboys inheritance, had been surrendered to the Crown in 1545. Its immediate use as a military and administrative centre was ruled out by the fact that it was in a ruinous state.¹⁴⁵

The inaccessibility of the area of the two dales was the greatest drawback to its effective government. The two

valleys were natural fortresses : "There countrey is soe stronge full of woodes marresses and streat passages ..." that horsemen could only enter the area with great difficulty.¹⁴⁶ Some degree of control was exercised by appointing a surname leader as keeper or by taking regular hostages as security for good behaviour. Bowes pointed out the ineffectiveness of offering periodic royal pardons to the inhabitants as this merely emboldened them.¹⁴⁷ He insisted that the keepers of the two dales should have sufficient financial resources to maintain at least twenty five horsemen each, to be able to control the area.¹⁴⁸

The maintenance of an efficient system of watch could be a positive deterrent against marauders. The enormous difference in land area between the East and Middle Marches and the weakness and vulnerability of the Middle March are illustrated in Wharton's order for the watch. The East March required only 200 'searchers and setters' while the Middle March needed some 500.¹⁴⁹

The more peaceable lowlands of the Middle March were well populated with fairly large towns in the fertile river valleys and coastal areas. Towns such as Warkworth, Rothbury, Alnwick and Morpeth were important centres of goods and services. The last two were alternative residences of the Warden. These towns, however, were dwarfed by the city of Newcastle-upon-Tyne. With a population of some 10,000, Newcastle was the third or fourth largest town in England.¹⁵⁰ Leland, writing in the reign of Henry VIII,

could still be impressed by the fortified walls of the city, "... the strength and magnificens of the wauling of this town far passith al the waulles of the cities of England and most of the townes of Europe".¹⁵¹ Newcastle, the provincial and trading capital of the North, was a county borough with its own sheriff, justices and quarter sessions. By the sixteenth century coal had replaced wool as the city's chief export and Newcastle was to rely increasingly for its prosperity on its position as an international port at the heart of the great northern coalfield.

Although a part of the Middle March,¹⁵² Newcastle figures little in the events of sixteenth century border history and the fortified walls which so impressed Leland served no useful purpose. However, the city's economic importance to the border cannot be exaggerated. Newcastle was an important distribution centre for corn imports particularly from King's Lynn but also from the Baltic. Its merchants furnished the border fortifications and garrisons with tools and supplies. In times of danger, their ships were commandeered for service against the enemy. The merchants of the city performed the role of bankers, safely keeping money when it was felt that Berwick was under threat. They also acted as a source of loans, advancing money for the administration of the border and the pay of the garrisons. The customs revenues of the port provided a readily available source of cash to help maintain the border fortresses, thus lessening the dangers of moving large amounts of money from the capital.¹⁵³

The West March was made up of the two shires of Cumberland and Westmorland.¹⁵⁴ The march border with Scotland stretched from the base of the Cheviots in the east and thereafter was formed by a series of streams, the Kershope, Liddel and Esk. After following the latter for a mile, the border line cuts off across country to the Sark which it follows to the river's mouth and the head of the Solway Firth.¹⁵⁵ Here again, the border was by no means clearly defined due to the presence of a large tract of Debatable land. This lozenge shaped piece of territory roughly eight miles long and four miles broad extended from the Solway Firth eight miles in the direction of Liddesdale. Its eastern margin was bounded by the Esk and Liddel and the west and northern boundaries by the Sark and Tarras.¹⁵⁶

Prior to its division by an Anglo-Scottish commission in 1552, the disputed area was a district of notorious lawlessness.¹⁵⁷ As in the case of the much smaller Debatable lands in the East March, the inhabitants of both realms were accustomed to pasture their herds and flocks from sunrise to sunset 'withe owt a stobe or stake', that is, they were to refrain from cultivating the land or otherwise attempting to set up a permanent abode which might indicate legal possession. If this custom was contravened, it was lawful for the Warden to destroy and burn the settlements, confiscating the goods and livestock and making prisoners of the inhabitants.¹⁵⁸ Such aggressive actions, of course, were designed to prevent appropriation by the opposite realm.

The custom of not setting up 'stobe and stake' was widely ignored by the inhabitants of the Debatable land. The area was occupied by the highly localised surname of Graham on the English side and the more widely dispersed Armstrongs on the Scottish side. Each kingdom was anxious to maintain a precarious hold on the territory and each side was anxious to prevent any permanent encroachment by the other. This was achieved in a similar fashion by both governments by making periodic devastatory raids on the area.¹⁵⁹ This policy only exacerbated local strife and international discord in an area which was already a bone of contention between the two realms. Since neither side could make any claim against the marauders who inhabited the disputed district without thereby admitting that the land belonged to the country to whom the claim was made, the Debatable land became a haven for criminals. It was the chief resort of 'broken men', fugitives from the law. Acknowledging no lord or surname leader, such men raided both sides of the border with impunity.¹⁶⁰

The problems associated with the Debatable land illustrate the weakness of the West March land frontier. The Liddel and the Esk were easily fordable streams although they were short as the Solway Firth intervened. However, even the latter possessed a serious weakness as a defensive barrier since it was fordable as far as Bowness. Raids could be timed to coincide with the treacherous tides as these would cover the retreat of the raiders and effectively block any pursuit.¹⁶¹

As a result of these geographical factors, the West March was fairly heavily fortified. Wharton, who had a long experience as Warden of the West March, remarked that the area was "... naturally so strong and commodious of itself having many good houses in the same".¹⁶² Peles lay thick along the border line, Solway crossings and in the fertile Eden valley. The chief stronghold in the east was the royal fortress of Bewcastle dominating the bleak Bewcastle waste. In 1556/7, it was reported, "The walles of the holle castell is in soche ruyne and decay ... a man may clymbe up the walle wher ye lyme is bettsurthe with whether takyng holde betwyx the stones".¹⁶³ The main strength of the West March was the castle and city of Carlisle but once again the castle was reported to be in a ruinous condition.¹⁶⁴ Carlisle, the seat of the Warden of the West March, commanded the western littoral, the narrow lowland entry into England. This position, exactly like its opposite number Berwick, gave it a key strategic importance in the border defences. This said, however, the military establishment of Carlisle was incomparable to that of Berwick. Its peacetime garrison was small, often as low as twenty eight officers, soldiers and gunners.¹⁶⁵

The bulk of the population of the West March lay in the county of Cumberland and it was mainly upon their border service that the Warden relied.¹⁶⁶ Westmorland's distance from the border line meant that levies could not be raised at short notice. Moreover, it was claimed that the men of Westmorland "... are not expert in the fells nor in border

stratagems; the enemy are forewarned and ready for them, and except in an open invasion, they are no help to the Warden".¹⁶⁷

This survey of the Anglo-Scottish border has attempted to provide not only a backcloth to the period which will be discussed but it has also aimed to penetrate deeper into the political, social and economic make up of border society. Only when we have grasped the diverse and complex nature of many of these factors can we begin to arrive at an accurate understanding of the framework in which politics and government worked. Now that we have seen some of the problems which faced the Crown in its efforts to maintain law and order in the border area, we must turn our attention to the special system of government which was developed to administer this turbulent and far flung region of the kingdom.

The Structure of Government

The most powerful officers of the Crown in the marches were the Lord Wardens. There were three of them each ruling over a march. The office of Warden was medieval in origin and grew up out of the necessity of keeping the North in a continuous state of defence against the Scots. Prior to the Scottish Wars of Independence, the defence of the marches and the settling of international disputes had been the responsibility of the sheriff and his officials.

When the situation erupted into war the military powers of the sheriff were handed over to professional soldiers. After the 1290's there was a hardening of political divisions and the character of the border changed. It became increasingly militarised. Eventually, the frequency and duration of the Anglo-Scottish wars led to the appointment on both sides of the border of keepers who were given authority to array the shire levies for frontier defence and to maintain military order by the use of courts martial. At first, their commission was renewed at periodic moments of danger. Later, they began to be retained in office during peacetime to maintain truces with the Scots and punish infringements of them. After 1309, the office of Warden of the Marches, as it was known, became permanent.¹⁶⁸

During the course of the fourteenth century, the power of the Warden's office was extended, reaching its apogee at the end of the century. Wardens were not only given authority to maintain truces and raise men for the defence of the border, they were able to make and renew truces with the Scots. They could hold 'March Days', meeting with the Warden of the opposite march for mutual redress of wrongs. Within his own march the Warden was able to convene Courts of Wardenry to punish breaches of the truce and irregular dealings with the Scots. To aid him, he was given authority to appoint deputies and subordinate officials under his own seal.¹⁶⁹

By the sixteenth century the duties incumbent on the Warden were manifold and encompassed every aspect of the

strength and security of the border and the government and welfare of the borderers. He was responsible for the maintenance of frontier fortifications, making reports and recommendations, carrying out surveys, overseeing repairs and ensuring that the forts were adequately supplied with necessary munitions and provisions. In addition, the Warden was to see that border officers were resident. This was essential for the security of the frontier and was held to be an important factor in attempting to relieve the poverty of the North. Servants of the Crown were resident consumers of goods and services and it was held improper that the government should give fees to officers to be 'forrenlie dispended' elsewhere. The non-residence of officers was a major problem on the border, and the Warden had the power, subject to confirmation by the Council, to remove non-resident or incompetent officers and replace them.¹⁷⁰ The warden was to see that the gentry performed border service and carried out his instructions. He played an important role in maintaining peace and harmony between the gentry of the North. As a representative of the Crown in an office of authority conveying considerable prestige, the Warden was in an ideal position to settle disputes between the intractable border gentry. Further, complaints to the Council were often referred back to him to settle. Alternatively, the Warden bound gentry to appear before the Council to have their disputes settled at the Council Board.¹⁷¹ The Warden could be appointed to oversee enclosure commissions. His other duties included the apprehending of criminals,

the investigation of murder, arresting counterfeit coiners and examining and punishing those guilty of seditious rumour.¹⁷²

The Warden was the eyes and ears of the Crown in the locality and he was consulted by the Council on every aspect of border administration including the men most apt to serve in offices in the gift of the Crown and on commissions.¹⁷³ During our period there was no accredited English ambassador to the Scottish court, and so the Wardens played a crucial role in maintaining a steady stream of reports on Scottish affairs to the government. They obtained information from spies and informers, the upkeep of whom was incidental to the Warden's office.¹⁷⁴

The emoluments attached to the Wardenries were not inconsiderable, but varied from march to march. The East March was the highest paid, for with the Wardenry went the Captaincy of the town of Berwick. The Warden received 700 marks per annum for himself, £10 each for two deputies and 40s each for 2 warden sergeants.¹⁷⁵ The captaincy of Berwick castle which often, but not always, went with the Wardenry paid 100 marks, with allowance for 10 marks each for forty soldiers and 6d per day for ten gunners.¹⁷⁶ For the Middle March the fees were slightly less, 500 marks with the usual £10 each to two deputies and 40s each for two warden sergeants.¹⁷⁷

The keeperships of the two dales which were attached to the Wardenry of the Middle March were each worth £26 13s 4d

with added allowance for fifteen light horse for each keeper. A single 'land sergeant' held office for the two dales: he received £20 with an added allowance for four horse.¹⁷⁸

As with the East March the Captaincy of the city of Carlisle went with the Wardenry of the West March. The warden here was allowed 600 marks with the usual fees for his deputies and sergeants.¹⁷⁹ The Captaincy of the citadel, a separate office from the city, was worth 100 marks with a separate allowance for twenty horse and was, more often than not, attached to the Wardenry.¹⁸⁰

In addition to these official fees, the Wardens were in receipt of valuable perquisites. As Captains of Berwick and Carlisle, they received income from various tithes and fishing rights.¹⁸¹ The Warden's appointment to the stewardships of church and Crown lands augmented their income but also gave them command over the tenants on these lands enabling them "... to have the men of that countrey in a more redynes at all tymes when ned shalbe or requyer".¹⁸²

The Wardens, moreover, enjoyed the forfeitures and profits from the march courts. These were considerable and could amount to three times the Warden's original fee.¹⁸³

Despite what at first sight might appear to be a lucrative position, the Warden had to maintain from his fees a large body of staff. Aside from clerks and gaolers, who were essential to the running of march administration,

the Warden had to employ a retinue of horsemen to attend upon him. These were usually made up of his household servants and the sons and younger brothers of local gentry.¹⁸⁴ As a further aid, the Warden could call upon the services of all the officers of the Crown in his march over whom he had supreme command. Besides this, all borderers were bound to aid the Warden in the apprehending of malefactors as a part of border service.¹⁸⁵

The mounted retinue of the Warden was essential as he was responsible for suppressing and bringing to justice thieves and malefactors over a widespread area. Many border commentators stressed the fact that to mitigate the disastrous effects of 'self help' the Warden had to apprehend criminals immediately.¹⁸⁶ The significance of the Warden's mounted retinue is graphically portrayed by Carey who, looking back on his Warden days, remarked

... we had a stirring world, and few days passed over my head but I was on horseback, either to prevent mischief, or take malefactors and to bring the border in better quiet than it had been in times past. 187

During periods of international tension or war with Scotland the Warden was often granted additional horse which were paid by the Crown but it is clear from the demands of the Wardens for supplementary forces of professional soldiers that the Warden's retinue was inadequate for the policing of the border.¹⁸⁸

Besides maintaining a retinue of horsemen out of his own pocket, the Warden was expected to support a large household and provide hospitality not only for Scottish ambassadors and commissioners passing to and fro but, as well, for any visiting gentry. The cost of entertaining at international days of truce could be equally onerous.¹⁸⁹ It was argued that the traditional perquisites of the Warden's office were an all important source of income compensating the deficiency in his official salary which it was essential to maintain if he was to continue to dispense suitable hospitality.¹⁹⁰

Any reluctance to accept the office of Warden was almost wholly confined to southern candidates. Their unwillingness does not seem to have stemmed from any pecuniary criteria but rather from the fact that they had no wish to be posted to what was widely regarded as an administrative backwater. The correspondence of border officials frequently reveals their anxiety and sense of isolation and neglect. The severity of the northern winters was a forceful deterrent, the effects of which led one Elizabethan Warden to remark

If I were further from the tempestuousnes of Cheviot hills, and were once retired from this accursed contry, whence the sunn is so removed, I would ;not change my homlyest hermitage for the highest pallace ther. In the meane season geive me leave to commend and pray for your happiness, that are blessed with the sun of the south, and that one rayon of such brightnes may deliver me from the darkness heere : which I protest is no less to me then hell!. 191

A more fundamental factor that militated against the successful employment of southern men as Wardens was the recognition

by the government that a sufficient local power base was essential to the smooth functioning of the office. That the potential candidate held lands in his prospective Wardenry was a positive advantage in his favour.¹⁹² The possession of landed wealth in his march enabled the Warden to call upon the loyalty of his tenants, or kinsmen, who would form the nucleus of any force raised for border service. It could also provide the Warden with enough influence and respect to enable him to weld together the divergent forces in border society, uniting them in the service of the Crown and the maintenance of border security. The Warden had to win the cooperation of the local gentry : "... noe warden can serve without them, no more can he serve by them, where ther is no union nor kindness".¹⁹³ The gentry, as the natural leaders of border society, were expected to set an example in their good behaviour and cooperation with the Warden. Close collaboration between the Warden and gentry was important because Lords were responsible for their tenants. Upon the Lord or his bailiff fell the duty of producing any offender, and making sure he appeared before the Warden. Failing this, the Lord might be made liable for the redress of his tenant's offence.¹⁹⁴

Another important duty incumbent on the gentry was to lead the 'fray'. Their unwillingness to perform this caused the Wardens a great deal of concern,

... if the gentilmen could be brought to ryse to frayes and do their duties, her Majestie needed not be att theis greate chargis, but their is such mallis amonge them, and such mistrust one of another, as

though the fraye come hard by their doares, they
will not once sturr, unles yt be some frendes goods
of theirs that be taken awaye. 195

Even with adequate land holdings in his march a Warden might be a conspicuous failure if he did not succeed in winning the respect of the local gentry. During the late 1530's, when the Crown took over the nominal leadership of the Wardenries and employed gentlemen as deputy wardens instead of the customary magnates, the government in order to secure their cooperation was obliged to pension the leading gentry. In this way it attempted to replace the traditional loyalty of the gentry to the border magnates by offering pecuniary rewards to induce them to support the Warden.¹⁹⁶ Wharton's lands in the West March were considerable,¹⁹⁷ and many of the royal pensioners there were associated with him either through blood, marriage or friendship. Yet, despite all these advantages, Wharton's Wardenship was a failure. He himself attributed his difficulties to the 'distain' with which the borderers treated him. In their eyes this parvenu from the minor gentry of Cumberland had usurped a great border office which, by right, belonged to the Dacre family. The Crown was finally compelled in 1549 to replace Wharton with Lord Dacre.¹⁹⁸

The scheme of pensioning the leading border gentry proved abortive. It resulted in a split in the gentry between those who had been granted a pension and the less fortunate who had not. Thieving and violence continued unabated, "The contrey men lokyng thorough the fingers therat,

bidding suche as take pensions of the Kinges highnes ... to kepe the watches, for the contrey woll (not)".¹⁹⁹ The scheme was finally abandoned in the early days of Edward's reign.²⁰⁰ However, the close cooperation between Wardens and the gentry was important for the efficiency with which border service was carried out and also because of the close connection between the wardens and local government.

Of no less importance to the links between the Wardens and the border gentry was the relationship of the Warden with his fellow wardens. It was essential that they should confer regularly with each other.²⁰¹ This was to ensure a united front in their dealings with the Scottish Wardens and effective action against criminals. According to border law, Englishmen committing offences in Scotland were to answer for their crimes in the march they left.²⁰² The Warden's power was restricted to his own march. Criminals, therefore, seeking to avoid justice could quite easily flee into the adjacent march. No Warden took precedence over another but it was essential in times of danger or open warfare that the government of the border be coordinated and that someone should have overall control of the marches. For this reason, when danger threatened, a Lord Lieutenant was appointed. The office was usually held by a nobleman. The Lieutenancy, however, had not yet become a permanent feature of county administration; it was an ad hoc appointment which expired when the danger had passed. His commission gave the Lord Lieutenant far reaching powers to provide for the defence of the region over which he was

appointed. He was able to levy men, array them, and lead them against the enemy, whether foreign foe or native rebel. The Lieutenant's authority was enforced by martial law and his jurisdiction extended over all liberties and towns within his Lieutenancy. The Warden, in common with all other royal officers, was bound to assist and obey the Lord Lieutenant.²⁰³

Under normal circumstances the activities of the Wardens were regulated and supervised by the Privy Council. Their handling of international affairs on the border was closely watched by the Scottish government. The Warden's attitude and performance at meetings with the Scots was reported by their Wardens to the Edinburgh government which in turn was ready to report any slackness or double dealing on the English Warden's part to his sovereign. In direct correspondence with the English Wardens the Scottish government could threaten to inform their superiors unless they cooperated honestly and justly with their Scottish counterparts.²⁰⁴

The Wardens received their orders and directives from the Privy Council but Wardenry affairs also came under the purview of the Council in the North. The Council was responsible for the orderly government of the North. It possessed almost full jurisdiction in civil and criminal matters in the five northern counties. Yet, its jurisdiction over the Wardens existed more in theory than in practice. It does seem that it was content to leave the enforcing of

law and order in the three northernmost counties to the Wardens. Although according to its commission the Council was to be peripatetic, holding quarter sessions at York, Hull, Newcastle and Carlisle, it ceased to hold sessions outside Yorkshire after 1550 because of administrative and logistical difficulties.²⁰⁵ Nevertheless, the links between the Warden and the Council, and the latter's role in the administration of the marches, should not be underestimated. All Wardens were ex-officio members of the Council.²⁰⁶ They remained in close touch with the Lord President, informing him regularly of the state of the border, of their negotiations with their opposite numbers and the vicissitudes of Scottish politics.²⁰⁷ All orders concerning the civil administration of the marches were sent from the Council to the Wardens for transmission to the J.P.s.²⁰⁸ Information and instructions from the Privy Council were often sent to the Lord President to be relayed by him to the Wardens. The Lord President also played an important role in maintaining harmony between the Wardens and the leading gentry of their march. His status as a leading nobleman with the added prestige of a great office and the advantage of being near at hand made the Lord President an ideal mediator in any disputes.²⁰⁹

The rare mention of the sheriff in the records confirms the decline in the importance of the shrievalty. By the mid sixteenth century the sheriffs had been shorn of much of their former power. Their duties relating to the administration and supervision of the Crown land and feudal

rights in each shire had passed to the escheators, feodaries and receivers, and their judicial power in criminal matters had largely been transferred to the J.P.s. Outside the border, the sheriffs were still burdened with many administrative duties for they continued to act as the executive agents of those to whom their powers had passed. In the marches, however, the executive role of the sheriff in relation to the Justices was lessened by the fact that the latter who were overshadowed by the Wardens had a much less important role to play in border affairs. In addition, the extensive clerical work and administration arising out of the deliberations of the muster commissioners was also dealt with by the Warden. Neither was the sheriff the principal channel of communication between local magistrates and the Privy Council. All letters on border affairs authorising enquiries and demanding administrative decisions were dispatched to the Warden's office and not the sheriff's.

The Warden was responsible for maintaining law and order internally as well as dealing with incidents committed by Englishmen in the opposite march. Each realm recognised that the frontier area presented special difficulties where the administering of justice was concerned. On both sides of the border the inhabitants were subject to an extraordinary set of laws, known as 'Border Laws', in addition to the laws of their respective realms. Border Law possessed a unique dual nature: on the one hand, it governed the activities of the borderers with their own countrymen and, on the other, it controlled the relations of men with those on the opposite side of the frontier.

According to Richard Bell, a warden clerk by his own admission of some thirty years experience,²¹⁰ the Border Laws were derived from three principal sources. The first, the Ius gentium, "wich ruleth all, and amongst all people nations", shared the same basic principles as the civil law of the realm. Secondly, because of the intrinsic lawlessness of the border, the "...vile and corrupt manners and unto-wardnes of the subiect of both the realmes", included in the Border Laws were certain treaty articles agreed on between the commissioners of each Prince at border meetings. Thirdly, the Border Laws stemmed from "... the customes, contynuallie used on the borders in certaine cases, aswel not comprehended in the fowesaid laws and treaties".²¹¹

The infringement of any of the Border Laws constituted what was technically known as march treason. The use of this term denotes the gravity of the offence, for the offender was held to be doubly guilty, of violating the laws of his own Prince as well as those of the opposite realm. The seriousness of the offence was further emphasised by the fact that all march treasons were, in theory if not in practice, capital offences.²¹² March treasons can be conveniently divided into three groups. The first dealt with crimes which directly or otherwise, in peace or in war, caused injury or brought danger to individuals or country through illegal, unlicensed trafficking with the Scots. These included the 'inbringing' of Scots with malicious intent. It was also march treason to accompany a Scot or in any way aid him by providing shelter, food or drink, acting as his

guide or supplying him with arms. Horse dealing with the Scots and even marrying a Scot without the Warden's licence were regarded as march treasons as was betraying intelligence to the Scots in time of war or even if any Englishmen "make pointement with any scotteman or that tristeth or entercomometh with them by any manner of meanes rideth or goeth with any of them"²¹³

The second class of march treasons concerned offences in which Englishmen dealt with their fellow countrymen but in which the Scots or Scotland were involved. This included conveying English thieves or rebels into Scotland or otherwise aiding or abetting them to the prejudice of Scotland. It was march treason to unjustly accuse Englishmen when Scots were responsible for the crime. Dereliction of duty with regard to border service, including failure to follow the fray, neglecting to observe the watches or more generally refusing to cooperate with or to obey the Warden, was also considered march treason.

The last group of march treasons comprised offences which involved hurt or danger to the Scots in peacetime. This included raiding in Scotland, murdering or maiming individuals there as well as taking prisoners or troubling any Scot travelling within England protected by the Warden's licence.²¹⁴

The Border Laws that were drawn from the clauses of international treaties were 'certayne and playne', and there was no latitude for the Warden to exercise his

discretion. As for the remainder they were, as one commentator alleged,

... not lawes and customes written, but delivered from hand to hand by tradition, full of ambiguitie and uncertaintie, such as has been subject to the variable opinion of men in all ages, and not at this daye agreed upon by the best skilled Borderers. 215

The danger inherent in the complex and customary nature of Border Law meant that a man could be sentenced to death "... by a lawe not written, by a lawe not generally nor alwayes agreed on to be a law, and consequentlie by a lawe whereof we cannot reasonablelie take notice".²¹⁶ The new Warden, at the holding of his first Warden Court, was supposed to empanel a jury of the leading borderers in the march who, under oath, would list march treasons. Given that this was actually achieved, there was still the possibility that the juries' conclusions in the three marches would conflict with each other, with the dangerous consequence that what was considered to be march treason in one march was regarded as a mere trespass in another. The onus of deciding whether a crime constituted march treason or not in the last instance lay with the Warden.²¹⁷ One of the charges against a prominent Elizabethan Warden, Sir John Forster, was "... that in criminall causes he hath judged that to be march treason, which is not, and put hir majesties subjectes to execution".²¹⁸

There had long been a call for a written code of Border Law in order to dispense with recurring uncertainties.

In 1537, 'A remembrance for ordre & good rowle to be hadde and kept in the northe partes' recommended such a code.²¹⁹ In 1580, a draft act listing march treasons was drawn up, but there the matter rested. The reason why the act never got further than the draft stage is not known but it maybe that the government felt that any threat to the Wardens' prerogative in deciding what constituted march treason would be a dangerous precedent and lead to the weakening of their power in what was a traditionally lawless area.²²⁰

Domestic Border Law, that is jurisdiction over offences which involved no infringement of the frontier, was administered by the Warden through the march courts. By his commission the Warden had authority in these courts to hear and determine all complaints and pleas that arose between subject and subject and to enquire, hear and determine all march treasons between Prince and subject.²²¹

There were no regular sessions of Warden Courts, their convening was at the discretion of the Warden and they were called as and when necessity dictated.²²² Bowes recommended that two weeks before the holding of the court proclamation should be made in the market towns of the march advertising all 'gentlemen, freeholders, officers and headsemen' to attend the Warden Court. Letters missive were issued by the Warden to the chief gentlemen of the march to attend; these men would make up the juries and assist the Warden.²²³ A corrupt Warden, it was alleged, might only give an hour's warning of an impending court,

Yf he list lay march treason to a man's charge that dineth at his tabill, after dinner he may ympanell a jury excircumstantibus albeit his howshold servantes or such as ar knowne enemyes of the person to be tryed and take away his head before supper. 224

Complainants were to cause those they complained upon to be arrested to answer at the court. Bowes suggested that it was expedient that defendants charged with march treasons should be attached and imprisoned before the court commenced.²²⁵ After the reading of the Warden's commission by the warden sergeants the juries were empanelled and sworn in.²²⁶ Three juries were involved, a grand jury for indicting prisoners, a petty jury for their trial and a jury for matters between party and party.²²⁷ After the grand jury had considered the charge each prisoner was arraigned, judgement was read and a plea entered. If the plea was not guilty, the case was tried by the petty jury. The prisoner had no right to peremptory exception or exception for cause as in the common law courts, nor could he plead benefit of clergy.²²⁸

Those convicted by verdict of march treason were sentenced to death, there was no right of appeal from a Warden Court. However, it was alleged that Wardens often withheld judgement and even pardoned convicted march traitors

... wich almoste princely power wrongfully and undewtifully usurped by the wardens hath ingendred a settled opinion in all borderers that the wardens have ... absolute authoretie to pardon the life of a convicted march traitor after judgement. 229

The lands goods and livestock of convicted march traitors were seized for the Crown, though it would seem that they often went to the Warden.²³⁰

Despite the charges against Forster and claims that a Warden "who if he be covetous through greedie desyer of confiscations would have all the laws written with blood".²³¹ It appears from the little evidence that we have that even if juries did convict a person of committing march treason, sentence of death was seldom carried out. At a Warden Court held for the East and Middle Marches from February 3 to 8 1556, out of sixty eight individuals indicted for march treason only five (all Scots) were condemned to die.²³²

Although their commission conferred upon them a criminal jurisdiction, the Wardens' authority was further bolstered by the fact that they were frequently included on the local commission of the peace.²³³ The commissions for the three northern counties were small and inadequate for the vast areas they had to cover and the amount of judicial work involved. The Quarter Sessions, the most important aspect of the J.P.s' work, were often disorderly and sometimes they were not kept. Law enforcement was weak. The Justices, for example, often failed to remove forcible entries, "... which makes every tyrant a Kinge, and bruseth the weakest against the walls".²³⁴ It was alleged that felons were released on insufficient sureties with the result that "... a Northumberland bayle is as good as the Quenes pardon".²³⁵ Unlike the rest of the country, the

Assize judges visited the three northern counties only once a year.²³⁶ Capital felonies and the more important cases were reserved for the Assizes but even these could be over-awed,

Hardlie deare anie gentlemen of the cuntrey be of any jury of lyfe and death yf anie of them be indyted, as the justices of that (northern) circuit can testefie, they are growne so to seke bloode, for they will make a quarrel for the death of theire grandfather, and they will kyll any of the name they are in feade with. 237

In this situation the Warden Courts which had the considerable advantage of having powerful military backing to enforce and protect decisions superseded the sessions of the Peace and were the most important law courts in the marches.²³⁸

The omnicompetence of the Warden Courts is testified by evidence of their jurisdiction in other areas. They were used to settle the ransoms of prisoners or disputes over the capture of booty during the war with Scotland.²³⁹ They were made responsible for enforcing the enclosure articles drawn up by Wharton in 1553.²⁴⁰ The Warden Courts not only had the power to punish breaches of the peace but it is also clear that on occasion they judged civil causes between party and party.²⁴¹

There were complaints that the Wardens usurped the functions of the Justices.²⁴² The Wardens, however, seem to have successfully challenged these arguing that their authority was the only effective means of maintaining law

and order in an area where clan connections impeded the regular administration of justice. Collaboration rather than conflict was the rule between the J.P.s and Wardens, and in any rivalry over disputed jurisdictions, as in many other matters, the Crown clearly saw that it lay in its interest to back the Wardens.²⁴³

The management of the border had in many respects to be conducted on international rather than national principles. It was essential to the maintenance of peace on the border that both Englishmen and Scots should be able to obtain redress at each other's hands for wrongs committed. The immediate reaction of a victim of theft or violence on the border was the same as elsewhere in the realm, namely to raise the hue and cry and pursue the perpetrators of the crime. This was known on the border as following the 'fray' or the 'trod'. The matter was complicated by the fact that the pursuers might have to traverse the frontier. The Border Laws provided for this contingency. The trod took two forms, hot and cold trod, signifying immediate pursuit or within six days in the case of the latter. On entering the opposite realm the pursuer was bound to inform the first person he met of that realm in order that he "... taketh wittnes that he is in a lawfull trode, and prayeth ther companey and assistaunce in his pursuite".²⁴⁴

Aside from this method, the normal means of securing justice from the opposite realm was by preferring complaints and agreeing to redress on both sides. This could only be

accomplished at formal meetings. Border meetings were categorised into two kinds, ordinary between the Wardens for common justice and those at a higher level between royal commissioners sent to draw up treaties of peace or investigate the misconduct of individual Wardens.²⁴⁵ Border meetings between the Wardens for mutual redress were known as 'Days of Truce'.

After the day and place had been decided upon between the Wardens, proclamations were issued informing the inhabitants that all bills of complaint against the Scots should be handed in to the Warden clerks. These bills were simple statements of the deed, usually a theft, its perpetrators, and a computation of the goods stolen.²⁴⁶ These were entered onto rolls and forwarded to the opposite march. The Warden there was responsible for seeing that the defendants were arrested and brought to the meeting.²⁴⁷ On the appointed day, after exchanging assurances that each would respect the peace or 'truce', the Wardens appointed the Assizes, the English Warden choosing six Scots and vice-versa.²⁴⁸ The juries then proceeded to examine the bills, each Assize trying the bills of complaint from the opposite realm.²⁴⁹ During the enquiry witnesses were called to testify to the truth or falsehood of the claims. The next stage was the 'fyling' of the bills. If the jury decided that the charge was proved the bill was endorsed 'foul'. If the defendant failed to appear, it was noted 'foul conditionally', if he was found to be innocent the bill was noted 'clean'.²⁵⁰

In addition to the jury system, other and more ancient forms of judgement were recognised. The accusation of the plaintiff could be rebutted by compurgation or 'oath helping'. By this method the collective oath of his own countrymen would support the defendant's own sworn denial and this was sufficient to clear him of the charge. Another means of procedure was that of 'avowal' in which a witness of the same nation as the accused would come forward and avow to the jurors the truth or falsehood of the charge.²⁵¹

After the bills had been fyled, the jury set about assessing the amount the guilty person was liable to pay to the plaintiff. The principle of compensation was not based solely on the value of the stolen livestock but the convicted man was liable to pay 'doble and salfye', that is, twice or thrice the value of the stolen stock. Thus, the plaintiff was reimbursed the costs of pursuing his claim and the accused fined for his misdeeds.²⁵² The value of certain classes of goods such as horses and household belongings were decided upon by the sworn testimony of the complainant. The value of other livestock was assessed according to a fixed tariff.²⁵³ The rapid rise in prices during our period caused many problems as the tariffs soon bore no relation to the intrinsic value of the goods. In a call for their updating in 1552 the Scottish Privy Council noted that "... becaus the prices ar now risin, gif the malefactouris now suld pay bot thai prices, it suld be occasioun to thame to steill and reiff, and sway thai suld wyn be the samyn".²⁵⁴

The performance of redress by the culprit was guaranteed by a pledge system. The guilty person or his representative was delivered to the opposite realm to stand surety. If after forty days the required amount of compensation had not been paid, the aggrieved person was entitled to have the pledge lawfully executed and call for another to replace him.²⁵⁵

Bowes, in his 'Form and Order of a Day of Truce', was concerned to give an ideal account of the procedure to be followed. It is clear that his description was rather a perfection to be aimed at than an account of the actual proceedings. Discrepancies between precept and practice were commonplace. This important factor cannot be stressed enough if we are to arrive at an accurate understanding of the complexities involved and the formidable obstacles that stood in the way of borderers seeking justice at these international courts.

Judging the effectiveness of Days of Truce might at first sight seem a difficult task. This is mainly because of the fact that the Wardens were more likely to complain of delays of justice and the failure of a Day of Truce to produce satisfactory results than otherwise. However, the balance of the evidence is so heavily weighted towards the negative aspects, the breaches and failures of Days of Truce, and the reports to the contrary are so sparse that the evidence supporting the ineffectiveness of the system seems irrefutable.

The frequency with which Days of Truce were held was, of course, dependent on the current state of Anglo-Scottish relations. Open warfare between the two countries brought the automatic suspension of Days of Truce and often surname feuds too could prevent meetings taking place.²⁵⁶ The relationship of the English Warden with his opposite number was also a contributory factor. Not only was it important for the smooth running of international justice at Days of Truce that the wardens should be on good terms with each other but close collaboration was essential for the effective pursuit of fugitives as there was an ever present tendency for malefactors to fly into the opposite march to escape justice. To alleviate this problem, the Warden sent warning to his opposite number of an intended 'raid' against refractory borderers.²⁵⁷ When the state of relations between the two permitted, and where the poverty of the victims necessitated, the Warden could apply to his opposite number for immediate redress of the injury rather than a borderer having to suffer the delay of waiting for a Day of Truce. If the 'principal' was satisfied immediately the accused was acquitted of any additional compensation.²⁵⁸

The importance of equality of social standing between the Wardens in a hierarchical society was demonstrated at a famous Day of Truce which ended in unmitigated disaster. The meeting was between the Warden of the Middle March, Sir John Forster, and Sir John Carmichael, Deputy Keeper of Liddesdale. Forster declined to make delivery of a thief

who had been fyled conditionally at a former Day of Truce alleging he was sick. Carmichael told him "You clocke justice and are not willing yt should procead". Forster denied the accusation and Carmichael sensing his contempt added "... and I am of as good a howse as yours". Forster retorted that he was the Queen's Warden and Carmichael but a keeper. This caused some Scots to cry "I saye, I saye, comparison, comparison ... a jedworthe, a jedworthe". The Tynedalers in Forster's entourage joined in the chorus with "A Tynedale, a Tynedale". The ensuing affray resulted in the deaths of eleven men and many more wounded with Forster and Carmichael barely escaping with their lives.²⁵⁹

A large part of the Wardens' sensitivity over their social status stemmed from the fact that at Days of Truce they acted as representatives of their respective sovereigns. Great emphasis was placed on the maintenance of display and decorum appropriate to the dignity of each ruler. The gentlemen who accompanied the Wardens to the Day of Truce had to be suitably dressed and horsed, and "... a convenient number of the best horsed and decentlie appointed & sufficientest gentlemen of his company" went into Scotland to seek assurance.²⁶⁰

A rigid etiquette was observed at these meetings, any infringements of which often resulted in the meeting being called off. It was customary for some English gentlemen to cross the border first and ask assurance of the Scots. The Scots reciprocated and, after the assurance

was proclaimed, both sides met usually in Scotland. Despite this, Carey still refused to meet Sir Robert Kerr unless the latter would meet him in the middle of the Tweed.²⁶¹ Even after the meeting was postponed to a 'dry' march, Carey still refused because he declared some Scots alleged that England, "... dyd owe that duty and obedyence to Scotland to come over into Scotland to them".²⁶² A compromise solution to the dilemma was to cast lots to discover who should make the first move.²⁶³

Once the meeting had assembled, despite assurances given on both sides, the temptation to resort to violence to settle old feuds, or to avoid or protract justice was often too great to be avoided. Even a minor misdemeanour such as the pickpocketing of the warden's purse could cause a sufficient disturbance to have the meeting called off.²⁶⁴ It was precisely because such a relatively small incident could erupt into a full scale riot that even the most minor infringements of the peace carried with them the severest penalties.²⁶⁵ The customary nature of march law presented its own problems, and uncertainty over a minor point of law could bring a Day of Truce to an end.²⁶⁶

A major weakness in the procedure of proffering bills of complaint was that the plaintiff had to name the assailant or thief, without which a claim for justice or compensation could not be made. The Constable of Alnwick, Lord Hunsdon, informed Cecil,

... hauyng browght a grete booke of spoyles, that hathe byn comytted vpon hys lords tenants can put only 5 ynto the Rowle, for he nor they that have been spoyled can gyve in theyr names that hathe spoyled them. 267

On another occasion of 52 incursions by the Scots only ten were eventually entered in the rolls for lack of names.²⁶⁸

In the proceedings of the court the Wardens sought to obtain a sensible compromise solution within the bounds of what was possible rather than observing the strict rule of the law. Sir William Bowes, an acknowledged expert on Border Law, wrote,

As the treaty of amity between the princes is rather contractus bonae fidei than stricti juris, I think it should be so interpreted, that neither realm gain by the other's loss. 269

Bowes was alluding to the whole spirit of the Day of Truce; that matters should proceed within the framework of a workable agreement rather than both sides standing on the punctiliousness of the law, in particular he was referring to the principle of 'restitution by equivalence',²⁷⁰ maintained in the widespread practice of the 'balancing of the bills'.

This method was arranged on a quid pro quo basis in which each side would agree to give satisfaction for a number of bills up to a specified amount. In September 1555, Lord Dacre and the Master of Maxwell agreed to deliver for bills up to £20 on either side,²⁷¹ proceeding 'in valewe for valewe',²⁷² "... so as the same may go arme in arme and they receyve as they delyver".²⁷³ Less often, the Wardens agreed

to redress an equal number of bills irrespective of their value.²⁷⁴ The bargaining principle in the transactions at Days of Truce was carried further when Wardens would refuse to answer for certain bills unless others for graver offences were redressed first. This type of bargaining could prove fruitful as the worse excesses were answered for, but it could also result in legal deadlock.²⁷⁵ The frequent changing of Wardens also presented problems despite the fact that, as in the case of the sheriff, the discharged Warden was bound to continue in office till his successor entered the Wardenry and published his commission. The vacancy was an ideal opportunity which thieves and malefactors were quick to exploit to their own advantage.²⁷⁶ The new Warden, desiring a fresh start, would often refuse to answer for bills presented or fyled before he assumed office. In this way, the vacancy came to be regarded as a 'jubile', an unofficial amnesty by the criminal elements in border society.²⁷⁷

The actual procedure of the court itself at a Day of Truce was not conducive to the regular dispensing of justice. A fundamental principle of the court was that bills of complaint could only be heard by the countrymen of the accused. Englishmen were not permitted to testify against Scots and vice-versa.²⁷⁸ The system of avowal was virtually inoperative since, through fear and threat of incurring deadly feud, avowers were seldom forthcoming. Scots, it was alleged, would bind one another under oath under threat of

deadly feud not to give evidence against their own countrymen.²⁷⁹ Another factor that deterred avowers was the possibility that Scots might appeal to their Privy Council against the avowal.²⁸⁰ The system of compurgation, which depended for its effectiveness on the oath takers regard for its sanctity, was shot through with difficulty as perjury was rife.²⁸¹

Even after a conviction had been procured it could seem the easiest part of the operation compared with the difficulties and complexities involved in obtaining compensation for the plaintiff. As the Wardens themselves remarked, there was little point in fying bills unless delivery and redress ensued. On many occasions the staggering number of bills proved too much for the overworked administration to deal with. Here again, the temptation arose to select the gravest 'attempts', and 'cast the rest into oblivion'. Often, the borderers were simply too poor to meet the amount of compensation awarded.²⁸²

The pledge system which operated to guarantee payment of compensation was fraught with difficulties. The keeping of the pledges in safe custody was a continual headache for the government and cases of pledges escaping were frequent.²⁸³ The length of captivity of some of the pledges and even their deaths in prison suggest that the borderers often gave up men of no connections as pledges and were careless of their welfare.²⁸⁴ Pledges were handed over with the sheer impossibility of satisfying the compensation.²⁸⁵ The ruling

that pledges could be executed if satisfaction was not forthcoming after forty days was a dead letter because of fear of reprisals.²⁸⁶

Faced with the many barriers that militated against recourse to the law as the ordinary method of obtaining justice, the borderers adopted other means of securing redress. There always remained the alternative of attempting to recover their goods by composition even though these 'complottes and combynacions' with the Scots were regarded as march treason. A much surer method was simply to exact revenge, raid for raid. If redress was not forthcoming by the ordinary means of the law, it was held legal by the customs of the border to counter raid in revenge. These reprisals, however, for unredressed offences would only be made providing the Warden's licence was obtained.²⁸⁷ These tendencies were not incompatible with a theoretical devotion to law and detestation of violence.

Such retaliatory methods, legal or otherwise, must have often appeared to the ordinary borderer as the only possible means of obtaining recompense for his losses with any degree of certainty. Yet, even to the end of the century, borderers proffered bills of complaint to the warden clerk against the Scots hoping for redress at a Day of Truce. It can also be said, however, that the system was never applied with a constancy that might in any appreciable degree have curbed the predatory habits of the

borderers. Self help and the legal processes existed side by side and were complementary to one another but the balance was tilted in favour of the former. It seems that Bowes truthfully portrayed the situation when he wrote,

... neither will the distressed people, out of their slouthful dispaire, to any amends, bring in their Bills with requisite expedicon.²⁸⁸

CHAPTER INotes

- 1 C.B.P., I, 30. Durham besides being a County Palatine possessed a special historical status as a region close to the border. The inhabitants of the Bishopric were eligible for border military service and as a consequence were, like the inhabitants of the border counties, exempt from Parliamentary taxation. However, the Bishopric was not regarded in the sixteenth century as being a part of the border itself and border officials had no authority within its bounds.
- 2 V.C.H., Cumberland, II, 497.
- 3 "Survey of the East and Middle Marches of England" made by Sir Robert Bowes and Sir Raufe Ellerker 1542, III ii, 203. The document taken from B.L. Cotton MSS. Caligula, B, VIII, f.63 ff is printed in J. Hodgson, A History of Northumberland, Newcastle-upon-Tyne 1820-1825, part III, vol ii, 171-242. In the same volume in larger print on the same pages is printed "A Book of the State of the Frontiers and Marches betwixt England and Scotland, written by Sir Robert Bowes Knight, at the request of the Lord Marquis Dorset, the Warden General 1551". This much more comprehensive survey of the border is taken from B.L., Cotton MSS. Titus F, XIII, f.160 ff. Hodgson did not print this latter document in its entirety. It can be found printed in M. A. Richardson, Reprints of Rare Tracts, Newcastle 1849, IV, i, 11-73.
- 4 Lodge, I, 286.
- 5 R.T. IV, i, 58; Nicholson and Burn, I, LXIII.
- 6 Hodgson, III, ii, 189.
- 7 Ibid., 191, 236; Nicholson and Burn, I, LXIII.

- 8 S. J. Watts, From Border to Middle Shire : Northum-
berland 1586-1625, Leicester 1975, 51; C.P.R.
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- 9 Hodgson, III, ii, 221, 223, 226, 230; C.B.P., I, 223;
- 10 Wills and Inventories, I, ed. J. Raine, Surtees Soc.
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- 12 Ibid., 146; W. Camden, Britannia, Trans. R. Gough,
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- 13 H.M.C. Rutland MSS. London 1905, IV, 193; Nicholson
and Burn, I, LXIII; R.T. IV, i, 12; J. Thirsk ed.,
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1640 Cambridge 1967, 20; P.R.O., E351/146.
- 14 Leslie, I, 10; Hamilton, I, 292; R.T. IV, i, 13.
- 15 Talbot MSS. P, f.319.
- 16 R.T. IV, i, 13.
- 17 C.B.P., II, 85.
- 18 C.B.P., I, 34. "There is no lease in that country, but
with provision to find horse and armour for each tene-
ment, to be held by an able man".
- 19 Nicholson and Burn, I, VIII.
- 20 C.B.P., II, 321.
- 21 See seventeenth century treatise by Isaac Gilpin on
Border Tenant Right, Transactions of the Cumberland and
Westmorland Archaeological and Antiquarian Society, N.S.
LXII, 1962, 228-245.
- 22 B.L., Harleian MSS. 36, f.71.

- 23 P.R.O., SP15/2/32.
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- 25 E. Kerridge, Agrarian Problems in the Sixteenth Century and After, London 1969, 58-59; A. A. Appleby, " Agrarian Capitalism or Seigniorial Reaction? The Northwest of England, 1500-1700, *American Historical Review*, 80, 1975, 582, 585.
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- 27 C.M.L. Bouch and G.P. Jones, A Short Economic and Social History of the Lake Counties 1500-1830, London 1961, 16 n4.
- 28 *Ibid.*, 16-17; Watts, *op. cit.*, 40-41.
- 29 J. M. W. Bean, The Estates of the Percy Family 1416-1537, Oxford 1958, 11.
- 30 M. E. James, A Tudor Magnate and the Tudor State Henry Fifth Earl of Northumberland, *Borthwick Papers* 30, 1966, 5.
- 31 R. R. Reid, The King's Council in the North, London 1921, 19.
- 32 *Ibid.*, 71-77; C. H. Hunter Blair, "Wardens and Deputy Wardens of the Marches of England Towards Scotland", *Archaeologia Aeliana*, Fourth Series, XXVIII, 1950, 60-66; James, *op. cit.*, 28.
- 33 Reid, *op. cit.*, 118. His lands had been seized by the Crown, assured of a favourable verdict. Although later restored they were plundered of stock and burdened with a large fine. *Ibid.*

- 34 M. E. James, "Change and Continuity in the Tudor North, The Rise of Thomas First Lord Wharton", Borthwick Papers 27, York 1965, 33, 35-36.
- 35 Bouch and Jones, op. cit., 23; R.T. IV, i, 41-44. States 109 gentry inhabiting the Middle March and 63-64 quotes 42 living in the East March = 151 using multiplier of 4.11 (see L. Stone, Crisis of the Aristocracy, Oxford 1965, 768) = 620.61
- $$\begin{aligned} \text{Population of Northumberland} &= \frac{74,300}{620.61 \times 10} \\ \text{Watts, op. cit., 40.} &= 1.19\% \end{aligned}$$
- 36 Talbot MSS. C, f.113; R.T. IV, i, 70; Hodgson, III, ii, 193-194.
- 37 W. W. Tomlinson, Life in Northumberland during the Sixteenth Century, London 1897, 167-168.
- 38 C.B.P., I, 112-113.
- 39 R.T. IV, i, 37.
- 40 C.B.P., II, 778-779.
- 41 Rae, 4-6.
- 42 Hodgson, III, ii, 230.
- 43 See tentative 'map' of border surnames in G. M. Fraser The Steel Bonnets : The Story of the Anglo-Scottish Border Reivers, London 1971, endpaper.
- 44 Infra., pp.76-77.
- 45 They fell upon him all at once;
They mangled him most cruellie :
The slightest wound might have caused his deid,
And they hae gi'en him thirty-three;
They hackit off his hands and feet,
An left him lying on the lee.

The 'Death of Parcy Reed' describes the attack by the Crosiers of Liddesdale upon Percy Reed, the Keeper of Redesdale, (Reed had given up one of the Crosiers to justice). J. Reed, The Border Ballads, London 1973, 116. Quoted by James, Change and Continuity, op. cit., 6.

- 46 Leslie, I, 101; Hodgson, III, ii, 233-234; C.B.P., II, 189.
- 47 C.B.P., II, 189.
- 48 Ibid., Leslie, I, 99.
- 49 If feud persisted between two surnames it was customary to leave the right hand of boys unchristened, "... that it might deal the more deadly, or, according to the popular phrase, 'unhallowed blows' to their enemies. By this superstitious rite, they were devoted to bear the family feud". H. Pease, The Lord Wardens of the Marches of England and Scotland, London 1913, 34 n.1; R.T. IV, i, 31-32; Camden, op. cit., III, 239; Leslie, I, 101-102.
- 50 C.B.P., I, 126.
- 51 J. A. H. Murray, The Complaynt of Scotland, Early English Text Soc., Extra Series XVII-XVIII 1872, 106, 107-108; Cal.Span., X, 180.
- 52 22 Edward IV, C 8, SR II, 475-477; P.R.O., SP59/3/72.
- 53 Scottish Corres., 398; R.P.C.S., I, 114. For proclamations against the export of foodstuffs to England T. A. X, 265-266, 280-282.
- 54 Complaynt, op. cit., 104.
- 55 B.L., MSS. Cotton Caligula C, VI, fos.139, 164; Ibid., Titus F, XIII, f.306; C.B.P., I, 30, 228, II, 231.
- 56 C.B.P., I, 3, 121-126, 450. The Debateable land was in close proximity to the heavily populated district of Liddesdale. The routes from this latter area into the heart of Roxburghshire were very difficult and before reaching the tributaries of the Cheviot crossed ten miles of bleak mountains. The social contacts of this area of the Scottish West March tended therefore to be more frequent with England than with the rest of Scotland.

- 57 C.B.P., I, 123. Thomas Musgrave who made the report on the frequency of Anglo-Scottish intermarriage to Burghley, C.B.P., I, 120-127, was himself married to a Scot. N.L.S. Armstrong MSS. 6112, f.25.
- 58 Hamilton, I, 304-305; C.B.P., I, 291.
- 59 Ibid., 291.
- 60 Scottish Corres., 380.
- 61 William Patten, The Expedition in Scotland, 134-135. Printed in Tudor Tracts 1532-1588, London 1903.
- 62 P.R.O., SP15/6/132; on the subject of march treasons, see Infra., p.59 ff.
- 63 C.B.P., I, 209, II, 715, 716.
- 64 S. M. Keeling, "The Church and Religion in the Anglo-Scottish Borders 1534-1570", Durham Phd 1975, 52-54, 100; J. Raine ed., The Ecclesiastical Proceedings of Bishop Barnes, Surtees Soc. XXII 1850, 5-10.
- 65 C.P.R., Edward VI, IV, 384-385.
- 66 B.R.O. MSS. Bl/1, f.6.
- 67 C. Prescott, The Grammar School of Carlisle, Transactions of the Cumberland and Westmorland Archaeological and Antiquarian Society NS XVI 1916, 5.
- 68 M. W. Holdgate, A History of Appleby, Appleby 1956, 25-26, 35.
- 69 J. T. Cliffe, The Yorkshire Gentry from the Reformation to the Civil War, 1969, 2. Estimate pertains to the close of the sixteenth century. Watts, op. cit., 89.
- 70 Keeling thesis, op. cit., 272-274.
- 71 Raine Barnes, op. cit., 29 ff; C. M. L. Bouch, Prelates and People of the Lake Counties, Kendal 1948, 240-241.
- 72 Stone, Crisis, op. cit., 200.

- 73 B.L., MSS. Cotton Caligula, B, VIII, f.395.
- 74 C.B.P., II, 231.
- 75 P.R.O., SP15/2/27, Leslie, I, 10, Camden, op. cit., III, 231.
- 76 "Aganis the Theivis of Liddisdail", Sir Richard Maitland, Poems, Maitland Club, Glasgow 1830, 52. Sir Walter Scott, in his 'Minstrelsy' notes the frustration of his sixteenth century namesake Walter Scott of Harden, a notorious thief who, returning from a raid passed a large haystack which would have served to fodder the stolen cattle, was traditionally said to have exclaimed, "... By my soul, had ye but four feet, ye should not long stand there", Minstrelsy of the Scottish Border, ed. T. F. Henderson, Edinburgh 1902, I, 154.
- 77 Maitland Poems, op. cit., 54.
- 78 Leslie, I, 98; P.R.O., SP15/6/57-58, Teulet, I, 287, P.R.O., SP59/1/12-13.
- 79 Maitland Poems, op. cit., 53.
- 80 P.R.O., 15/8/91; Hodgson, III, ii, 228, (using almost identical phraseology).
- 81 C.B.P., II, 391, 581, 629; Evidence from the border ballads,
 It fell about Martinmas tyde,
 When our border steeds get corn and hay
 The Captain of Bewcastle hath bound him to ryde,
 And he's ower to Tividale to drive a prey.
- 'Ballad of Jamie Telfer', Reed Ballads, op. cit., 105.
 It was significant that the watch officially began on 1 October and lasted till 16 March, Leges, 214.
- 82 Camden, op. cit., 239.
- 83 See map facing p 32 in C. J. Bates, The Border Holds, Newcastle-upon-Tyne 1891, the 1555 Act (Infra., pp. 200-201)

recognised the significance of this distance when it specified that twenty miles was the distance from the border within which all castles and forts were to be surveyed and repaired.

- 84 Bouch and Jones *History*, op. cit., 35.
- 85 It was a familiar axiom that "the Scottes & especyally the borderers ... be of no great experyence or engyne in the assailinge of fortresses". Hodgson, III, ii, 180.
- 86 Bouch and Jones, History, op. cit., 33; Hodgson, III, ii, 180, 203.
- 87 Hodgson, III, ii, 178-192, 244-245.
- 88 C.B.P., I, 30, II, 215; Hodgson, III, ii, 178.
- 89 Ibid., 189-190.
- 90 Ibid., 181-192; C.B.P., I, 32.
- 91 Hodgson, III, ii, 195-196.
- 92 Ibid., 174-176.
- 93 Ibid., 176, 219.
- 94 Ibid., 193-194.
- 95 Ibid., 220-221.
- 96 Ibid., 196-197; C.B.P., I, 31.
- 97 Hodgson, III, ii, 194-202.
- 98 Ibid., 187.
- 99 C.B.P., II, 215.
- 100 "The Numbers and the Distribution of the Population of Medieval Scotland". T. M. Cooper, S.H.R. XXVI, 1947, 5-9.
- 101 Bowes and Ellerker mention 73 towers and fortified places in the East March, 25 of them ruined, in a poor state of repairs or unfinished, Hodgson, III, ii, 187-188, 204, 208-217.

- 102 Ibid., 206-207.
- 103 Ibid., 189, 203, 206-207.
- 104 C.B.P., II, 1.
- 105 Tomlinson, op. cit., 19; C.B.P., I, 142; Watts, op. cit., 51.
- 106 B.R.O., MSS. b1/1/f.36.
- 107 22 Edward IV. C, 8, S.R. II, 475-476; B.R.O., MSS. B1/1/f.66.
- 108 B.R.O., MSS. B6/8/fos.4-5; C.B.P., I, 440.
- 109 B.R.O., MSS. B1/1/f.6.
- 110 P.R.O., E351/224.
- 111 B.R.O., MSS. B1/1/fos.5-6, 36-37.
- 112 C.B.P., I, 426-427, 448-449, 454.
- 113 P.R.O., E351/3471; B.L., Add. MSS. 33,591, (I), f.6, B.L., MSS. Cotton Caligula, B, I, f.330.
- 114 C.B.P., II, 231.
- 115 Ibid., 607.
- 116 P.R.O., SP59/1/6.
- 117 Hodgson, III, ii, 197-201.
- 118 "An Acte for the recontynuing of certayne liberties and franchises heretofore taken from the Crowne", 27 Henry VIII, C, XXIV, S.R. III, 555-8; G.T. Lapsley, The County Palatine of Durham, New York 1899, 196-197.
- 119 C.B.P., II, 18; Talbot MSS. C, f.146.
- 120 Tough, 82.
- 121 C.P.R. Philip and Mary, II, 119-120; P.R.O., E351/225, E351/223.
- 122 Hodgson, III, ii, 179-180; Cal. For., 1558-59, 283-184; *Infra* ., p.201.

- 123 Hodgson, III, ii, 201-202, IX, 66-67.
- 124 The great inequality in land area between the East and Middle Marches was a factor that seems to have passed almost without comment. Originally, it was necessitated by the fact that the East March from the Cheviot to Berwick contained the most accessible routes for the Scots into England. Concern for the safety of Berwick was an additional reason to maximise the forces of the Wardenry in a more concentrated land area. It was only in 1598 that Sir William Bowes, perhaps the greatest Elizabethan expert on border affairs, suggested that to strengthen the Middle March Northumberland might be divided in two so removing the disparity in surface areas between the two marches. C.B.P., II, 525.
- 125 B.L., MSS. Cotton Caligula, B, V, 55-56; Leges, 231-232.
- 126 B.L., MSS. Cotton Caligula, B, V, 55-56.
- 127 P.R.O., SP15/4/30; Camden, op. cit., IV, 31.
- 128 Hodgson, III, ii, 222; P.R.O., SP15/8/91.
- 129 Hodgson, III, ii, 224-225, "... the Ryddesdales do lykewyse delyte & use themselves in Theftes & spoyles as the Tyndales do". Ibid., 237, 244.
- 130 Ibid., 244.
- 131 Ibid., 229, 238.
- 132 Ibid., 232-233.
- 133 Watts, op. cit., 24-25.
- 134 Hodgson, III, ii, 223-224. As late as 1584 the men of Redesdale continued to refer to their valley as 'the liberty of Redesdale', J. Raine, The History and Antiquities of North Durham, London 1852, XXXIX.
- 135 Hodgson, III, ii, 234-237.

- 136 Ibid., 233, 243. Wharton also remarked on "... the great number of idle people that are upon the marches". Leges, 228; This may simply reflect the contemporary bias against pastoral farmers who were often generally thought to be lazier and less beneficial to the commonweal than those farmers who devoted themselves to tillage.
- 137 Hodgson, III, ii, 233-234, 243.
- 138 C.B.P., II, 131.
- 139 Hodgson, III, ii, 234.
- 140 Ibid., 243.
- 141 Newcastle Merchant Adventurers, eds. J. R. Boyle and F. W. Dendy, Surtees Soc. XCIII 1894, 27. Quoted in Tomlinson, op. cit., 130-131; cf. the praise showered by the commissioners on the inhabitants of the rich and fertile Coquet valley with their scathing remarks on the inhabitants of the Dales. Hodgson, III,ii, 224, 228-230, 232, 244.
- 142 Ibid., 234-236.
- 143 Ibid., 226, 235,
- 144 Ibid., 226-227. Royal commissioners in 1538 had suggested that the lack of a royal hold in the vicinity of the two dales was a serious weakness and contributed to the lawlessness of the area. They suggested that two strongholds, one in each of the two dales, be built and garrisoned to control the area. B.L., MSS. Cotton Caligula, B, III, f.98.
- 145 B.L., MSS. Cotton Caligula, B, III, f.241; Sadler, I, 471; Hodgson, III, ii, 212; C. H. Hunter Blair, "Harbottle Castle"; History of the Berwickshire Naturalist's Club XXVIII, III, 1934, 221-222.
- 146 Hodgson, III, ii, 235.

- 147 A Reed as in Percy Reed of the Ballad, *Supra.*, p.81, n.45 or a Hall, e.g., John Hall of Otterburn, Keeper under Seventh Earl of Northumberland, with fifty light horse, "... all his own friendes and sirname of Ridsdale". Raine, *op. cit.*, XXXIX; P.R.O., SP15/8/121, E351/224; Hodgson, III, ii, 230, 235-236, 238-239.
- 148 *Ibid.*, 240-241.
- 149 Leges, 160-205, 206-218.
- 150 W. G. Hoskins, "English Provincial Towns in the Early Sixteenth Century", Transactions of the Royal Historical Society, Fifth Series, 1956, VI, 4 n.1.
- 151 L. T. Smith, ed. The Itinerary of John Leland, 5 vols, London 1907-1910, V, 60.
- 152 Hodgson, III, ii, 244-245. The Bishop of Durham, however, thought it, 'bateable' between Northumberland and the Bishopric. C.B.P., II, 589.
- 153 P. Clark and P. Slack, English Towns in Transition 1500-1700, London 1976, 48; P.R.O., E351/135, 146, E101/483/16, E351/3471; H.M.C. Rutland MSS. I, 1888, 50-51, 54-55; B.L., MSS. Vespasian, 14 f.585; P.R.O., SP10/18/16, SP12/7/74, SP15/3/39, SP15/8/76, 129; Cal. for., 1558-59, 453, 1559-60, 83, 277, 379, 392, 403.
- 154 C.B.P., I, 30.
- 155 *Ibid.*, 31-32, II, 821.
- 156 Pease, Wardens, *op. cit.*, 55-56 who notes, "... the very extent of the 'Debatable land' seems to be debatable".
- 157 *Infra.*, ch., II.
- 158 Pease, *op. cit.*, 58-59; W. Mackay Mackenzie, "The Debatable land", S.H.R. XXX, 1951, 115-117.
- 159 *Ibid.*

- 160 Fraser, Bonnets, op. cit., 277-278; One of the many schemes for the reform of the Debatable land which proved abortive was put forward by Wharton in 1538. He suggested that a way round the deadlock was for the English Wardens to have lists of the names of Scots from their opposite numbers and vice-versa. By this means English Wardens could answer for the criminal activities of Englishmen and vice-versa, Hamilton, I, 53-54. The scheme at first sight seems fraught with difficulties and would have probably been impracticable to apply but it does illustrate how anxious conscientious border officials were to bring some semblance of law and order to the Debatable land.
- 161 Tough, 12; Thirsk, op. cit., 16; Bouch and Jones History, op. cit., 34.
- 162 Leges, 230,
- 163 P.R.O., E101/458/32.
- 164 Talbot MSS. D, f.52. The famous red sandstone walls were in an equally poor state of repair ;Dacre reported to Somerset in October 1549 that fourteen yards of the city wall "... by reason that it stood on a spring ... did shoot and fall to the ground", Nicholson and Burn, LXVI, Dacre to Somerset, 8 October 1549.
- 165 P.R.O., E101/63/18.
- 166 C.B.P., II, 664.
- 167 Ibid., 779.
- 168 R. R. Reid, "The Office of Warden of the Marches", E.H.R., XXXII, 1917, 480-482.
- 169 Ibid., 483.
- 170 C.B.P., II, 495; B.L., MSS. Cotton Caligula, C, VI, f.139; P.R.O., SP11/11/22, SP15/8/7, 20, 52; A.P.C. VI, 221-222.

- 171 P.R.O., SP15/8/7; A.P.C. III, 221, 278; IV, 4-5; V, 190; VI, 72-73; Talbot MSS. D, f.6.
- 172 A.P.C. IV, 241; V, 208, 211, 355; VI, 4, 254; Talbot MSS. C, f.237. Coining was an offence punishable under the March Laws, P.R.O., SP15/6/132.
- 173 A.P.C. V, 209, 221; P.R.O., SP15/4/19.
- 174 For the activities of spies, see P.R.O. SP15/7/33; A.P.C. V, 94, 95, 148, 160, 243; Lodge, I, 193-195; Talbot MSS. C, fos.111, 125; Berwick had two regular salaried spies, E351/225.
- 175 C.P.R. Philip and Mary, I, 177; III, 182-183; C.P.R. Elizabeth, I, 58; The Captaincy of the town of Berwick was worth £66 13s 4d per annum. Sadler, II, 9.
- 176 C.P.R. Philip and Mary, II, 299; III, 547; P.R.O., E351/225.
- 177 C.P.R. Edward VI, IV, 184-5; Mary, I, 140; III, 27; Elizabeth, I, 348.
- 178 P.R.O., E351/224, 225; B.L., Add. MSS. 33, 591, II f.46.
- 179 C.P.R. Edward VI, IV, 259; Mary, I, 140; Elizabeth, I, 37.
- 180 C.P.R. Edward VI, IV, 266-267; Mary, I, 66-67; Elizabeth, I, 63.
- 181 P.R.O., SP15/4/31; B.L., MSS. Cotton Caligula, B, III f.244; A.P.C. III, 442.
- 182 B.L., MSS. Cotton Caligula, B, III, f.244; C.P.R. Philip and Mary, II, 28; M. E. James, Change and Continuity, op. cit., 32 and n.73.
- 183 S. J. Watts, op. cit., 74. The figure taken from H. M. C. Salisbury MSS. V, 65-66, refers to 1594.
- 184 The Memoirs of Sir Robert Carey, ed. F. H. Mares, Oxford 1972, 48.

- 185 Hodgson, III, ii, 245.
- 186 Ibid., 224-225, 234-235; 236-239; C.B.P., II, 525.
- 187 Carey, Memoirs, op. cit., 23.
- 188 C.B.P., I, 282, II, 189-190, 525, 677-678, 695.
- 189 B.L., MSS. Cotton Caligula, B, VIII, f.403.
- 190 C.B.P., II, 54.
- 191 Ibid., 718. Quoted in W. W. Tomlinson, Life in Northumberland during the Sixteenth Century, London 1897, 8. Half a century earlier, the Duke of Norfolk had written to Gardiner and Wriothesley from Newcastle prevailing upon them to dissuade the King from appointing him Warden for similar reasons, Hamilton, I, 264-5. On the whole subject of northern climate see Tomlinson, op. cit., 6-10.
- 192 P.R.O., SP15/4/19; Lit. Rem. I, 471.
- 193 Talbot MSS. D, f,102; C.B.P. II, 779; Hertford strongly recommended the appointment of local men to border posts,

... He that serves here had need to be allied among them of these parts, and it would engender a grudge among these noblemen here, whose men he must use, if they perceive a stranger to have chardge and themselves to sit still.

Letters and Papers Illustrative of the Reign of Henry VIII, ed. James Gairdner et al, London 1862-1910, XVII, 557.

The kind of support that local tenantry could give a Crown official is illustrated in a mid-seventeenth century treatise on tenant right in the lake counties. The treatise makes mention of Alan Bellingham, the Marian Treasurer of Berwick, who

... because he had occasion diverse times to travell thither through those then theavish places of Northumberland for his better safeguard in Travelling to and fro he purchased of the Cliffords a markett

town there called Bellingham. The tenants and inhabitants whereof although they were amongst themselves very brutish and much addicted to robbing, stealing and many other rude and disorderly Qualities, yet because of the name, they so loved their landlord that they would unanimously rise, and upon notice when Mr Bellingham was to make his Journey towards Berwick they would always be ready in their best and warlike posture to meet him at Hexham or some other place upon his Entrance into the County and would duely and faithfully, guard him his men and horses and whatsoever he had till he was out of the country again.

"Mr Gilpin and Manorial Customs"; A Bagot, Transactions of the Cumberland and Westmorland Archaeological and Antiquarian Society, N.S. LXII, 1962, 231.

- 194 C.B.P., I, 168; B.L., MSS. Harleian, 36 f.69; Leges, 90.
- 195 C.B.P., I, 286; II, 435; Hamilton, I, 414; B.L., MSS. Cotton Caligula, C, VI, f.139.
- 196 M. L. Bush, "The Problem of the Far North", Northern History, VI, 1971, 45-46. By 1537, 62 royal pensioners had been created in the three marches at a cost of over £1,000 per year. B.L., MSS. Cotton Caligula, B, I, f.257.
- 197 James, Change and Continuity, op. cit., 49-50.
- 198 B.L., MSS. Cotton Caligula, B, I, f.257; Caligula, B, III, f.244; Bush Problem, op. cit., 53-55.
- 199 Hamilton, I, 211, 414, Bush Problem, op. cit., 56.
- 200 Ibid.
- 201 A.P.C. V, 277, 280; VI, 21-22.
- 202 A.P.C. V, 287-288.
- 203 Ibid., 148-157; Talbot MSS. C, f.292; G. Scott Thomson, Lord Lieutenants in the Sixteenth Century, London 1923, 39-40.
- 204 R.P.C.S., XIV, 133, 138, 140.

- 205 R. R. Reid, The King's Council in the North, London 1921, 178; F. W. Brooks, The Council of the North, Historical Assoc. Pamphlet, 25, 1966, 5-7.
- 206 Reid, Council, op. cit., 490-496; Talbot MSS. B, fos. 171, 173.
- 207 Talbot MSS. C, fos. 27, 43, 135, 145, 165, 171-174. C.B.P., I, 214, 256-257.
- 208 Reid, Council, op. cit., 164-165.
- 209 Talbot MSS. B, f.197; C, fos.83-84, 111, 145; H.M.C. Rutland MSS. I, 78; A.P.C. V, 23, 43.
- 210 P.R.O., SP15/6/3.
- 211 P.R.O., SP15/6/6.
- 212 Ibid., R.T. IV, ii, 35-36; P.R.O., SP59/21/108.
- 213 P.R.O., SP15/6/132.
- 214 Ibid., 131-134; Tough, 157-160.
- 215 B.L., MSS. Cotton Caligula, B, VIII, f.395.
- 216 Ibid.
- 217 Ibid., 395-396; P.R.O., SP59/21/108.
- 218 C.B.P., I, 233.
- 219 R. B. Armstrong, The History of Liddesdale, Edinburgh 1833, 15.
- 220 P.R.O., SP59/21/108; B.L. MSS. Cotton Caligula, B, VIII, f.400.
- 221 Ibid., f.395.
- 222 Ibid., f.400.
- 223 Tough, 161, quoting Bowes in R.T. IV, ii, 28.
- 224 B.L., MSS. Cotton Caligula, B, VIII, f.400. A similar charge was levied against Sir John Forster. C.B.P., I, 274-275.
- 225 R.T. IV, ii, 28-29.

- 226 P.R.O., SP15/6/129.
- 227 B.L., MSS. Cotton Caligula, B, VIII, f.400.
- 228 Ibid., R.T. IV, ii, 35; J. Bellamy, Crime and Public Order in England in the Later Middle Ages, London 1975, 122.
- 229 B.L., MSS. Cotton Caligula, B, VIII, f.400.
- 230 R.T. IV, ii, 35; B.L., MSS. Cotton Caligula, B, VIII, f.400; C.B.P., I, 233.
- 231 For charges against Forster, Supra., p.61; B.L., MSS. Cotton Caligula, B, VIII, f.396.
- 232 Lodge, I, 220-222.
- 233 C.P.R. Edward VI, I, 82, 87, 90; C.P.R. Philip and Mary, I, 18, 22, 25.
- 234 C.B.P., II, 494; "... the administration of justice in Northumberland and Cumberland was a mere farce even at the close of the (sixteenth) century". Reid, Council, op. cit., 316-317.
- 235 C.B.P., II, 494.
- 236 C.B.P., II, 482; J. S. Cockburn, A History of the English Assizes 1558-1714, Cambridge 1972, 19.
- 237 C.B.P., I, 126.
- 238 C.B.P., II, 80; Tough, 160.
- 239 R.T. IV, ii, 35; H.M.C. Rutland MSS. I, 52-53.
- 240 Leges, 219-221.
- 241 R.T. IV, ii, 30-31; B.L., MSS. Cotton Caligula, B, VIII, fos.400-401; P.R.O., SP15/5/11.
- 242 C.B.P., II, 666, 693.
- 243 Ibid., As Carey fully realised when, fearing reprisals after hanging a thief with powerful connections, he warned Burghley "... if I am not maintained, there will be great trouble here". C.B.P., II, 189.

- 244 C.B.P., I, 89; II, 724.
- 245 Ibid., 565.
- 246 R.T. IV, ii, 7; For examples of bills of Complaint, see C.B.P., I, 89, 109, 111, 138, 314, 346-347, 356-365.
- 247 R.T. IV, ii, 7-8.
- 248 Ibid., 8-11.
- 249 Ibid., 16.
- 250 Ibid., C.B.P., II, 724.
- 251 Rae, 54.
- 252 C.B.P., II, 724; R.T. IV, ii, 13-15.
- 253 Ibid., 13.
- 254 R.P.C.S., I, 123.
- 255 R.T. IV, ii, 21.
- 256 R.P.C.S., XIV, Addenda 1545-1625, 122.
- 257 Ibid., 129; Talbot MSS. C, f.340; Nicholson and Burn, I, LXXII-III; C.B.P., II, 442, 453, 464.
- 258 R.T. IV, ii, 8; Sadler, I, 629-630, 643.
- 259 B.L., MSS. Cotton Caligula, C, V, f.35. Lord Conyers, Warden of the East March, complained to the Scottish Regent in July 1554 that the deputies of the Scottish Warden "... wer had in so small regaird and estimatioun amangis the Scottismen", that at a Day of Truce one of them had to hand over his own brother as a pledge because the guilty man who was present refused!
R.P.C.S., XIV, Addenda 1545-1625, 132.
- 260 P.R.O., SP15/6/111.
- 261 R.T. IV, ii, 8; C.B.P., II, 563-564.
- 262 Ibid., 563.
- 263 P.R.O., SP15/7/36.

- 264 R.P.C.S., XIV, Addenda 1545-1625, 122, 127, 130, 134;
R.T. IV, ii, 23; Talbot MSS. C, fos.95-96.
- 265 A.P.C. IV, 343; R.T. IV, ii, 9.
- 266 R.P.C.S., XIV, Addenda 1545-1625, 144-145.
- 267 B.L., MSS. Cotton Titus F, XIII, f.249.
- 268 Ibid., R.P.C.S., XIV, Addenda 1545-1625, 147.
- 269 C.B.P., II, 80.
- 270 C.B.P., I, 233.
- 271 Talbot MSS. C, f.135.
- 272 C.B.P., I, 114.
- 273 A.P.C. VI, 121-122.
- 274 Lodge, I, 215.
- 275 C.B.P., I, 87, 88, II, 766; R.P.C.S., XIV, Addenda
1545-1625, 134; R.T. IV, ii, 26.
- 276 C.B.P., I, 227; II, 67, 69.
- 277 C.B.P., I, 171-172; II, 80, 555-556, 763, 770.
- 278 P.R.O., SP15/6/7.
- 279 C.B.P., II, 80; 175, 496; B.L., MSS. Cotton Caligula
C, VI, f.139.
- 280 Rae, 73, n.107.
- 281 R.T. IV, ii, 17, 24; National Library of Scotland,
Armstrong MSS. 6114 B, f.478.
- 282 Talbot MSS. C, f.259; C.B.P., I, 110, 496; II, 280,
384, 399, 543, 636.
- 283 C.B.P., II, 591-596, 625-626, 699, 716, 769, 771;
Leges, 98.
- 284 C.B.P., II, 491, 519, 752, 769; Rae, 123.
- 285 C.B.P., II, 384, 519, 543.

- 286 C.B.P., II, 645.
- 287 P.R.O., SP15/6/132; SP15/4/30; C.B.P., I, 110; II, 630-631, 665; Hodgson, III, ii, 244; R.P.C.S., Addenda 1545-1625, 151; R.T. IV, ii, 25; J. Raine North Durham, London 1852, XXXIX.
- 288 Raine, op. cit., XLI.

CHAPTER II

THE BORDER 1550 - 1553

Auld allies and Auld enemies : A Historical Re trospect

As long as England remained only 'half an island',¹ the peace and security of the Anglo-Scottish frontier depended heavily on the state of relations between the two realms. During the period 1550-1560, however, the fortunes of both England and Scotland were firmly connected with international relations on a broader European basis which equally influenced border affairs. During the first half of the period, the powerful Valois monarchy under Henri II had not only brought Scotland tightly within its grip, but for a time, even England seemed in danger of becoming a client kingdom of France.² The latter half of the period witnessed the marriage of Mary Queen of Scots to the Dauphin, an event which marked the apogee of French influence in Scotland. Concurrently, the accession of Mary Tudor and her marriage to Philip of Spain brought about a diplomatic revolution, wresting England from the apron strings of France and bringing her firmly into the Habsburg orbit. With the advantage of historical hindsight, we know that the set of circumstances brought about by these two marriages were shortlived, but to contemporaries the political fortunes of both England and Scotland seemed inexorably linked with those

of Europe's two great powers.³ European politics during the first half of the sixteenth century were dominated by the dynastic struggle between Habsburg and Valois. The course of events, on this wider European scale, had notable effects on the policies of each of the two realms. It followed naturally that they also had important ramifications where the two opposing forces met, on the Anglo-Scottish border.

The wider international perspective of border politics was very graphically illustrated in a conversation held at a border meeting which took place in the summer of 1557 between commissioners of both England and Scotland to settle outstanding differences between the realms. The Earl of Westmorland remarked to his Scottish counterpart, the Earl of Cassillis, referring to the recent English declaration of war on France, "My lord I thinke hit but foly for us to treate now togyther, we having broken with France, and ye beinge Frenche for youre lyves". "By the misse", replied Cassillis, "I am no more Frenche then ye ar a Spanyard".⁴ These extraneous political ties were not only reflected in attitude but, as we shall see, were translated into action. Bearing in mind the nexus between international affairs and the chain of events on the border, it is essential that we have some understanding of English and Scottish domestic politics within a framework of international relations, as well as some idea of the course of events immediately preceding our period. It is to this theme that we must now direct our attention.

"To Englishmen ... Scotland appeared as a country they must patronise, a poor shabby sort of place".⁵ English contempt towards Scotland was that of a rich, organized and efficient country for a poor and by sixteenth century standards, underdeveloped one. Centuries of intermittent warfare and periodic English claims to suzerainty over the northern Kingdom had nurtured a distrust and contempt between the nations that fell not far short of racial hatred.⁶ So much so that in the midst of the intense negotiations with the Scottish Protestants in late 1559, Cecil could write that only in their mutual Protestantism and in little else did the Scots and English share common ground,

... so many slightes and finesses have been used before tyme be ye nation yet weare it not yet in this common case of religion there is no respect of nation, I wolde be lothe to comitt truste to any word or promesse. ⁷

Scotland was England's hereditary enemy, "The natural inclination of that realme has ever been against this realm with falsehood and cruelty since the realms had their names of England and Scotland".⁸ Scottish attitudes towards the English were scarcely less uncompromising, "Tha ar dissaitful volfis quhilkis hes euir been oure ald enemeis". 'Our auld ynemyis of Ingland' is an all too familiar phrase in the Scottish State Papers.

France, conversely, was Scotland's Auld ally, "... thair ald ffreind and confiderat",⁹ "C'etoint les deux nations du monde qui avoint de tout temps meilleure amytiie ensemble".¹⁰ Although the Scots maintained that "...the



awld liegis, bandis, amitie, and alyansse" had been "... renewit and confermit be everie King and princes sen the tyme of Achaus Kyng of Scotland and Chairlis the maine King of France",¹¹ the Franco-Scottish alliance was of a much more recent origin. It can be traced back to the thirteenth century when both kingdoms were threatened by the overweening power of the Angevin monarchy. It was a logical step in the development of the Scottish people into a small self conscious kingdom. The Auld Alliance was Scotland's only support against her much more powerful and aggressive neighbour and the principal means of upholding Scottish sovereignty and independence. The first formal treaty was that made in 1295 between John Balliol and Philip IV, renewed at Corbeil in 1326 and thereafter by each successive King of Scots.¹²

The treaty was then an offensive and defensive alliance based on mutual hatred and fear of England. The French King promised to aid his Scottish allies and vice versa. That the Scots would invade England in support of France was a fact that every English King with continental ambitions had to face. Not only were the Scots inflicting blows on their hereditary enemy and so fulfilling the terms of the alliance, but their poverty was an important spur to plunder, "... the King of France has Scotland, which is as a scourge for England, nor is it credible how willingly the Scots pass into England, because being almost savages and poor they go joyfully with hope of gain".¹³

The political links between Scotland and France were of paramount importance but the Scots themselves readily acknowledged that they were "... tied to thame (the French) be sa monie knots and links of friendschip in al things".¹⁴ The trading connections between the two nations were considerable, resulting from the fact that the economies of the two peoples were complementary. The Scots exported mainly primary produce, herring, salmon, hides, wool and woollen cloth whilst their imports from France consisted chiefly of wine and salt, including moreover a wide range of luxury goods.¹⁵ The Scots traded with the French as privileged partners. They enjoyed the valuable right of direct access to the Gironde wine growers and as such were exempt from most Normandy custom dues.¹⁶ An important Scottish export to France were the many Scottish soldiers that served the French Kings. At the fall of Calais in 1558, Scottish horse escorted the civilian inhabitants out of the town. A regiment of Scottish mounted troops founded by Charles VII, the famous Garde Ecossaïse, served the French King in the same capacity as Henry VII's Yeomen of the Guard.¹⁷

Cultural links with France were also very much in evidence. Although Scotland boasted three universities there was a Scottish college at the University of Paris. Melville travelled to Paris with "twa Scotis scollairs". In January 1553, a licence was granted to one James Lawder, a prebend of St Katherine's to pass to France, "... that he may haue and get better eruditioun in mvsik and playing".¹⁸

The Scots were attracted by the beneficial effects of the French climate. In 1551, the Archbishop of St Andrews undertook the journey "... for recovering of his heill and remeid of the seickness quharewith he is now hevelie vexit". Referring to the mid-decade human traffic between the two realms, Michel remarked "... que jamais rapports entre deux pays furent plus frequents".¹⁹

France set standards of cultural and social behaviour especially at the Scottish court of Mary of Guise. Since her coming into Scotland she had worked hard to foster good relations between the two countries notably by encouraging marriages between her French ladies and the Scottish nobility.²⁰

Mary, Queen of Scots since her marriage to James V in 1538 and Dowager Queen since his death in 1542, was the embodiment of French influence in Scotland. She was well acquainted with the labyrinthine complications of Scottish politics and had learnt the skills of playing one faction off against the other in order to achieve maximum political gain. She had a great capacity for facing up to difficulties at hand and making the best use of the limited resources at her disposal to meet the situation. The shifting sands of Scottish politics and the dangerous sequence of events through which she lived had made of her a consummate intriguer.

To her great political energy she added an interest in military affairs. During the English occupation she had been the mainstay of Scottish resistance. She did not hesitate to take the field with the troops, visiting sieges, giving orders for defence, encouraging men with long evocative speeches and even shaking their hands. Throckmorton once said of her that she had 'the heart of a man of war'.²¹ The Dowager had two great aims : to marry her daughter to the Dauphin and to protect her interests in her infancy by procuring the Scottish Regency for herself, thus serving both the interests of France and the ambitions of the house of Guise. She saw France as the only effective defender of Scotland's independence. In her opinion, the affairs of Scotland and France were of equal importance to the French King to whom she was loyally devoted, "... après dieu je nay jamais rien voulu maistre que le roy".²²

The interests of France were further buttressed in Scotland by the prominence of the French ambassador, Henri Cleutin, Sieur D'Oysel et de Villeparisis. D'Oysel had been sent as ambassador on the accession of Henri II to confirm the league between Scotland and France. He enjoyed the complete confidence of the Dowager, a fact proved by the numerous attestations in her correspondence of her total trust in his wisdom and ability.²³ Writing to her brothers she informed them, "... vous assurent ma foy que c'est le meilleur amy que j'aye par deçà et le meilleur serviteur de quelque nation que ce soit".²⁴ Although in many respects

their confidential relationship can be compared to that shared between the Imperial ambassador, Simon Renard, and Mary Tudor, it is certain that D'Oysel's influence was much more pervasive. This was especially evident in military affairs. The ambassador was "... ane man of singular goode judgement and weill experiementit in weiris and weill estimitt in France for the samin".²⁵ The Dowager attributed much of the success of the Franco-Scottish resistance during the latter half of the war with England directly to him, "J'ose dire qu'après Dieu il est une des principales causes de notre victoire". Nevertheless, the ambassador's 'sudayne and vehement cholere' did not endear him to the Scots.²⁶

If D'Oysel's advice was of paramount importance to the Dowager, of equal significance was the weight she gave to her brothers' counsels. She maintained a regular correspondence with them, for Guise family ties were immensely strong,²⁷ "Moi qui suis sans mary et sans père n'ay plus recours, après Dieu, qu'à vous messieurs mes frères, et principalement à vous qui estes nostre chef".²⁸ Her loyalty to her brothers, she wrote, was second only to that which she owed to the King.²⁹ Time and time again, the Dowager poured her heart out to them in frank letters justifying her conduct and seeking their advice. D'Oysel in a revealing letter to the Duke of Guise in 1555 reinforced the Dowager's requests for counsel,

... Elle vous supplie au reste, monseigneur, ne vous lasser de luy donner de vos bons advis, car seurement vous la touchez plus vivement d'un seul mot de lettre que ses serviteurs (the Scots) de cent mil ; ce qu'elle prend di si bonne part qu'il sert beaucoup à ses affaires. 30

The Guise, already influential under Francis I rose to positions of great influence at the court of Henri II. This brilliant family³¹ jockeyed with their political opponents, the Montmorency, for the direction of French government policy throughout the mid-decade of the sixteenth century.

The eldest brother of the family, Francis, Duke of Guise, was the most gifted. He was a superb soldier and excellent war leader, factors which were powerful recommendations in the eyes of Henri II. Francis married Ann D'Este, a grand daughter of Louis XII, and so was attached to the French royal house.³² No less ambitious than Francis was his brother, Charles, Cardinal Archbishop of Rheims and first peer of France. Charles had been head of Henri's household as Dauphin, the King was very fond of him and had solicited the red hat on his behalf several times before it was finally granted soon after Henri's accession. The Cardinal appeared a smooth and conventionally devout ecclesiastic, but at the same time, he was a master of dissimulation and political chicanery. A vast accumulation of benefices gave him enormous wealth and ecclesiastical patronage making him a veritable minister of ecclesiastical affairs.³³

As if the combination of these two strong characters was not enough, other considerations combined to give the Dowager's family enormous influence at the French court. Diane de Poitiers, the King's celebrated mistress, was a political ally of the Guises. Their relationship was cemented by the marriage of Claude de Lorraine, Duke d'Aumale to Diane's eldest daughter. Diane de Poitiers hated the Guises' principal opponent, the Constable Anne de Montmorency. The latter was against military adventures abroad, and rather sought retrenchment at home coupled with an alliance with the Emperor to combat heresy.

Despite the formidable power of the Guise party at court and other factions that actively pressed for French expansion and a belligerent approach to foreign affairs, these aims would have had little prospect of success had their various plans not had the willing ear of Henri.

The King had come to the throne in 1547 on the death of his father, Francis I. He was passionately devoted to war and physical exercise and set himself to regain the English held fortresses of Boulogne and Calais. He was determined to maintain French interests abroad and as Dauphin had been conspicuous in opposing the humiliating Treaty of Crepy.³⁴ Henri was persuaded by the Guise to shift French military effort away from Italy to his own north east frontier. A preliminary safeguard to military action against English held positions in France was the putting into operation of successful diversionary tactics

by making effective use of France's Scottish allies.³⁵

The furnishing of military aid to the Scots would have the effect of killing two birds with one stone. A Franco-Scottish army would expel the English from their positions in Scotland, French influence would be reasserted (as well as a crown being obtained for the Dauphin Francis) and English attention would be turned from their positions in France. Nevertheless, it would be wrong to construe Henri's motives as being entirely selfish. His father's aid to the Scots had been small and erratic but Henri was concerned to buttress the Scots: old allies were not to be oppressed.³⁶ Once the King had committed himself, he wasted little time in firmly backing the Scots with all possible energy. As the Constable informed the Dowager,

... vous suppliant croire qu'il est impossible de mieulx faire pour vous que l'on faict et que en cela le Roy mestre telle affection qu'il n'y obmect riens, non plus que s'il estoit question de sa propre royaume. 37

The Anglo-Scottish wars which preceded our period lasted from 1542 to 1550. They have been given adequate treatment elsewhere,³⁸ and so it is only necessary for our purposes to touch upon the main events.

Henry VIII's revived enthusiasm in the 1540's for continental adventure made necessary the securing of his back door by making sure of his northern frontier. Aside from this, Henry had several grievances against the Scottish king, not the least of which was James V's steadfast refusal

to join his uncle in the latter's attack on the old church and his stubborn alliance with the French. Negotiations over a treaty of amity with the Scots in 1542 came to nothing, for among Henry's aggressive demands was that James should come in person to London to seal the peace. Henry now resorted to force in order to bring the Scots into line and secure his rear. In October 1542, the Duke of Norfolk conducted a series of ill managed border raids into Scotland. The Scots, who seem to have been disposed to peace and were in no way anxious to repeat the disaster of Flodden, were finally goaded into making a response. Their counterattack was an ignominious failure: plagued by division and jealousy they were routed at Solway Moss on 23 November 1542. The defeat, it was alleged, sent the grief stricken James to his grave three weeks later.

At a stroke, the clock had been put back to 1286 and now the opportunity lay before Henry of not only securing his northern frontier but of forever ending the threat from Scotland by uniting it with England through the marriage of his young son Edward and the Queen of Scots. All the advantages lay on the king of England's side. The French were embroiled in Italy and unable to help their allies; Scotland was weak and vulnerable, and with a six day old Queen at the helm the prospect lay ahead of a long and dangerous royal minority. The Scottish nobility were in complete disarray. Events moved even further in Henry's favour when the Anglophile Earl of Arran, although

admittedly a weak and feckless character, was proclaimed Regent. Arran had Cardinal Beaton, the leader of the Franco-Papalist faction, arrested, showed himself willing to reform the Scottish church and even proceeded with negotiations for Mary's marriage to Edward.

In July 1543, the Scots envoys put their signatures to the Treaties of Greenwich, agreeing to peace with England and the royal marriage; yet, Henry still failed to persuade the Scots to renounce their French ties.

The treaties had little chance of success from the moment of their inception. They were ill received in Scotland, and Arran, weak and irresolute, saw his position slipping away, and yielding to French pressure, allied with Beaton. In December 1543, the Scots Parliament denounced the Treaties, renewed the Auld Alliance and passed a series of heresy laws. The sudden change of events made Henry determined to wreak vengeance on the treacherous Scots. English claims to suzerainty were revived in formal terms and the Earl of Hertford was sent in May 1544 on a punitive killing and burning expedition. However, the result of this destructive invasion, repeated in September 1545, was only to stiffen resistance against the English whose cause in Scotland at the end of the reign, despite the murder of Beaton by a group of Scottish lairds, seemed further from success than ever.

The pursuance of the war with Scotland and Henry's efforts to bring about the marriage continued into the reign of Edward VI, as Hertford, the figure in charge of the war during the last years of Henry's reign, was now Duke of Somerset and Lord Protector.

The accession of the aggressive Henri II with his eyes turned towards the English possessions in France added new urgency to the situation. It became essential to neutralise the French cause in Scotland if England's continental possessions were to be maintained. Somerset took his stand on the Treaties of Greenwich, justifying a renewal of hostilities against the Scots on the grounds that Mary had been promised to Edward. In September 1547, he crossed the border at the head of a large military force and destroyed the Scottish army at Pinkie. The result was second only to Flodden as a disastrous defeat for the Scots and only further alienated them from the prospective marriage. The Bishop of Galloway summed up Scottish opinion in the aftermath of Pinkie when he wrote

... we be swa cruelly ovrthrawn in this matter we
will randyr to the Twrk rathyr nor to be onrewangit
... thocht the wysdome off Ingland be extemit greitt,
thay gane nocht the rycht way to mak unuon off thyr
twa realmis. Gyf thay thynk to hawe hartlynes, thay
suld traist ws moir tendyrly. 39

Somerset tried to secure the country by establishing a network of permanent garrisons, in an effort to turn victory into conquest and force the Scots to come to terms.

The latter, for their part, were driven into the arms of France. In January 1548, the Regent undertook in return for a French Duchy and other favours to obtain the Scottish Parliament's consent to the marriage of Mary and the Dauphin, her removal to France and the handing over of the major strongholds into French hands.

The steady collapse of Somerset's Scottish policy began in June 1548. The French trickle of arms and men turned into a deluge with the landing of 10,000 seasoned troops in Scotland. A joint force of Scots and French laid siege to Haddington, the centre of English operations in Lothian. Under the walls of the town, a Scottish Parliament agreed to Arran's former promises, Mary was conveyed to France and Henri took it upon himself to guarantee the freedom and independence of Scotland.

With Mary's journey to France, the *raison d'être* of the war ceased to exist and Somerset had lost all hope of enforcing the Treaties of Greenwich. Yet, still he persisted. The English were now on the defensive and the orders to the commander of Broughty castle fairly illustrate the paralysis of English policy towards Scotland at this juncture, "Yow shall for this tyme lie there as you were ded for the while, kepyng only that fort, and not entermedle in eny wis with any skirmish or attempt".⁴⁰

The English government's energies were finally diverted from the Scottish war, not because of French and

Scottish successes, other extraneous factors intervened. Peasant unrest at home simmering since early spring 1549 had erupted into a 'generall plage of rebelling',⁴¹ which culminated in Ket's rebellion in the following July. This forced the Protector to alter his military plans for Scotland, and German and Italian mercenaries intended for action there were diverted instead to suppress domestic insurgents.⁴² As if the situation had not deteriorated enough, the French now added fat to the fire by seizing the opportunity of England's weakness at this moment of crisis to declare war in August 1549. At the head of his army Henri swept into the Boulonnais capturing all the outlying fortresses within a few days.

Somerset, faced with a war on two fronts, and with England's financial and military resources stretched to the limit was forced to admit defeat. Haddington was evacuated in September 1549 and the majority of the forces in Scotland were also rapidly withdrawn, to be deployed for the protection of Boulogne and to secure obedience at home.

The rebellions and the ruinous war with France and Scotland combined seriously ^{to} undermine confidence in the Protectorship and eventually brought about Somerset's fall.

The first priority of the new leader of the Council, the Earl of Warwick (Duke of Northumberland after October 1551), was to consolidate his position. To achieve this end, he was anxious to seek peace.⁴³ The realm was not only

at war on two fronts but was wracked by social unrest and on the verge of bankruptcy. Northumberland realised that a military solution to the Scottish problem, given the present state of affairs, was inconceivable. He was well aware of the strength of the French and that if, in fact, Boulogne was not ceded, it would be taken by force; the only possible answer to the war with Scotland was to withdraw. In November 1549, negotiations for a peace settlement were set in motion. The peace terms agreed on 24 March 1550 reflected the superiority of France and were little short of outright surrender. They provided for the immediate cession of Boulogne; Scotland was comprehended in the peace and England agreed to yield up her few remaining strongholds there.⁴⁴

The effects of French aid to the Scots during the wars and the Treaty of Boulogne were to bind Scotland and France more firmly together. Scotland became the main focus of Henri's ambitious schemes. The French King assumed the role of Protector and promised to defend the liberties and laws of Scotland, "... as he dois his awin Realme of France and liegis of the samin".⁴⁵ The distinction that the Scots were careful to make between the two Kingdoms was not so apparent to the French. Henri clearly regarded them as one. Flushed with success, he informed his ambassadors abroad of his victories in self-satisfied terms, "J'ai pacifié le royaume d'Escosse, que je tiens et possède avec tel commandement et obéissance que j'ay en France". An

equal matter for self congratulation was the King's influence in England, expressed in scarcely less exaggerated terms

... auxquels deux royaumes j'en ay joint et uny un autre, qui est l'Angleterre ... je puis disposer comme de moi-mesme, du roy, et des sujets et de ses facultez : de sorte que lesdits trois royaumes ensemble se peuvent maintenant estimer une mesme monarchie. 46

Henri was anxious to exploit his successes over the English and the peace obtained for the Scots by impressing upon the latter that he had gone to war as part of a disinterested policy on their behalf. The attack on Boulogne, the French were careful to insist, "... a este faicte plustost pour divertir plustost leur dessaings d'Escosse que pour aultre utilité".⁴⁷ The Scots, for their part, gladly acknowledged that "... bot be the Kyngis mageste lawboris all the boundis of Scotland is als fre as thai war in ony of ouris dayis."⁴⁸ They felt

... thairthrow addettit to his Hienis mare than thai ar hable presentlie to acquite ... as he that is the sure and onlie defendar and releiff, under God, of all this realme, and hes deliverit the samyn furth of the thraldome in the quhilk it wes for the tyme,⁴⁹ as saifit fra the apperand perpetuale subjection.

Effective power now lay with the Dowager, her French advisors and the military leaders who commanded the large French army that still remained in the Country.⁵⁰

We have discussed English intervention in Scotland and as a consequence the significant increase in French

influence there, as the latter especially forms an important backdrop to our period. The nexus formed between England, Scotland and France had considerable repercussions on border affairs. It is to these that we must now direct our attention, as we examine the peace of 1550 and its aftermath, the border under Northumberland.

The Question of the Debatable land and the Treaty of Norham

Although the Anglo-French peace at Boulogne had been agreed upon in March 1550 and the Queen of Scots had accepted the comprehension of Scotland in the peace the following month,⁵¹ as was customary on these occasions, no separate peace treaty with Scotland had yet been drawn up. Representatives of both realms met on the border in April, yet nothing is known of the outcome of these negotiations. It is however probable that they were concerned with the routine business of the exchange of prisoners and the reciprocal payment of ransoms.⁵² A number of contentious issues still poisoned the relationships between the two sides. The English were slow to withdraw from their remaining Scottish fortresses and still held Roxburgh, Eyemouth and Edrington⁵³ but, above all, it was English refusal to part with their claim to sovereignty over the Debatable land which was to bring matters to a head.

Following a concerted effort to restore order to the frontier area, the Regent Arran conducted a series of judicial eyres. In May 1550, he led an expedition into Liddesdale and Teviotdale. These 'raids' had the dual purpose of restoring order and punishing those formerly under assurance. Liddesdale surnames, in particular, were most prominent in the lists of Scots sworn to serve the English Crown.⁵⁴ As part of this policy, the Warden of the Scottish West March was ordered to proceed against the unruly inhabitants of the Debatable land who, it was claimed, not only "... nychtlie, day, and continualie rydis and makis quotidiene reiffis and oppressionis upon the pur" but, to make matters worse,

... all evill doaris and faltouris resortis to the said Debatabill land, and quhatsumever falt thai commit ar welcum and ressett be the inhabitantis thairof, and assistis and takis plane part with theif and tratour in thair evill deidis, and na trew man offendit to can get remeid, nor na trespassour can be put to dew punischement. 55

The last part of this statement was not entirely accurate. Yet it remains true to say that there was no regular judicial machinery for the ordering of this anomalous part of the border other than the traditional method of periodic devastation.⁵⁶

In early August, Maxwell's opposite number, Lord Dacre, had got wind of his intention and warned him he would resist any attempt against the Debatable land. Maxwell insisted that he had been ordered by the Regent and

Council to suppress fugitives and he had no intention of endangering the peace.⁵⁷ On August 11, Maxwell with a force of 400 horse and 2,000 foot came to the house of Sandy Armstrong on the Debatable land. Dacre, ^eforwarned, had arranged for the house to be filled with smouldering peat and turves, so preventing the Scots from blowing it up. He also sent a token force to dissuade the Scots from any further aggressive action. The two sides stared at each other across the border.⁵⁸

This may on the face of it have seemed a small international incident but in essence it concerned a matter of great importance. The Scots were not only denying English sovereignty over the Debatable land but Sandy Armstrong and his surname intended to go over to the Scots if England did not afford him and his men protection. Dacre warned the Council of the consequences,

... if he shall turn him for his safeguard to Scotland then the King's majesty shall lose his service, who hath served very dutifully all the time of these wars and the habitation of that ground where he and his band dwelleth shall be noisome to this realm. 59

A more important surname that threatened to turn coat was the Grahams. This surname was, in fact, the largest in the Debatable land and its members were equally conspicuous in their past service to the English Crown. The Grahams and Armstrongs were heavily intermarried and were noted as being strong allies.⁶⁰

The Grahams had supported Henry VIII against the rebellious commons in 1536/7, coming to the rescue of the besieged castle of Carlisle and in the rout of the rebels took 140 prisoners, earning the commendation of the Duke of Norfolk.⁶¹ During the war with Scotland, the Grahams served well; they were present at the victory of Solway Moss.⁶² The aftermath of the battle, a later Scottish Warden alleged, saw the beginnings of the Grahams' wealth and power. It was asserted that from the prisoners they took they

... gat of thair ransoms and spuillye worth ane hundreth thowsand merkis; with the quhilk substance, and spuillyeis that they have gottin in Scotland sensyne, far surmounting in valu ane hundreth thowsand pund Scottis, the saidis Grahames hes biggit to thameselffis ... aucht or nyne greit stane houssis,⁶³ impryynnabill for the warden of Scotland his power.

The Grahams also offered their fighting skills to serve the King abroad; fifty Graham horsemen served Henry VIII in the French campaign of 1544, the second largest contingent from the West March.⁶⁴ For these services, the Crown rewarded them with grants of land in the Debatable land provided they served the interests of England.⁶⁵

Dacre was concerned that if the government abandoned these men, England would not only lose their valuable service but they would under Scottish allegiance represent a constant threat. On the other hand, intervention with military force on their behalf would endanger the peace. The Council shared Dacre's dilemma and on this occasion

could only order the Warden to encourage the surname to remain loyal to England, aiding them if he deemed it necessary but avoiding a final breach with the Scots.⁶⁶

It seems clear that the tension between Warwick and Somerset was having an adverse effect on the situation as Dacre not infrequently complained of the Council's tardiness in replying.⁶⁷ The Council's only positive reaction to the crisis was to protest to the French through their ambassador in England. The English ambassador in France was also to insist that Henri should use his influence in Scotland to pacify the matter.⁶⁸ The government's attitude, however, was not entirely passive; Dacre, if provoked, was ordered to proceed against the Scots, the Warden of the East March was instructed to send him 300 hackbutter should he require them.⁶⁹

For the moment, the solicitations of ambassador Chemault in London and Henri's intervention had pacified the situation but the matter could not be shelved as the Scots refused to give redress to the Armstrongs and other Debatable land surnames without, in doing so, recognising English claims. In opposition to this, Dacre's officers were insisting that the complaints of the Debatable land must be settled before other Scottish bills of grievance could be considered. The threat of armed intervention by the Scots over the Debatable land served to bring the whole question into the open. The English government was quite clear about its stance on the matter; it claimed that

since there had been no mention of the Debatable in the Treaty of Boulogne, then the English were to remain in peaceful possession.⁷⁰ The Scots, well aware of English attitudes towards the Debatable land and emboldened and supported by the French, wished to force the issue; four ensigns of foot under the French commander, de Thermes, had formed the nucleus of Maxwell's force which, they insisted, had not been to invade English territory "... mais pour chasser de la quelques brigands qui troublent et empechent la neutralité de tout temps gardée en ladicte terre débatable".⁷¹

The Council welcomed French diplomatic intervention but were still sensitive about their failure in Scotland and the prospect of negotiating with their former enemies. They wished to make it clear that the Scots were not to be considered as a constituent part of a tripartite pact negotiating on equal terms but as merely comprehended in the Boulogne Treaty. The government scorned the overtures of the Scottish envoy, the Master of Erskine, sent by the Dowager in September 1550 to treat on the matter in dispute,⁷²

Marye we knowe that thei (the Scots) have required divers thinges more than reasonable, which wee oughte not to satisfie, and therfore if thei seeke redresse of any thinge (as we thinke thei have no cause), than lett the Frenche Kinge by his ministers declare it, and we shall accordinglie make him aunswere whith whom the Treatie hath been concluded, and not with them. 73

The French hoped that the matter could be decided upon between officers on the frontier but they felt that their prestige was at stake in Scotland and they were determined that the Scots should have what belonged to them or rather, as Henri thought, what belonged to him.⁷⁴ In January 1551, the French sent a special envoy, Louis de Saint Gelais, Sieur de Lansac, to act in conjunction with the French ambassador. The immediate purpose of Lansac's mission was to settle the dispute over the Debatable land but it also provided an opportunity to clear up all outstanding differences between the two realms. Since the end of the war, the English had prevented the Scots from fishing in the Tweed and had maintained a garrison at Edrington just outside the bounds of Berwick. Furthermore, settlement had yet to be made regarding the ransom of prisoners.⁷⁵

At their first interview with the Council on 1 February, Lansac and the ambassador asked that Edrington and the Tweed fishings be restored, that the Debatable land be used as before the war and that Englishmen formerly held prisoners in Scotland should not be exempted from paying their ransoms. They argued that the comprehension of Scotland in the Treaty of Boulogne implied that it should be restored in its entirety. They hoped that such a reasonable request would not mar such a well established peace, or Henri as Scotland's Protector would be bound to intervene and defend the Scots just quarrel. They argued

that the restoration of the status quo ante was the only way to ensure a secure and lasting peace.⁷⁶

The English were adamant. Paget argued that Edrington, the Tweed fishings, and the Debatable land were English possessions held by right of conquest, Henry VIII having gained them in his wars against James V. It followed therefore that Edward held them legally by right of inheritance. The Treaty of Boulogne by making no reference to these matters had confirmed Edward's ownership. As for the ransoms, those arranged before the treaty would be honoured.⁷⁷

Lansac reported back to France that at first he had found the English 'fort haulx à la main', subsequently there was an apparent change in their attitude when news arrived that Scots and French forces were massing on the border, prepared, if necessary, to determine events by force. As a result of this the Council sent a secretary to Lansac asking him to write to D'Oysel informing him of the advantageous terms the English were prepared to give and that an envoy would be sent to France with full powers to satisfy the King. In return, Lansac agreed to write to D'Oysel informing him that the negotiations were making progress and instructing him to desist from force.⁷⁸

Once again, the Council were reduced to the self-abasing position of seeking the French ambassador's intervention to prevent border raids. English dependence

on France did not go unnoticed. The Imperial ambassador reported that as part of Northumberland's policy of proceeding in close alliance with Henri, nothing was done without his ambassador's advice.⁷⁹

The lengths to which the English were prepared to go to propitiate the French can be exaggerated, but the diplomatic pressure of the French was relentless and vigorously encouraged by the Scottish Queen Dowager who was then in France. Sir John Mason, the English ambassador in France, placed the blame for the French hard line in negotiations squarely on the Dowager,

The Scottish Queen desireth as much our subversion, if it lay in her power, as she desireth the preservation of herself, whose service in Scotland is so highly taken here, as she is in this court made a goddess. The credit of the house of Guise in this court passeth all others. 80

In the face of this pressure the instructions that were given to Sir William Pickering, the envoy to France, were nothing short of capitulation. The English were negotiating from a state of hopeless weakness, yet the Council still sought to redeem something from the situation. With this in mind, Pickering was instructed to resurrect the claim to Roxburgh and Eyemouth, arguing that by the Treaty of Boulogne these rightfully belonged to England. This move would make it appear that England was conceding more. If the French would not give way on the forts and the Tweed fishings, the English were prepared to relinquish them for

the sake of a secure peace, redress on the border and the retention of the Debatable land. If Henri found the latter unacceptable, Pickering was to relent and suggest that it remain neutral.⁸¹

The French, as was to be expected, accepted the final terms and Lansac and Erskine were sent back as commissioners to settle the matter. On 1 April, the two were back in England requesting the appointment of English commissioners.⁸² The government appointed the Bishop of Norwich, Sir Robert Beckwith, Sir Thomas Challoner and Sir Robert Bowes. Although trained negotiators, the first three men must have leaned heavily on Bowes's extensive experience in border affairs.⁸³ As for the Scots, the Dowager was determined as in earlier negotiations that the weighty presence of France should be felt by the inclusion of a Frenchman in the commissioners. Originally, it was decided that D'Oysel would be a member of the commission with the Bishop of Orkney or Ross, Erskine and Lord Ruthven. This was later altered, the Scots finally appointing the Bishop of Orkney, Lord Maxwell, Erskine, Lansac and Robert Carnegie of Kinnaird, all strong adherents of the Dowager.⁸⁴

The commissioners met on 12 May at the Reddenburn near Wark, a common Truce Day meeting place of the Wardens of the East Marches. A dispute immediately arose over the size of the Scottish commission which had five members. The Scots remonstrated that Lansac was merely a

special envoy and not a commissioner who had been sent at the French King's behest to report upon the details of Edward's promises to Henri and in case difficulties arose to work for good agreement between the two parties. In actual fact, Lansac seems to have acted as spokesman for the Scots. The English objected to his high-handedness, claiming that Lansac spoke of the outcome of the negotiations as though they were a foregone conclusion and that the English merely had to set their seals to the Scots demands; they protested at his inclusion and insisted that the two commissions be of equal number.⁸⁵

The second meeting followed the next day at Norham church and although Lansac was absent the attitude of the Scots was no less unrelenting. The English commissioners insisted that for the sake of peace and to demonstrate England's new amity with France, Edward "... culde be content to departe with that, that by right was his" meaning Scotland but the King was anxious for a clear delineation of the bounds. In this way through English initiative the specific question of the Debatable land was transformed into a discussion on the whole subject of the exact frontier line. Both sides acknowledged that this uncertainty had been the cause of much of the earlier tension and bloodletting between the two peoples and was best eliminated, "... and we neverthemore assured, nor they the lesse at large, to clayme afterwards what further incertain encroachment any ambitious or busy headed borderer

wold putt in their mynd ... for aslong as this pyke was lefte undredressed occasion of newe breache would never want".⁸⁶

The Scottish commissioners were reluctant to discuss the principle of division regarding the Debatable lands in the East March and were confidently hoping that England would merely concede these parcels of land to Scotland. Feeling hard-pressed, the English commissioners insisted that Edward's promise to Lansac "... was but condicionally ... so that his Highnes might be assured of thamitye". It was only after they had related at length the wide powers of their commission that the Scots consented to write to the Governor for renewed instructions.⁸⁷

In the meantime, the commissioners got down to preliminary discussions on the Debatable lands in the East March. They anticipated many problems,

Truly my lords though the parcel in varyaunce be but of small value, yet we see much dificitye ... the inhabitantes of either border being so parcyall as they be and addicted of selfwillynes to wrong treade owte the boundes either to their own advauntage.

The lands from Wark to Cheviot presented the greatest difficulty of definition, "... we thinke neither parte doth rightly knowe their own but by gesse and pretence". The only practicable solution was for the commissioners themselves in person to plot out the boundary. They agreed to meet on 15 May, "... to survey a long the lymyttes such places as we contende upon to see yf our selfe maye better take the mattier up then the countrey will".⁸⁸

The matter of the Debatable lands on the East March came abruptly to a halt as the Council were afraid that, because of diplomatic pressure from the French, they would have a solution forced upon them. The bounds were to be left, "... for that we thinke the tyme doth not seame (appropriate for) us to mak such bargaine ... in dead the leavinge of the lymittes in generalities as they were before the warre is moste commodious for the Kinges Ma^{tie}".⁸⁹ The change of heart was sudden and can only be ascribed to English sensitivity to the risk of loss of face.

Northumberland, the leader of the Council, was anxious to build up his power in the North. He was fully aware that the matter of division was an explosive issue among the borderers. As such, the Duke could not afford any loss of prestige by accepting a division that was too favourable to the Scots. On the other hand, the Council were anxious that the Scottish initiative for the division of the Debatable land on the West March should be examined, provided of course that England did not come off the worse from the proceedings. To achieve this aim, the river Esk would have to be the dividing line. This meant that the southern and larger part of the Debatable land would fall to Scotland and they would have the lands of the Priory of Canonbie which they had always claimed. This the Council were prepared to accept if England would secure the advantage of having Armstrong's Tower and a landing place of strategic importance on the Esk known as 'Black Bank', "We understande the same place of

blak bank to be of such moment of the service of the king that if it fall not out in the division to the kinges parte we think it not fitt to make any devisiōne of the said debtable".⁹⁰

The French were fully aware of the diplomatic straitjacket the English commissioners now found themselves in and their reluctance to negotiate from such a weak position. Their frustrating lack of manoeuvrability was self evident: one minute the English asserted they had a wide commission to settle disputes, and the next they prevaricated by insisting that they must write to the Council for further powers and instructions. Challoner complained to Cecil wishing that their affairs could be brought to a successful conclusion: "I litle like this cuntrie, and methinkes Octobre is fayrer here then Maye!". The commissioners had not received a reply to their letter in eleven days, speedy replies were imperative and delays could only be detrimental to their proceedings. Challoner contrasted their plight with that of the Scottish commissioners whose "Governor lieth hard at their noses, and so may they nightly send unto him".⁹¹

The French were exasperated at what they clearly interpreted as English double dealing and time wasting. Lansac, writing to the French ambassador in London, bitterly resented the English commissioners' refusal to implement the promises he alleged the Council had made to him:

Si j'ay jamays affayres avecques les Anglois, je ne me firay pas tant en leurs belles promesses et paroles que je ne preygne par escript ce qu'ils m'auront accordé; car j'ay esté en grande payne pour ce qu'ils m'ont dist n'avoir point de charge de satisfaire à ce qui esté accordé à vous et à moy, en plain Conseil. 92

Once again, the English had relented in the face of French pressure and appear to have dropped their demands that Lansac should be excluded from the Commissioners.⁹³

The outcome of the negotiations was finally embodied in the Treaty of Norham which was drawn up on 10 June 1551.⁹⁴ Territorially, the treaty restored the status quo as between Henry VIII and James V, and not as Edward had claimed to the date of the Treaty of Boulogne. As a consequence of this, Edrington was handed over to the Scots and they were permitted to enjoy the Tweed fishings adjudged to be theirs at the same time.⁹⁵ There was no specific reference to Roxburgh and Eyemouth to which a claim had been raised in February 1551,⁹⁶ which confirms the view that the claim was merely a diplomatic gesture; besides, the two fortresses were covered by clause one. No mention was made of the Debatable lands in the East March. As to the crucial factor of the Debatable land itself, not only did the treaty stipulate that its status was to remain unchanged, and that it was to remain neutral, but it was to be cleared of its inhabitants. The latter were given until Michaelmas to remove themselves, their goods and cattle. The remainder of the treaty was for the most part concerned with the affirmation of familiar aspects of March Law and maritime law

governing shipwrecks. As for the vexed and complicated question of pledges and prisoners remaining on both sides, the treaty stated that all men were to have their freedom restored to them as quickly as possible.⁹⁷

Clearly, the commissioners were unable to reach any positive agreement on the subject of the Debatable land. This can be seen as something of a diplomatic success for the English in that they had managed to ward off a division that might have been detrimental to their interests and allies among the surname groups on that sensitive part of the border. Yet, despite this, the question of sovereignty was still left open and the prospect of division was not ruled out completely. The evacuation was, in fact, provisional, "... unless it be otherwise in the meantime, of the said variable ground, by good ways and means agreed and concluded between the Princes".⁹⁸

The English had perhaps gained something of a breathing space but the fact that the problem of the Debatable land had not been settled was to prove a major drawback to a firm peace. The second clause of the treaty remained a dead letter as the surnames that inhabited the land were unwilling to leave and this was to prove occasion for further trouble. Thus, the Treaty of Norham was in many ways a temporary expedient. The commissioners shelved the Debatable problem at the expense of the much larger one of restoring order to the border area as a whole, for only

in the settled conditions of peace could the international machinery of Days of Truce operate.

The Division of the Debatable Land

Bearing in mind the atmosphere of distrust that existed between the two sides, the Treaty of Norham can still be regarded as an important advance in the restoration of normal relations. As a usual border peace settlement which followed the formal cessation of hostilities between the two realms, it was in itself long overdue. Nevertheless, the deferment of the Debatable problem which had been the *raison d'être* of the commissioners' assembly, made the peace of Norham something of a peace on paper. Wharton, writing to Northumberland in September 1552, blamed Scottish intransigence as the reason for the commissioners' failure. The Scots, he claimed, wished to keep the Debatable as a running sore between the two sides,

I cannot but thinke they (the Scots) meane some inglinge or strange purpose for that matter of the debateable land And to kepe yt as it is to be a pyke between this realme and that. 99

He attributed this not only to traditional Anglo-Scottish hostility but also to the fact that many Scots were becoming aware of the increasingly dominant role the French were playing in Scottish politics and they wished to rob them of the prestigious diplomatic coup that the peaceful

division of the Debatable land would gain for them. The Scots also looked askance at the growing friendship of England and France, putting paid to any chances of English military intervention (on religious grounds?) on their behalf against the French. The Scots, Wharton claimed, sought

... to work there purpose at all tymes with France for in no wyse they wold haue France And this realme agree for ... many of the noblemen and others of that realme at this present tyme ar in grete mallic and displeasur agaynst the doinges and prepatyres for doings as they judge to be in the Frenchmen agaynst ther liberties and rights of that realme. 100

During the last phase of the Debatable land problem, it was once again the Scots who took the initiative into their own hands. Since Norham, no accord had yet been agreed upon nor, it appears, had the inhabitants left. In late November 1551, the Scots government sent out orders, "... to raise certane hakbutaris and peonaris to be at the birnyng of the Debateable land". Letters of Proclamation were despatched to the border Sherifffdoms charging men to be at Hawick on 8 December, "... bodin in feir of weyre to pas upoune the thevis of the Debatable ground" under the leadership of Lord Maxwell. The operation was to entail not only the dispersal of the inhabitants but the destruction of any fortified houses; Maxwell was accompanied by 'peno-naris, maisonis (and) quariouris', with 'pikkiss and mattokkis', for this purpose.¹⁰¹

In keeping with the custom of the marches, Maxwell had not only discussed the impending raid with the new English Warden, Lord Conyers, but it was to be a joint venture between the two men.¹⁰² The raid was scheduled for 10 December when the Council suddenly ordered Conyers to break off negotiations with Maxwell. Owing to the recent murder of one of the Armstrongs, they judged the moment not propitious "... doubting lest if any great company should be assembled by the Xth of December to over ryde the Debateable as is appointed, somme greater inconvenience might growe, and thereby the peace and amitie empayred".¹⁰³ The Scots interpreted Conyers's change of heart as mere malicious procrastination and saw no reason why Maxwell should not go ahead with the intended raid as planned. The raid took place 10-11 December; it is significant that no force was raised to prevent Maxwell's action as in the previous year. The expedition caused something of a furore as in the course of the engagements several Grahams were killed which sparked off a feud between that surname and the Maxwells which was to last well into the decade.¹⁰⁴ Maxwell had responded to the killing by sending a gentleman to Conyers to act as guarantor until the matter had been investigated but since Maxwell had carried out the raid in the face of Conyers's opposition, the latter refused to accept the pledge.¹⁰⁵ Wharton, with a wider experience of march affairs, was acutely conscious of the intractable situation that Conyers was creating. Yet, he could not understand the hostility

with which the Council regarded Maxwell's raid on the Debatable , since it was entirely in keeping with the provisions of the Treaty of Norham that the ground should return to a state of uninhabited neutrality after Michaelmas.¹⁰⁶ The matter was further taken out of the Warden's hands when the Council ordered Conyers to continue the suspension of communications with Maxwell and not to negotiate with the Scots in any matter of importance without the advice of the Warden General, the Duke of Northumberland.¹⁰⁷ A clearer view of the matter was obtained when Conyers was called to London to attend the January Parliament of 1552.¹⁰⁸ The Scots, however, pressed the matter with the French ambassador asking that commissioners be appointed to pacify the border and clear up all contentions since the peace, but no mention was made of altering the status of the Debatable land. In mid-January 1552, the English revived the idea of the division of the Debatable with the French ambassador and later that same month, the Scottish government agreed that the principle of division was the only possible solution capable of bringing order to that troubled area of the West March.¹⁰⁹ It was agreed that the commissioners should meet at Carlisle and Dumfries and not in the Debatable land itself as their proceedings would be hindered by the lawless inhabitants of the area, "... every parte being affectyoned to their owne pryvate purpose ... in dede, the lesse pryvey the Borderers be made to the devision hereof, the more likely it is the thing shall take place".¹¹⁰

The English commissioners were headed by the Earl of Westmorland and included Wharton, Sir Thomas Palmer and one of the signatories of the Treaty of Norham, Sir Thomas Challoner. The Scottish government appointed the Earl of Cassilis to lead their commission which was also made up of Lord Maxwell, James Douglas of Drumlanrig and Richard Maitland of Lethington.¹¹¹

The instructions to the commissioners clearly delineated the Council's priorities. They were to make sure that the strategically important landing place on the Esk, known as Black Bank, fell to England and they were if possible to procure those areas where allies of England, including the Grahams and Armstrongs, dwelt. The stone house of the latter was especially to fall to England in any division. The fertility of the land was also a factor to be considered.¹¹²

The commissioners met in late April.¹¹³ Events got off to an unpromising start when the English commissioners refused to have anything to do with Lord Maxwell, fearing this might lead to further trouble. The Scots were adamant that the English should go over to Scotland first; this, the English refused to accept. Both sides jealously guarded the traditional forms of diplomatic protocol lest concessions might become precedents and work to the detriment of each other's prestige in the future.

Finally, the English gave way over Maxwell and a compromise was agreed upon over the meeting place, the two sides met on the sands in the middle of the Solway Firth at low tide. Much of the business of the first meeting was taken up listening to the mutual recriminations of the Maxwells and Grahams, both locked in bitter feud.¹¹⁴

From Cassilis's report of a meeting early in May, we can see how the English commissioners acted closely within their instructions. The Earl reported that they "... maid ane merk and passit throw ane part of Cannabe and maid al the best land to them and bayth Sande Armestaringis howse and Thome Gramis". The Scots' offer to compromise on the houses with each side taking one was refused. Cassilis found the English amenable but restrained by their instructions. The Earl foresaw that only the matter of Canonbie was likely to cause controversy,¹¹⁵ as he and his fellow commissioners had been instructed among other things, "... providing alwayis that ye enter nocht to na divisoun of the landis of the Priorye of Cannoby as debtabill".¹¹⁶ As far as the restoration of order was concerned some progress was made. The machinery of Days of Truce had come to a halt because of the friction between Maxwell and Conyers; now under the auspices of the commissioners complaints were taken and arrangements were made for the Wardens to meet.¹¹⁷

Matters were going so well that on May 25 the Dowager reported to the Duke of Guise that the commissioners had reached an accord, but her optimism was ill founded as they

broke up soon after without having reached an agreement.¹¹⁸

The Scots took advantage of the lull in the negotiations to renew the pressure on those living in the Debatable land. On this occasion Maxwell's official actions coincided with his personal feud against the Grahams. An attempt to burn one of the Grahams houses by the Scots brought fierce reaction. The Grahams pursued the Scots as far as Annan where one of Maxwell's kin was slain.¹¹⁹ Conyers referred the matter to the Council and so delayed replying to Maxwell. The Duke in his reply urged 'a greater redynes' in the despatch of affairs and wrote to the Grahams, "... chardgeing theym with moche fearsnes and crueltye and the Councell wyll not suffer to do soche outrages as the peaxe might therbye be broken or vyolated".¹²⁰

Conyers's handling of the situation contrasted sharply with that of Dacre's in 1550.¹²¹ The latter was experienced and had been able enough to act quickly and efficiently to control the situation before it got out of hand. Conyers's inexperience, however, meant that the government could not trust him to act on his own initiative. The Warden was instructed to do nothing without the consent of the Warden General and the Duke, of course, remained with the Council. Delay was at the heart of Conyers's dilemma due to the fact that he was forced to write frequently to the Council, he was unable to answer Maxwell and so needless tension was created.¹²² The Wardenship

under this sort of restrictions was clearly beyond Conyers and he was soon suing the Warden General for his discharge.¹²³ The course of events had also served to highlight the sheer impracticability of having a non-resident Warden General and this was an important factor in persuading the Duke to appoint a resident deputy in the person of Lord Wharton.¹²⁴

The commissioners assembled again in June on the initiative of the French ambassador. This time, Northumberland himself was personally involved in the negotiations. The matter was discussed in Admiral Clinton's house at Sempringham during the Duke's journey north, two of the commissioners, Challoner and Palmer, being present.¹²⁵ At this juncture, the stumbling block was not over the lands of the Priory of Canonbie which the English were now prepared to concede but the two houses of stone belonging to the surnames of Armstrong and Graham. The line proposed by the Scots made both these houses over to Scotland; the English commissioners were now instructed to relent all else, if necessary, in the hope of procuring these for England. The matter dragged on into July with no apparent agreement.¹²⁶ On August 16, the French ambassador presented the Scots' last offer, which was accepted by the King. The land was finally divided by treaty on 24 September 1552, the territory on both sides becoming Crown land.¹²⁷ The division was effected by a diagonal line from the Esk to the Sark, with the bulk of the territory falling to the

Scots. The English retained the smaller southern parcel where the majority of the Grahams lived. The boundary was marked by a continuous mound known as the 'Scots Dyke'.

Although England had retained the house of the Grahams, it lost that of Sandy Armstrong,¹²⁸ so the eventual outcome was along the lines of the compromise first suggested by the Scots in May.¹²⁹

The division of the Debatable land brought to an end a long and intractable problem, the complexity of which was reflected in the interminable negotiations. The clarification of the situation, especially with regard to the political allegiances of the inhabitants, went a long way in bringing a much needed peace and order to the West March. However, as we shall discover later, old habits died hard and the division left a legacy of bitterness and unrest which was to continue for some time. The lengthy duration of the negotiations, as we have noted, indicates how intricate the problem was, but one must also take cognisance of the effect of the uncompromising attitudes of both sides, with memories of the previous war still fresh in their minds. Throughout, the proceedings were dominated by the French ambassador and, despite the fact that commissioners were appointed to meet on the spot, the issue was eventually decided between the ambassador and the Council. However, it would be wrong to view the division of the Debatable as a product of Anglo-Scottish cooperation: it came about chiefly as a result of French pressure to resolve the controversy once and for all.

Personnel and Policy 1550-1553

Border policy under Northumberland falls into two distinct phases. The period prior to his assumption of the office of Warden General was one of uncertainty. The Council remained anxious about its hold on the country, plagued by fears of a popular revolt in Somerset's favour. Its attitude towards the North was confused and marked by a series of trial and error appointments destined rather to deal with the situation in the short term than as part of a more concerted, carefully through-out policy. In the aftermath of the war, the government was also understandably more preoccupied with consolidating the peace with France than devoting its attention to the North. After the Duke took up the Warden Generalship of the three marches, a greater singlemindedness of purpose became noticeable, the government of the border assumed a more positive direction. Slowly the government was formulating a more constructive policy towards the North. A new energy was conspicuous in the oversight of affairs while a tighter administrative control was achieved. Under the Duke's inspiration a programme of reform was set on foot; this included an organised system of watch and plans for enclosures and new fortifications, all with the purpose of improving the security of the area.

At the time of the fall of the Protector, the Earl of Rutland held the office of Warden of the East and Middle

Marches; Rutland had been in charge since May 1549. He was young and inexperienced and overwhelmed by the enormity of the task. The Earl wrote often to the Council complaining frantically of the insufficient number of troops among whom disease was taking its toll, supply shortages, and the recurring problem of controlling recalcitrant mercenaries. He wrote begging for his recall as early as October 1549.¹³⁰ The government, however, was heavily preoccupied by the faction struggle that led to the fall of Somerset and the installation of the Earl of Warwick as head of the Council. The Councillors, as one of Rutland's captains sent to accompany German mercenaries to Dover reported "... ys in that unquietnes and troble emong thame selves that noe man can have noe tyme to speke wythe thame".¹³¹ The Earl's frequent solicitations were finally successful when in January 1550 he was replaced as Warden by Sir Robert Bowes.¹³² Bowes had previously served as Warden of the Middle March during the reign of Henry VIII. He was a man of wide experience and as a soldier, common lawyer and member of the Council in the North since 1525, he was well versed in border affairs.¹³³ Bowes had barely established himself in office when it was contemplated that he be replaced by Warwick. On 20 April 1550, the Council decided that "... forasmuch as the Frenchemen arr much encreased in auethoritie and power with the Scottes, having the Scottishe Queene also in their handes, therfore the Borders towarde Scotlande hath nowe most neede of a notable ruler".¹³⁴

Warwick's Wardenship was not envisaged as a wholly resident post. He was given "... libertie after the establishment of substantiall ordre there to retourne to the courte or to remaigne in the cuntrey at his pleasour". This provision would enable him to maintain his position in the Council by his presence. The displaced Warden, Bowes, was to be given a pension until the King could offer him suitable alternative office.¹³⁵ The same month saw the beginning of the Earl's acquisition of what were to be formidable land holdings in the North. In order to bolster his position in the Wardenry, Warwick was granted former Percy lands in Northumberland and Yorkshire worth £660 per annum.¹³⁶ Despite these arrangements, the political situation did not permit Warwick to take up his post; he still needed to consolidate his position vis a vis Somerset. In July 1550, it was decided that Warwick should not go north, "... but rather for many urgent consideracions attende on the Kinges person". Bowes was instructed to remain as Warden.¹³⁷

The latter's reprieve was shortlived, for in February 1551 the Council reverted to their policy of appointing aristocratic Wardens when they appointed Henry Grey, Marquis of Dorset, as Warden General of the three marches.¹³⁸ Bowes was heavily engaged in the peace negotiations leading to the Treaty of Norham, thereafter the government decided to capitalise on his incomparable experience of border affairs. He was sworn of the Privy Council in September

and further rewarded by the twin appointments of Master of the Rolls and Master of the Savoy.¹³⁹ He performed a most useful service in compiling a detailed survey of the borders for Dorset's use.

The appointment of the Marquis is not easily understood aside from the fact that he was a close supporter of Warwick.¹⁴⁰ Weak and inept, he had little to recommend himself save his nobility. Dorset's patent initially gave him authority to appoint Deputy Wardens but this was overridden and the Council instructed him to appoint Sir Nicholas Stirley, the Captain of Berwick, as Warden of the East March, Lord Ogle Northumberland's only resident peer to the Middle March and Lord Conyers to the West March. Both these noblemen and, in particular Lord Ogle, came from families with long traditions of serving the Crown in the marches.¹⁴¹ By these appointments, Warwick was seeking to strengthen support for himself in the border by winning over the northern peers.¹⁴² The task was essential as it coincided with the fall of the powerful Lord Dacre.

As a supporter of the Protector, Dacre had been appointed Warden of the West March in April 1549 and Captain of Carlisle the following August, replacing Lord Wharton.¹⁴³ The latter's ascendancy in the West March had been largely at the expense of the Dacre interest there. Wharton had long wrestled with the limitations to his power that Dacre influence posed there. He complained bitterly of the

Protector's favouring of Dacre, accusing the latter of seeking to undermine his reputation. In the face of Dacre's opposition and the weakness of support from the government his services, he remonstrated, would be rendered ineffective

... Pray be my good lord, for unless His majesty, and you, and the Council favour my services, I am not able, were I twenty-times more powerful, to serve in an office of such importance as the wardenry of the west marches. 144

Dacre's replacement of Wharton as Warden was a clear recognition of the latter's failure.

The fall of Somerset brought into suspicion recipients of his favour, especially in such a sensitive area as the marches. Not only was Dacre removed from the Wardenry in April 1551 in favour of Lord Conyers, but on November 25 of that year, he was arrested and sent to the Tower.¹⁴⁵ This was ostensibly because of a feud with the Musgraves,¹⁴⁶ but more likely, as the Imperial ambassador noted, to prevent Dacre as a sympathiser of Somerset from being at his trial. It is not without significance that Dacre was released soon after.¹⁴⁷

Dorset's period of office was as shortlived as his aristocratic predecessor, Rutland's, had been in 1549/50. The Warden was beset by problems and wrote frequently to the Council complaining of a shortage of cash with which to pay the garrisons. The uncertainty of the peace with the Scots exacerbated the already distracted state of the

border: the Warden despaired of obtaining justice from the Scots and asked what action he should take. Matters were made worse by Dorset's continuing poor health: in September 1551, he asked to be relieved of the office.¹⁴⁸

Dorset's resignation in October 1551 paved the way for Warwick, now Duke of Northumberland, finally to take up the office first proposed to him in April 1550.¹⁴⁹ Northumberland's patent as Warden General gave him power to appoint Deputy Wardens but it also allowed him a substantial armed retinue of one hundred light horse.¹⁵⁰ The positions of the three Deputy Wardens were regularised. They had originally been appointed under Dorset; now royal patents were made out to them. These patents are of interest as they contained the careful stipulation that their holders were not to infringe upon the authority of the Warden General, or, when he is present in the marches, to act without his special licence.¹⁵¹ Northumberland was determined to exercise a firmer personal control over his subordinate Wardens. Conyers was ordered not to proceed in matters of importance without the Duke's advice.¹⁵² The right of the Warden of the Middle March to appoint the Keepers of the two dales was overridden when the King appointed George Heron Keeper of Tynedale and the Warden, Lord Ogle, was reprimanded for encroaching upon the office.¹⁵³ Efforts were also made to improve the state of affairs at Berwick. The Marshall, Sir John Witherington, was ordered to be resident and was then replaced by

Thomas Gower. Similar action for non-residence was threatened against the Chamberlain, Sir Robert Ellerker, and the Treasurer, Richard Bunny.¹⁵⁴

In May 1552, it was decided that the Duke be sent to the border in order for him to supervise and direct matters more closely; the Council argued that,

... the state of thinges presently in the North Partes requireth to be substantially looked unto and put in sume good ordre in tyme, whereby the countrie may the better be guided and the Kinges majesties frontiers and peeces there the safelier kept and mainteyned.

His stay was not to be a prolonged one for it was agreed that "... having settled the same in sume better ordre of good and pollitique governaunce", the Duke should return to court.¹⁵⁵

The visit must be seen in the light of the Duke's policy of gaining a tighter political hold over the North.¹⁵⁶ In the commissions of Lieutenancy issued in the same month, Northumberland was appointed Lieutenant of Northumberland, Cumberland, Berwick and Newcastle.¹⁵⁷ The Duke was obsessed by the spectre of a popular northern rebellion in Somerset's favour; this explains the attack on Lord Dacre and the preoccupation of the government with the North's affairs. From the time of the first arrest of Somerset in October 1549, it was feared that he, or his adherents, might "perchaunce attempt some thinges prejudiciall to his Highnes' peeces in Scotland and others upon the frontiers

there".¹⁵⁸ Among the accusations against Somerset were those charging him with the intention of having several border fortresses surprised and occupied by his supporters and, at the same time, rousing the commons to revolt.¹⁵⁹ Northumberland was also concerned to enforce his authority by his presence as there were signs that the border gentry were not cooperating with the new Wardens.¹⁶⁰

On 16 June 1552, the Duke "... took horse at 5 am" and left for the North. Five days later, he was at Sempringham in Lincolnshire holding discussions with two of the commissioners for the Debatable land.¹⁶¹ A week later, writing from York he observed

I finde thies Parties in as good order and Quietnes as ever I saw yt in any Plas, and as loving and as obeydient a sort of gentellemen I have found in thies Parties, and as redye to do me Honour and Pleser for my master's sak, as Hart can wishe.

On 9 July, the Duke was at Alnwick.¹⁶² From there he journeyed to Newcastle and then across country to Carlisle.¹⁶³ Here, the Duke's view of the state of the distracted West March contrasts firmly with the 'good order and Quietnes' that he found in Yorkshire. Yet, the situation was not irredeemable and the Warden General complimented himself on the fact that such notorious surname groups as the Halls, Potts and Forsters had submitted themselves, "... wherat a great many in these partyes doth moche merveylye specially seing the theves know how yvell I can bear with theyr doinges". Northumberland postponed proceedings against

malefactors until he had heard from the Council but he recommended that they be granted customary pardon. A more important suggestion made by the Duke was that a Deputy Warden General be appointed,¹⁶⁴ without the latter he predicted the ruin of the area. It seems that after seeing the state of affairs especially in the West March at first hand Northumberland realised the absolute necessity of having a resident Warden General.¹⁶⁵

Northumberland's advice was accepted by the King and Council. The outlaws were pardoned and a Deputy Warden General was appointed, "... wherefor his Ma^{tie} thinketh none more mete then the lord Wharton, in whom the sayd duke hath thereto a good opinion".¹⁶⁶

Lord Wharton had been out of favour since Somerset removed him from the West Wardenry in 1549. He now became the mainstay of Northumberland's influence in the marches. He was appointed Deputy Warden of the three marches in July 1552,¹⁶⁷ and was installed by the Duke in person at Newcastle on 12 August.¹⁶⁸

The placing of Wharton was the signal for a general overhaul of border officers. All three Wardens were replaced in November 1552. Ralph Grey of Chillingham was appointed to the East march, Lord Eure to the Middle and Sir Thomas Dacre of Lanercost to the West March.¹⁶⁹ In a letter discussing the new appointments, Northumberland indicated some of the criteria involved in choosing the new Wardens.

Lord Eure was placed in the Middle March where some of his lands lay; he was to reside at Woodington where his close proximity to Tynedale and Redesdale would enable the Keepers and Warden to mutually assist each other.¹⁷⁰ The new Warden of the East March, Ralph Grey, was the heir of Sir Thomas and could spend 6 or 700 marks a year : "...though young, he is witty and of good courage, and much esteemed". That Grey was married to a daughter of Sir Thomas Grey of Horton who lived close by was an added advantage as the latter agreed to aid his son-in-law.¹⁷¹

Sir Thomas Dacre's promotion to the West Wardenry was most probably a direct result of Wharton's intervention on his behalf. Dacre, the illegitimate half brother of Lord Dacre, had turned his back on the northern peer and allied his fortunes with those of his brother's enemies. Wharton spoke of him in affectionate terms as his 'cosyn' and "... a man of good actyvitie, moche intelligence and experience upon the Bordores, and of goode conduct in such affares".¹⁷² Sir Thomas had been very active alongside Wharton in the Anglo-Scottish war of the 1540's.¹⁷³ As a reward for his service he had been granted the lands of the dissolved priory of Lanercost, which further incensed his brother against him as he had been angling for it.¹⁷⁴ Sir Thomas's promotion to what had been Dacre's old office must have rubbed salt into the peer's wounded pride, and friction between the two half brothers continued throughout the decade.¹⁷⁵

Changes curbing governmental pluralism were also made in an effort to improve the efficiency of march administration by increased specialisation. An important principle of this policy was "... that no one man should have tow offices". Following this, the Captaincies of Berwick and Carlisle were separated from the Wardenships.¹⁷⁶

Wharton's influence was further bolstered by the appointment of his son-in-law, Sir Richard Musgrave, to the Captaincy of Carlisle castle.¹⁷⁷ Another of the Musgraves, Cuthbert, the former Captain of Eyemouth, was appointed Keeper of Redesdale in October 1552.¹⁷⁸

Although the Duke clearly acted upon the advice of Wharton in the placing of men, he was not concerned merely to adopt a passive role in march affairs and leave his deputy unsupervised. The Duke expressed surprise in December 1552 that Wharton had delayed in placing the two Wardens of the East and Middle Marches, and the Council was instructed to write to the Deputy in no uncertain terms ordering him to proceed with the matter.¹⁷⁹

The immediate result of the Duke's visit and his appointment of Wharton as Deputy Warden General was that the Duke encouraged him to draw up a number of articles for the better governing of the marches.¹⁸⁰ Wharton drew up the articles in consultation with the chief Crown officers on the border and the leading gentry; these were convoked to Newcastle early in September 1552. The assembly was an

impressive one and the occasion must be seen as the pinnacle of Wharton's career. At Newcastle, the principal men of the border met under his leadership; it was a visible indication of his ascendancy, the summit of his power and prestige and forcibly illustrated the confidence the new regime held in him.

Included in the articles of reform was the usual reassertion of the more important aspects of March Law. No-one was to harbour or otherwise aid malefactors, Scottish or English, or speak with the Scots without licence and men were to follow the fray upon pain of death. Preparations were also set on foot for a series of March Courts and Days of Truce and all complaints were to be handed to the Wardens within seven days. The articles insisted that Warden Courts were to be regularly held and the leading borderers were to attend. The non-residence of border officials was condemned. The latter as well as the gentry were to see their soldiers and tenants armed and horsed in the proper manner.¹⁸¹

Without doubt, the most lasting outcome of the Newcastle conference was the series of watches Wharton instituted for the three marches.¹⁸² The system was carefully organised with the parcelling out of the border from end to end with almost military precision. Crown officers and leading gentry were to act as overseers appointing 'setters and searchers'. The long lists of the latter exemplify the impressive familiarity which was a marked

feature of border society. They are illustrative of just how closely related a society it was which could name and appoint several hundred searches and watches for each march.¹⁸³ The articles ordered that the watch be kept nightly and daily from 1 October to 16 March, but the dates could be modified at the Warden's discretion.¹⁸⁴

In considering the new system of the watch one is led to remark, as is often true of many reforms, that such plans were more easily conceived than executed. The great difficulty was to ensure that the borderers performed their duties. Wharton provided for this by writing to the overseers of each circuit ordering them to make spot checks from time to time. The monthly certificates of the state of their circuit were to be sent to Alnwick with the defaulters for punishment.¹⁸⁵ Wharton's system of watch was of lasting importance. It was still being referred to at the end of Elizabeth's reign, when Wardens were continuing to urge that it should be observed.¹⁸⁶

One is impressed by the thoroughness of Wharton's system. Nevertheless, it must be admitted that the problem of the watch was never adequately solved. The provision of an effective system of watch was the perennial headache of border administrators. The keeping of the watch was classed as being part and parcel of border service and therefore was generally unpaid. Bowes and Ellerker in the previous decade had recommended that the then King's Gentlemen Pensioners

should pay for the upkeep of the watch, paying each man 4d per night. The pensioners, however, protested that the financial burden was intolerable, adding that their cattle were stolen whether the watch was kept or not. The tax plan was revived again early in Elizabeth's reign but nothing seems to have come of it. The unwillingness of borderers to operate a proper system of watch constituted a serious obstacle to the security of the marches.¹⁸⁷

The conference at Newcastle was used as a platform for a series of reforming measures but it was also an opportunity to drive home the new order on the marches. All officers and gentlemen were to give knowledge of the assembly to their subordinates

... to the intent every subject may use himself accordingly, and not for want of knowledge to run in such pain as will be unto him or them for not doing of these or any others against the commonwealth or the country, or against the peace and Ancient Customs of the Marches. 188

The conference gave a major impetus to the new order on the border but the concern for peace and security did not end there. In the following months commissions were established by Wharton for the damming of fords and passages and the enclosing of areas with hedges and ditches for similar reasons of security. Again, as with the system of the watch, the border was divided into circuits with the leading gentry of each area acting as commissioners. If any land-owners refused to cooperate, or if any dispute arose between

them, their names were to^{be}_^ referred to Wharton, "... that I may with the advice of learned Counsel, and their consent, determine their titles, minding the commonwealth and the hurt of no man's inheritance".¹⁸⁹

In addition to these administrative reforms, the new Deputy Warden General submitted to Northumberland 'certain Remembrances'. These constituted a comprehensive set of notes, a perceptive set of memoranda on border affairs akin to the Bowes's surveys. These were no doubt intended as a means of familiarising the Warden General with his new charge. Wharton was employing the experience of a long career in march administration, using his unrivalled knowledge of the border and its problems to produce these much needed changes. Wharton's articles are striking in their thoroughness : every contingency is provided for. They illustrate the remarkable flexibility of Border Law and the sort of ordinances a Warden could draw up and enforce by means of the Warden Courts. Wharton's activity was designed as well, no doubt, to increase his stature in Northumberland's eyes: his memoranda and correspondence testify to this. Thus, he asked the Duke to send "suche recorde ... of felony murther or march treason found in any court kept before your grace ... for I mynde to have a kalender of names of all offenders on the marches in fellony or march treason".¹⁹⁰

Wharton's measures must not be allowed to obscure reforming activity in other quarters. Change was also long overdue in the garrison town of Berwick. A number of articles were

drawn up by the Captain Sir Nicholas Stirley to improve the economic and military efficiency of the town. They may have been prompted by the Mayor and Corporation who wrote to the Duke in June 1552 requesting that their privileges be confirmed and the ordering of the town be looked into by the Warden General upon his journey there.¹⁹¹ Stirley's articles may have been produced at the same time but they were certainly not drawn up in conjunction with the Mayor and his colleagues since many of them reflect the traditional animus between the civil and military governments of the town.¹⁹²

Stirley recommended that Berwick's position as a staple town for trade with Scotland in accordance with 22 Edward IV C.8 be rigorously enforced and its commercial position protected by English ships being prevented from trading directly with Scotland.¹⁹³ To further increase trade Holy Island should be made a fishing town and all the fish brought to Berwick.

The Captain was concerned about what he saw as the inadequate Parliamentary representation for the garrison of the town. He urged that a burgess be chosen by the Captain, his Council and the garrison as at Calais, "for the burgesses chosen by the freemen do lyttell regarde the profet of the soldiours procuryng nothyng elles but their owne private welthe and commoditie".¹⁹⁴ Stirley's recommendation illustrates how widely accepted Statute Law had become as a vehicle of reform. Turning to the duties of the Freemen,

Stirley urged that the latter be ordered, "to make uppe their Towle bothe whiche shuld be the Counsel howse of the said Towne and their prison for punnyshement of offenders the want wherof is no lyttel hyndrance to justice".¹⁹⁵

The Freemen were equally negligent of their civic duties. This could be seen by the appalling state of the town's streets, "... for nowe they be so fowle that when laromes (alarms) do happen the soldiors cannot passe throughe them to the releiffe of the walles".¹⁹⁶ Regarding the accusations of the inhabitants that he was buying up all the wheat for his own profit, the Captain suggested that he and his Council should join with the Mayor in setting victual prices, "... in suche sorte as is used in Calles".¹⁹⁷ Lastly, Stirley hinted at the adverse effects links of kinship had on the administering of impartial justice, when he proposed that the Recorder of Berwick be "... asowtherne man more indifferent for such an office, then any other man borne in these partes".¹⁹⁸

It is difficult to say whether or not these articles were ever implemented. We know that the Duke took order for the town during his tour in 1552 but no details have survived. Stirley's position at Berwick was in serious doubt after November 1552 because of his bungling of the George Paris affair.¹⁹⁹ Nevertheless, the articles are of interest because they further indicate the sort of opposition that existed between the two governments of the town and the kind

of problems that faced Elizabethan administrators when they drew up the new establishment for Berwick in 1559/60.²⁰⁰ In addition, if not actually initiated by the Duke himself, they also lend further proof of the keen interest Northumberland took in the running of the town.

The Duke's regime left a more permanent mark on Berwick, especially regarding the field of fortification. Soon after the peace, the government set about the reorganisation of the border fortresses. In July 1550, Sir Thomas Palmer and Sir Richard Lee were sent to inspect the northern defences.²⁰¹ Palmer was an able professional soldier and confident of Northumberland; his partner, Sir Richard Lee, was a man of very different standing. Formerly surveyor of the King's works, he had been engaged in improving the fortifications at Calais as well as giving advice on siegecraft and the building of fortifications on the Scottish frontier during the late war. He was in the words of Colvin "... the acknowledged English expert on military engineering, and he had acquired a status and a reputation such as no man of his calling had enjoyed in the past".²⁰²

Lee and Palmer were ordered to inspect the fortifications on Holy Island and give order for improvements there. Next, they were to proceed to Berwick. The Council had already decided that the old castle was no longer able to effectively protect the town or port, Lee and Palmer were, therefore, to inspect the ground and draw up plans for a

new fortification, work was to begin immediately. Soldiers as well as pioneers were to be used for the task so that the building would be well advanced before the onset of winter. The commissioners were also to survey Norham and Wark and then continue on to Carlisle. As for the latter, if any minor repairs could be done out of hand, they were to see them completed.²⁰³

Lee and Palmer's report does not seem to be extant. Yet we have sufficient evidence from scattered reports to give us a clear idea of the lamentable state of the northern defences. They had suffered much from intermittent Scottish invasions, natural decay and neglect. Continual patchy repairs had not served to reverse the downward trend.

With regard to Berwick, the commissioners lost no time. In August 1550, the plan of the proposed fortification was sent to the Council with a simultaneous request for 500 pioneers.²⁰⁴ On September 6, the Council approved the plan for the building of a fort to traverse the east wall of the town, the famous Edward VI citadel.²⁰⁵ In April 1551, Gower, the Surveyor at Berwick, and Bowes, the Warden of the East March, were ordered to speed up the fortifications.²⁰⁶ The same month, the Imperial ambassador reported 7 or 8 ships going north with building supplies for the new bulwark.²⁰⁷ The concern of the young King who like his father showed a keen interest in fortification is attested; Edward noted in his diary in September 1551 that a part of the wall of Berwick had fallen because the working

of the bulwark had undermined the foundation.²⁰⁸ In June 1552, the Duke toured the North, a declared purpose of the visit being the inspection of the northern defences. The visit was partly determined by a controversy over whether or not to demolish the medieval wall, since the new fort was to cross it, the operation seemed necessary.²⁰⁹ It was finally decided that such an action would leave the east side of the town open towards Scotland, and therefore vulnerable to attack. For the moment the wall was to remain and the fort within and without the wall would simply be built up to it. Gower was ordered to follow the directions of the Duke for the fortifications.²¹⁰ Northumberland's visit coupled with the gathering of large amounts of men and supplies for the North, led the Imperial ambassador to believe that preparations for war were underway.²¹¹ The wages bill gives substance to the ambassador's fears; from December 1550 to the end of the reign £13,489 13s 8d was spent merely on the wages of the workmen.²¹² There is evidence that the building costs were becoming a burden on the already shaky finances of Northumberland's regime.

Investigations into the Office of the Works eventually led to the dismissal of the Surveyor in September 1552. Gower had led a chequered career. In 1543, he was appointed Surveyor of the Works at Berwick. Early in Edward's reign, he stepped into his father's shoes as Marshal and he was then appointed Captain of Eyemouth. It seems that Gower was much indebted by the ransom he was forced to pay after

his capture at Pinkey.²¹³ Early in 1552, he petitioned for a remission of £100 of the £250 he was found to owe the Crown. Although his suit was granted, the officials of the Augmentations pursued him for the total sum. Gower appealed to Northumberland who, in asking Cecil to look into the matter, argued that the great responsibility placed upon Gower justified the reduction of the debt, Gower's 'dylygence and husbandrye' in his office would quickly compensate for it. Northumberland's trust, however, proved to be ill-placed. Gower was removed from all his offices in September 1552, most likely because of irregularities in his handling of funds.²¹⁴ In November 1552, the Council sent Valentine Brown to the North and asked Wharton to assist him with a view to making economies on the fortifications.²¹⁵ Work still continued on the fort, which was far from completed at the end of the reign.

Northumberland's regime concentrated its efforts on Berwick. Carlisle received only cosmetic repairs amounting to some £45.²¹⁶ Little was done to arrest the decay of Wark but the deprivation of Tunstall and the annexation of the County Palatine of Durham meant that the strategic border fortress of Norham came into the King's possession.²¹⁷

Bowes in his report had bewailed episcopal neglect and argued that the castle was of such importance for the security of the frontier that it should be taken into the King's hands.²¹⁸ In May 1553, the office of Captain was

granted to Richard Bowes, (a younger brother of Sir Robert), who had in fact been in charge of Norham since 1546.²¹⁹ The new arrangements for the fortress compare favourably with the former. Whereas the Bishop, Bowes claimed, provided only for a Captain, Constable and two gunners,²²⁰ the Edwardian indenture considerably strengthened the garrison, adding two extra gunners, two porters, four watchmen and ten light horsemen. The fees were to be paid out of the rents of Norhamshire.²²¹

Aside from making improvements in fortifications we have seen how Northumberland's government sought both to strengthen its position in the marches and improve their security by a number of other means. These included the imposition of a more direct control over the reins of government in the person of the Duke himself, the installation of his supporters and the introduction of improved measures to increase the safety of the border. Another important aspect of this policy was the Duke's attempt to win over the hearts and minds of the borderers to the new regime by setting in motion the Protestant evangelisation of the marches. The Duke's chosen instrument to spearhead this process was the Scottish reformer, John Knox. In April 1549, Knox was appointed preacher at Berwick. During the summer of 1551, he preached regularly at Newcastle. Knox also accompanied the Duke on his tour of the North, acting as his official preacher.²²² In the administrative shake up of 1552, a more permanent post for Knox in the North was envisaged

when he was considered for the Bishopric of Carlisle.²²³ The latter suggestion was not pursued, for Knox's career in the North came to an abrupt end later that year after a violent Christmas Day sermon in Newcastle. Bearing in mind the young King's illness and the probability of the accession of the Catholic Mary, Knox spoke out against the men in high places whom, he claimed, were plotting for the restoration of Popery. He denounced such men as traitors to God and the King. The sermon caused an uproar in the town, arousing the wrath of the Catholic Mayor, Sir Robert Brandling.²²⁴

The repercussions of the affair reached London. Knox, confident of royal support, had complained to Northumberland who replied by sending letters of recommendation in the preacher's favour. Writing to Cecil, the Duke noted "... yt semeth to me, that the L Wharton him selffe ys not all togyther without syspycyon, how the sayd Knoke's doinges hath byn there taken".²²⁵ Wharton was to be informed that Knox's preaching had the King's blessing and no man was to trouble him. Cecil was also instructed to write to Brandling, "... for his gredy accusations of the poor man wherein he hathe (in my poore opynyon) utteryd his maleycyous stomacke towardes the Kinges procedinges".²²⁶ Evidence suggests that the real backing for Knox came from Edward himself rather than the Duke as Northumberland realised that it was not politically expedient for Knox to remain on the border "... otherwyse some hynderaunce in the matter of relligion may rise and growe amongst the people, being inclyned of

nature to gret unconstancy and mutacions". It was essential to preserve the peace and especially to put a stop to the number of Scots resorting to him that the preacher be recalled to London.²²⁷ This solution, however, was more easily effected than the former. Knox was recalled to court early in 1553 to deliver the Lenten sermons before the King. As for the removal of the Scots from Northumberland, Wharton emphasised the impossibility of the task, "... for the Scotese ar a great nombr and hath a long contynuance (there)".²²⁸

Northumberland's appointment of Knox was a bold beginning in the establishment of a Protestant preaching ministry on the border. Knox's mission was shortlived and ultimately doomed to failure. The fiery Calvinist preacher was an affront to powerful Catholic conservatives in the mould of Wharton and Brandling. Northumberland, in his continual anxiety over the preservation of law and order, quickly sacrificed any religious principles involved in the withdrawal of Knox for the sake of civil peace.

Any assessment of the policy of Northumberland towards the border must emphasise the enormity of the task that lay before the government and the short space of time it had available to complete its work. The advent of the new regime saw the realm at war on two fronts. Continuing sporadic unrest still existed in the aftermath of Ket's rebellion and the situation was worsened by a serious financial and economic crisis. The government's first

priority was to rid itself of the war with France and Scotland. Thereafter, the regime sought to consolidate the precarious peace with Scotland, but on its own terms. Border policy became inextricably linked with foreign policy. England's influence was weak and the initiative lay with the victorious French who were anxious to bolster their prestige in the eyes of their Scottish allies. The English were goaded along acceding to French demands. It was only through long drawn out and stubborn negotiations that they were able to achieve a just settlement. The outcome of the series of border meetings between the representatives of the two nations was positive in that the problems arising out of the Debateable land were finally resolved by its division. This enabled some semblance of order to be brought to that troubled district in particular, and in making secure the peace of Norham, to the border as a whole.

Regarding domestic policy towards the border, Northumberland's actions demonstrate a rigid singlemindedness of purpose. The Duke was haunted by the prospect of rebellion from that quarter and, as a result, became obsessed with northern security. In July 1550, the government urged that members of the Council in the North should live nearer the border.²²⁹ Wharton's commission as Deputy Warden General gave him power, "... to enquire, in the absence of the said duke, by oath of good men of the said marches of covins with the King's enemies".²³⁰ With these fears in mind, Northumberland built up his power quickly,

taking into his hands the bulk of the former Percy estates, the Ducal title, the Lieutenancies and the Warden Generalship of the three marches.²³¹ Northumberland worked hard in seeking the support of the border nobility and the gentry. The Duke also took the trouble to view the problems of his office at first hand during his 1552 tour which, as Wharton correctly observed, "The like of such a painfull, carefull and most noble Journey by any subject of such Authority heretofore hath not been seen on all these marches with any now living".²³² At the same time, a new direction was taken, a new energy and tighter control were discernible in border policy. The Duke brought to an end the series of incompetent and inexperienced Wardens and promoted and strongly backed Wharton, encouraging him to use his organisational ability to improve border security. Northumberland was impatient with administrative delay and ordered matters to be carried out expeditiously. He upbraided Wharton for his delay in the installation of officers, adding that "The grettist lakke that ys in our doinges ys delaying of thinges when theyre resty the no more to be don but ever to gyve order".²³³ However, the Duke had little time to stabilise or consolidate any lasting policy towards the North, but he was successful in maintaining his authority there. The return to a tolerable law and order situation after the long years of war was something of an achievement, yet, throughout all the Duke's dealings with the border, his actions were double edged. His concern about northern security was

mixed with fears that unrest from that quarter might undermine his regime. In his writing to Cecil about "thernest care I have for that northe partes",²³⁴ one cannot help remaining suspicious of the Duke's underlying motives.

CHAPTER IINotes

- 1 The comment was made by Sixtus V, cited in R. B. Wernham, Before the Armada, the Growth of English Foreign Policy 1485-1588, London 1966, 19.
- 2 For France under Henri, see E. Lavisse, Histoire de France, Paris 1911, V, ii, 123-182; also note ambassador Noailles boasts to Gardiner summing up the powerful position of France during the early reign of Henri, Vertot, III, 244.
- 3 The political alliances the two marriages entailed of course made ready comparison, see Sir Henry Percy's account of his conference with the Duke of Chatelherault in January 1559 printed in R. Keith, History of the Affairs of Church and State in Scotland, Edinburgh 1734, App I, 21-23; and more notoriously in Knox's work, "The First Blast of the Trumpet Against the Monstrous Regiment of Women," The Works of John Knox, ed. D. Laing, Edinburgh Bannatyne Club 1860, IV, 411-412.
- 4 C.S.P.S., I, 198; cited in D. M. Loades, The Reign of Mary Tudor, London 1979, 370.
- 5 J. D. Mackie, "Henry VIII and Scotland", T.R.H.S. Fourth Ser., XXIX, 1947, 95.
- 6 C.S.P.S., I, 207; the acute factionalism of Scottish politics was a factor that successive English governments had exploited with differing degrees of success

Ingland is glaid quhen it is tauld
Of Scottis the divisioune,
And for our folischnes thay hald
Our doingis in derissioune.

"Aganis the Weiris", Sir Richard Maitland, Poems,
Maitland Club, Glasgow 1830, 74-78.

- 7 P.R.O., SP59/1/228.
- 8 P.R.O., SP15/2/27, Wharton to Somerset, 8 March 1548.
- 9 The Complaynt of Scotland, ed. J. A. H. Murray, E.E.T.S., Extra Ser., XVII, 1872, 2; R.P.C.S., I, 83, 84, 86, 93; T.A. X, 334, 384, 385; Leslie, I, 304; on the mutual contempt between English and Scots, see comments of John Major in P. Hume Brown, Scotland before 1700 From Contemporary Documents, Edinburgh 1893, 52-53. The Freemen of Berwick were very sensitive about maintaining their social status and were discouraged from having any relations with Scots, "... yf any fremen have any doo wyth any Skottesman he or thay that so nedd, to axe lycens of mastere captayne or his deputy". B.R.O. MSS. B1/1 f.6.
- 10 Correspondance Politique de Odet de Selve, G. Lefevre-Pontalis, Paris 1888, 323.
- 11 R.P.C.S., I, 129.
- 12 Mackie, op. cit., 103.
- 13 Ven. Cal., VI, 931, 1039, 1050, 1067.
- 14 W. Maitland, The Principal Acts of the Regency, ed. W. S. Fitch, Ipswich 1842, 13.
- 15 S.G.E. Lythe, The Economy of Scotland in its European Setting 1550-1625, Repr. Connecticut 1975, 168-183.
- 16 Ibid., 168; F. Michel, Les Ecossais en France; et les Français en Ecosse, London 1862, I, 363, 516.
- 17 R.P.C.S., I, 129, 132-3, 134-5; Balcarres, II, 165-7, 282, Vertot, II, 125; Michel, Op. cit., 473; R. Holinshed, The Chronicles, ed. Sir H. Ellis, London 1807-8, I, 1136; A.I. Dunlop, Scots Abroad in the Fifteenth Century, Historical Association Pamphlet, 124, 1942, 5-8.

- 18 V. M. Montagu, "The Scottish College in Paris", S.H.R. IV, 1907, 399-416; Dunlop Scots, op. cit., 14-18; Sir James Melville, Memoirs of his own life, Bannatyne Club, Edinburgh 1827, 13; Extracts from the Records of the Burgh of Edinburgh 1528-1557, Edinburgh, Scottish Burgh Records Society 1871, 176.
- 19 Cal.Scot., I, 188; Michel, op. cit., 511.
- 20 R.K. Marshall, Mary of Guise, London 1977, 71-72, 75.
- 21 Teulet, I, 167, 220-221; Leslie, II, 327; Selve, op. cit., 468-9; Jean de Beaugue, Histoire de la Guerre d'Ecosse Pendant les Campagnes 1548 et 1549, Maitland Club Edinburgh 1830, 37-40, 50-1; Cal. For., 1560-61, 106.
- 22 BN MSS. FF. 20577, f.5, Dowager to her brothers Duke D'Aumale and Cardinal of Lorraine, 8 July 1547; Ibid., f.51, Dowager to Duke D'Aumale, 22 April 1550.
- 23 Leslie, II, 294; D'Oysel landed in Scotland 18 June 1548, Teulet, I, 164; Aff. Etr. Mémoires et Documents Angleterre, 15 f.9. Dowager to the Cardinal of Lorraine, 13 January 1557; Teulet, I, 179.
- 24 BN MSS. FF. 20577, f.11, Dowager to Duke D'Aumale and Cardinal of Lorraine, 8 July 1547; Ibid., f.17, "... personne ne me ayde que le pauvre ambassadeur", Dowager to Duke d'Aumale, 29 September 1549.
- 25 Robert Lindesay of Pitscottie, The Historie and Cronicles of Scotland, ed. J. G. Mackay, Scottish Text Soc. 1st Ser. 42, 1899, II, 113. At the capture of Home Castle in February 1549, D'Oysel was the first of the combatants to reach the walls, Scottish Corres., 288; For other military exploits of D'Oysel, see Aff. Etr. Mémoires et Documents Angleterre, 15 f.9, Dowager to the Cardinal of Lorraine, 13 January 1557; Ibid., f.37, Dowager to Francis II, 19 September 1559.

- 26 Teulet, I, 216-7; Maitland, op. cit., 3.
- 27 "Seldom has so eminent a family been so free from internal dissension", H. O. Evennett, The Cardinal Lorraine and the Council of Trent, Cambridge 1930, 11.
- 28 BN MSS. FF. 20457, f.243, Dowager to Duke de Guise, 21 May 1550.
- 29 Ibid.
- 30 Aff. Etr. Correspondance Politique Angleterre 20 f.223, D'Oysel to Duke de Guise, 11 January 1555.
- 31 "Ce qui caractérise les Guises, c'est une sorte de génie collectif", L. Romier, Les Origines Politiques des Guerres de Religion, Paris, 1913-4, I, 51.
- 32 Ibid., 51-53.
- 33 Evennett, op. cit., 1-5, 9-11; Romier, op. cit., 47-8, 54-5.
- 34 E. Lavissee, op. cit., V, ii, 117-8.
- 35 Leslie, II, 305.
- 36 For. Cal., Edward VI, 15-17
- 37 Balcarres, I, 195-6; II, 26.
- 38 Accounts of the war can be found in G. Donaldson, Scotland : James V to James VII, Edinburgh 1965, ch 5; J. J. Scarisbrick, Henry VIII, London 1968, ch 13; M. L. Bush, The Government Policy of Protector Somerset, London 1975, ch 2; R. B. Wernham, Before the Armada : The Growth of English Foreign Policy 1485-1588, London 1966, chs 12 and 13. See also M. H. Merriman, "The Struggle for the Marriage of Mary Queen of Scots : English and French Intervention in Scotland 1543-1550", London Ph.D., 1975.
- 39 Scottish Corres., 213-4.
- 40 Ibid., 282; Teulet, I, 192.

- 41 H.M.C. Rutland MSS. I, 196.
- 42 Teulet, I, 196.
- 43 Cal. Span., X, 47, 92-3.
- 44 D. L. Potter, "Diplomacy in the Mid Sixteenth Century : England and France 1536-1550", Cambridge Ph.D., 1973, 265-70.
- 45 A.P.S. II, 481-2.
- 46 E. Charrière, Négociations de la France dans le Levant, Paris 1965, II, 121; In December 1549, Henri could justify raising a subsidy in France for the defence of Scotland, "... en l'obéissance de nostre filz le Dauphin". Teulet, I, 235.
- 47 Balcarres, II, 55; R.P.C.S., I, 86-7; Leslie, II, 305.
- 48 Scottish Corres., 353.
- 49 R.P.C.S., I, 86-7.
- 50 H.M.C. 12th Report App. VIII, Athole and Home MSS. 94-5; R.P.C.S., I, 90.
- 51 Foedera, XV, 212-5; C.S.P.S., I, 182.
- 52 BN MSS. FF. 20577, f.56, Dowager to D'Aumale, 22 April 1550; A Diurnal of Remarkable occurents ... Edinburgh 1833, 50; Talbot MSS B, f.217.
- 53 A.P.C. III, 47-8; Cal. Span., X, 60.
- 54 Leslie, II, 333; Diurnal. op. cit., 51; Pitscottie, op. cit., 111; T.A. IX, 407, 411-2; B. L., MSS. Cotton Titus F, XIII, f.215.
- 55 R.P.C.S., I, 118-9
- 56 Supra., p.44.
- 57 Nicolson and Burn I, LXXII-LXXV; Teulet, I, 239.
- 58 Nicolson and Burn I, LXXIV-V; Lit. Rem., 291.

- 59 Nicolson and Burn I, LXXV.
- 60 Ibid., LXXIV; C.B.P. I, 124-6; II, Appendix, Pedigree of the Grahams of Esk; National Library of Scotland, Armstrong MSS. 6114, f.560; R. P. Sanderson, ed. Survey of the Border Lands 1604, Alnwick 1840, 14-15.
- 61 V.C.H. Cumberland, II, 274; C.B.P. II, App.
- 62 Hamilton I, LXXXVIII-IX, 308, 318; II, 42, 281.
- 63 R.P.C.S., III, 78.
- 64 Hamilton, II, 732.
- 65 P.R.O., SP15/1/2, SP15/2/32; A.P.C. II, 478; CBP II, App.; for rewards for service to individual Grahams, see C.P.R. Edward VI, IV, 380, 383-4; C.P.R. Philip and Mary, I, 241.
- 66 Nicholson and Burn I, LXXVI; A.P.C. III, 104-5; 108-9, National Library of Scotland, Armstrong MSS. 6111, f.89.
- 67 Nicholson and Burn I, LXXV-VI; D'Oysel confirmed this in a letter to the Constable dated 7 September 1550, BN MSS. FF. 20457, fos.253-4.
- 68 A.P.C. III, 105, 108; Cal. For. Edward VI, 52-3.
- 69 Nicolson and Burn I, LXXVI; A.P.C. III, 119.
- 70 Nicolson and Burn I, LXXV, LXXVII, LXXIX-LXXX; Teulet, I, 246-7; A.P.C. III, 119.
- 71 Teulet, I, 239; T.A. IX, 437.
- 72 BN MSS. FF. 20457, f.47; P.R.O., SP6/9A, fos.123-5, 129-32; Cal. Span., X, 168, 185-6; Erskine's articles can be found in B.L., MSS. Cotton Caligula B, VIII, f.270.
- 73 A.P.C. III, 132, 134; Nicholson and Burn I, LXXX. The diplomatic rebuff of the English towards the Scots was part of a deliberate English policy to humiliate the latter and sow dissention between the Scots and French.

D'Oysel later alleged that Northumberland once remarked to some Scots envoys, in stark contrast with the above, "... ne scavez vous faire vos affaires sans l'ayde des ambassadeurs de France? Vous vous faictes grand tort de vous mettre icy sous leur tutele et n'en serez pas les mieulx venus avec nous". Teulet, I, 293, 247.

- 74 "... il soit tout notoire que ce que je demande m'appartienne, comme les myens". Henri a M. de Chemault, 21 December 1550, Teulet, I, 249-250. Cal. For. Edward VI, 63; the French insistence on furthering Scottish claims was no doubt aimed at increasing their stature in the eyes of the Scots. Noailles later suggested that the French gained more respect in Scotland by insisting on reparations for injuries done to Scots borderers by the English, Vertot, V, 138-9.
- 75 Teulet, I, 251-4; Cal. For. Edward VI, 68-9; Lit. Rem., 300-302.
- 76 Teulet, I, 252-4; A.P.C. III, 204.
- 77 Ibid., 211-212; Teulet, I, 256-7.
- 78 Balcarres, II, 89-90; Teulet, I, 243. Confirmation of the military threat comes from a report sent to Sir John Mason, the English ambassador in France, Cal, For, Edward VI, 73; it seems the origin of the scare was that the Scottish Regent accompanied by a large military force was presiding at a Justice Eyre in Jedburgh, T.A. IX, 474-5, 477; Scottish Corres., 344; such expeditions frequently alarmed English border officials.
- 79 Cal. Span., X, 332, 393.
- 80 The Dowager was in France September 1550 - October 1551, ostensibly to see her daughter but also to win Henri's support for her taking over the Regency. Donaldson, op. cit., 80-1; Cal. For. Edward VI, 75.

- 81 Lit. Rem., 303; for Pickering's instructions, see B.L., Harleian MSS. 353, fos.86-9; P.R.O., SP68/9A, fos.259-67.
- 82 Cal. For. Edward VI, 78, 80; Cal. Span., X, 265; Lit. Rem., 311; A.P.C. III, 250-1.
- 83 Ibid., 252; Teulet, I, 258.
- 84 BN MSS. FF. 20577, f.47; Teulet, I, 258; A.P.C. III, 252-3; Scottish Corres., 327; Foedera, XV, 263-4.
- 85 B.L., MSS. Cotton Caligula B, VIII, fos.438-9.
- 86 Ibid., fos.451-2.
- 87 Ibid., f.453.
- 88 Ibid., f.456.
- 89 Ibid., f.422.
- 90 Ibid.
- 91 Cal.Scot., I, 185.
- 92 Teulet, I, 271.
- 93 B.L., MSS. Cotton Caligula B, VII, f.422.
- 94 Foedera, XV, 265-71; Leges, 56-70.
- 95 Ibid., c.I-c.V.
- 96 Supra., p.125; Both forts were demolished by Bowes in the summer of 1550, Cal. For. Edward VI, 50.
- 97 Leges, 56-70, c.VI.
- 98 Ibid., c.II.
- 99 B.L., MSS. Cotton Caligula B, VII, f.472.
- 100 Ibid.
- 101 T.A. X, 34, 39-40.
- 102 R.P.C.S. I, 117-8; A.P.C. III, 430.
- 103 Ibid., 363-4, 430.

- 104 R.P.C.S. I, 117-8; B.L., MSS. Cotton Caligula B, VII, f.490; R. B. Armstrong, The History of Liddesdale, Edinburgh 1833, App. LIII.
- 105 B.L., MSS. Cotton Caligula B, VII, f.490.
- 106 Ibid., see Wharton's earlier comments on the Debatable land in Hamilton, I, 102.
- 107 A.P.C. III, 443.
- 108 Ibid., 456; P.R.O., SP10/14/1; P. F. Tytler, England under Edward VI and Mary, London 1839, II, 103, 111.
- 109 B.L., MSS. Cotton Caligula B, VII, f.490; Lit. Rem., 389; R.P.C.S. I, 118-119.
- 110 A.P.C. III, 491-4; R.P.C.S. I, 121; The Scottish commissioners were of the same mind, see Cassilis's comments in Scottish Corres., 359-60.
- 111 A.P.C. III, 492; Foedera, XV, 315, 318-9; B.L., Harleian MSS., 289, fos.41-2; R.P.C.S. I, 121. The English commissioners were paid handsomely out of the receipts of the Bishopric of Winchester, A.P.C. III, 496-7.
- 112 B.L., Harleian MSS., 289, fos.36-8.
- 113 R.P.C.S. I, 124-5.
- 114 B.L., MSS. Cotton Caligula B, VII, fos.461-5.
- 115 Scottish Corres., 358-9.
- 116 Cal. Scot., I, 120-122.
- 117 Scottish Corres., 359; Balcarres, II, 113-4.
- 118 BN MSS. FF. 20457, f.243; P.R.O., SP10/14/36.
- 119 P.R.O., SP15/4/4. This was the latest episode in the long drawn out feud between the Grahams and the Maxwells; see the bond of mutual assistance against the Grahams signed between the Maxwells and the gentlemen of the

Scottish West March dated July 1552, Armstrong
Liddesdale, op, cit., App., LIII.

- 120 P.R.O., SP15/4/4.
- 121 Supra., p.118-119.
- 122 P.R.O., SP15/4/4, 19.
- 123 P.R.O., SP10/14/32.
- 124 Infra., p.150.
- 125 A.P.C. IV, 69; P.R.O., SP10/14/36; Haynes 120-1.
- 126 Ibid., P.R.O., SP10/14/53.
- 127 A.P.C. IV, 113, 118; Foedera, XV, 325-326.
- 128 Cal. Scot., I, 190. The Scots government were careful to compensate the Armstrongs, some of whose "... stendingis war falling ... to the part of Ingland at the divisioun of the Debateable land. T.A. X, 116.
- 129 Supra., p.129.
- 130 P.R.O., SP15/3/28; C.P.R. Edward VI, II, 402-3; H.M.C. Rutland MSS. IV, 193, 197, 199-201.
- 131 H.M.C. Rutland MSS. I, 55.
- 132 C.P.R. Edward VI, III, 162-3; Talbot MSS. B, f.147.
- 133 D.N.B.
- 134 A.P.C. III, 6; Lit. Rem., 256.
- 135 A.P.C. III, 6, 23.
- 136 Ibid., 11; C.P.R. Edward VI, III, 370-4.
- 137 A.P.C. III, 88.
- 138 Ibid., 223; C.P.R. Edward VI, IV, 123-4.
- 139 P.R.O., SP10/14/40; A.P.C. III, 395.
- 140 D.N.B.; Pollard referred to Grey as Warwick's 'dupe', A. F. Pollard, England under Protector Somerset, London 1900, 259.

- 141 A.P.C. III, 262; C. H. Hunter Blair, "Wardens and Deputy Wardens of the Marches", Arch. Aeliana, Fourth Ser., XXVIII, 1950, 65, 67.
- 142 For Warwick's advancement of the Earl of Westmorland, see D. E. Hoak, The King's Council in the Reign of Edward VI, Cambridge 1976, 63-65.
- 143 C.P.R. Edward VI, II, 401-2, III, 118.
- 144 P.R.O., SP15/2/32, 38, 59.
- 145 Machyn, 13.
- 146 Dacre v Musgrave, see A.P.C. III, 145-6, 367-8; B.L., Harleian MSS. 36, fos.69-71. Jack Musgrave was Constable of Bewcastle and Dacre coveted the office for his son, George, Talbot MSS. P, f.145. In September 1551, a John Musgrave was suspected of the murder of one Ambrose Armstrong, Dacre appears to have been implicated, A.P.C. III, 363-4, 367-8. Was Dacre using the Armstrong surname against his enemies as in the 1530's? M. E. James, Change and Continuity in the Tudor North, The Rise of Thomas First Lord Wharton, Borthwick Papers, 27, York 1965, 16-18
- 147 Cal. Span., X, 407-8; A.P.C. III, 447.
- 148 P.R.O., SP15/3/73, 74, 75; A.P.C. III, 379; "The Lord Marcus Dorset, greved with the disorder of the marches toward Scoteland, surrendred the wardenship therof to bestow wher I wold". Lit. Rem., 344.
- 149 A.P.C. III, 379; C.P.R. Edward VI, IV, 195-196.
- 150 Ibid., 379, 385.
- 151 Ibid., 128-9, 186-7, 438; C.P.R. Edward VI, IV, 128-9, 184-5, 186-7.
- 152 A.P.C. III, 443.
- 153 Ibid., 460, 463. Heron's appointment was another reinforcement of the Duke's link with the North.

In June 1550, Northumberland had leased to George Heron, 'his servant', the manor of Birtley and the township of Barrasford, both in Tynedale for 21 years, at rents of £7 15s 8d and £11 7s 6d respectively.

Northumberland and Durham Deeds, Newcastle-upon-Tyne Record Series VII, Newcastle 1929, 115.

- 154 A.P.C. III, 474-475.
- 155 A.P.C. IV, 55.
- 156 The Imperial ambassador reported that the Duke goes to his Duchy to change all officers and lay plans for forts around Berwick, Cal. Span., X, 536.
- 157 A.P.C. IV, 49. That of Westmorland was given to the Earl of Cumberland. Ibid., 50.
- 158 H.M.C. Rutland MSS. IV, 191.
- 159 W. Cobbett et al, A Complete Collection of State Trials and Proceedings for High Treason, London 1816, I, 516-17, 520-1; Cal. Span., X, 384-5.
- 160 A.P.C. III, 473.
- 161 Machyn, 21; Haynes, 120-1.
- 162 Ibid., 122-3.
- 163 P.R.O., SP10/14/50; SP.15/4/8.
- 164 Ibid., SP15/4/8.
- 165 Ibid.
- 166 Lit. Rem., 438.
- 167 James, Change and Continuity, op. cit., 31.
- 168 Leges, 208; Wharton was also appointed the Duke's Deputy Lord Lieutenant of Northumberland, Cumberland, Newcastle and Berwick, Leges, 218.
- 169 C.P.R. Edward VI, IV, 258-9.
- 170 P.R.O., SP15/4/19; Lit. Rem., 471; Eure held the Lordship of Sturton Grange near Warkworth, N.C.H. V 241-3.

- 171 P.R.O., SP15/4/19.
- 172 Hamilton, I, LXXXVIII, 126, 258.
- 173 Ibid., LXVIII, LXXXVIII-IX, 126, 258-9; II, 283.
- 174 V.C.H. Cumberland, II, 160. In June 1552, Sir Thomas was granted lands and advowsons worth £55. C.P.R. Edward VI, IV, 282-3.
- 175 A.P.C. VI, 4, 13-14, 121; H.M.C. Rutland MSS. I, 78.
- 176 C.P.R. Edward VI, IV, 266-7; Musgrave married Agnes Wharton, Wharton's daughter. G.E.C. IX, 438; Visitations of the North, Surtees Soc., CXXII, 1912, 7.
- 177 A.P.C. IV, 135; Leges, 225.
- 178 Lit. Rem., 448; The Musgraves were well entrenched in march government. John Musgrave was Captain of Bewcastle, Leges 213; A.P.C. III, 367-8; B.L., Harleian MSS. 36, f.69.
- 179 P.R.O., SP10/14/72, SP15/4/19, 22; A.P.C. IV, 197.
- 180 Leges, 141-7.
- 181 Ibid., 144-5.
- 182 The watch for the west march was in fact introduced at Carlisle in the following month, Ibid., 147.
- 183 For lists, see Leges, 147-218.
- 184 Ibid., 214.
- 185 Ibid., 198-9; P.R.O., SP15/5/42.
- 186 C.B.P. II, 218.
- 187 Hodgson, III, ii, 241-2; Cal. For., 1558-9, 57; P.R.O., SP15/4/32, (document incorrectly calendered, belongs to reign of Philip and Mary as refers to the King and Queen).
- 188 Leges, 145.
- 189 Ibid., 221.

- 190 B.L., MSS. Cotton Caligula B, VII, f.472.
- 191 P.R.O., SP15/4/31; A.P.C. IV, 73.
- 192 For recent hostility between the two, see H.M.C. MSS. Rutland I, 53-54 and "The Grievances of the Freemen Against the Captain", B.R.O. MSS. B1/1, f.44.
- 193 Ease of access between the two countries, especially in the East March made customs evasion a serious problem, B.L., MSS. Cotton Caligula C, VI, f.164; B.R.O. MSS. B1/1 f.44, 63, 66.
- 194 P.R.O., SP15/4/31
- 195 Ibid., It was not until July 1558 that the town Council made financial provision and arranged "... for the reparasyon and beyldinge upe of the towne chamber calyd the towlbowthe wych of long tyme hathe byne in decaye". B.R.O. MSS. B1/1, f.83.
- 196 P.R.O., SP15/4/31.
- 197 Ibid.
- 198 Ibid.
- 199 For Paris, see W. K. Jordan, Edward VI the Threshold of Power, London 1970, 171; Haynes, 129-31, 138-39; P.R.O., SP68/6/200. Richard Norton was appointed Captain of Berwick before February 1553, B.R.O. MSS. B1/1, f.44. Stirley was removed from Berwick in June 1553, P.R.O., SP10/18/27.
- 200 Infra., ch., V.
- 201 Lit Rem., 276; A.P.C. III, 90.
- 202 Colvin, III, i, 356.
- 203 A.P.C. III, 90-2.
- 204 Ibid., 109.
- 205 Ibid., 119; I. MacIvor, The Fortifications of Berwick-upon-Tweed, London 1972, 10-12.

- 206 A.P.C. III, 252.
- 207 Cal. Span., X, 263; Supplies for the new fort continued to be sent to Berwick until the end of the reign; A.P.C. IV, 286; B.R.O. MSS. Bl/1, f.44.
- 208 Lit. Rem., 344.
- 209 Ibid., 418, 438; Leges, 142.
- 210 Lit. Rem., 438; A.P.C. IV, 105.
- 211 Ibid., 57; C.P.R. Edward VI, IV, 351; Cal. Span., X, 536, 548-9.
- 212 P.R.O., E351/223.
- 213 D.N.B. Thomas Gower
- 214 P.R.O., SP15/4/5, SP15/4/Doquet , 9 June 1552, SP15/4/18; A.P.C. IV, 57, 127, 136.
- 215 A.P.C. IV, 160.
- 216 P.R.O., SP15/4/38.
- 217 D. M. Loades, "The Last Years of Cuthbert Tunstal", Durham University Journal, 66, 1973, 14-6.
- 218 Supra., pp.33-34.
- 219 C.P.R. Edward VI, V, 6; C. H. Hunter Blair, "Norham Castle", History of the Berwickshire Naturalist Club, XXVIII (i), 1932, 54-6.
- 220 Supra., pp.33-34.
- 221 C.P.R. Edward VI, V, 6.
- 222 J. Ridley, John Knox, Oxford 1968, 85, 94, 101, 104-5. Payments to Knox and John Rough, another Scottish Reformer at Berwick, are recorded in P.R.O., E351/223. For Rough who was executed for heresy under Mary, see D.N.B.
- 223 P.R.O., SP10/15/27.

- 224 The Works of John Knox, ed. David Laing, Edinburgh Bannatyne Club, 1854, III, 277-8, 297. For Sir Robert Brandling, see R. Welford, Men of Mark twixt Tyne and Tweed, London 1895, I, 370-374. His will is printed in North Country Wills, II, ed. J. W. Clay, Surtees Soc., CXXI, 1912, 34-8. The will includes several sets of rich vestments and copes presumably from his own private chapel. They were left to the churches of St Nicholas and All Hallows with the provision, "... provided alwaies that those vestmentes shall not be geyven excepte the olde accustomed sarvice be used accordinge to the Catholike usadge of the Church"; Ibid., 37.
- 225 A.P.C. IV, 90; P.R.O., SP10/18/5, printed in P. F. Tytler, England under Edward VI and Mary, London 1839, II, 158-160.
- 226 Ibid.
- 227 Ibid., Haynes 136; P.R.O., SP10/15/35 printed in Tytler, op. cit., II, 142.
- 228 B.L., MSS. Cotton Caligula B, VII, f.472.
- 229 A.P.C. III, 89; Talbot MSS. B, f. 209 "... the frontyer beinge nowe boothe dispeopled in great part and oute of order, we have thoughte good to require you to move thitherwarde and chowsing some convenyent place for yor resydens as nye to the frontyers as convenyently youe maye".
- 230 C.P.R. Edward VI, IV, 277-8.
- 231 The commonly held assertion that Northumberland coveted the Durham Palatine jurisdiction for himself has not found favour with recent historians, particularly Northumberland's latest biographer, B. L. Beer, who dismisses the idea as being based on insufficient evidence. See C. Sturge, Cuthbert Tunstal, London 1938, 286, 290, 296;

Jordan Threshold, op. cit., 383; D. E. Hoak, The King's Council in the Reign of Edward VI, Cambridge 1976, 65; B.L. Beer, Northumberland, Kent Ohio 1973, 182.

- 232 Leges, 142.
- 233 P.R.O., SP15/4/22.
- 234 P.R.O., SP10/18/9.

CHAPTER III

THE BORDER 1553 - 1556

The International Dimension

There were limits to what Northumberland's regime could do to establish peace and security on the English side of the border. Maintaining good relations with his Scottish neighbours was one aspect but the Duke could not be held responsible for the peace and stability of the Scottish frontier. Here he was hampered by a situation entirely beyond his control. The transition period between the decline of Chatelherault's influence and effective power and the Dowager's eventual assumption of the Scottish regency engendered a serious weakness in government and opposing factions on the border held free play. Before we examine the border under Mary Tudor, we must therefore take stock of the changes in the international situation that her accession and marriage brought about as well as the ramifications on the border of the transference of the Scottish regency to Mary of Guise.

Mary Tudor succeeded to the English throne in the teeth of French opposition. Her success against Queen Jane was a political defeat for Henri of the first magnitude. The French were acutely aware of Mary's close connections with the Emperor, her 'protector', and realised there was a strong possibility that the Queen would marry an Imperial candidate.

The Habsburgs had built up a huge empire by dynastic marriages, and it now seemed that England would be yet another marital coup. Not only was she strategically placed to guard the sea route from Spain to the Netherlands but England also completed the encirclement of France and would play her role in the Habsburg-Valois dynastic conflict. The French had backed the wrong side with the result that the new regime looked upon them with extreme suspicion. Soon after Mary's accession the Imperial ambassador, Simon Renard, summed up this distrust,

It ought to be kept in mind that the one object of the alliance between Scotland and France ... is to seek an opportunity of usurping this realm. Your Majesty has seen how the French sought to use the Duke of Northumberland to let them into England and exile your Majesty, trying all the scandalous means they¹ could think of, as they are still doing in secret.

Despite this mistrust Anglo-Scottish relations under Mary had auspicious beginnings. The French ambassador, Noailles, reported that Mary was inclined to peace and the new Queen responded to the Scottish government's demand for frontier redress by appointing commissioners to meet those of the Scots.² The tide somewhat turned when news broke of Mary's intended marriage to Philip. There were soon rumours that the French King would dramatically increase the number of his troops serving in Scotland which would be used as a diversion if England went to war on the side of the Emperor.³ Increasing fears of French machinations materialised when the extent of their complicity in the Wyatt rebellion became apparent. Not only was the French ambassador in England

involved but his counterpart in Scotland had also been in touch with the rebels.⁴

The French political and diplomatic defeat that the Spanish marriage entailed was to some extent assuaged by the continuing success of French policy in Scotland. In April 1554, the Scottish regency was transferred to Mary of Guise. With the great offices of state monopolised by Frenchmen and their troops garrisoning many of the main strongholds, French domination of Scotland seemed complete.⁵ The Spanish marriage placed England firmly in the Imperial camp and, consequently, Scotland assumed a place of even greater importance for the French. Once she had secured the regency, the next important goal of the Dowager and the French was to push ahead the marriage of her daughter, the young Queen of Scots, with the Dauphin. Writing to the Duke of Guise in January 1554, the French ambassador in Scotland, D'Oysel, shrewdly noted that the Scots must be persuaded that the marriage was to their own advantage and not simply aimed at promoting the interests of French foreign policy; he was in no doubt of the importance of the match : "... je vous diray seulement de relief, Monseigneur, qu'il ne se joue pas de ces peu de choses maintenant pour le bien ou dommages des affaires du Roy, ayans les voisins que nous avons".⁶ In the same letter D'Oysel outlined the other French objectives whose realisation was of paramount significance if Scotland was to play to the full her role in Henri's ambitious schemes. The ambassador was aware that instead of draining

the King of cash it would be better for Scotland to contribute to the King's affairs but this was a long way off. To reverse the situation the economy of the country had to be improved, especially the mines and the fisheries, Scotland was full of resources that needed developing.⁷ Before this could be achieved, however, the authority of the Crown had to be restored. The Regent and her French advisers were deeply concerned about public order and the reassertion and strengthening of the government's authority. In particular, they were appalled by the disordered state of affairs on the border : "... ce peuple ne demande et ne désire que repos et justice. Mais il y a en toutes frontières des chefs des races et maisons que je ne scaurois mieux appeller que bandouliers, que ne vivent que de proie, soit des Anglois ou des Escossois mesmes".⁹ Scottish representations to the English government complaining of frontier disorders and procrastination in granting redress came thick and fast during the regency of Mary of Lorraine. These complaints were sent to the Privy Council through the medium of the French ambassador as there was no resident diplomatic representative of the Scottish Crown in London. The French were careful to ensure that under no circumstances were the Scots to negotiate with the English independently of the French.¹⁰

Besides the desirable goals of peace and order on the frontier, other factors with wider implications had to be taken into account. With both England and Scotland firmly implanted in opposing camps on the Continent, eventual

hostilities on the border were a strong possibility. The reparation of existing border defences and the building of new fortresses were crucial aspects of the Dowager's frontier policy.¹¹ In May 1554, her brother the Duke warned her that now, in peacetime, was the moment to strengthen her frontiers : "... le temps qui est doulx et paisible requiert que vostre frontièrè soyt plus fort qu'elle n'a esté jusques icy, de sorte que vos voysins ne puissent vous venir veoir si à leur ayse et qu'il y ayt quellque place qui les arreste".¹² Fortified holds could also be used as bases for Scottish expeditions into England in the event of war : "... il y ayt autre moyen au monde pour faire saiges, ceulx de deçà, et empescher que ceste Royne n'employe ne ses hommes, ne son argent ailleurs qu'à garder sa maison".¹³

The Dowager acted on her brother's advice. In the spring of 1555, the Scottish Parliament granted heavy taxes, "greit to the bigging of fortis in the bordouris".¹⁴ D'Oysel was anxious to obtain French engineers for the construction of a new fort at Kelso,¹⁵ while building and repairs were carried out at Langholm and Annan.¹⁶ These places were garrisoned by detachments of French troops. The stationing of these troops in Scotland was a major grievance of Elizabeth's government against the Dowager and one of the main reasons that encouraged her to support the Congregation with armed force. Yet, it is less well known that during the reign of Mary this was a common ground for complaint.¹⁷ In the Parliament of 1556, the Dowager set forth a plan which proved abortive; it was to raise a permanent tax based

on a thorough assessment of every man's goods, from the nobility down to the humblest cottar. The scheme, which had all the bearings of a 'taille', met vigorous opposition and was dropped.¹⁸ The motive behind the plan was to raise money for a standing army, "... quhairthrouch the better weiris tha mycht susteine against Inglannd gif perchance tha mett".¹⁹ Sufficient finance to maintain a permanent military force had considerable advantages over the Scottish system of quartering in which the country was divided into areas, the lieges of which each served under a lieutenant on the border for a specific period until another 'quarter' took their place. The proposal is of interest because it illustrates what lay in the mind of the Dowager and her French advisers; Scotland's role in French foreign policy was to be anything but passive.

The aftermath of Wyatt's rebellion saw English relations with France and Scotland at a very low ebb. The Council was worried over French reinforcements for Scotland fearing that these would be used to aid any disaffected Englishmen who might rise.²⁰ Noailles's comments to the Dowager at this time graphically convey the Council's nervousness :

...Je vous puis bien asseurer qu'elle et les seigneurs de son Conseil ont grand jalousie de vous, Madame, et de vostre estat, de facon qu'il n'y a rien qui plus leur desplaie que de veoir que quelque chose de France passe en vostre royaume. 21

The unravelling of minor plots concocted by both the Scots and French kept the Council and the Wardens on their toes

especially in the charged atmosphere that followed the Wyatt rebellion. An Italian servant of one of the conspirators had fled to Scotland and was plotting at Berwick.²² A servant of the Earl of Bothwell, one Pringle, travelling in the entourage of the Bishop of Ross, on the instructions of the Dowager and Henri had offered the Percies rewards and armed support to raise rebellion on the border.²³ The Council reacted by intercepting correspondence to Scotland from England and France,²⁴ and, in February 1554, committees were set up to supply the needs of the national defences including Berwick.²⁵ The Wardens were alerted to be on their guard, more arquebusiers were drafted into Berwick, inventories were taken of munitions and ordinance and orders were given that 500 men from the Bishopric should be ready to go to its defence within one hour's notice.²⁶

Sir Robert Bowes was instructed to go to Berwick to aid the Warden in inspecting the town's defences as well as those of Wark and Norham.²⁷ The Wardens were ordered to take musters.²⁸ The gentry of Northumberland whose names the Warden of the East March had reported to the Council as being reluctant to enter Berwick for its defence were urged by the government "... to shewe themselves more forward in service thenne they have erste doone, whereby they shall well redubb thier former slacknes".²⁹ Paget, a prominent member of Mary's Council, informed Renard of a plan devised by the English to beat the French and Scots at their own game. It involved using the exiled Earl of Lennox whom the Regent had already contacted promising him the return of his

title and lands if he would support her against the Duke. Lennox, with English financial assistance, would enter Scotland using this cover and then join the Duke against the Regent, not only driving her out of the country but making himself King and so throw Scottish affairs into hopeless confusion. This, Paget claimed, would not only strengthen Mary's position but with her backdoor secured the Queen would be able to aid Philip and the Emperor against the French.³⁰ The scheme had little chance of success as even before the French got wind of it they had long suspected Lennox's true motives behind his efforts to get back into Scotland.³¹

Tension died down only to flare up again at the end of 1554 when it was reported that the Vidame of Chartres was to be sent with troops into Scotland.³² Again, Renard supposed their aim was to create trouble on the border, giving discontented factions a chance to rise. The French troop numbers were wildly exaggerated, on 3 February, Renard reported 3 or 4000 embarking for Scotland, and a week later 15,000.³³ The figures excite disbelief but the capacity of the French to deploy large numbers of troops in Scotland was never underrated by the English government especially after their experience of the Anglo-Scottish wars during the previous decade. The purpose behind these carefully leaked reports was well understood by the Council. In December 1554, Wotton wrote that the French believed the Emperor was soliciting English aid for the new year campaigning season and this was why the French were sending troops to

Scotland.³⁴ Noailles had written to D'Oysel in August 1554, "La disposition du temps estre telle, que nous ne pourrons longuement demourer en bon mesnage".³⁵ His fears were bolstered during the 1554/5 Parliament which met in November as this would give the government the opportunity to declare war against the French.³⁶ The surest (and cheapest) method to keep Mary from breaking the peace was to send some foot and five or six warships into Scotland.³⁷ The stories did contain a kernel of truth, the troops were in fact six bands of discharged Scots mercenaries and 3-400 fresh French troops sent to replace the bands already in Scotland.³⁸ Despite the fact that these rumours were a diplomatic ploy of the French, the government could not afford to ignore them. Conyers, the Warden of the East March, was instructed

... to have the rather a speciall eye and regarde to his charge, so that he maye be hable to mete with all practises that shuld happen to be offered, and to learne by his espialles ... where the said souldyours shall lande, and whetherwardes they take thier journey, and what assemblies are made towards the Borders. 39

The Scots were to have no more letters from post horses. Berwick was munitioned, and the Warden in conjunction with Bowes was ordered to view the state of the town and muster the garrison to discover "... howe many of them or the towne dwellers be Scottes or suspected so to be".⁴⁰ The alarm died down when Conyers confirmed from spy reports that the troops were returning mercenaries and French replacements.⁴¹

The failure of the conference at La Marque early in June 1555 dashed hopes of an early European peace. French diplomatic successes in Italy led the English to be unsure of their future designs.⁴² In the same month, the Earl of Shrewsbury was appointed Lieutenant in the North, "... for defence of the realme against the Scottes in cace of invasyon".⁴³ The news that a Danish fleet had anchored off the east coast of Scotland added weight to English fears.⁴⁴ D'Oysel believed that English borderers were increasing in boldness since they suspected war.⁴⁵ In the rising tension the Wardens were warned to keep peace with the Scots.⁴⁶ The Truce of Vaucelles concluded on 4 February 1556 relieved the situation, paving the way for the resumption of peaceful relations between the two sides.⁴⁷

Finance and Fortifications 1553-1556

The first priority of the new government was to reduce the financial drain engendered by the large numbers of troops and workmen in service on the border.⁴⁸ The instructions drawn up for Bowes and Cornwallis, appointed commissioners to meet the Scots in 1553, spoke of the "... greate and excessive somes of money due at our towne of Barwicke". This included not only the wages owing to the ordinary and extraordinary garrisons but the Council also noted the burden of the cost of the "... crenes for biuldinges and other causes".⁴⁹ The commissioners as well as meeting the Scots were to review the situation of the

northern garrisons, discovering what debts were owing and taking musters, so that all superfluous men could be discharged.⁵⁰

The Berwick Treasurer's accounts show that payment of debts contracted during the Scottish war still bore heavily on current expenditure.⁵¹ The most immediate consideration of the government, however, was to find enough ready cash to pay off the surplus troops and the bulk of the workmen since, with the onset of winter, the building season had come to an end. In November 1553, the Receiver of Yorkshire, John Fisher, and Sir Edmund Peckham, the Treasurer of the Mint were sent to Berwick with cash and warrants to the Receivers of Crown lands in the North and the York Mint worth £7,100.⁵² They were to confer with Bowes and Cornwallis and order the pay, "... so as the porest man may be fyrste payde, and suche as be not necessarie to contynue discharged, after the said paye without delaye".⁵³

In April 1554, the debt at Berwick still stood at £15,000.⁵⁴ In February of that year, a committee headed by the Treasurer Winchester and which included Cornwallis was set up to deal with Berwick and the marches.⁵⁵ Part of its task was to investigate the activities of the Treasurer of Berwick, Richard Bunny. The latter had already been in trouble during the previous reign for misappropriation of funds.⁵⁶ Bunny was sent to the Fleet on 7 November 1553, "... for his mysbehaviour both in using the Quenes Majesties treasure in his charge and in trifling before the lordes of

the Counsaill", the Treasurer was found to owe the Crown £2,800.⁵⁷ Bunny was released to accompany Fisher and Peckham to Berwick but in March 1554 was back in the Fleet.⁵⁸ In June of that year, he was charged with fraud and the forgery of the Duke of Northumberland's hand and only released upon being bound by a recognizance of £2,000 and the surrender of his lands worth £53 per annum to the Crown.⁵⁹ A further audit of Bunny's accounts revealed that he owed the Crown £2,362. Despite this the former Treasurer was successful in having his case reinvestigated.⁶⁰ He requested that he be disallowed £1,596 which he claimed had been "... loste by the faule of money".⁶¹ A further £500 he alleged had been paid to the Duke and £175 19s he argued was due for him and his clerk's wages. These sums were allowed even though in the case of the latter the accountant sceptically observed, "The same some doth not appere to be fully due to him".⁶² Bunny's indebtedness to the Crown had been reduced from a figure of scandalous proportions to a manageable £90 4s 3d.⁶³

Berwick's new Treasurer, Giles Heron, does not seem to have taken up his post immediately.⁶⁴ Richard Ashton, the Crown Receiver in the three northern counties who had been appointed paymaster prior to Heron, continued to discharge these functions until December 1554.⁶⁵

The disbanding of men was still the government's chief concern at Berwick. In June 1554, Conyers was ordered not to replace men who died and to dismiss the extraordinary

garrison at Michaelmas.⁶⁶ From May to December 1554, £9,654 was disbursed in prests and wages.⁶⁷ Bearing in mind that the cost of the ordinary garrison amounted to some £1,772 per annum, we can see how much of the money was accounted for in wages arrears. Considering the infamous reputation of Tudor captains it is heartening to note that many of them were singled out for special payment, receiving £5,

... by way of rewarde in consideracion of their long tarieing at Barwicke aftre their dischargde and their souldiers for that the money was not then presentlie readie for their payment. ⁶⁹

Ashton's accounts show that the government still continued to make payments for the fortifications at Berwick, yet the sum involved was so small (£292), it would seem that work had virtually ceased.⁷⁰ Incidental payments were expended for repairs to Harbottle castle and Tynemouth⁷¹ and work on Carlisle castle went ahead while the notably large figure of £823 was spent on the reparation of the walls of the city during the years 1554/5.⁷² With the exception of the latter, the historian might be forgiven for thinking that Mary's government had renounced, in the face of financial retrenchment, its responsibilities with regard to the maintenance of the frontier fortifications. Nothing could be further from the truth. These piecemeal repairs were carried out on information given by the frequent surveys into the state of the northern defences ordered by the government during the first years of the reign.⁷³ The recurrent threat from the Scots and the French

across the border and the lamentable state of the northern defences drove home to the government the inadequacy of spasmodic repairs. In the light of the new political situation in Scotland, the whole defence system of the North needed overhauling.

Another important aspect of the security provision for the border that the government sought to couple with the fortifications was the problem created by 'enclosure' or, more precisely, 'engrossing' - the concentration of several holdings in one hand which led to the diminishing of tenancies so weakening the military capacity of the border. Examples of border landlords engaging in depopulation enclosure, that is to say, converting arable lands to pasture, are rare, for the upland areas of the border had long been devoted to pastoral farming anyway. Yet, so sensitive was the government to the problem that any initiative on the part of landlords that would result in the decline of tillage provoked an immediate response from the Council.⁷⁴ In April 1554, Wharton wrote to the Earl of Shrewsbury asking him to intervene on behalf of the tenants of Richard Graham in the West March who were threatened with expulsion, arguing "... that they have been serviceable men".⁷⁵ In May of the following year, the Treasurer Winchester wrote to the Council in the North asking that the tenants of one Mr Lisle who had been expelled by their landlord be reinstated in their lands and have their leases confirmed. Winchester also informed the Council that

the government was soon to bring into being new legislation that would provide for the welfare of the border.⁷⁶

The result was a statute for the building and repair of castles and the making of enclosures.⁷⁷ The statute determined that after 1 December a commission to endure for seven years would be appointed to survey the three northern counties and the Bishopric of Durham. The six commissioners were to enquire "... what and howe many castles, fortresses and fortelettes, villagies, Houses and Habitacions have been decayed", in the allotted area and those considered worth repairing and rebuilding. If necessary, new fortifications were to be built. The commissioners were also to investigate what lands could be suitably enclosed and converted to tillage. The area covered by the act was circumscribed to within twenty miles of the border,⁷⁸ as this was thought to be the most vulnerable area. The act was to be self-financing. Three of the commissioners were given power to question men under oath as to who held the rights to the land. The landowners were to be assessed by the commissioners according to their wealth, the lands of the Crown being included. The Commissioners were to appoint the necessary officers for the collecting and spending of the money and they were empowered to punish non-compliance by fine; in this, they were to be assisted by the Sheriff and all royal officers in the marches. The act also made provision for the taking up of men and supplies at reasonable prices for the purposes of building and enclosing. To ensure the upkeep of repairs and sufficient maintenance the

commissioners were "... to make and ordeyne statutes ordinances and Provisions from tyme to tyme as the case shall require for the safegarde, conservacion, redres, correction and reformation of the premisses".⁷⁹

We can see a parallel of what this particular clause of the act was designed to achieve in the indenture between the Crown and Ralph Grey. In May 1554, the castle and manor of Wark, which had been in the hands of the Crown since the death of Sir Edward Grey in 1531, owing to the minority of his son and heir Ralph, were restored. In return, the latter took upon himself, under bond of £500, to keep the castle in good repair, furnishing it with a resident captain, a porter, two gunners and eight soldiers. It was agreed that the castle would be visited by Grey or by a deputy twice yearly in peacetime and that Grey would remain resident in time of war.⁸⁰

The ordinances of the commissioners certified in Chancery and ascribed with the royal assent were to bind all persons. In the event of non-compliance the foregoing procedure was required before proceedings leading to forfeiture could be inaugurated.⁸¹

The provision for enclosures was not an innovation in Crown policy towards the North. The leases of the Debatable lands distributed early in the reign of Edward VI had stipulated that the leaseholders were to make ditches and hedges on their lands.⁸² Wharton's scheme drawn up in 1553 for the enclosing of grounds bears a close resemblance to

many of the clauses of the 1555 Act and it is not unreasonable to suppose that it served as a prototype for the Marian statute.⁸³

The argument for the enclosing of grounds was two-fold, involving both security and economic considerations. The Marian commission was revived in the same form in 1561 and, from the lengthy instructions issued then, we can arrive at a clear understanding of the government's motives.⁸⁴ The security reasons for enclosures were unequivocally stated :

The meanyng and reason of makinge of the sayd inclosures is to strengthen the townes, villages or hamlettes in such sorte as thennemye or theefe shall not have free passage and recourse to the howses, barnes and barmekyns ... but by straight and narrow wayes and passages and emonges hedges and ditches ...⁸⁵

By this means defence was more practicable against the marauder :

... a fewe men maye resyste and annoyne them, and it serveth also good that the waies of and betwene the sayd inclosures be made narrow and somewhat crooked that thenemye or thief maye be mett withall at corners and there annoyed by bowe or otherwyse. ⁸⁶

The enclosures were to be ditched. The instructions specified that trenches were to be four feet deep and six feet wide and double set with quickset.⁸⁷

The enclosing of grounds was seen from an economic viewpoint to be advantageous, allowing the farmer to protect his stock and crops and pursue more efficient farming methods than would otherwise have been possible. Bowes in

1551 had argued that "... the grounds nowe open and barreine to be placed, hedged and ditched ... to make villiage pastures and meadowes better then they be".⁸⁸ March administrators were rightly or wrongly obsessed with the conviction that the potential of border farm lands was not being fully exploited. Arable farming was considered more desirable than pastoral farming because it was more labour intensive. Increasing the amount of manpower in the marches meant more borderers for border service.⁸⁹ Enclosing suitable land would enable the borderers to

... better enjoye and take the comoditie and pprofytt of theyr land adjoyne to the frontiers, the which is in many places very fruitfull and thereby bannyshe those that be ydle and unprofitable subjectes of this realme, or elles trayne and exercise them in some travell and servyce for the manurance of theyr landes to the benefyt of theyr countrie. 90

The government was anxious about the depopulation of the 'uttermost fronter', those areas nearest to the border, and not with a decline in population. Bowes further advocated that the fortresses on the East March be repaired as this "... would cause that sundrie villages waisted by warres, and being long tyme uninhabitated, to be repeopled and plenished wich were a great streinghe to these borders".⁹¹ The prerequisite for the safe carrying on of agricultural pursuits was the provision for adequate shelter during raids by the Scots. This explains the logic behind the government's purpose in combining the issues of fortifications and enclosures in the same act.

No time was lost in implementing the act. On Christmas day 1555, a warrant was issued for the patent appointing the commissioners⁹² and three days later the names of the commissioners were sent to Wharton who was to instruct them to meet without delay.⁹³ It is clear that the Wardens and Wharton in particular were to be the driving force behind the commission. The Council gave further indication of the priorities to be considered, ordering the commissioners

...speciallie amonges other thinges to conside the breddeth and depenes of the ditches to be made, in what places the newe dwelling howses maye to all purposes be best placed for the salfegarde, defence and annoyaunce, what decaied howses and castles are to be chiefelie first repaired, to cause the dwellinges to be placed as nere the frontiers as maye be, and to conside the making of heigh wayes. 94

Few details of the activities of the commissioners have survived but we know that the Crown conscientiously pursued its policy of repairing those royal fortresses that fell within the provisions of the act. Work was begun at Bewcastle in the spring of 1556. Repairs were carried out on the walls of the hall, new floors were also added to the bakehouse and brewhouse at a cost of £83.⁹⁵ This, however, as the survey ruefully commented, could only be regarded as the tip of the iceberg. The north wall of the castle, it claimed "... is consumed and cleare gone ... the walles of the holle castell is in soche ruyne and decay ... a man maye climbe up the walle wher ye lyme is bettsurthe with whether takyng holde betwyx the stones". Most of the barmkin wall around the castle had fallen into the ditches and even they

"... being well wattered ronde abowte the castell with long contynuanee is in soche ruyne and decay and filled ... men may wade over".⁹⁶

During the summer of 1556 work recommenced on the fortifications at Berwick. Work was still continuing on the foundations of the Edwardian bulwark and the extensive range of its outworks. Progress was slow and was probably hampered by lack of finance. Added to this was the fact that the urgency had been taken out of the situation by the Truce of Vaucelles which relaxed international relations and curbed any immediate fears of Scottish aggression. The matter of finance for the fortifications became for the moment of secondary importance.⁹⁷ In July, £1000 was delivered to the Treasurer, Giles Heron, for the fortifications with a special word to Wharton that he cause the money "... to be husbanded as the same maye be employed and strecched as farre as maye be towardes the speciall advauncement of that service".⁹⁸ Wharton seems to have played an important role in making preparations for the works and was thanked several times by the Council for his efforts in that regard.⁹⁹ In November 1556, the probability of the rupture of the Truce of Vaucelles and fears of increased pressure from the Scots as a result once again raised the importance of pressing ahead with the fortifications.¹⁰⁰ That same month the Council sent John Rogers, a military engineer with an expertise second only to Richard Lee, to Berwick to review the works in conjunction with Wharton. They were to advise on the needs and the speedy advancement of the fortifications.¹⁰¹

It is not possible to say whether other landlords followed the Crown's example in executing the provisions of the act. The sluggishness of the commissioners must have been something of a drawback to any landowner who wished to emulate the Crown's enthusiasm. The matter was not helped by the fact that Wharton, who was to have been the leading force behind the commission, was heavily occupied elsewhere.¹⁰² Nevertheless, the government upbraided the laxity of the commissioners and was determined that they should proceed with the task. In October 1556, Wharton was instructed to call them together again and see that they continue, "... assuring them that as thier Majesties meane to have this matter goone thorough with all out of hande". All those failing to comply with the act were to be summoned before the Privy Council.¹⁰³ This seems to have been the last effort of the Council to goad the commissioners into action. The build up of the threat from Scotland sealed the fate of the commission which, it might be argued, had become superfluous or, at least, bound up in general policy. Now all the energies of the central government and northern administrators were concerted into providing for the immediate defence of the border. This said, it will not do to blame the failure of the commissioners on administrative dilatoriness. Judging from the fortunes of future Elizabethan commissions which were equally conspicuous for their lack of success, we need not doubt that despite the determination of the government, entrenched interests simply proved too strong. Clearly, northern landlords were

unwilling to provide the finance necessary for the implementation of the act.¹⁰⁴

The Change of Regime

With the notable exception of Lord Dacre the leading men of the North played very unheroic roles during the Marian accession crisis. The Earl of Shrewsbury, Lord President of the Council in the North, had been a lukewarm supporter of Northumberland's government and, like the rest of the Council, claimed to have been bullied into accepting Lady Jane Grey. Shrewsbury was heavily involved in the skilful diplomacy of the Imperial ambassadors that eventually led the Council to support Mary.¹⁰⁵ Despite this, Shrewsbury was not received into favour unequivocally by the new Queen. On 2 August, both he and two other Edwardian councillors, the Earl of Pembroke and the Marquis of Winchester, were refused immediate pardons.¹⁰⁶ The Queen, however, soon showed her confidence in Shrewsbury. On 10 August, he was admitted to the Council, and, on 1 September, reappointed Lord President.¹⁰⁷

The Earl of Westmorland had, like Shrewsbury, been rewarded by the Duke in the form of forgiven debts and lavish land grants in an additional bid to strengthen Dudley support in the North. The death of Edward VI saw Westmorland cautiously waiting in the wings to see which way the wind would blow. On 25 July, the Earl received a

grudging thanks from the Council for his neutrality, "... with exhortatyon of a more ferventnes and request to see the cowntrey in good quyat".¹⁰⁸ The insistence on the latter is significant as it corroborates evidence from other sources suggesting that there was some unrest in the North during the accession crisis and the transition period between the two reigns. On 3 September 1553, the Countess of Shrewsbury writing to her husband of her success in obtaining the warrant for his reappointment to the Presidency echoed this. The Queen, the Countess wrote,

... held up her hands, and besowght God to send yow good helthe ... and also prayed God to send yow good successe in her affayres in that cuntreie ... wherby I perceyve her hyghnes to be somewhat dowlfull of the quietnes of that cuntreie. 109

This may be a reference to the struggles of rival supporters of Queen and Duke that the confused political situation the death of the young Edward had brought about.

The position enjoyed in march administration by one of Northumberland's most prominent northern supporters, Lord Wharton, was immediately called into question. Wharton was instructed along with his subwardens to remain in office. For the moment there was to be no wholesale ejection of Wardens.¹¹⁰ Wharton's relationship with the Duke brought his loyalty to the new regime under suspicion. Rumours were flying around that the Warden General had engaged in "... rasynges ... hys force agayns(t) the lorde Dacres in the defence of the usurper's quarell".¹¹¹ The Council could not afford to ignore these allegations and

Eure was instructed to send Wharton's accusers to explain themselves before the Council.¹¹² In early November 1553, Noailles reported that a march officer named Captain Musgrave, in favour with the Duke and not included in the general pardon of Mary, had fled to Scotland with 300 horse.¹¹³ The report is of interest as the Musgraves were political allies of Wharton.¹¹⁴ Although his post as Deputy Warden General fell into abeyance,¹¹⁵ Wharton was pardoned and no proceedings were taken against him.¹¹⁶

The leniency of the new regime towards Wharton may well have been determined by the favour in which the new Queen held his son and heir, Sir Thomas. The latter's career might be construed as part of a calculated effort on the part of his father to keep a foot in both political camps, the careful insurance policy of a newly ennobled dynast against the worrying vicissitudes of changing regimes. Wharton operated in a world where the penalties of misjudged political calculations were severe. Sir Thomas had joined Princess Mary's household at Kenninghall becoming her steward in or before 1552. He accompanied her to Framlingham, becoming one of her earliest councillors. Thereafter, he sustained fairly frequent attendance as a Privy Councillor.¹¹⁷ Wharton's experience of border affairs was invaluable, making up for the loss of Sir Robert Bowes who was not reappointed to Mary's Council. As a reward for his loyalty when loyalty to her had been dangerous, Mary appointed Wharton Master of the Queen's Henchmen and bestowed upon him an impressive catalogue of important stewardships of Crown lands.¹¹⁸

The most overt support for Mary came from Lord Dacre. On 12 July 1553, the Imperial ambassador declared that if Dacre were to join the Queen her forces would double in numbers; failing this, her position would be feeble unless the Emperor intervened.¹¹⁹ Eight days later it was reported that Dacre, accompanied by a large number of Lords and gentlemen from the North, had joined Mary, swelling her forces to such an extent that she was not only able to defend herself but able to take up arms against the Duke.¹²⁰ Dacre soon reaped the fruits of his active loyalty. His new rise to power on the marches was as abrupt as his fall had been in the previous reign. In January 1554, he was appointed Warden of the West and Middle Marches, Keeper of Tynedale and Redesdale and Captain of the city and castle of Carlisle.¹²¹ With the wardenships went the chief stewardship of the Crown lands in the two marches.¹²² Change was also brought to the East March where Ralph Grey was replaced by Lord Conyers, the former Edwardian Warden of the West March.¹²³ Conyers was not appointed to the captaincy of Berwick which remained in the hands of Richard Norton who had replaced Sir Nicholas Stirley in or before February 1553.¹²⁴

Dacre had not long served as Warden of the two marches before he asked in May 1554 to be relieved of the Middle March.¹²⁵ The Warden was a stranger to the government of the march and although Lord of the Barony of Morpeth, this was situated in the more peaceable southern lowlands of the wardenry. The main base of Dacre power and

influence was on the western border, and the level of lawlessness there made it desirable for him to concentrate his efforts on ruling a single march. Dacre's request was considered by the Council but it required the scare that rumours of French reinforcements for Scotland induced in the spring of 1555 finally to persuade the government to relieve the Warden of one of the two marches. In March 1555, the wardenry of the Middle March and the keeperships of the two Dales were given to Wharton.¹²⁶ Again, provision for a base of support was made. With the wardenship went the stewardship of Hexhamshire and the constableness of Alnwick castle. The patent contained the proviso that "... the said offices to be united and annexed to the said office of Lord Warden of the Middlemarche".¹²⁷ These attached offices raised the fee of the wardenry by £46 6s 8d, a welcome financial increase, but, more importantly, it gave the Warden direct control over the Queen's tenants in the Hexham and Alnwick Lordships. The government was deliberately strengthening the financial and manpower resources of the Warden. In May 1555, the Council laid down that all Crown offices that fell vacant in the marches were to be annexed to the wardenries.¹²⁸ The same concern for security led the Council to remove Norton as Captain of Berwick castle. Norton still remained as Captain of Norham while the captaincy of Berwick was given to the former Sheriff of Yorkshire, Sir William Vavasour.¹²⁹

In December 1555, the Council appointed Wharton to the east wardenry. The reason for Conyers leaving is not immediately apparent. He had already resigned from the west wardenry in 1552 being unable to control the situation and may have done so again.¹³⁰ Conyers had been grossly negligent in bringing to order Thomas Clavering, the Captain of Wark, whose riotous behaviour against both English and Scots was causing some alarm. Wharton had complained to Shrewsbury against Conyers on several occasions.¹³¹ Wharton's promotion had been, as he himself admitted, through the good offices of the Lord President. Shrewsbury had been on the border in August 1555 and so was able to see the state of affairs on the East March for himself.¹³² Wharton was an obvious choice. His re-emergence, surprising though it was, was simply due to necessity. There were no suitable candidates with sufficient power and influence to take over the East and Middle wardenries. Wharton's picture of the state of the border in late 1555 was bleak in the extreme,

Twewlye all the marches haith of late ronne so farre to disorder that yt wilbe harde to reforme the same and that do I fynde and am lyke so to do, (sic). Beinge overburdened with the Est marches and the towne of Berwyke. 133

The Warden's scepticism about his ability to restore the situation was not mere false modesty. He sought to do his best but again reiterated his inadequacy, "... Albeit I knowe I am not hable for many respectes having want of helth (and) want of power".¹³⁴ Wharton realised that his lack of an appropriate landed base in the two marches would be an

impediment to his successful wardenship. His newly acquired stewardships of the Crown lands in the marches were no substitute for the steadfast loyalty and cooperation from his tenants a well established border magnate could command. However, noble houses with this sort of power and influence in the East and Middle Marches were no longer to be found.

Mary's initial appointment to march government resulted in the collapse of the closely allied power structure that Wharton had rapidly built up in the previous reign. The Deputy Warden General's fall was sudden but not entirely unexpected in view of his role in Northumberland's border policy. Not only events but the paucity of suitable candidates for the wardenries had proved that the Marian government could not dispense with Wharton. Yet, despite his long and valuable experience, he himself on his own admission was poorly equipped for the task.

The Commission of 1553

The response in Edinburgh to the accession of Mary came quickly. The new Queen had not long established herself on the throne before the Scottish government, taking advantage of her professed inclination towards peaceful co-existence with Scotland, sent Ross Herald with a list of grievances.¹³⁵ This catalogue of infringements of Border Law though serious enough in itself was all the more

disconcerting in that it implicated several leading Crown officers in the marches, the very officials responsible for the maintenance of law and order. The Herald was to show the complaints to the French ambassador who was to transmit them to the Queen and Council. He was to impress upon the latter that the English borderers

... or at the leist sum of thame ... ar of evill nature and indispositioun, inemyis to peax and quietnes, inclynit to stouthe and reif, accustomit to leif thairupoun dalie and nychtlie, makis invasioun ... with gret cumpanyis of men togidder in plane reif, heirschippis and slauchterris, als weill in plane day lycht as in the nycht.

The Scots claimed that Richard Norton, the Captain of Norham and Berwick, was illegally occupying the Tweed fishing of Holywell which, they asserted, belonged to the Scottish Warden of the West March, Lord Hume. Not only was redress unobtainable from the English Warden, but he himself in company with the Captain of Harbottle had engaged in sheep and cattle raids into Scotland, with, it was claimed, Lord Wharton's concurrence. Charges were also laid against the Captain of Wark who, the Scots alleged, came into Scotland with 120 men and slew two Scots, this on the very day of a meeting between the opposite Wardens for justice. The killings caused an uproar at the day of Truce as the Scots Warden appeared with the kin and friends of the slain men.

After relating these and other outrages, the ambassador was to ask the Queen to appoint commissioners to meet with those of the Scots for redress and the taking of

order for the maintenance of the peace and quiet of the frontier "... and gif this be refusit, that the Ambassatoure mak the Kyng (Henri) advertisment thair of".

The timing of these incursions may be significant in that the borderers were taking advantage of the uncertainty of the situation at Westminster to escalate their raiding activities and pay off old scores; the alleged participation of leading march officials seems to bear this out. On the other hand, we must not assume that all the blame lay with the English. The Council did not rebut the Scottish charges but it quickly came up with a list of similar accusations against the Scots to counteract them.¹³⁶ They had no difficulty in drawing this up as the state of affairs in Scotland was also in many respects not conducive to the peace and stability of the border. The political situation was very unclear. Arran still held the office of Governor but effective power lay in the hands of Mary of Guise and the French. On the border itself the old feud between the two leading families of the Scottish Middle March reached a climax with both sides, as Leslie suggests, profiting from the political circumstances. The result was the murder in Edinburgh High Street of the Warden Walter Scott by his rival Walter Ker of Cessford.¹³⁷

It was obvious in the rapidly deteriorating situation that the Wardens could not be depended upon to dispense impartial justice. So neutral arbiters in the form of commissioners had to be appointed. The English

Council appointed as their representatives Sir Thomas Cornwallis, Sheriff of Norfolk and Suffolk, member of the Framlingham group and Privy Councillor, and Sir Robert Bowes.¹³⁸ Bowes was ideally suited for the task. As a lawyer and former Warden, he had been one of the negotiators of the Treaty of Norham. This element of continuity with Edwardian border negotiations was important. Bowes, with a lawyer's concern for legal propriety, had seen many loop-holes in the Treaty of Norham. In his report on the borders prepared in 1551, he noted that "... there be many thinges imperfite and not concluded in the said treatye". Redress obtainable in cases of arson needed to be reformed; in cases of wounding and maiming no adequate redress was available; nor was this all, there were "... manye other partyculer cases wherein there is bothe hurt and wronge because they be not included within the treatye there lackethe remedye and redresse for them".¹³⁹ The two commissioners were to be at Berwick before the feast of All Saints to meet those of the Scottish government.¹⁴⁰ They, for their part, had likewise appointed two knights; Sir Robert Carnegie, a trusted servant of the Dowager and trained negotiator who had taken part in the early proceedings over the Debateable land, and an experienced lawyer, the Justice Clerk Sir John Bellenden.

The indenture the commissioners produced has been called the 'first real code of Border Laws for peacetime since that of 1249'.¹⁴¹ The commissioners were concerned to settle the more notorious border disputes and also to

reverse the situation that the breakdown in Warden negotiations had brought about, especially the backlog of bills. As well as restating and redefining traditional Border Law, the commissioners introduced new remedies to secure the better administration and enforcement of the law.

As far as individual disputes were concerned, the most acrimonious centred on the Debatable lands on the East March. English border officers had confiscated sheep and cattle which, they claimed, were pasturing within the bounds of England.¹⁴² The commissioners ordered Eure, the Warden of the Middle March, to regulate the matter and recompense or return the livestock to the Scots. If any livestock were found grazing in the opposite realm it was legitimate for the owner of the pasture or the Warden to impound them. They would only be restored to their owner on payment of a fine known as 'parkadge'. This was assessed at 1d Sterling for cattle and 1d Scots for every sheep for the first offence. The rate was to be doubled for every subsequent offence, "... until such offenders shall be compelled (by occasion of distress, and the charge of so great and grievous Parkadge) to keep his cattel within the limits and bounds of his own realm".¹⁴³ The order of the commissioners went some of the way to deal with this irritating problem but until both sides agreed as to what were the precise bounds the issue of straying livestock would be fuel for further controversy.¹⁴⁴

The commissioners also attempted to settle the dispute over the profitable Tweed fishings which involved Lord Hume, the Scottish Warden of the East March, and the Captain of Norham. The seriousness of the problem did not simply stem from the fact that it concerned a Scottish nobleman and a prominent border official; the problem was essentially one of security. The fishing lay under the walls of Norham castle and since the Scots did most of their fishing at night, their presence was felt to be a threat to the safety of the stronghold. The Council claimed that because of this factor the Captains of Norham had long held the fishing, paying a rent to the Humes.¹⁴⁵ The commissioners dropped this claim and ordered the Captain to restore the fishing to Lord Hume in addition to paying him £33 6s 8d in compensation for the lost profits since the peace of Norham. Complaints regarding the Tweed fishing were to be made to the Wardens and the offender be called to a Day of Truce and be fyled in the same manner as for other offences. If the bill was found 'foul', then the offender was to pay "... for every tyde that he maketh impediment unto the party complainent, twenty shillings Sterling, and be therefore delivered to remain with the party grieved, untill the same be fully satisfied".¹⁴⁶

It was crucial to bring an end to these controversies especially since they involved the Wardens personally and leading march officers of both sides. The mutual cooperation of these officials was essential to the administration of international justice. Once these disputes had been

solved the commissioners sought ^{to} fully [^]remedy their adverse consequences. The main problem was the great number of unredressed bills. The commissioners agreed that these were due to the negligence and default of border officers and they were determined to work "... until such time as every complainer's bill for offences done, since the last acceptation of the peace, shall be fully answered and redressed".¹⁴⁷ They were anxious in the face of the number of bills 'for a more special expedition of justice' between the Wardens. All complaints since the peace of Norham were to be enrolled and the rolls interchanged; the Warden Sergeant was to cause the accused to be at the next Day of Truce to answer the charges. If, as often was the case, the defendant could not be brought to trial, the Warden and the Assize were to proceed with the fyling of the bill pronouncing it 'clean' or 'foul'. This procedure, of course, necessitated some prior investigation on the part of the Warden or his officers into the facts of the case. They were to "... speire, search and enquire the Truth and verity of these attempts".¹⁴⁸ The Warden swore that at the next Day of Truce he would deliver a person to the plaintiff to act as surety until full redress was given. This newly improvised method known as fyling on the Warden's honour was designed to ensure that full and prompt recompense would be made to the plaintiff,¹⁴⁹ the Warden himself being made responsible under oath for the fulfilling of justice. The commissioners were at pains to emphasise the temporary nature of this expedient. The new method was instigated in

response to a particular situation and would cease to be implemented when the excessive number of bills had been processed.¹⁵⁰ Once established however the advantages of the new procedure soon became apparent. The fying of bills upon the Warden's honour became a popular and efficient alternative to the more standard forms of justice.¹⁵¹

In addition to improving the *modus operandi* of Days of Truce, the commissioners endeavoured to create an orderly climate at these international meetings by attempting to suppress the outbursts of violence which frequently occurred during the course of them. The commissioners referred in particular to the custom of 'Baughling' or 'Reproving'. A 'Baughle', as described by Bowes in 1551, was at once an accusation of broken faith and a judicial challenge. If at a previous Day of Truce a borderer had bound himself either for payment of a ransom or entry of a pledge or for any other cause, and after complaint of the wronged party still failed to keep his word, it was customary at a Day of Truce

... that the partie offended would beare a glove, or a picture of him that had so broken his truthe, and by the blast of a horne or crye to give knowledge to the whole assemblie, that such a person is an untrue and unfaithful man ... wiche is as much in the lawe of armes as to give unto him the lye, and appeale to fight with him in the quarrell. 152

The commissioners' intention was not to eradicate the practice of baughling *per se* but merely to control it so that it would not disrupt the peaceful proceedings of Days of Truce. If the aggrieved party wished to baughle a person or persons of the opposite realm he had first to seek the

licence of both Wardens. Offenders who ignored this order were to be handed over to the opposite Warden and imprisoned for a month. Their cause was to be forfeit at law and the person or persons baughled against were to be acquitted.¹⁵³

One of the greatest drawbacks to the administration of justice on the border was the prevalence of perjury. In the year prior to the commission of 1553, the Scots Privy Council drew up four articles suggesting reforms in the execution of international justice. The first drew attention to

... the greit hurt, harame, skaith, and dampnaige that trew men ... incurris throw the said perjurye, quhilk is the veray occasioun of the lang delay of justice and involvis the parteis in greit lawbouris and expense. 154

In an effort to stamp out this practice the Scots recommended that convicted perjurers should be imprisoned in the opposite realm for a year and then brought to a Day of Truce and there, "in face and presens of the pepill, to be brunt upoun the cheik with ane key or put to the deid".¹⁵⁵ The measures the commissioners proposed to take against perjurers were of a less drastic nature. The period of imprisonment was to be for three months and this was to be followed by a public denunciation at a Day of Truce.¹⁵⁶

Another suggestion drawn up by the Scottish Privy Council was settled by the Indenture of 1553; this concerned

the overswearing of bills. If the defendant was suspected of exaggerating the number or value of his stolen livestock or goods, the Wardens were to appoint twelve jurors who would have power to 'moderate, diminish or qualifie' their number.¹⁵⁷

In an attempt to reform the criminal activities of the borderers, the commissioners singled out three particular march treasons for special mention. These were murder, violent injury and arson. As for the first crime, the commissioners had the experience that "... the negligent omission of officers, in executing and performing the said laws in that point, hath been the occasion of such great enormities and disorders of both Realms". The Wardens were urged to observe the letter of the law and exact the full penalties in murder cases. In an effort to reduce violent injury and arson, the guilty were not only liable to pay the traditional damages but were to be handed over to the opposite Warden to be imprisoned for six months.¹⁵⁸

The underlying reason behind the commissioners meeting in 1553 was the breakdown in the normal machinery of international justice. This had been engendered not only by the instability of Scottish politics at the centre but also by the feuding of surnames on the frontier itself contributed to lawlessness and the weakness of judicial authority. In much the same way, the transition period between the death of Edward and the establishment of the new government gave rise to a conspicuous increase in criminal activity on

the part of English borderers. The commissioners began by attempting to solve individual disputes which had an additional paralysing effect on international cooperation. Then they made a brave attempt to speed up the administration of justice by the introduction of the system of fying bills on the Warden's honour. In addition, they made provision to ensure that the proceedings of Days of Truce were more equitable and carried out in a manner conducive to justice. From prior recommendations of the Scots Privy Council on one hand and the English commissioner, Sir Robert Bowes, on the other, we can see that the Indenture was an authentic piece of cooperation between the two sides. The commissioners tried to avoid what they regarded in the light of experience to have been mistakes in the past. They were not content to slavishly follow established patterns or lines in the Indenture. It was a genuine attempt to reform and readjust border law.

Administration at Work : The Graham Problem

Suspicion of Scotland and her French allies overshadowed negotiations between the Wardens until the final outbreak of hostilities between the two realms in the summer of 1557. Negotiations between the Wardens proceeded in fits and starts according to the prevailing state of Anglo-French relations. A marked feature of the period was the unusually detailed attention the Regent's government paid to the activities of the Wardens. Not only were their dealings with

their opposite numbers closely supervised by officials sent from Edinburgh but the Wardens themselves were often called before the Council to give an account of the situation. A more novel departure was the frequency with which the Scottish government negotiated directly with English Wardens over the heads of their own officials.¹⁵⁹ Despite the work of the commissioners in 1553, it was difficult for them to effectively remedy the state of affairs on the border. Progress made between Wardens depended as much on the internal political situation of the marches as on the international relationship between the two sides. It was impossible for the commissioners to bring order to the distracted state of the Scottish Middle Marches. Here, the feud between the Scotts and Kerrs was still a potent factor in creating instability, with the two surnames jostling for predominance. In April 1554, the Regent acknowledged that the two groups "... quhilkis ar the principallis upon that bordoure hes bein grit impediment (to the peace) this lang tyme bygaine".¹⁶⁰ Almost immediately after her assumption of the Regency, Mary of Guise informed the English Wardens of her intention to resolve this problem. The Scottish government's answer to this involved two measures. The leading members of the two surnames were called to Edinburgh in order to bind them to keep the peace, and, in order to restore order on the frontier the Regent herself conducted a judicial expedition there.¹⁶¹ The latter undertaken by her in July 1554, went a long way to improving the situation. At the end of that month, Conyers informed

^s
Shrewbury that the Regent

... hath travelled verie earnestlie to bring hir
subjectes unto amytie and love one with another; and
hath taken of dyverse surnames pledges for the
observing and keping of good rule ... And for the
redresse of these Marches betwene me and the wardens
of Scotland I am well answered, and as to equytie and
justice doth appertyn; and so good delyverie made on
both parties. 162

This close attention that the Regent's government
paid to border matters and, more particularly, her direct
communications with the English Wardens have resulted in
the survival of a considerable proportion of correspondence
dealing with border affairs.¹⁶³ The Regent's letters reveal
her government to have been genuinely concerned with the
uninterrupted flow of the course of justice subject of course
to the climate of international relations. This
required a constant and energetic oversight of the day to
day dealings of the Wardens; a procedure which the proximity
of Edinburgh to the frontier region facilitated. This
policy also had the inherent drawback of involving the
Scottish government in correspondence over routine matters
often of a trivial nature which could have been very well
settled by the Wardens.

We have seen that the proceedings of Days of Truce
were frequently hampered by delay owing to the
vacillating behaviour of the Wardens. Both governments
were engaged in a constant struggle to make local officials
act in a responsible manner to overcome their endemic
contentiousness which could so easily thwart justice. The

recurring intervention and degree of control the Scottish government exercised in international dealings during this period was such that a historian might ask how much energy the central government had to exert in overseeing and overruling Wardens before the question inevitably arose as to the need for their continued existence.

We have discussed the measures the Regent took in order to control the feuds in the Middle Marches. These, of course, were essentially internal struggles whose suppression lay within the jurisdiction of the Scottish government. A much more difficult matter arose when these power struggles transversed the frontier line and so ceased to become merely domestic problems. This process can be readily examined if we turn our attention to the state of affairs on the West March. The situation there was a complex one but its far reaching effects make it worthy of examination.

John, Master of Maxwell, had been acting Warden of the Scottish West March since March 1552 replacing his brother, Lord Maxwell, who was appointed a commissioner for the division of the Debatable land; Lord Maxwell died soon after and his brother continued in office. In August 1553, Maxwell resigned the West March to his uncle, Sir James Douglas of Drumlanrig. The reason for this as the Scots Council stated was that "... the said Johnne Maister of Maxwell is becum in under deidlie feid with diverse clannis ... quhairthrow he is nocht sa habill to serve as of befoir".¹⁶⁴ Maxwell was at feud with the Johnstones who

naturally sought collusion with other enemies of the Warden, and readily found them in the surname of the Grahams on both sides of the border.¹⁶⁵ That same month, the English Council wrote to their Warden and the Grahams ordering the former to see order maintained among the inhabitants of the late Debatable land, "... nowe knowen to be mere Englishe", and instructing the Grahams to obey their Warden.¹⁶⁶ In July 1554 the Regent, pursuing justice on behalf of the inhabitants of the Scottish West March claimed that the Grahams had murdered several Scots and even attacked the Warden himself, alleging that "Rychart Grahame and his complices to the nowmer of nyne scoir of men persewand him (the warden) sex mylis for his slauchter within the severall grund of Scotland". The following month the Regent charged the Grahams with being responsible for the murder of a French soldier near Annan with Dacre's alleged complicity.¹⁶⁷

There is no direct evidence that the English government countenanced these acts of violence in order to put pressure on the Scots particularly to surrender fugitives, their harbouring of which was a very sore point. It is difficult at this time to make much sense of the welter of recriminations and decide on whose side the weight of the blame lay. The English government certainly reacted to Scottish complaints by attempting to bring the Grahams to order. In January 1555, three of the principal Grahams, Richard, Peter and William, were bound over before the Council for £200 each on promises of future obedience to

royal authority and also to "... bring in the rebelles and suche others of thier surname as lately fledd into Scotlande to be aunswerable to the lawe".¹⁶⁸ In May of that year, a proclamation was issued offering pardon to the Grahams for past offences if they would submit themselves to the Warden and satisfy injuries committed by their surname against both English and Scots.¹⁶⁹ The need for a greater degree of supervision over the West March was apparent, and so Dacre was removed from the Middle March. His replacement by Wharton meant that he could direct all of his attention to the particular problems of the West March. The Earl of Shrewsbury who was appointed Lieutenant on the border in June 1555 was also instructed to deal with the matter of the Grahams.¹⁷⁰ The Council were careful to justify this to Dacre and they were especially concerned to allay Scottish suspicion of Shrewsbury's appointment. Dacre was ordered to inform the Scots that since he was personally involved, his servants having suffered at the hands of the Grahams, he was not considered sufficiently impartial to judge the matter.¹⁷¹ The settlement imposed by Shrewsbury on the surname was relatively mild. Although the Earl was ordered to pardon all the Grahams except four members of the clan, he simply took bonds of the latter for their good behaviour and what compensation was due to Scotland and released them. The government seemed more concerned with curbing the Graham problem per se than appeasing the Scots. Dacre had advised against the Lieutenant's lenient action towards the Grahams. He suggested that hostages should be

taken from them since there were rumours that if war broke out they would defect to Scotland; the headsman of the surname, he alleged, had already been in touch with the Scottish Warden with this intention in mind.¹⁷² Shrewsbury's clemency with respect to the Grahams was no more than a politic move to keep them loyal to the Crown in the light of suspected hostilities between England and Scotland.

The late summer of 1555 was a period of great tension. The Scots pressed for justice through the French ambassador insisting that the West March was "... la frontière plus gastée, et qui avoit le plus grand besoing d'estre bien redressée".¹⁷³ D'Oysel was convinced that the English borderers suspected war. English fears were bolstered by the Regent's holding of justice courts at Jedburgh and Dumfries in August and September of 1555, accompanied by 300 French foot. The presence of a Danish fleet off the coast increased the alarm. The ambassador believed English reluctance to force the Grahams stemmed from the fact that Mary did not wish to punish men she might need to use against the Scots in the event of war.¹⁷⁴ His counterpart in London, Noailles, spent two days with the Council reading them word for word D'Oysel's letters and memoirs. The English could only offer excuses: refusal to do justice, they alleged, stemmed from the Scots and not from them. English vacillation over redress to the Scots for injuries caused by the Grahams, Noailles claimed, was part of deliberate government policy : "Ilz se nourrissent

en plaisir d'entendre nos plainctes, et que leurs subjectz fassent endurer injures aux nostres".¹⁷⁵

In an interview with Secretary Petre and Chancellor Gardiner, the latter summed up the state of affairs on the border to Noailles in frank terms that reflected a cynical insight into the political realities of the situation. Trouble was endemic on the border, the Chancellor told the ambassador, the Queen and Council sincerely wanted to see order and justice there, but crime was so common it was impossible to punish everyone and arrive at a perfect redress for the victims of theft or violence. The only solution was to hang a few malefactors as an example while the Wardens of either side would do their best to control the remainder.¹⁷⁶

As in 1553, the government responded to the frequent solicitations of the Scots and French by proposing that commissioners meet those of the Scots to redress all attempts since the meeting of 1553. Noailles believed that Mary had appointed the commissioners and that he was being treated with more civility because of French successes in Italy which culminated in the alliance in October 1555 of Paul IV and Henri against the Emperor.¹⁷⁷

Prior to the summer of 1556, nothing is known of the meetings of the commissioners but they seem to have met in January of that year.¹⁷⁸ The Truce of Vaucelles in February 1556 considerably relieved the situation and the machinery of Days of Truce was set in motion again.

On 13 May, Wharton informed Shrewsbury of the turn in events. The Scots, he wrote

... begyn to countynance agayne the maner of peace, otherwyse thene they have don thes two monethes notwithstanding ther layt brags and doings, wherin they have ben somewhat met withall. 179

In this new atmosphere the commissioners began serious negotiations in late June. On the 28th of that month, Sir Leonard Beckwith wrote to Shrewsbury that the Scots were willing to satisfy English complaints but so great was the number of back bills that the commissioners would have to sit till Michaelmas; in one march alone the English had 1000 bills of complaint against the Scots.¹⁸⁰ The commissioners had barely got down to work when news came of an event of such magnitude that it was to poison relations between the two sides and dog the efforts of English negotiators up to the outbreak of hostilities in the summer of 1557.

On 7 July 1556, the Scottish Warden of the West March and the Earl of Bothwell appointed by the Regent Lieutenant General on the border with a large body of Scottish and French troops took action against Scottish rebels on the west border. In the bloody skirmish that followed the rebels had the upper hand, upwards of eighteen of the government's forces were killed and forty taken prisoner. The Warden just managed to escape but the rebels were successful in capturing James Haliburton, Provost of Dundee and Keeper of Liddesdale, in addition to the French Captain

of Dunbar. Lord Dacre had sent his son Leonard to the Esk to prevent the rebels from fleeing into England and the Grahams had been called by the Warden to attend upon his son. Not only did the surname refuse to obey the Warden but, for the most part, they assisted the Scots rebels and captured the bulk of the prisoners.¹⁸¹

The Council reacted immediately commanding the Grahams on their allegiances to give up their prisoners; the situation was one of acute embarrassment since the outrage had taken place during the time of the commission. Dacre was written to several times throughout July and ordered to send the principal Grahams to Berwick to answer the bill fyled by the Scots. On August 13, the Council severely reprimanded the Warden for not following the orders of the commissioners

... thier lordships do moche marvaill thereat, and not knowing what inconvenience maye followe thereof, have good hoope that his lordship hathe byn better advised syns ... there is no disorders on the Borders but in his wardenry. 182

As for Dacre's equivocal role in the matter, D'Oysel believed that the Warden was deliberately inducing raids into Scotland to force the Dowager to release the former Warden Maxwell who had been imprisoned. According to Noailles, not only was Dacre involved but he was acting in collusion with Wharton "... il n'est rien si vray que tous les deux sont amis des Grahames, principaulx offenseurs en ces derniers attentats".¹⁸³

The Council's hard line had the desired effect; the principal Grahams were sent to Berwick to answer the bill. Yet, despite the Council's order to them to give up their prisoners, the surname was in fact successful in ransoming them. The Grahams remained at Berwick at the command of the commissioners while the raid of 7 July was debated, but because the Scots were slow in bringing forth certain offenders of Liddesdale and Teviotdale, the Grahams were allowed home on sureties to appear before the commissioners when called.¹⁸⁴ This action clearly illustrates the quid pro quo mentality that could exist even where the administration of justice was concerned. For the moment, the Graham affair was shelved and taken out of the Warden's hands into those of the commissioners. The Scots were still concerned to keep the affair a separate issue.¹⁸⁵ Nevertheless, they were prepared to get down to the more general business of further reform and modification of the march laws.¹⁸⁶

The first matter the commissioners turned their attention to had also been a major topic of discussion in 1553. This was the lack of enforcement of the laws concerning murder. The guilty persons, they claimed, "... hayth not been delyvered nor punyshed this fyfty yere and above to the evill example and great boldnes of lyke doers".¹⁸⁷ The commissioners once again insisted that the laws dealing with the punishment of murderers be rigorously adhered to. For the first time, compensation was introduced for the victim's family. It was ordered that all the moveable

goods of the offender were to be handed over to the opposite Warden for the use of the wife and children of the slain or his next of kin.¹⁸⁸ Several other articles were directly influenced by recent events. All borderers sheltering thieves, fugitives and rebels were to hand them over to the opposite realm within thirty days. If the fugitive had committed any crime in his own march, then the wronged party was to claim compensation at a Day of Truce. The receivers of the fugitive were to be made liable not only for payment of the bill but their goods were to become forfeit to the Crown where the receiver dwelt. To remedy the fact that no punishment was applicable for the unlawful detention of prisoners, the commissioners ordered that the detainer was to compensate his prisoner for income lost during his detention. This being done, the guilty person was to be handed over to the opposite Warden and be imprisoned for three months.¹⁸⁹

The infrequency with which Days of Truce were held was a persistent cause of complaint. Delays or lack of confidence in these international courts could seriously increase tension as such a situation was a strong inducement to the borderers to take the law into their own hands. This problem was most noticeable during winter, "... the officers not beyng long together in Wynter and the place of metynge not conveyent to conteneu together for tempest of wedder".¹⁹⁰ This was especially grave since it was during the winter months that a high proportion of raiding was carried out.¹⁹¹

The commissioners immediately arranged Days of Truce for all the marches on specific dates with the time and place noted for each meeting. If any complainant could not secure a verdict for his bill or delivery for it was not forthcoming, then he had the right to appeal to the commissioners. As to the vexed question of accommodation during inclement weather, the commissioners decided that the Wardens should appoint a number of towns in either realm suitable for the holding of Days of Truce, each side giving assurances that the peace would be maintained one day before the meeting and one or two days after it.¹⁹² The commissioners also made some important changes to the machinery of Days of Truce. An impartial jury was rarely empanelled at these international gatherings. Everything militated against such an occurrence. Aside from the problems created by national bias, the closely knit structure of border society, the relatively small number of persons eligible for jury service and the tenurial relationship which bound one man to another, all combined to produce a situation in which juries could be easily influenced to produce a favourable verdict. To palliate the problem of securing reliable jurors the commissioners ordered that the twelve jurors were not only to sit for the duration of the meeting but were to continue to attend for the space of three months. At the end of this period all bills that the jurors had found foul were to be enrolled and the Wardens were to cause delivery to be made within eight days. After which, another twelve jurors would be appointed. This new system, whereby the jurors sat in

office for a determined period, ensured a continuity which the commissioners hoped might lead to a greater operational efficiency at Days of Truce. By this means, the same jurors were made responsible for seeing the juridical processes of fying, assessing compensation and ensuring its delivery, carried out from start to finish. In addition, fewer jurors made for more effective control. The Warden's duty of ensuring that juries acted with adequate fairness in cases was made easier. The efforts of the commissioners to secure compensation for all bills were commendable but there was still a significant time lapse between the committing of the crime and the securing of compensation. However, there still remained the possibility, where poor men were concerned, that the Warden could require immediate redress from his opposite number.

The Indenture of 1556 again demonstrates the extraordinary flexibility of Border Law. The commissioners had been called together to remedy the state of confused lawlessness which seemed irreducible by the ordinary course of justice. Influenced by the prevailing situation, they introduced these modifications to curb what they saw as the most serious infringements of international law. What, of course, they could not influence, were the relations between the two governments; the determining factors lay outside their limited diplomatic purview. The effects of the commission were, in the short term, nullified by renewed embittered relations between the two sides. Although the criminal activities of the Grahams had heavily influenced

the proceedings of the commissioners, the Scots were determined that the matter should not be settled in general terms. As soon as the Indenture had been drawn up, the affair was raised again by the Scots. The English commissioners remarked wearily, "... thys heynous attemptate hayth a long tyme trobled us".¹⁹³ The matter had little chance of being settled to the satisfaction of the Scots owing to the limited manoeuvrability allowed to the English commissioners by the Council in London. The latter ordered the commissioners that they "... shuld by all the best meanes they could devyse, procure to temper the matter of the Greames so as there be as little rigor usyd therein as may be".¹⁹⁴ The crux of the matter rested on an important principle of March Law which stated :

... yf one twoo or moo Ynglyshemen be at the commytting of any attemptate in Scotland and albeit that 100 moo or fewer Scottyshemen be the principall comytters yet shall the Ynglishemen be fyled of that attemptate. 195

The bill of 7 July had been fyled upon Richard, Thomas and Fergus Graham who were liable for payment of the whole sum of compensation. The commissioners had managed to persuade the Scots to forego the 'two doubles', but even the amount involved in the principal was beyond the means of the surname.¹⁹⁶

Beckwith and the Chancellor of Durham were in Jedburgh from 16 to 25 November to settle the Graham affair. The Scots demanded delivery for the bill of 7 July and

refused to proceed in other matters, even the projected Days of Truce, until the matter was concluded. The hostile treatment offered to the two men reflects the prevailing state of relations. They were not met going in or coming out of the town, no suitable lodgings were provided. Scuffles broke out between their entourage and the Scots and the latter refused to accept English money except at a loss.¹⁹⁷

The government still remained adamant that the commissioners were to continue to negotiate in the light of former instructions.¹⁹⁸ They were to use the Scots refusal to deliver the traitor Pelham, "... beyng a notable offender agaynst our own person" and other matters of grievance against the Scots to qualify their demands for the delivery of the Grahams.

The worsening situation put paid to any further attempts to settle the matter which was still very much a burning issue with the Scots when a further commission met in the summer of 1557.¹⁹⁹

The activities of the Grahams illustrate the complexity of border relationships both internally and across the frontier line. The Grahams were capable of aiding their Scottish surname allies in resisting the authority of the Scottish Crown, whilst the French suspected Dacre of encouraging the Grahams to create disorder in an effort to force the Dowager to release the imprisoned Warden

Maxwell. Unless we take French accusations at face value, it is difficult to demonstrate Dacre's complicity in the Grahams' criminal activity. The Warden's culpability must surely lie in his repeated failure in bringing the surname to order. Whether it was part of a deliberate policy or not, turning a blind eye can only have fostered their violent behaviour.²⁰⁰ What we cannot fail to take cognisance of is just how far the government was prepared to go to protect the Grahams. The commissioners were appointed more, it seems, as a means to diffuse the situation on the border and placate the French than for a genuine rendering of justice. The Council showed no compunction in repeatedly instructing the commissioners to bring the Scots to mitigate the charges against the Grahams even though, as they themselves admitted, they were manifestly guilty.²⁰¹ The government found itself in an equivocal position; it valued the military aid of the surname groups which was inextricably linked with border defence. The repercussions of handing the leaders of the Grahams over to the Scots or of countenancing the exaction of a fine that would force them in their extremity to join the Scots of their own accord were too serious for the government to risk, especially in a situation which threatened war.

CHAPTER IIINotes

- 1 Cal. Span., XI, 301-302
- 2 Vertot, II, 209. "... il sera si dieu plaist perpe-
tuelle mémoire de deux Roynes avoir esté en un mesme
temps en ceste Isle la jointes d'inviolée amitié".
Dowager to Mary, 25 September 1553, P.R.O., SP 51/1/10.
- 3 Vertot, II, 345; Cal. For., Mary, 43, 47, 55, 58.
- 4 Vertot, III, 17; Cal. For., Mary, 80; Cal. Span., XII,
263.
- 5 G. Donaldson, Scotland, James V - James VII,
Edinburgh 1978, 83-84, 86-87.
- 6 Aff. Etr., Correspondance Politique Angleterre, 20
f.222.
- 7 Ibid., for similar comments of D'Oysel see Teulet,
I, 286-287.
- 8 Leslie, II, 364-366; Bib. Nat., Mémoires et Documents
Angleterre 15, fos.6-9.
- 9 Aff. Etr., Correspondance Politique Angleterre, 20
f.222.
- 10 P.R.O., 3/31/22/f.5, 3/31/23/f.156.
- 11 Aff. Etr., Correspondance Politique Angleterre, 20
f.222.
- 12 Balcarres, II, 221-222.
- 13 P.R.O., 3/31/22/f.243; Vertot, IV, 14, 200-201.
- 14 Extracts from the Records of the Burgh of Edinburgh
1528-1557, Edinburgh 1871, 209-210, 215-216. P.R.O.,
SP 15/7/35; Cal. Span., XIII, 145; R.P.C.S., XIV,
Add. 1545-1625, 13.
- 15 P.R.O., 3/31/22/f.49; Aff. Etr. Correspondance
Politique Angleterre, 20 f.222.

- 16 Talbot MSS. C. fos.336-337; A.P.C. V, 280.
- 17 P.R.O., 3/31/22/f.41; Vertot, III, 113, 117;
Cal. Span., XII, 43.
- 18 Donaldson. op. cit., 87-88.
- 19 Leslie, II, 361-362;
- 20 Cal. Span., XII, 43, 115, 153, 189, 290.
- 21 Balcarres, II, 229.
- 22 Cal. Span., XII, 17; A.P.C. IV, 382. Anthonio
Erizo or Mark Anthony was captured and Dacre was
ordered to examine him and send him to the Council.
His subsequent fate is not known; A.P.C. IV, 408.
- 23 Cal. Span., XII, 221, 263; Cal. For., Mary, 80;
R.P.C.S., XIV, Add., 1545-1625, 126-127; Vertot, III,
170-171. Pringle was released in February 1555.
P.R.O., 3/31/22/f.41.
- 24 Vertot, III, 132, 138, 159, 163; Cal. For., Mary,
66, 73, 77.
- 25 P.R.O., SP 11/3/31; A.P.C. IV, 397; Cal. Span., XII,
156-157.
- 26 P.R.O., SP 12/93/18; A.P.C. IV, 411. V, 6-7.
- 27 Ibid., 7, 14-15.
- 28 Ibid., Talbot MSS. C. f.39.
- 29 A.P.C. V, 15.
- 30 Cal. Span., XII, 204-205. There was, of course, a
precedent for this plan. Henry VIII had tried to use
Lennox in much the same way in the 1540's.
J. J. Scarisbrick, Henry VIII, 1968, 443.
- 31 Vertot, II, 210. III, 102, 298, 299.
- 32 Cal. Span., XIII, 67.
- 33 Ibid., 138, 139.
- 34 Cal. For., Mary, 146-147.

- 35 Vertot, III, 300. IV, 14.
- 36 D. M. Loades, The Reign of Mary Tudor, 1979, 268.
- 37 Vertot, IV, 14.
- 38 Ibid., 166; Cal. Ven., VI, 12.
- 39 A.P.C. V, 95.
- 40 Ibid., 91, 94, 98.
- 41 P.R.O., SP 15/7/33.
- 42 A.P.C. V, 148.
- 43 Ibid., 148, 157.
- 44 Cal. For., Mary, 177; A.P.C. V, 156-157, 160; Cal. Span., XIII, 229; Talbot MSS. C, fos. 75, 83, 107, 125.
- 45 Vertot, V, 96.
- 46 A.P.C. V, 170-171.
- 47 Vertot, V, 296-297, 301.
- 48 P.R.O., SP 11/1/3; A.P.C. IV, 340.
- 49 B.L., Harleian MSS., 289, f.160.
- 50 Ibid.
- 51 P.R.O., E 351/223. Account of Richard Bunny, 1 May 1551 - 30 April 1554.
- 52 A.P.C. IV, 365-366.
- 53 Ibid., 366.
- 54 P.R.O., SP 11/4/6; Loades op. cit., 189-190.
- 55 P.R.O., SP 11/3/31; A.P.C. IV, 397.
- 56 P.R.O., E 351/223.
- 57 A.P.C. IV, 362, 366.
- 58 Ibid., 366. V, 3.
- 59 Ibid., 43-44.
- 60 P.R.O., E 351/223. Copy of letter from King and Queen to Valentine Brown, Auditor, dated 5 April 1558.

- 61 For Edwardian devaluations see Hughes and Larkin, I, 518-519.
- 62 P.R.O., E 351/223.
- 63 Ibid.
- 64 C.P.R. Philip and Mary, II, 199; A.P.C. V, 49.
- 65 P.R.O., E 351/224. Account of Richard Ashton, 20 May 1554 - 31 December 1554.
- 66 A.P.C. V, 44, 64; P.R.O., SP 15/7/27.
- 67 P.R.O., E 351/224.
- 68 P.R.O., E 351/225. Account of Alan Bellingham, 21 July 1557 - 14 February 1558. The figure quoted by Sadler in Sadler, II, 8-11, was £2394; this included the Warden's fees for the East and Middle Marches. P.R.O., SP 15/8/121 quotes figure of £1689 as being the pay of the ordinary garrison exclusive of officers and Wardens. For the salaries of Wardens see *supra.*, pp.49-50.
- 69 P.R.O., E 351/224.
- 70 Ibid.
- 71 Ibid.
- 72 P.R.O., E101/63/18.
- 73 P.R.O., E 351/224; A.P.C. V, 7, 14-15, 95.
- 74 *Supra.*, p. 8.
- 75 Talbot MSS. C. f.19.
- 76 Ibid., f.63.
- 77 "An Acte for the Reedyfieng of Castelles and Fortes, and for thenclosing of Growndes from the Borders towardes and against Scotland" 2 and 3 Philip and Mary, C.1 SR, IV, (I), 266-269.
- 78 The inclusion of the Bishopric of Durham was necessitated by the proximity of the Palatine liberty of

Norham to the border. The inclusion of Westmorland is not so readily explicable.

- 79 SR, IV, (I), 266.
- 80 P.R.O., SP 15/7/19, 20, 21; A.P.C. V, 20-21
- 81 SR, IV, (I), 267.
- 82 P.R.O., SP 15/1/2.
- 83 Supra., pp.155-156.
- 84 B.L., MSS. Cotton Caligula B, V , fos.50-58.
- 85 Ibid., f.52.
- 86 Ibid.
- 87 Ibid.
- 88 R.T. IV, (I), 68.
- 89 Ibid., Leges, 229.
- 90 B.L., MSS. Cotton Caligula B, V, f.51.
- 91 R.T. IV, (I), 59-60; Supra., p.30. For comments on the decay of husbandry in mid sixteenth century Northumberland see Talbot MSS. B, fos.209, 213.
- 92 C.P.R. Philip and Mary III, 54; P.R.O., SP 11/6/83.
- 93 A.P.C. V, 211.
- 94 Ibid.
- 95 P.R.O., E 101/458/32.
- 96 Ibid.
- 97 A.P.C. V, 288-289. The government was heavily occupied in reducing the foreign debt, for the huge repayments made at Antwerp at this time see Loades, op. cit., 292.
- 98 A.P.C. V, 313.
- 99 Ibid., 355; VI, 4.
- 100 Ibid., 21-22.

- 101 L.R. Shelbey, John Rogers, Tudor Military Engineer, 1967, 120.
- 102 He was a member of the 1556 commission, *infra.*, p.230 ff.
- 103 A.P.C. VI, 4.
- 104 B.L., Cotton MSS. Caligula B, V, Fos.50-51. The Elizabethan government blamed non-observance of the act as the major cause of the weakness of the border. The Marian act was revived in 1580/1, 23 Elizabeth, C 4, S.R. IV (1) 663-667. A document among the Border Papers written, it seems, prior to the passing of the Elizabethan act rehearses at length the objections to it. In particular, the writer argues that raising money from landlords for the repairing of existing fortifications and the building of new ones as well as the enclosing and ditching of grounds would raise high expectations, "... from the undersorte and tennautes wich seek nothinge but the overthrowe or brydlinge of their lordes". If it seemed that the government was acting on the initiative of tenants, obliging their landlords to provide for their security, this might establish a dangerous precedent and lead to a barrage of complaints "... It tendeth to minister occasion of rebellion to procede from ye inferioure sorte, whose nature is so insolent throughe barbarous Education, that they most easillie fall into rebellious actions when they se theyr lords doinge, joined, called to anearackinge (sic) for their sakes, and ordered to acte somewhat to their honor and that upon their complaynt". P.R.O., SP 59/21/82.
- 105 E.H. Harbison, Rival Ambassadors at the Court of Queen Mary, Princeton, N. J., 1940, 49-50.
- 106 Cal. Span., XI, 150-151. Shrewsbury was eventually pardoned on 7 October; C.P.R. Philip and Mary, I, 421.

- 107 A.P.C. IV, 315; Foedera, XV, 337-338.
- 108 A.P.C. IV, 417.
- 109 Talbot MSS. P. f.223.
- 110 A.P.C. IV, 310, 421.
- 111 Ibid., 305.
- 112 Ibid., 426.
- 113 Vertot, II, 242.
- 114 The three leading Musgraves appear on the pardon rolls on three different occasions. Sir Richard, Captain of Carlisle castle, pardoned 1 November 1553, C.P.R. Philip and Mary, I, 411; Cuthbert, Captain of Harbottle and Keeper of Redesdale, 15 November 1553, C.P.R. Philip and Mary, I, 464; John Musgrave, Captain of Bewcastle, pardoned 28 November 1553, C.P.R. Philip and Mary, I, 449.
- 115 P.R.O., SP 11/1/5.
- 116 C.P.R. Philip and Mary, I, 411.
- 117 D.N.B. Thomas Wharton; G.E.C. XII (II), 598-600.
- 118 C.P.R. Philip and Mary, I, 277, 296, 393-394.
- 119 Cal. Span., XI, 87.
- 120 Ibid., 107.
- 121 A.P.C. IV, 382; C.P.R. Philip and Mary, I, 140, 177; II, 28.
- 122 Ibid., I, 140, II, 28.
- 123 Ibid., I, 177.
- 124 B.R.O. MSS. B 1/1 fos.44, 63; A.P.C. IV, 411.
- 125 A.P.C. V, 23; R.P.C.S., XIV, Add., 1545-1625, 162.
- 126 C.P.R. Philip and Mary, III, 27.
- 127 Ibid., the office of Hexhamshire continued as such till the end of Elizabeth's reign. B.L. Add. MSS.

- 33591, II, f.46. Alnwick, of course, was no longer in the gift of the Crown after 1557, *infra.*, pp.287-288.
- 128 A.P.C. V, 121-122, 133.
- 129 C.P.R. Philip and Mary, II, 299; A.P.C. V, 109. Vavasour gave up the Captaincy of Berwick to Wharton in August 1556. A.P.C. V, 309-310, 317-318; C.P.R. Philip and Mary, III, 547.
- 130 Ibid., 182-183.
- 131 Talbot MSS. C. fos.111, 113, 145-149, 165, 167, 171-172. The Council were also unhappy about the sum of £150 which Conyers had ordered the Treasurer Ashton to pay to 15 soldiers despite their being guilty of default of service. P.R.O., E 351/224; A.P.C. V, 140.
- 132 Talbot MSS. C. f.148.
- 133 Ibid.
- 134 Ibid., Wharton had not long recovered from a broken leg and was at least 60 years old. A.P.C. V, 124, 156. D.N.B. Thomas Wharton.
- 135 R.P.C.S., I, 148-150, "Instructionis for Ross Herald to be schawin to Monsieur Nowellis, Ambassadour for the Maist Cristin King in Londoun"
- 136 B.L., Harleian MSS., 1757 f.314.
- 137 Leslie, II, 350-351.
- 138 A.P.C. IV, 357.
- 139 R.T., IV, (II), 19-20.
- 140 Instructions to the commissioners in B.L., Harleian MSS., 289 f.160.
- 141 Tough, 98. The Indenture is printed in Leges, 71-83.
- 142 Leges, 75-76; R.P.C.S., I, 150.
- 143 Leges, 76-77.
- 144 R.P.C.S., XIV, Add. 1545-1625, 156.

- 145 Cal. For., Mary, 17-18; R.P.C.S., I, 149-150.
- 146 Leges, 77-79.
- 147 Ibid., 72.
- 148 Ibid., 72-73.
- 149 On the difficulties of obtaining redress after a bill had been successfully fyled, Supra., p.68 ff.
- 150 Leges, 74-75.
- 151 It must be stressed that the method operated in conjunction with the other forms of justice, it never superseded them. P.R.O., SP 15/7/112.
- 152 R.T., IV, (II), 10-11; C.B.P., II, 724; Leslie, I, 101. Clearly the custom of baughling was not restricted to Days of Truce as the rector of Houghton, Bernard Gilpin, discovered when he noticed gloves hanging up in the church at Rothbury. G. Carleton, The Life of Bernard Gilpin, London, 1629, 27-28.
- 153 Leges, 81-82.
- 154 R.P.C.S., I, 122-123.
- 155 Ibid., 123.
- 156 Leges, 82-83.
- 157 Ibid., 83.
- 158 Ibid., 79-81.
- 159 Rae, 183-184.
- 160 R.P.C.S., XIV, Add. 1545-1625, 122-123; P.R.O., SP 15/4/30.
- 161 R.P.C.S., XIV, Add. 1545-1625, 128-129; R.P.C.S., I, 140-141, 152-153.
- 162 Talbot MSS. C. fos.59-60; R.P.C.S., XIV, Add. 1545-1625, 139.
- 163 R.P.C.S., XIV, Add. 1545-1625, 122-167.

- 164 R.P.C.S., I, 143-144; H.M.C. 15th Report App. VIII, Buccleuch and Queensberry, Drumlanrig MSS. 22-23.
- 165 H.M.C. 15th Report App. IX, Johnstone Papers, 21; R. Pitcairn, Criminal Trials in Scotland from 1488-1624, Edinburgh, Bannatyne Club 1833, I, 393. For origins of Graham-Maxwell feud, *supra.*, p.135.
- 166 A.P.C. IV, 331-332.
- 167 R.P.C.S., XIV, Add. 1545-1625, 140-142; Vertot, IV, 175, 316.
- 168 A.P.C. V, 89-90. After killing three of Dacre's servants, men the Warden had sent to apprehend them, the Grahams responsible took refuge in Scotland; R.P.C.S., XIV, Add. 1545-1625, 159, 161.
- 169 Hughes and Larkin, II, 56-57; A.P.C. V, 138.
- 170 Ibid., 156, 165-166, 170; Talbot MSS. C. f.195.
- 171 Talbot MSS. C. fos.67-68, 71; R.P.C.S., XIV, Add. 1545-1625, 161-162; Vertot, V, 15, 86-87.
- 172 Talbot MSS. C. fos.195-198.
- 173 Vertot, V, 91.
- 174 Ibid., V, 96-97; T.A., X, 287, 290-292.
- 175 Vertot, V, 115, 116-117, 138.
- 176 Ibid., V, 118.
- 177 Ibid., 157, 161, 164-165, 181, 183-184, 192-193. The Scottish commissioners were Robert Reid Bishop of Orkney, Richard Maitland of Lethington, Sir John Bellenden and Sir Robert Carnegie. England was represented by Lord Wharton, Sir Leonard Beckwith, a member of the Council in the North, Sir Thomas Hilton, Captain of Tynemouth castle and the Chancellor of Durham, Robert Hyndmer, Ibid., 156-157, 161.
- 178 A.P.C. V, 218.

- 179 Talbot MSS. C. f.249.
- 180 Ibid., f.259.
- 181 Teulet, I, 281-283; Talbot MSS. C. fos.262-263;
National Library of Scotland, Armstrong MSS.6114 B.f.529.
- 182 A.P.C. V, 326-327.
- 183 Teulet, I, 286; Talbot MSS. C. f.172.
- 184 P.R.O., SP 15/7/41; A.P.C. V, 348.
- 185 B.L., Harleian MSS., 289 f.50.
- 186 Indenture and Proclamations of the commissioners,
B.L., Harleian MSS., 289, 43-51; P.R.O., SP 15/6/
57-61.
- 187 B.L., Harleian MSS., 289, f.43. In late October the
commissioners repeated the claim in a letter to the
Privy Council "... we dyd consider the great nombre
slayne and no execusion therefore in any peace within
the memore of men". Ibid., f.53. In the same letter
the commissioners claimed 80 Scots and 49 Englishmen
had been slain since the peace of Norham.
- 188 Ibid., f.43.
- 189 Ibid., fos.43-45.
- 190 B.L., Harleian MSS., 289, f.45. It must be remembered
that for security reasons Days of Truce were held in
the open air and away from population centres. As
one Wardenry official wrote, "Ther howse of session
is the open feild, the firmament ther roof and ther
seate the cold earthe ; B.L., MSS. Cotton Caligula,
B, VIII, f.403.
- 191 Supra., pp.24-25.
- 192 B.L., Harleian MSS., 289, fos.46, 50-51.
- 193 Ibid., 52.
- 194 Ibid., 53.
- 195 Ibid., 52.

- 196 Ibid., 58-59.
- 197 Ibid., 57.
- 198 Sir William Pelham was one of the leaders of the Londoners who deserted the Duke of Norfolk and joined Wyatt. Pelham had been suborned by a Scottish agent of Noailles. D.M. Loades, Two Tudor Conspiracies, 1965, 60. In March 1554, Renard reported that Pelham had been captured on the Scottish border and brought back to face justice, Ibid., 111. It is just conceivable that Renard was correct and that Pelham later escaped. In June 1557, Wharton was ordered to proceed against those in prison suspected of complicity in Pelham's escape, A.P.C. VI, 110-111. In February 1555, Noailles warned the Dowager that the English Council had ordered the Wardens to make the giving of redress conditional on Pelham being delivered, P.R.O., 3/31/22/f.27. The English repeatedly requested Pelham's delivery, A.P.C. V, 98; R.P.C.S., XIV, Add. 1545-1625, 123-124, 125, 143-144. In March 1555, the Dowager admitted that she had spoken to Pelham and had not seen him since, P.R.O., SP 15/7/35. Pelham was in fact sent to serve the King of France, Ibid., 41.
- 199 Infra., p.257 ff.
- 200 Vertot, V, 90-87. This was the traditional tactic used in open war, "... as for the reformation of thoffendors in Northumbrelonde, we thinke it not convenient tattempte the same at this tyme, the warre beyng so hote as it is, but rather to wynke thereat for a tyme". Norfolk and Hereford to the Privy Council, October 28, 1542, Hamilton, I, 293.
- 201 B.L., Harleian MSS., 289, f.58.

CHAPTER IV

THE THREAT FROM SCOTLAND AND FRANCE 1557-1558

The Threat from Scotland 1557

At the end of his stirring account of the Anglo-Scottish conflict of 1557-8, Ralph Holinshed appended the following epilogue,

Thus far for those yeares in the daies of Marie queene of England, betwixt the Englishmen and Scots : whereof sith I have found none that hath written anie thing at all, I have yet set down these od notes, as I have learned the same of such as had good cause to know the truth thereof, being eie-witnesses themselves of such enterprises and exploits as chanced in the same warres; namelie capteine Read, capteine Wood, capteine Erington, capteine Gurleie, and capteine Markham, with others which of their courtesie have willinglie imparted to me the report of diverse such things, as I wisht to be resolved in which accordinglie ... I have here delivered, to the end the same maie give occasion to others (that maie happilie light upon more full instructions) to impart to posteritie a more perfect discourse, where otherwise the matter might peradventure wholie passe in forgetfulnesse. 1

From the summer of 1557 until the signing of the Peace of Cateau-Cambresis in April 1559 Scotland and England were at war. It does not seem that any official declaration of war was made but from August 1557 the two nations clearly regarded themselves as belligerents.² There followed a period of hostility and limited border engagements which contemporaries dubbed 'the two yeares warres'.³ The colourful series of minor encounters related by Holinshed convey

a military naivety that betrays his sources. The chronicler employed a conventional but somewhat inappropriate vocabulary in describing the incidents that took place on the border during 1557/8. The stock terms 'wars' and 'battles' convey an impression of military operations on a grand scale. Continental military commentators used a much more sophisticated jargon which represented these encounters more accurately. The distinction is typified by D'Esse's account of an 'escarmouche' before Haddington in July 1548. As the great veteran commander of the Italian Wars commented sardonically, "Je ne scay si l'on doibt appeler cella bataille, comme font les gens de ce pais".⁴ Sir William Maitland, the Scottish Chief Secretary, with a more accurate reserve of which participating military captains were typically devoid, described the 'wars' of 1557/8 as "... manie roadis and littil recontres".⁵

In late November 1556, the Council were informed that English exiles in France were plotting against Hammes and Guisnes and that there was a likelihood of a breakdown in the Truce of Vaucelles. Wharton was warned to temper his proceedings with the Scots and despite the fact that the balance of compensation was in their favour, he was to confer with Dacre, "... so as thier doinges on all parts maye be equall towching the delyverie of recompenses".⁶ The reinforcements sent to Calais early in December checked French plans. It was not until the French attempt against Douai on 5/6 January 1557 that the Truce was officially

broken. War was finally declared between France and Spain on 31 January and Mary was soon bringing pressure to bear on the Council for an English declaration against the French.⁷ The Council was bitterly divided over the prospect of war. The uncertainty of the situation was plaguing Noailles who commented despairingly to Henri in early March,

On ne peult veoir clair aux choses de deçà, et beaucoup moins asseurer celles qui sont à venir, puis qu'on ne peult asseoir jugement, ny sus la vérité, ny sur la raison, et qu'on ne scauroit bastir icy sur autre fondement que sur la faveur d'une femme tant enyvree de l'amour de son mary, qu'il ne luy chault d'offenser Dieu et le monde poureu qu'il soit content. 8

The ambassador advised the King to do all that was possible so that Scotland should play its role in deterring Mary from military intervention on her husband's behalf. To achieve this the French bands in Scotland would need to be substantially reinforced. In January 1557, D'Oysel reported that there were only 1,200 French troops in Scotland, just enough, "... pour faire un peu de mine à nos voisins".⁹ The latter was sceptical as to whether this would have any effect on Mary's decision,

Je serois bien content qu'elle en eut peur, si cela pouroit servir à la garder d'entrer à la parte avec-que son mary. Mais ... je fais mon compte qu'elle ne se laissera dissuader de son entreprise pour si petite chose. 10

For the Regent and her French advisers the prospect of war with England and the marriage of the young Queen of Scots with the Dauphin became inseparable. It was an uphill

effort for the Regent to reconcile the Scots to French rule. The good will towards the French so conspicuous in the aftermath of the Treaty of Boulogne had evaporated in the face of what the Scots increasingly saw as a French take over. Sporadic outbursts of violence against Frenchmen became more and more frequent.¹¹ If the Regent was to persuade the Scots to declare against England her political position needed to be strengthened. This, as she commented to her brother, could be achieved by pushing ahead with the marriage,

... mais pour vous faire cognoistre les opinions de ceste nation. Qui fut que je mectoys la charrus devant les boeufs, et me trompoys de penser viens asseurer de deçà, si au préallable le mariage nestois accomply, car ils estoient toniours en doubte soubs que seigneur ils debroient tumber. 12

There was still some uncertainty as to whether Mary would marry the Dauphin. The Constable, Montmorency, who had still a strong influence over Henri opposed the marriage as it would lead to a dramatic increase in the power of his rivals, the Guise. He favoured the Queen's betrothal to some French Duke or lesser Prince. This would enable the couple to be sent back to Scotland, for he argued that the Scots would never accept to be ruled by lieutenants, and, should any rebellion result, the cost to France to crush it would be prohibitive.¹³ The Regent argued that the promise of Scottish participation in any future war between England and France in exchange for a firm French commitment to the marriage was a small price for Henri to pay.¹⁴ To obtain

the adherence of the Scots to a policy of armed aggression against England and make them amenable to the marriage, the Regent had to convince the Scots that England posed an immediate military threat. At the rupture of the Truce of Vaucelles, the Regent had called a Parliament to ascertain who would follow if the matter came to war. Besides inventing rumours of English war preparations, the Regent could point with some justification to the troubles on the West March and the recalcitrance of the English commissioners in rendering justice in the Graham affair. The English, she argued, "... de bouche ont accordé le mieulx du monde, et mesmes ont les tous passé et signé. Mais venans au point d'exécuter, c'est toute collusion de leur coste".¹⁵ This stratagem was successful. The Scots Parliament agreed that if England invaded they would have insufficient means to protect the country, "... et qu'eulx voian la Royne d'angleterre mariée au Roy despaigne ilz ne pouvent estre assez fortz sauve avoir ung maistre".¹⁶ The Regent secured her two main objectives: not only did the Scots solicit her to send a delegation to Henri to persuade him to press ahead with the marriage but they agreed that if matters came to a breach between England and France the Scots would assist their old allies and that, "La Royne Regente se pourroi faire servir, s'il l'uy plaist, soit à la guerre, soit à la paix, des subjects dudict Royaulme, ainsy que les Roys prédécesseurs de la Royne sa fille avoient accoustumé".¹⁷

These developments did not affect the Regent's determination to continue negotiations for the settlement of border grievances. The mission of Sir Robert Carnegie in connection with this had already been arranged as early as January 1557 and it was essential that it should proceed even if only to avoid making the English suspicious.¹⁸ Carnegie's instructions¹⁹ rehearsed at length the Scots' complaints against the Grahams since the summer of 1555. The Scots were particularly angry at the English refusal to hand over any of the surname. This factor had so embittered relations between the Wardens that international justice was at a standstill. Last but not least, Captain Norton of Norham had still not paid the £20 compensation for his illegal occupation of the Tweed fishing which he had been instructed to hand over by the commissioners in 1553.²⁰ The Scots were loud in their condemnation of the two Wardens Dacre and Wharton; all the troubles stemmed from "... la fauvir que porte lesdict Lord Wharton et la négligence et coniiiever du Lord Dacre".

In answer to Carnegie's complaints the Council appointed commissioners to meet those of the Scots.²¹ The commission deliberately predated the English declaration of war against the French. The government was anxious to placate the Scots and two of the commissioners, Westmorland and Tunstal, were specifically instructed to make it clear to them that no breach was intended on their side.²²

The commissioners met at Carlisle at the beginning of June. As expected the first issue the Scots raised was to demand redress in respect of the Grahams. The English, however, were no more prepared to hand over the Grahams than they had been in the previous year. In fact, the situation had become more serious as matters had taken a new turn. In March 1557, the headsmen of the Grahams on receiving knowledge that their old adversary, Lord Maxwell, was to be reappointed to the Wardenry of the Scottish West March had asked licence of Dacre to meet with him. Whether or not the licence was issued is not known but the Grahams met Maxwell at Annan and patched up their old feud. Dacre reported that the Scots were fully aware of the likelihood of war and had pardoned their rebels on the West March. In correlation with this they were eagerly pressing for justice in the Graham affair. The Warden warned that if any of the Grahams were delivered as security for compensation, their kin would not be able to pay the fine and this would cause the whole surname to defect to the Scots.²³ The English commissioners were instructed by the Council to counteract Scottish claims with demands for redress of a recent raid by Annadalers on the English West March "... they are willed to set fourthe the matter moore earnestly and to let it be the first thing they move at thier meating, as the Scottes have allwaies hitherunto pressed the case of the Greames bicaus it was during the time of the late commission".²⁴ If the Scots insisted, the commissioners were given the remarkable instruction to pay the compensation out of the Exchequer

rather than permit any of the Grahams to be handed over.²⁵
 Dacre cautioned against this arguing that it would be
 folly especially in view of the present climate of war,

I verely can perceyve no other likelyhood in my
 simple oppynyon, but shortly it will growe to
 open warr ... it semeth therfore they wold get all
 they might, and then be at libertie to spye their
 tyme and to make warres uppon us with our owen
 money. 26

This warning and the news that the commissioners were
 experiencing difficulties in reaching agreement with the
 Scots were interpreted as evidence of provocation. The
 commissioners were to remind the Scots that the meeting was
 agreed to by the government in order that frontier contro-
 versies might be patched up by amicable agreement and new
 orders taken for the governance of the border, "... and
 therein such temperence to be used as might serve for the
 maintenance of the peax and amitie betwene the Realmes".
 If the Scots were intent on raising other matters then it
 was evident that they were maliciously bent,

... for if there had byn nowe other things ment by
 the appointing of the commissioners but the rigoure
 and extremitie of the lawe then it had byn in vayne
 to send expresse personages to the borders for the
 onely doings of that which might well enough have byn
 don by the wardens. 27

The fear that the Scots might use any cash the commissioners
 handed over by way of compensation for their war effort
 against England if hostilities eventually broke out led
 the Council to take a tougher line. Now the government
 stipulated that in regard to any money that might change

hands the commissioners were to make sure that "... the delivery may goo arme in arme so as ye may allwayes receyve at theyre handes for so much as they shall receyve at yours ... so as allwayes it be foreseen that they take not advauntage of receyveng more than they shall delyver for".²⁸

No amount of argument could induce the Scots to drop their demands for settlement over the Graham affair. Being unable to conclude on the matter, the commissioners decided to confer with their respective sovereigns and meet again in mid September. The continuation of the peace was proclaimed at Carlisle on 17 July.²⁹ Officially, the peace stood but in reality the situation was in a state of flux. It was not an easy task for the commissioners to gauge the true meaning of the Scots towards England. The acceleration of the Scots raiding activities during the time of the commission convinced Westmorland that they were dissimulating, "I can do no other but verely beleve that they mynd no trueth, but to delay, and trifle the tyme with us, unto they be prepared and redy, if they may uppon a sudden to work some displeasure unto this realme".³⁰ The protestation of the Scottish commissioners that they wished to continue the peace is not easy to accept without demur. Cassillis's willingness to divulge French troop movements and his boast that the Scots had hindered their passage should not be taken too seriously.³¹ The Earl was not giving anything away as the government was already well informed of French troop landings in Scotland. Cassillis's remarks are compatible with

his known anti-French sympathies, but, on the other hand, they might simply have been a ruse to allay English suspicions of Scottish intentions.³² The acute factiousness of Scottish politics left room for wide incompatibilities between officials executing government policy and their views as private individuals.

After the break-up of the meeting at Carlisle, the situation worsened. The Scots actively prepared for hostilities. They organised musters and saw to the reparation of border fortresses. While Maxwell was promising Dacre redress for devastatory raids, the Scottish Warden himself was organising incursions into the English West March.³³ The East March was also suffering badly from Scottish depredations and Wharton was experiencing much difficulty in compelling English borderers not to act 'extra judicia' by counter raiding in revenge. Matters were not helped by the fact that Lord Hume, in accordance with the Regent's instructions, was withholding justice.³⁴ This aggression was not only confined to the land; several attacks had been made on English fishing vessels off the Scottish coast.³⁵

This hostility, of course, stemmed from the English declaration of war against the French. The Council's opposition to the war had fallen away when news reached London of Thomas Stafford's ineffectual attempt on Scarborough castle. Stafford with a handful of French and

English exiles had been set on land by two French ships taking troops to Scotland.³⁶ The surprise attack caught the tiny garrison unaware and the castle was quickly occupied on 28 April. Stafford's hopes that his capture of the castle would be a rallying call for opponents of Mary's regime proved futile. His wild adventure came to an end when the Earl of Westmorland, in the North on business,³⁷ recaptured the castle and sent Stafford and his accomplices off to the Tower.

The traditional explanation for Stafford's foolish attempt is that Henri was behind the fiasco. But the timing of the sequence of events raises a number of important questions which have been discussed in a recent reassessment of the affair. The suggestion has been made that Paget, the Lord Privy Seal, was the agent provocateur behind the venture.³⁸ There are reasons to believe that the Stafford affair was not the stroke of unexpected fortune to the Marian war party that historians have previously presumed. Noailles certainly knew nothing of the venture which, as he himself admitted, wrecked all that he had been trying to prevent, that is, English participation in the war.³⁹ The succession of events was a major puzzle to him,

Il ne peult estre vray semblable qu'en ung mesme jour, ils ayent en la nouvelle de la perte dudict chasteau et de son recousvrement ensemble; qui me fait penser que c'est ung artifice,

the effect of which would only make the Council more ready to accede to the war. After several interviews with the

Lord Privy Seal, Noailles was convinced he had arranged the affair, "... la pratique a esté remise en forme par ceux qui l'avoient lors en main, et expressément par Paget qui l'avoit par avant conduite, et en toutes les intelligences d'icelle".⁴⁰

Despite their efforts to contain the war on a single front by diplomatic means, which had been the reason d'être of the Carlisle meeting, the Council seem to have taken it for granted from the beginning that the war would have to be faced on two fronts and trouble could be expected from Scotland. Early in May 1557, Wharton and Dacre were summoned to London to participate in the preparation of the border for war. Noailles reported that both were present at the war Councils presided over by Pembroke in the latter's lodgings.⁴¹ At the same time, Shrewsbury was ordered to muster and make ready the forces within his lieutenancy. Captains were to be appointed and assigned to every hundred men so that all would be aware of their duties and be ready to mobilise when need required. Just how far England lingered behind the continent in terms of military development can be seen in the Council's instructions to the Lord Lieutenant. The government was careful to point out that the French in Scotland were well equipped with firearms and shot and Shrewsbury was to take this into consideration when preparing his men, "Ye shall doo well to travayle by such good meanes as ye may with all such as ye shall think mete be the furnisshing of them selves with corselettes as many

as may and for the lack of corselettes with allamayne Ryvettes".⁴² Of the 600 horsemen Shrewsbury was to have ready, all were to carry light arms or at least staves; archers and billmen as the Council recognised, "... for the warres now used can stande but to very smale purpose".⁴³ Despite this realistic note, it is clear from the massive provision made for them that the long and glorious history of the English longbow had by no means come to an end.⁴⁴

The chief officers of the army included all the northern Earls.⁴⁵ As for the Wardens, their military expertise was not to be taken for granted. Pembroke and his advisers were to appoint four experts in military affairs, two each to serve with Wharton and Dacre. In fact, Sir James Croftes seems to have been the only adviser appointed. Before conferring with Wharton, Croftes was first directed to Shrewsbury to give his advice. Croftes had been convicted, tried and pardoned for his part in Wyatt's conspiracy. He was widely experienced in military affairs and had served on all the war fronts since the 1540's.⁴⁶ The most immediate consideration was to ensure that the border should be in a thorough state of preparedness. As Shrewsbury and Westmorland pointed out, the premature raising of an army would be a gross error, a huge waste of money and supplies. The Wardens would be able to advise when the Scots mobilised, then with their preparations in order, the army could be quickly assembled and sent against them.⁴⁷ The Council was not averse to this strategy but it

was unsure of the nature of the threat it was designed to meet, "... it is uncerten whether they (the Scots) if they denounce warr woll invade with an army or not, and that it may bee that they woll rather onely make incursions than otherwise".⁴⁸ If the latter situation seemed more likely it was essential to provide for the security of the border as quickly as possible. On 4 July, order was sent out for the raising of 600 horse and 400 archers to strengthen the East and Middle Marches. These were to be ready by 1 August; Sir Thomas Wharton who was to have command of the horse was despatched with £5000 for their coat and conduct money.⁴⁹ To protect the Iceland fishing fleet, a convoy of fifteen ships was sent north under the Vice Admiral, Sir John Clere.⁵⁰

The Council were still unsure of Scottish intentions and whether or not to interpret the intensification of cross border raiding by the Scots as a covert declaration of war. Devon seamen, it appears, had already anticipated hostilities and had begun to attack Scottish merchant vessels. In early July, two ships were captured laden with salt and wines. On 29 July, the Council ordered their restoration as there was no valid reason for their capture, "... but only a pretence of warre betwene this realme and Scotlande". The following day, this order was counter-manded, the ships and goods were to be retained because "... there have byn diverse invodes made of late upon the Borders of this realme by the Scottes, which was not before

understanded".⁵¹ The change of opinion stemmed from news received from Wharton and Croftes that the Scots had escalated their raiding activities, "... the Scots nyghtly and dayly mayketh incursions ... ther haith ben great damange don, wherby the bordors is much wasted ... and now ther corne's redye to be gotten is in great danger to be distroyed".⁵² The Scots, Wharton reported, were being continually supplied by small vessels passing to and fro from France. The Regent and the Earl of Huntly were on the border, holding musters in the Scottish East March, and the French had begun to fortify Eyemouth in direct contravention of the Boulogne and Norham treaties. Such activities made the Warden intensely suspicious, "... by all intelligence that I can learne they are about a great enterprise, to be don hastely with the lyght of this mone".⁵³ The news was taken by the government as a declaration of war, the Scots were to be regarded as enemies and their ships lawful prize. Sir John Clere was ordered to intercept Scottish ships that were reported to be transporting heavy artillery from Leith for an attack against Berwick. Additional ships were to be commandeered from Newcastle and Hull to enlarge Clere's fleet and an extra thousand troops were to be levied in the North Riding. The J.P.s and gentry of Northumberland were ordered to be more forthcoming in defending the East and Middle Marches.⁵⁴

Wharton's fear of imminent danger during the latter half of July had prompted him to write to Tunstal to send

the Bishopric levies to fulfil their traditional role in border defence. The Warden's appeals sparked off what might have grown into a long controversy. Tunstal, unyielding in maintaining the Palatine's privileges, insisted that the Bishopric levies were only to be mobilised when the enemy invaded. After having consulted with the J.P.s, the Bishop argued that "... the cuntrey dothe denye lyeng in guarysons to tary the comynge of th'enemye but whensoever th'enemye doth invade the realme, they will, uppon warnyng, be reddey to go to repulse him of their owne coste".⁵⁵ There the matter rested as the Scots crossed the border in large numbers on 5 August; the following day, Sir Henry Percy reported that 600 Bishopric men were to go to Berwick, and the Bishop himself was to see them mustered at 'Gateshead Beacon'.⁵⁶ The 'invasion' was a force of some 3,000 horse and foot led by Lords James and Robert, illegitimate sons of James V and the Warden, Lord Hume. They crossed into the East March with, it seems, the original intention of laying siege to Ford castle. However, after burning and pillaging in Glendale, they retreated. The forces of the Wardenry and Berwick garrison under Sir Henry Percy retaliated by a destructive raid into the Merse.⁵⁷ News of the Scottish incursion was, at first, received with consternation in London but, when the true nature of the raid was ascertained, Westmorland was instructed to warn Shrewsbury to be more accurate about the strength of Scottish raids, "... you may advertise our cousyn of Shrewsbury to take suche ordre that neither their

be slackness used in advertising of danger present or manifestly imminent, neither advertisement of great danger given without just cause".⁵⁸ The Council seems to have been angry that in the light of information from the border "... wich we nowe perceyve was more sodayn and full of more terror than the case required ... hath byn cause of sum troble to owr subjectes and to our self thoccasion of chardge not necessarye".⁵⁹ The Bishopric levies were ordered to return and the levying of 1,000 North Riding men was cancelled. Likewise, requests to Philip to send ships to the North East coast were revoked.⁶⁰ Nevertheless, caution and a ready state of preparedness were still the watchwords. The North Riding men were to go to the Earl of Northumberland when called and the Council, concerned about the lack of men equipped with firearms, decided to raise 300 arquebusiers under Cuthbert Vaughn to be sent to the border.⁶¹

Small scale raids and invasion scares continued. Throughout August, intelligence reports stated that the Scots were planning to besiege Norham and Wark. The Regent and D'Oysel's continued residence at Dunbar and Eyemouth gave substance to these reports.⁶² The Scots seem to have been encouraged by their success against Sir John Clere. The latter had been at Berwick on 6 August in consultation with Wharton and Northumberland. There, it was agreed that his small fleet should, "... maike a shew in the fryth to gyve terrour to such pyrattes as lye there", and then

proceed to escort the Iceland fishing fleet home.⁶³ On Wednesday 11 August, the fleet entered Kirkwall in Orkney and set fire to the town but Clere's men failed to capture the castle. On 13 August, they tried to take the Bishop's palace but were repulsed by a force of some 3,000 Scots. In the rout Clere and 100 of his men were drowned or killed.⁶⁴ Despite the fleet's instructions to make diversionary pillaging expeditions on the Scottish coast the ordinary rules of warfare were not to stand in the way of the Queen's religious scruples. Those of Clere's men who had taken part in robbing and desecrating churches and religious houses in Scotland were to be examined and the guilty punished.⁶⁵ Despite the uncertain nature of the Scottish menace, the Lord Lieutenant remained at York but kept in constant touch with Westmorland at Kirby Moorside, Northumberland at Alnwick and Wharton at Berwick. Northumberland argued that the army should be sent forward. Shrewsbury opposed this, as he informed the Council, on the grounds of finance and supply

... wantyng money, I can do nothyng to any effecte, be ye necessite never so grett : And yf, accordyng to my L of northumberland's letter, I shuld rase th' ole force, & carry them forwards, having neather money nor wittalls to relyeffe them I shuld therby dryve the people, as I fere rather to muteny and grudge, then, otherwyse to retene them wyllng to serve. 66

Westmorland was equally anxious to set forward with the Yorkshire and Bishopric levies, this, he urged, should be accomplished "... streight way never regarding the lake of

money". Westmorland recommended to shrewsbury that the cash problem would be no impediment if the latter brought with him, "... all the worshipfull and wealthiest of the countrie, so that every man of worshipe may have the condution and guyding of his owne freinds and tenants". In this manner the Earl suggested that each gentleman in case of necessity could help to relieve his own company. Westmorland's reasoning behind his suggestion is a perceptive comment on the strength of the bonds of tenant loyalty, "... I think, the herts of the people is suche that they woll soner be persuaded by ther owne naturall lords & maisters, and more willinglie serve under theym for love then with straungers for monye".⁶⁷ When Shrewsbury compromised and instructed Westmorland to proceed to Newcastle and no further north, the latter protested not for any considerations of security but because he feared his honour would be tarnished, "... the countrie of Northumberland wold think I durst not come to ther releiff; and the Scotts therby emboldened thinking I was affrayed of theym". Above all, he feared his reputation vis à vis Cassillis; the present commander of the Scottish troops, would be sullied as the Earl was his personal enemy.⁶⁸

This important concept of honour was firmly enshrined in the knightly values of war. Answering the call to arms was a traditional means of gaining honour as was the acceptance of such semi-military posts as the Wardenship; "... I heare you ar come to the Borders to winne honour",

wrote Croftes to Rutland upon the latter's appointment as Warden.⁶⁹ The Tudor ruling class still moved in a world of chivalry and knight-errantry epitomised in the often read courtly romances and the vigorous knightly exercises of the joust and tiltyard. Prowess in arms was an important attribute of nobility. War for the aristocracy meant military commands and the exercise of patronage in the appointment of lesser officers as well as the rewards and glory that accrued from success in the field. These factors were positive elements in encouraging the northern nobility especially young peers such as Northumberland and Westmorland to take up posts in defending the border against the Scots. They also explain why Shrewsbury, an elder and more cautious statesman with a respectable but not distinguished military career behind him, should have difficulty in restraining their precipitous military ardour.

In the face of this disagreement over tactics, Sir James Croftes was sent to the Council in late August to present the opinions of the northern commanders. The decision of the Council was a complete vindication of Shrewsbury's judgement of the situation. As for the suggestion that an army should be raised immediately and sent to the border, the Council instructed that the Lord Lieutenant, "... shall use and doo and cause to be doune, as he shall thinke good by his discretion and as the force of thennymye and other circumstances shall requyre".⁷⁰ As soon as Croftes was back from London he carried news of

the Council's decision to Northumberland and Westmorland. To make the matter entirely clear, a conference was arranged at the Neville castle of Brancepeth in early September. In line with Shrewsbury's earlier recommendations, it was decided not to assemble the army, since the main contingents were in Lancashire, Cheshire and Derbyshire and it would take at least three weeks for them to reach the border. Coupled with this was the shortage of victuals as the harvest had not yet fully been gathered in. This would make it impossible to maintain an army in the field for any length of time. Another factor to be considered was that the campaigning season would soon be over and aggression from the Scots on a large scale would be unlikely. It was also argued that raising an army might provoke the Scots unnecessarily. This was an important consideration, Westmorland in July had suggested that the warlike preparations of one side were simply escalating those of the other. After perusing Wharton's reports of the Scots incursions, the Earl poignantly remarked, "I beleve if the lord wharton dyd likewise remembre what occasion the Scots have to mistrust us, by our buyldings, and drawing of souldiours to our frounters he wold not consider the matter so straungelie".⁷¹

As an alternative to the army the conference decided that for the safety of the border strong garrisons should be laid, but their size and disposition were to be left to the discretion of the Wardens. The

conference also urged the Council to take further order for the safety of fishing vessels, since the Scots and French were daily capturing ships that now went unprotected since the defeat of Clere. Newcastle was furnishing eleven ships for the royal service at the town's expense and would agree to send eleven more if the government was willing to foot the bill.⁷²

The conference at Brancepeth had no sooner ended when a stream of intelligence reports, which continued throughout September, spoke of the coming forward of the Scottish army and warned that the Regent and D'Oysel had every intention of attempting to besiege Berwick. Eure and Wharton confidently reported that the Scots had 3,000 arquebusiers and were encouraged by the news that the English did not intend to assemble an army.⁷³ The necessity of the French to put pressure on England through Scotland was more needful than ever. By late August, news had probably reached Scotland of the disastrous defeat of the French by Philip's army at St Quentin. Throughout September, the French circulated ridiculous rumours that the Regent's army of some 40,000 troops had captured several English border fortresses including Berwick.⁷⁴

On 20 September, the Council instructed Shrewsbury to go to Newcastle with 4,000 men, but despite this order his basic instructions remained unchanged, "Ye shall not nede to make any full assemblie of the armie oneless they sholde go about with theyr mayne power to invade the realme".

A strong emphasis was to be laid on the accuracy of intelligence reports ; "Your lordship allso sholde in such a weighty caase be thoroughly advertysed of the very certaynetie thereof ... before any great stirre were made".⁷⁵ Shrewsbury reached Newcastle on or before 2 October. Four days later, he wrote that the Scots army was expected to cross the border at any day but their elusiveness was becoming a byword. With some understatement, the lieutenant remarked to Northumberland "... they have dyvers tymes this yeare illudyd us with their apperences of settforwards".⁷⁶ Shrewsbury had taken muster of the forces of the Wardenry and remained in Newcastle with his force. All the garrisons were well supplied and furnished with 200 men in Wark, 320 in Norham and 1,600 in Berwick besides the labourers on the fortifications. To reinforce the Wardenry levies, 600 additional horse and 400 foot were led by Lord Talbot. The latter: "... laye scatteryd abroad in the vylliages from Morpeth forwards; dowting lest, lying together, they shulde waste the countrey, & wante vytells".⁷⁷ The Scots were impeded not only by dissension among themselves and the appalling weather but also the extent of English preparedness, as Shrewsbury himself admitted,

I think it may now come to passe, that consyderynge the countenans of our force & preparacon, they may now chaunge ther purpose, to lye at ye defence of ther owen contrey, then, otherwyse to invade till the light of the mone be wastyd; which if they do, the stryffe shalbe which of us may contynue longest together for the tyme of yeare & wante of vyctualles.⁷⁸

Intelligence reports confirmed the Earl's conviction: the presence of the English navy off the east coast of Scotland had persuaded many Scots to desert from their army to go to protect their own lands.⁷⁹ The Regent and the Scottish army had come as far as Kelso on 18 October. It was there that the Scots nobility refused to proceed any further. The Regent "... raged and reprievid them of their promyses, whiche was to invaide and annoye England ... arguments grewe great betwene them, wherewith she sorrowed, and wepp oppenlye ... Docye in great hevynes wished hymself in Fraunce".⁸⁰ The French King's lieutenant had attempted to lead the others on by taking some ordnance and the French contingents across the Tweed but there were too few French troops in Scotland to conduct an independent campaign. Apart from a minor skirmish before Wark, D'Oysel's men achieved little except to incite the nobility further against the irascible Frenchman.⁸¹ The refusal of the Scots to invade England at the behest of the French was a turning point in the campaign of 1557 but it was also an event of much more significance in the relationship between the Scottish Regent and nobility. In this major sign of opposition lay the beginnings of the Scottish revolution against France and Rome. Francophobia became an increasingly important element in the minds of the Scottish nobility. When the Earl of Huntly agreed with the Regent and her invasion plans, "... the others axed playnely wheather he wolde be a Skottsman or a Frennshe man".⁸² It was in late 1557 that the leading Protestant nobles signed

an agreement, the first 'band' of the 'Congregation of Christ' which pledged to work for the establishment of the reformed religion in Scotland. The leaders of the Scots were well aware of the extent of English preparations and they had no wish to repeat another disastrous defeat on a par with Flodden or Pinkie.

The threat of a large scale Scottish attack averted, Shrewsbury paid off the forces that had accompanied him to Newcastle and returned to York. The worsening weather heralding the onset of the northern winter made any new attack by the Scots unlikely. It also prevented any retaliation on the part of the English forces yet remaining, "... the same thing which was impedymment to the Scots in ther interpryse is like to be lett to the doing of eny great matter on our part; both the dark nyghts, the short dayes, & the highe waters, ther having this nyght past fallen a great reyne".⁸³ Minor engagements continued between the two sides, raid being followed by counter raid. The Earl of Northumberland repeatedly asked for reinforcements to deal with the situation. He justified his pleas by lengthy memoranda pointing to the presence of strong Scottish border garrisons, especially at Kelso and Eyemouth. The French and Scots, he argued, were well prepared and provisioned, "... they have not onelie therby kept there own frontiers plenished to the uttermost but have destroyed and laid waste agreate parte of the borders of this realme". To ensure the adequate security of the border the Scots were

"... eyther to be scourged with armyes or with great garysons for frontier war or bothe. And this present yeare the tyme of armys being past there is no waie to be used but with frontier warr and great garysones".⁸⁴ This was substantially Shrewsbury's argument but where the opinion of the two men differed was upon the numbers of the troops to be deployed. In late December 1557, excluding the forces at Berwick, the border garrisons numbered about 1,150 men serving under local gentry captains. These were scattered in bands of hundreds and fifties over the East and Middle Marches.⁸⁵ Northumberland maintained that frontier garrisons involving some 2,500 men were essential, "... without which nomber the places on the frontiers cannot be so furnyshed , but that some most necessary places on the frontiers shalbe leff cleane destitute oythers else the garrysons of so small nombers and strength they shall never be in savetie".⁸⁶ The government could expect the Warden to take an alarmist view of the situation; the danger lay when military commanders failed to see a forthcoming threat or underestimated its gravity. The Wardenry levies coupled with the forces in garrison would seem at first sight adequate defence and the Council had intended arranging the matter of winter garrisons when Westmorland and Shrewsbury came to London, but they acceded to Northumberland's request to reinforce the border with an additional levy of 1,000 men.⁸⁷ Despite Shrewsbury's protests his advice was ignored and the Earl was instructed to proceed with the levying of the men.

It was something of a sour note to the end of Shrewsbury's lieutenancy. The Earl had conducted a successful campaign in the face of many difficulties. There were considerable logistic problems involved in supplying mobilised troops, especially in an economy where the provisions market was to a large extent a regional one. The provisioning of the border with adequate food and supplies for large numbers of troops was a major headache for the government and stretched the organising ability of Tudor administrators to the limit. Consecutive bad harvests worsened the victualling problem. That of 1556 was exceptionally poor and Shrewsbury was warned at the beginning of his lieutenancy not to expect any large supplies from the South. As the Council explained "There is as good store of those things in those partes as in any other place of the Realme, the skarsitie being generall at this tyme".⁸⁸ After the declaration of war against the French the Council again stressed the unlikelihood of sending supplies as it was possible that all available food stocks might have to be conserved to victual an army to repulse any French invasion. The defeats of the French put paid to any invasion from that quarter. The increasing threat from Scotland, however, made the victualling of the northern holds an urgent necessity in preparation for any eventual recourse to an army. Sea transport was the most convenient method for the provisioning of Berwick and Newcastle which were the major supply bases. But because of the activities of Scottish privateers, the merchants

however, were reluctant to accept the risk the sea passage involved. In October 1557, John Abingdon, the Surveyor of the Victuals in the North, urged Shrewsbury to hasten the sailing of the victual ships from the Tyne, reporting that merchants at Newcastle were insisting that for security reasons the corn be carried overland to Berwick

... wich is impossible to do, for all the cariages
between York & Newcastell will not serve that torne
... I desyre yor L that the shippes may be compellid
to come awaye; whose longe lyenge there, as I am
enformed, hath almoste spilte all the grayne that
they carye. 89

The problem of the shortage of carts was especially acute as there was no alternative but to make use of overland routes when supplying the garrisons of Wark and Norham.⁹⁰ Besides the lack of carts, there was also an apparent shortage of the wherewithal to draw them. When in August Shrewsbury informed the Council that the 140 horses required to transport ordnance could not be found in Northumberland, the Council roundly told the Earl to consider the claim "... that such a countrie as that is, so thoroughly occupied with telage and husbandrie cannot be without a farre greater number of horsses", was stuff and nonsense and the inhabitants were to supply the horses forthwith.⁹¹

The increasing prospect that an army would be assembled persuaded the government to send large supplies of victuals to Berwick in August 1557. The Council stressed the necessity of using them with care and prudence

lest they be expended before the main army was called up. The government feared that the army might have to retire before the enemy if it lacked supplies. It proved impossible to supply all the needs of the army from the southern regions of the realm and the lieutenant was instructed to mobilise the efforts of the local inhabitants "... ye must cause the countrie to followe the armie with victuals".⁹² Despite the many difficulties, Abingdon reported in August that Berwick, Norham and Wark were all well victualled and he proudly boasted that if Shrewsbury came with 10,000 men he would be able to provide for them. Ironically enough, this was because, as the quartermaster himself admitted, many of the men had brought their own supplies. Perhaps they had foreseen a shortage of victuals, or, as Abingdon hinted, their prudent foresight might have been dictated by the small confidence the men placed in the quality of official rations. This was especially true of one of the staple foods, fish, as an embarrassed Abingdon complained to Treasurer Winchester,

...moche of it was so broken in peces that there was no tale to be taken of yt, and the beste of yt will not holde the takinge upe by the tayle, at the sight wherof the souldiers and men of the towne did moche grudge and said that all refuse victuelles were alwayes sent hither ... I wolde wishe that men shulde truste more to the Kinges provisions. 93

The prevailing shortage of foodstuffs also contributed to the sharp rise in prices.⁹⁴ At the conference of Brancepeth, the commanders informed the Council that owing to the current dearth it was impossible for the soldiers

to live off their present daily wages. The once attractive enough rate of 6d per day for footmen and 9d for horsemen had become a pittance through inflation and high prices. To enable the men to cope with the increased cost of living they asked that their wages be raised to 8d and 12d per day respectively, or, as an alternative, they might be allowed an additional sum on pay days.⁹⁵ This was accepted by the government and a new schedule of rates was issued which increased the soldiers' pay to the amount the conference recommended. The Council was careful to provide for any subsequent fall in prices by stressing that the increase was not to be regarded as a permanent wage rise but as a reward 'of her Ma^{ties} meer lyberalyty'.⁹⁶ The Council in order to combat the problem of men who were not properly furnished with weapons and armour decided to make the allowance conditional, and so the stipulation was made that each man claiming the increase must be sufficiently equipped with his own weapons.⁹⁷

These problems give us an idea of the sort of difficulties Shrewsbury faced. They illustrate the minute attention to detail that was a crucial factor in the success of the campaign. Shrewsbury remained in close correspondence with the leading commanders who seem to have cooperated willingly with him. Besides taking advice on military affairs from Croftes, the Earl leaned heavily on the long border experience of Lord Wharton as well as another senior expert, Cuthbert Tunstal. The Bishop, now in his eighties,

was still very active in the service of the Crown, and his valued counsel was sought on many occasions.⁹⁸

At every stage of the campaign, Shrewsbury was closely supervised by the government which was determined to retain control over its resources and assess the true accuracy of the situation before any major decisions were made. The great distance between the field of operations and the seat of the government, of course, meant that Shrewsbury was given considerable latitude to use the wide powers that the commission of lieutenancy conveyed to act as the train of events demanded. The Council repeatedly urged him to make sure of the Scots' intentions before the main army was mobilised. The large sums expended on spies and informers bear eloquent testimony to the lieutenant's painstaking efforts to evaluate the military situation correctly.⁹⁹ He would not allow himself to be precipitated into action by inexperienced military hot heads such as Westmorland and Northumberland, a course which would have cost the government dearly. In the end, Shrewsbury's careful parsimony prevailed, ensuring that the government reacted sensibly and intelligently to the situation.

March Politics 1557-1558

The most outstanding political change on the border during the latter half of Mary's reign was the re-erection of the Earldom of Northumberland. The restoration of the Percy Earls stemmed directly from developments in the internal politics of the border as well as being a reaction to the increased threat from Scotland. Of great significance were the ramifications of the dispute between the Herons and the Carrs over the castle and manor of Ford.

Thomas Carr possessed the Lordship of Ford situated in the East March by right of his wife Elizabeth, the niece and heir general of Sir William Heron of Ford. George Heron of Chipchase also claimed Ford as one of the lateral descendants of Sir William Heron.¹⁰⁰ Blood had already been spilt in the feud in 1549 when one Ralph Carr was murdered; the Forsters were suspected.¹⁰¹ A report on the border in 1552 urged that the dispute be settled before more bloodshed ensued from rival factions supporting each party, "... in this controversie many of the gentlemen of Northumberland be affected and favorable to one side or the other".¹⁰² The feud took a new turn when, on 27 March 1557, backed by George Heron a small party of twenty men of the Berwick garrison led by one of the constables, John Dixon, forcibly entered Ford and ejected the servants of Thomas Carr. The following day, another party which included Ralph Grey of Chillingham, the Deputy Warden of the East March, Giles Heron, Treasurer of Berwick - George Heron's

brother and Robert Barrow, the Mayor of Berwick, were attacked on their way to Ford by a small party of the Carrs. The Mayor and Treasurer of Berwick were slain and several others were wounded or killed.¹⁰³ The repercussions of the 'affray' at Ford were immediately apparent. On 2 April, the Sheriff and J.P.s of Northumberland wrote to Wharton and demanded his intervention. They informed the Council that since the event,

... almoste no persone Rydethe unarmed but as suerlye uppon his garde as if he rode against the enemye of Scotland, whose doinges at this present well considered we have god knoweth lytle nede of anye cyvillie or domestique devision or desencon amonges our selves ... this hundrethe yeres forepassed never happed there so perilous a sede of malicesid dissention and hateredd to be sownen in this contrey as is presentlye in planting and like to take rote if the same be not hustely mett with ... the fear wee have most honourable good lords of further or more bloodshede betwixt the said parties is more then any our wryting can express. 104

The session which had been convened at Morpeth to take bonds of the two sides to keep the peace was adjourned because of the appearance of Sir John Forster, the Deputy Warden of the Middle March, and George Heron with 250 men, "... in forceable and warlyke apparence of armor and weapon".¹⁰⁵

The Justices were unable in the face of the armed antagonists to deal with the situation. The Warden, therefore, took bonds of George Heron and his two deputies, Sir John Forster and Ralph Grey. The Carrs and their allies, however, refused to appear. The latter, it seems, felt that Wharton was deeply implicated with their enemies. It was difficult to think otherwise since two of the Herons' main protagonists

were Wharton's chief under-officers. Some of the Carrs had fled across the border to their kinsfolk in Scotland, and the rest placed themselves under the protection of the local Justices, one of whom, Cuthbert Horsely, was related to Thomas Carr, "... my kynsemen towhom I am and owe to be a frynd in that I lawfullie maye". This affinity only led the Herons and their supporters to accuse the Sheriff and J.P.s of being of the Carrs' party.¹⁰⁶ With each side accusing the traditional administrators of justice of being partisan in their quarrel, it was clear that the matter would be irreconcilable by the ordinary processes of the law. In early April, a powerful commission consisting of the Earls of Shrewsbury and Westmorland and the Bishop of Durham was appointed to settle the affair. The Council instructed that Ford was to return to whose hands it had been in for the last three years or the matter was to be settled in Chancery. Attempts at arbitration were unsuccessful and, in May 1557, the two sides were called before the Council.¹⁰⁷ The outcome of their appearance is unknown but the matter was by no means concluded.¹⁰⁸

The dispute had come at a particularly awkward time for the government, hence the rapidity with which the Council acted in order to reconcile the two sides. As the Sheriff and J.P.s pointed out, the dissension between the gentry of the East and Middle Marches might jeopardise the war effort against Scotland, should hostilities break out. The dispute seriously weakened the government's confidence

in Wharton. His covert participation in the feud had compromised any theoretic neutrality he was supposed to maintain.¹⁰⁹ In vain, the Warden protested his innocence in the affair to Shrewsbury and the Council, "... I do assure yor L of theire unlawfull doing, or theire unlawfull assemblies, or any unlawfull acte, I was not of knowledge, nor am contented therwith".¹¹⁰ Wharton, after attending the meetings of the commissioners appointed to deal with the dispute at Ford, became increasingly aware of the tide of feeling rising against him. On 5 May, he wrote to the King and Queen complaining of "... sundry conspiracies ... devised against me by private subjectes in Northumbland", and asked that his service be considered and the matter investigated: "I most humbly beseche your hiynnesses to commande tryall and accompte to be taken of my servyce and of the conspiracies against me".¹¹¹ On 3 June, he was begging Shrewsbury to be his 'good lord', gloomily writing "I have small cause in thes partes of comford, except in their Highnes favor".¹¹²

The crucial factor accounting for the removal of Wharton from his position of the East and Middle Marches was "thobstinat ill demeanor of sundry northumberland men" who, despite several incursions by the Scots, had ignored Wharton's summons.¹¹³ The increasingly refractory behaviour of the Northumberland gentry was evident not only in their opposition to the Warden but in their dissension over the Ford dispute. The affair had served to highlight Wharton's

contentious nature and inability to cooperate with a broad section of the Northumberland gentry. Wharton was regarded as a 'parvenu', one who had climbed to success over the shoulders of the great northern families. He owed his rise to wealth and station through service to the Crown.

Wharton's origins lay in the minor gentry of Cumberland, he was a newcomer to Northumberland society, for the bulk of his lands were situated in Westmorland and in north west Yorkshire. This lack of any landed interest in the East and Middle Marches forced Wharton to rely on the good will and cooperation of the local landowning classes to provide the manpower for border exercises. This was something they were increasingly unwilling to do. This tendency was one of the main considerations that urged the Queen to restore the power of the Percies in the marches, a development which made Wharton's eclipse final.

On 30 April 1557, Thomas Percy was created Baron Percy, and, a day later, Earl of Northumberland, with the provision that failing heirs male of his own body, the title was to devolve on his brother, Sir Henry.¹¹⁴

Thomas Percy's change of fortune at the age of 29 was abrupt and sudden. After the attainder and execution of his father, Sir Thomas Percy, in 1537, for his involvement in the Pilgrimage of Grace, the boy had been placed together with his brother Henry in the care of Sir Thomas Tempest, a Yorkshire squire.¹¹⁵ No details are subsequently known of their fate until March 1549 when Thomas was restored in the blood;

this permitted him to inherit his mother's property and that of other branches of his family.¹¹⁶ In September 1551, he and his brother Henry were granted an annuity of £66 out of the manor of Prudhoe. The following year, Thomas received four manors in Northumberland worth £106 yearly. These, Langley, Swinhoe, Newham and Ellingham were, like Prudhoe, former Percy possessions.¹¹⁷ In 1555/6, a dispute arose between the two Percy brothers and Thomas Carey, Marshal of Berwick, over the ownership of Prudhoe castle. The Council ordered Carey to leave them in peaceful possession and pay the elder brother £20 in compensation.¹¹⁸

On 16 August 1557, the whole of his uncle's huge inheritance was made over to him. This was mainly made up of a long list of manors worth an impressive £3,077 a year.¹¹⁹

During the first three years of the reign there was no indication that Mary would restore the power of the Percies. If it was simply nostalgia stemming from her predilection for an old catholic family that had suffered an abrupt reversal of fortune during the reign of her father, one cannot easily explain the lapse of time. Both the Howards and Courtenays who were ruthlessly destroyed by Henry were quickly reinstated by the new Queen very early on in the reign.¹²⁰ Efforts were not lacking on behalf of Thomas. In November 1555, the Dowager Countess of Northumberland petitioned the Queen for the restoration of her nephew. Despite Mary's 'verie good and

comfortable words', the petition was not directly successful in its aims although in the following month the Dowager was granted former Percy lands in Yorkshire worth £322 per year.¹²¹

The timing of the Percy restoration, in particular so soon after Stafford's fiasco at Scarborough, has led Percy biographers to assume that Thomas was responsible for the capture of the castle. Both well known biographers of the family affirm the Percy's single handed capture of Scarborough.¹²² The origin of the story may have begun as a clever surmise of Bishop Percy writing at the turn of the nineteenth century.¹²³ There is not a shred of evidence to prove direct Percy involvement at Scarborough. This said, there is no reason to suppose that the two brothers might not have aided Westmorland. The proclamation against Stafford after his apprehension ascribed the success of his defeat to "... the Erle of Westmorlande, and other noblemen and gentillmen, good subjectes of those partes".¹²⁴

On 2 August 1557, the Earl was appointed joint Warden with Wharton of the East March and Captain of the town of Berwick. A week later, these offices were conferred on the Earl alone to which were added the Wardenry of the Middle March and the Keeperships of the two dales.¹²⁵ The Council hoped that the lustre of the Percy name might be a focus for unity and that the Earl might exercise sufficient influence to weld together the

discordant elements in Northumberland in an effort to maintain the security of the marches intact. The appointment of the Earl, the Council stated, was a consequence of the 'untowardnes of the northumberlande men'. These were not only dilatory in rising to the fray to repulse Scottish incursions, they were also making difficulties over supplying draught animals and carts for Shrewsbury's military preparations.¹²⁶ Of paramount importance were the Earl's vast estates in Northumberland, Cumberland and Yorkshire which contained the manpower to provide a basis for frontier defence and perhaps form the nucleus of an army royal if such an expedient was thought necessary.¹²⁷ The placing of these estates under a single landlord brought coherence and made for a more effective chain of command. The Earl played a prominent role in the defence of the border during 1557/8. He and his brother, Sir Henry, conducted small scale raids against the Scots. Besides, the Earl played an important part in the administration of the campaign of 1557. All the warrants for the payments of the extraordinary bands of horse and foot were signed by him.¹²⁸

During the hostilities with Scotland, the Earl was not above using his office to weaken the position of the enemies of his house. This is particularly apparent in the case of the Forsters. The dominant member of the family was Sir John Forster, the second son of Sir Thomas Forster of Adderstone who had been a prominent member of the Crown

party in Northumberland during the reign of Henry VIII. With the appointment of the Earl as Warden, Forster lost his position as Deputy Warden of the Middle March that he had held under his brother in law, Lord Wharton. The Earl replaced him with his own brother in law, Francis Slingsby.¹²⁹ In December 1557, the Earl defended himself for having removed Sir John's brother, Roland, from the Captaincy of Wark. The Earl accused him of negligence: "I wold be lothe a man of his service shuld have the keapinge of such a place as is the principal keye of that frontier". Forster was also placed under virtual house arrest at Alnwick. As for the Council's retort that they had received reports that Forster had served well on the border, Northumberland claimed that he had evidence to the contrary.¹³⁰ The Earl placed Slingsby in the Captaincy, a decision which was accepted by the Council, but, since they could discern no concrete evidence of Forster's mismanagement, the Earl was instructed to favour him.¹³¹

Another opportunity fell the Earl's way to attack the Forsters. This was the latest episode in the dispute between the Herons and the Carrs over the possession of the Ford.¹³² In January 1558, Thomas Carr, the Marshall of Berwick, was murdered. On 31 January, the Council instructed the Earl to investigate the affair and bring the guilty to justice.¹³³ George Heron and Richard Lisle seem to have been the chief suspects. However, when the Council received the news that Northumberland and Westmorland were

to call Sir John Forster to Newcastle for questioning in connection with the murder, they were instructed not to mention the Carr affair unless they had positive evidence of Forster's involvement, as the latter was "... a man of great servyce on the Borders and dyd notably well nowe of late".¹³⁴ The long drawn out dispute over Ford was by no means brought to an end.¹³⁵ What this dispute so far had proved was that there were clearly limits to just how far the government would allow the Earl to use the power of his office to legitimise the pursuit of a personal feud.

Forster's ally, Wharton, although deprived of the two Wardenries, was still left in charge of the town and castle of Berwick, a position from which he soon asked to be relieved. The Council was unwilling to consider his request because of the Scottish situation but they did agree to Wharton's request that Lord Eure be sent to aid him at Berwick.¹³⁶ Eure was at Berwick in early September whereupon Wharton recommended him for the Captaincy.¹³⁷ As soon as the invasion threat of the Scots was lifted, the government accepted Wharton's advice and, on 14 December 1557, Eure was appointed Captain of the town and castle.¹³⁸ Eure was instructed to confer with Wharton, "... being of greate experience by long contynuanse of service, towching his good advise and counsaill for the better government of that chardge".¹³⁹ Wharton's long official career was at an end although he still served the

early Elizabethan government in an advisory capacity. In many ways he had seen events turn full circle. His rise had been at the expense of the great border magnates, now he was the victim of the short Marian revival of their power.

Despite the fact that the Captaincy of Berwick eluded him, the Earl still persisted in his attempts to broaden the basis of Percy power. He appointed his brother, Sir Henry, as his deputy in the East March¹⁴⁰ but the latter also obtained the Captaincy of Norham in controversial circumstances. The office lay in the gift of the Lord of the liberty of Norham, the Bishop of Durham. On the advice of the Crown Tunstal had appointed Richard Norton, veteran of the Pilgrimage of Grace.¹⁴¹ Plagued by debts and ill health, Norton first farmed out the position to Thomas Clavering, a servant of Northumberland. He then sold the Captaincy to Sir Henry Percy for £300. The Bishop, disapproving of Norton's action, had complained to the Council.¹⁴² The latter wrote sharply to Norton admonishing him for trafficking with such an important office, "You make a merchandise and a matter of gayne of it". If Norton was incapable of residing at Norham, he was to leave it freely to some fit person.¹⁴³ Notwithstanding the Council's wishes to the contrary, it seems that Norton's agreement with Sir Henry stood and the latter retained the Captaincy.

The Percies had built up an impressive power structure on the border in a remarkably short space of time. Once again, the Wardenries of the East and Middle Marches were in the Earl's hands while the Percies or their followers monopolised the important offices, maintaining a complete dominance in the two marches. The inherent weakness of the Earl's position lay in the fragile life of the Queen. His rapid rise to power had left a sufficient residue of bitterness that was to be easily exploited by Mary's successor.

Diplomacy and Defence 1558

The government was well aware from the numerous intelligence reports obtained from Scotland of the tide of feeling that was rising against the French. The traditional Anglo-Scottish understanding that had existed between anglophile discontented Scottish nobles and the English government was in abeyance during Mary's reign. Protestantism, which had also been an effective binding element between the two, of course, could no longer play a role under Mary. Yet, in May 1557, the Venetian ambassador reported that he had heard on good authority that if Mary were a man the Scots would place themselves under her authority.¹⁴⁴ In September 1557, Wharton reported that a spy had informed him that, "The Scotts muche grudgeth against this warre occasioned by the French; and saith that there ar sondrie

noblemen in Scotland who wold have peace ... yf devyce were made they wold treate therefore setting Fraunce aparte", Philip's victories against Henri were having a disconcerting effect on a reluctant Scottish nobility.¹⁴⁵

Wharton's long experience of the Anglo-Scottish wars of the 1540's had demonstrated how effective a tactical weapon was the distribution of bribes among the Scottish nobility. Writing to Shrewsbury in September 1557 on the eve of the expected invasion of the Scots, Wharton felt that a useful opportunity had been lost, "Mary I thinke that suche practyse myght have ben used and with money as at the least a dessention shold have bene sowne amongst them".¹⁴⁶ Despite intelligence reports that the Duke wished to take over the Regency if he could have some understanding with England, the Council showed no interest in subverting the Scottish nobility, a policy which would have been anathema to the Queen. The association of Scottish anglophile nobles and Protestantism was sufficiently established to ensure that they would never receive assistance from Mary's government. Fortunately, events were to prove that opposition to the French in Scotland had become so strong that the Scots needed little encouragement from England to oppose the rule of the Regent and her French advisers. After the defeat of her invasion plans the Regent felt her position so weakened that she set covert negotiations on foot through William Kirkcaldy.¹⁴⁷ The Scots were prepared to accept a truce provided that leave could be granted for

a messenger to pass through England to win Henri's approval. The offer was linked with the Regent's efforts to recall the exiled Earl of Lennox to use him as a counterpoise against Chatelherault who, since his obstinacy over the invasion, could no longer be depended upon.¹⁴⁸ The Council welcomed the Scots' peace initiative as it coincided with Philip's efforts to restore relations between the two realms.¹⁴⁹

The King, to the great chagrin of Queen and Council, had consistently evaded breaking with Scotland.¹⁵⁰ Philip did not avoid the issue completely. The envoy he sent to Scotland at the end of 1557, Christopher d'Assonleville, submitted a written paper to the Council delineating with great clarity the reasons why the King could not afford to break with Scotland.¹⁵¹ Philip's reasons were primarily economic. He argued that the poverty of the Scots would weigh the balance of the chances of war in their favour. The late war declared by the Emperor against the Scots in 1544 at the behest of Henry VIII had proved this.¹⁵² The Low Countries were not only worried that in the event of war Scots privateers would plague their navigational routes especially with the Baltic but also that the fishing grounds off Scotland, rich in herring and white fish, would be closed to them for the same reasons. Protective convoys would be out of the question since so many ships were engaged in the war with France. Moreover, it was argued that the Low Countries would not be able to retaliate by seizing Scottish merchandise in their ports since, although they were

Scotland's main trading partner, the volume of trade was small. The King maintained that it was far better to concentrate all his efforts on France, the power on which Scotland depended, than to weaken his forces by dividing them. D'Assonleville was instructed to go to Scotland to try and pacify the situation. The envoy was to tread lightly and in no way threaten the Scots or use any language that might be interpreted as a declaration of war.¹⁵³

After an audience with the Queen and conferences with the Council in October 1557, d'Assonleville argued that stronger terms had to be used with the Scots; they must be warned that if they persisted with their invasion threats Philip would be forced to declare the Scots his enemies and aid the English with arms and troops. The Council were protesting that 'ceste doulce légation' would be to no effect; not only would it not persuade the Scots to lay down their arms but it would be a positive encouragement to them. It might be used as an indication that the English were afraid and on the defensive. The Council insisted that war had erupted on the border because of the aid Mary had given Philip. Then, there came a statement which perhaps struck at the root of the matter. The Council had informed the envoy that they did not desire Philip's declaration of war against the Scots because they were afraid of them (by now the main threat from Scotland had passed) but for the sake of the Queen's honour and reputation and so that all would know that the King had the Queen's welfare at heart.

Another jarring factor that troubled the Council was the galling thought that this important diplomatic initiative, coming as it did from Philip, might be construed by the Scots and French as an indication that their military might was held in awe.¹⁵⁴ Philip's reluctance to declare war against the Scots because he was afraid he might harm the interests of his subjects in the Low Countries indicates the sort of difficulty that presented itself as a consequence of the King's divided interests. The economic considerations of the richest part of his empire outweighed any loss of prestige that might befall him in England.

On 23 December, Philip instructed d'Assonleville to go to Scotland. His original instructions remained unchanged. It was impossible to reconcile the interests of the Flemings and the English but in order to safeguard the Queen's honour the envoy was to inform the Scots that he was sent at the behest of the Estates of the Low Countries rather than Philip. It was a poor compromise, and no substitute for a declaration of war.¹⁵⁵ The mission of d'Assonleville coincided with Scottish and English negotiations for a temporary cessation of hostilities. The Regent had appointed Lord Hume, her commissioner, to conclude a temporary truce.¹⁵⁶ After several meetings with the Earl of Northumberland and Sir Henry Percy, a truce was concluded on 14 January to last for twelve days.¹⁵⁷ D'Assonleville's arrival in Scotland also coincided with the momentous news of the fall of Calais. The taking of

the town by the French brought a whole new element to the situation that d'Assonleville's instructions had not accounted for. Nevertheless, the envoy still stressed that if the two Queens were reconciled they might turn their joint efforts to persuading Henri and Philip to come to the negotiating table.¹⁵⁸ The Regent brushed aside any quibbling over who or where d'Assonleville came from, clearly welcoming Philip's peace initiative. She calmly wrote to him that the English had been the aggressors and she had been forced to resort to arms for her own defence.¹⁵⁹

The truce had allowed the Regent to send the Scottish Vice-Chancellor, de Roubay, through England to France to seek Henri's advice. She reinforced her intention never to make peace with England unless Mary made peace with France. The Regent was also anxious to allay Henri's suspicions over the matter of the truce. The latter, she argued, had virtually no bearing on the border war since, due to the appalling winter weather, it was impossible to attempt any hostilities against England. Besides, the extent of English reinforcements made any major offensive by the Scots unlikely.¹⁶⁰

The taking of Calais on 7 January 1558 by the Duke of Guise in a daring mid winter campaign was a great victory for the French which did more than enough to restore their confidence after the disastrous defeat of St Quentin. Calais was also a Guise triumph, the Duke became overnight a national hero. When the news reached Scotland of his

victory, his sister, the Regent "... commandet to kendale fyres and bleises throuch al tounes in sygne of blythnes to all; of sa noble a victoire".¹⁶¹ In England, the fall of the town engendered a profound shock, the news "... was the hevest tydy (ngs to London) and to England that ever was hard of".¹⁶² Even if we dismiss as exaggerated Feria's report that the people registered their protest by staying away from mass,¹⁶³ it does give us some idea of the psychological effect the loss of the town involved. It was a blow to the government's prestige which it could not afford to repeat. D'Oysel reported that since the taking of Calais the Queen and Council "... estans entres en plus grande jalousie de la ville de Barvick que de coustume".¹⁶⁴ The two far flung outposts of England's medieval empire made ready comparison as Feria remarked to Philip in August 1557 Berwick, "... which in those parts amounts to what Calais is in these parts, as your Majesty knows".¹⁶⁵ As the two major fortified strongholds of the realm and the two heaviest single items of government expenditure, the two towns were always coupled together in Council minutes when preparations for defence were discussed. That the concern for the security of the two towns went hand-in-hand is even illustrated in the grants of letters of denizenship: new citizens were to have special licence to dwell in Calais or Berwick.¹⁶⁶

D'Assonleville's reports from Scotland confirmed everything that the government had ever suspected about Scottish designs, most especially that they had their eyes

on Berwick. The envoy reported to Westmorland on his return from Scotland that "The cheiff marke wherat they shoot is Barwicke, yt haith bene the chieff praktice of the Scotcs all this yere to have Barwicke", and he reinforced this view in the memorial he prepared for the Queen.¹⁶⁷ D'Oysel certainly appreciated the propaganda coup French prestige in Scotland would reap with a successful attack on Berwick. Its capture, as the ambassador correctly pointed out, "ce seroit descouvrir tout cler le royaume d'Angleterre, ne se présentant outre ledit Barvich aucune forteresse qui soit arrester une armée jusques à Londres". D'Oysel had proposed to the Scottish nobility that "...voyant ceste grande conquete de Callays ... il falloit suyvre ceste bonne fortune pour aller assiéger ledit Barvich à ce printemps", suggesting by this means that the Duke could redeem himself of his most recent volteface.¹⁶⁸ Despite the ambassador's enthusiasm, he was sufficiently experienced in military affairs to be aware of the realities of the situation and that such an enterprise would be impossible without massive French reinforcements of artillery and supplies.¹⁶⁹

The government responded quickly to the fall of Calais by making vigorous efforts to strengthen Berwick. A new initiative was taken on the fortifications there.¹⁷⁰ The Earl of Northumberland was appointed to raise 1,000 borderers to be put in Berwick, "... uppon all eventes if the same shalbe distressed". Individual summonses as well

as letters to the Sheriff of Nottinghamshire, Staffordshire and Shropshire were sent raising 2,000 more men.¹⁷¹ Plans were set in motion for the raising of German mercenaries for the North. Gunners from the captured fortress of Guisnes were sent to Berwick.¹⁷² To coordinate all these preparations, the Earl of Westmorland was appointed Lieutenant of the North.¹⁷³

Notwithstanding these precautions efforts were still continued on the diplomatic front. The truce which expired on 26 January was renewed till 15 March, while in February the young laird of Lethington was sent to London.¹⁷⁴ Lethington's mission was not successful as the Regent's proviso for desisting from armed aggression was that Mary make peace with France or persuade her husband to do so. Both proposals were clearly out of the question and the Council did not even wait for a reply from the Queen to Lethington's message before determining the failure of his mission.¹⁷⁵

This was the last attempt to bring about a peaceful solution to the conflict on the border during the reign of Mary. Desultory raiding commenced again,¹⁷⁶ beginning with what was probably the most important engagement of the 1558 campaigning season. On 28 April, Sir Thomas Percy and Sir George Bowes, Marshal of Berwick, with 7-800 horse and 2,000 foot entered the Scottish East March and burnt several villages including the town of Langton, the headquarters of the Lieutenant, the Earl of Glencairn, causing

the Earl to flee. The Scots garrison at Kelso were alerted as was Lord Hume, the Warden. Together they mustered 2,000 horse and 500 foot. These followed the English meeting up with them at Swinton. In the subsequent engagement, according to Holinshed, the English shot and powder failed "... by reason of the mistie morning had made much of their powder dankish". After a long encounter the English had the upper hand, 100 Scots were slain and 400 were taken prisoner.¹⁷⁷

Although the Scottish government could not afford to keep large numbers of troops in wages as the English could, it was able to maintain a steady force by appointing Lieutenants on the border to serve for a month, or so, these commanded men of the allotted Sherifffdoms. The system operated on a rota basis.¹⁷⁸ As for reinforcements on the English side, the government placed firm hopes in the 3,000 Germans whose recruitment Sir William Pickering had been arranging since March 1558. The men had been raised, equipped, paid for one month and their transport arranged. They were expected to arrive at Newcastle on 26 June. The Council ordered the Lieutenant to confer with the Mayor and his colleagues to make advanced preparations for their lodging and victualling in the town where they were to rest for a short time after their arrival, £4,000 was set aside for their wages and £2,000 delivered to Bertram Anderson for victuals and supplies. Despite these preparations the troops never arrived as Philip decided he had a more urgent

need of the men and promptly took them over; to make matters worse, he soon dismissed them. Once again, the incident is illustrative of where Philip's priorities lay.¹⁷⁹ The government attempted to offset this drawback to some extent by raising 400 demi-lances, this time outside Westmorland's lieutenancy in the southern counties. There were signs of reluctance to comply with the quotas allotted and a special committee of the Council had to be set up to answer the complaints of those appointed to raise men.¹⁸⁰ In late July, Viscount Montague, the Lieutenant of Sussex, was written to and informed that the Queen "... cannot but take yt yll that this servyce is slacked and disappointed by the faulte of some of that County of Sussex". Individuals were straitly ordered to furnish the men, others were called before the Council or clapped in the Fleet.¹⁸¹

It would be wrong to read too much into this evidence or see it as a sign of significant opposition to the Marian government. It might be more likely attributed to lack of enthusiasm over having to serve in the North more than anything else. Another important factor was the renewed outbreak of influenza that swept the country in 1558.¹⁸² The muster commissioners for Derbyshire ascribed their difficulties in raising the 1,500 foot requested by Westmorland in April to the disastrous effects of the epidemic: "This pore lyttle countrie was never lesse able to furnishe any greate nombre", they argued, "... by reason of longe sicknes, whiche hath contynewed a greate

tyme in this country and yet contynewethe, and by the deathe of manye, and those moste able and tallest persons".¹⁸³

Westmorland was still calling for the Derbyshire men early in July and was forced to write to Shrewsbury in whose 'rule' Derbyshire lay to hurry forward the men. They eventually arrived on the border in early August.¹⁸⁴

Equipping large numbers of men for border service posed a considerable problem, for the government was almost wholly dependent on imported munitions, especially from the Netherlands. To obtain these, export licences had to be granted by Philip. During the latter half of Mary's reign, the government was importing arms in such massive quantities that Philip was worried lest they fell into the wrong hands.¹⁸⁵ Massive consignments of arquebuses, powder, bills, cannon and shot were sent to Berwick in February, June, August and September 1558.¹⁸⁶ These were used in the incessant raiding which carried on throughout the summer and autumn of 1558, which kept the Scots on the defensive. The Council continually urged individual captains in the same vein, "... bycause the chieftest tyme to annoyen thenemyes by burninge and spoyling their corne and provisions before the same can be put in suertye is nowe".¹⁸⁷ The government's attitude was that since these forces had to be kept upon the border as a defensive measure, they should not be kept idle. This was typified by the Council's letter to Dacre in May 1558, "... seing he hath an augmentation of force uppon the Marches, so temploye the same as the Quenes

Majestie have no juste cause to thinke her charges there yll bestowed, but that he use all the meanes he can to annoye thennemye".¹⁸⁸

These raids, though undoubtedly more significant in frequency and severity, were in many ways legitimising the conditions of theft and violence that were a perennial feature of border life. They certainly cannot be compared to the 'rough wooing', the devastatory raids carried out during the Anglo-Scottish wars of the 1540's. However, one method of gauging their effect would be to look for signs of 'assured' Scots, those borderers pressurised by English aggression into swearing loyalty to Mary and even collaborating with the English in raids against their own countrymen.¹⁸⁹ Surviving indications of Scots seeking assurance are few. At the conference of Brancepeth in September 1557, Lord Dacre had reported that the Armstrongs of Scotland were prepared to serve England. In February of the next year, the Receiver of Cumberland was ordered to pay on Dacre's warrant the wages of 9d per day to Sandy Armstrong and each of his ten sons for their service to the Warden during the war.¹⁹⁰ After the failure of the Regent's invasion plans in October 1557, increased fears of English aggression made more Scots assure.¹⁹¹ This said, it must be added that the bulk of the assured men seem to have come from the former Debatable land and Liddesdale; these places had furnished a large amount of assured men in the 1540's and were areas that nourished a

long tradition of violence and disorder. The government was continually worried that assured men were doubling up their role and acting as spies. In June 1558, the Council ordered the practice of receiving Scots under assurance to stop. Nevertheless, it seems to have continued. On 21 September, the Council wrote to Leonard Dacre, the Deputy Warden of the West March, repeating the order,

... albeit this sorte of receyving such as yelde themselves cannot be accoumpted otherwise in him than zeale of good servyce, yet the nature of those men being consydered here, and how falseley they have served after their submyssyon, and oftentimes put the wardein towhome they have submytted themselves in daunger.

The Deputy Warden was to keep a close eye on those Scots he retained in his service.¹⁹² The sheer bulk of the entries in the Privy Council Registers during the summer and autumn of 1558 is eloquent testimony to the government's control of the situation. The flood of letters to individual commanders giving constant encouragement to raid into Scotland, the warnings that they were not to jeopardise themselves and the many thanks given after successful exploits show how important the Council regarded the maintenance of the military pressure on the Scots.

In September 1558, the Council instructed Westmorland to begin reducing the extraordinary bands of horse and foot and make arrangements for winter garrisons. Again, there was some variance between the commanders as to the numbers that should be retained. Northumberland

argued, as he had done the previous year, that a larger force than Westmorland had decided upon should be kept. On this occasion, the Council was not inclined to agree with him, answering "Yt cannot but seame a superfluous charge to have more nombers there", and adding "... which if they had been well imployed, the Scottes had had no leasure to burn Belforde".¹⁹³ This was not the only occasion upon which there was disagreement between Westmorland and Northumberland. In May 1558, the Council wrote to the two Earls, Northumberland in his capacity as Warden and Westmorland as Lord Lieutenant, demanding that they take order to bring to justice some criminals in Tynedale. The Council suggested that rivalry between the two men was hindering their service and providing a bad example on the border. The government may have been afraid that a renewed Percy/Neville feud was about to spring up.¹⁹⁴ The dispute between the two Earls was one of the matters that the Bishop of Ely and Sir William Cordell were sent to reconcile in June 1558.¹⁹⁵ The reduction of the garrisons was among the last arrangements that Westmorland made; his commission as Lord Lieutenant was not renewed by Elizabeth.

The government had been successful in maintaining the border in defensive strength and had managed to keep up the pressure on Scotland by relentless raiding. The endless musters and 'quartering' of men by the Scots on their border although not a financial drain on the Scottish Exchequer since the men were unpaid, was a potent factor

in contributing to the Regent's unpopularity. The lack of enthusiasm, and prosecutions for non attendance show how much opposition there was to the military service on the border.¹⁹⁶ In stark contrast to this situation on the Scottish side, the English borderers cooperated loyally with the government's policies. Despite the fact that hostilities had begun because of the English declaration of war on the French and there was no sign of a peaceful solution on the border as long as Philip and Henri remained enemies, signs of resistance or recalcitrance are noticeably non existent after the appointment of the Earl of Northumberland as Warden. Any unwillingness seems to have stemmed from genuine difficulties in the face of the severe influenza epidemic. However, there were signs, as the Council in the North reported in the spring of 1558, that the economic strain of the conflict was beginning to tell.¹⁹⁷ The continuation of the war between France and Spain effectively prevented any large scale reinforcements being sent to Scotland. Nevertheless, the government was still determined not to be put off guard; with the spectre of Calais before its eyes, even the rumour of French reinforcements for Scotland was enough to justify the maintenance of a large standing force on the border.

Finance and Fortifications

The violent death of Giles Heron at the 'affray' at Ford in March 1557 left the Treasurership of Berwick vacant. No details of Heron's period of office have survived, nor is it known who was responsible for finance at Berwick in the interval after his death; one can only assume that it was Wharton.¹⁹⁸ The series of Berwick accounts resumes with the appointment of Alan Bellingham in May 1557.¹⁹⁹ Bellingham was in charge of the payment of the Garrison at Berwick and the Wardens as well as being responsible for the wages of the extraordinary bands of horse and foot and the workmen and labourers on the fortifications.²⁰⁰ He was to make all payments under Wharton's warrant but with the appointment of the Earl of Northumberland as Warden, Wharton's responsibilities were confined to payments within Berwick and the payments for the extraordinary bands were to be made under the Earl's warrant.²⁰¹ In early August 1557, Bellingham was despatched to the border with £9,000 out of the Exchequer.²⁰² Between July 1557 and February 1558, Bellingham received £27,000, the bulk of which came from the Exchequer by virtue of Privy Seal warrants. There were no regular arrangements for the despatch of cash to Berwick. Money tended to be allotted spasmodically as the need arose. The rest of the money sent to Bellingham was made up of receipts from the Crown lands in the North. In July 1557, the Council ordered that all sums due to the Crown in the North were to be made

over to the Treasurer of Berwick.²⁰³ This involved some £7,200 from Sir Thomas Gargrave, Receiver of Yorkshire, and £1,300 from Crown lands in Northumberland and Durham.²⁰⁴ The extraordinary bands of horse and foot raised during the latter half of September 1557 to meet the invasion threat from Scotland account for most of the payments disbursed by Bellingham. Over the period of his account wages were paid to 2,300 light horse and 2,900 foot in addition to Vaughn's 300 arquebusiers. These were all paid to the last day of January at a total cost of £21,276, while the cost of the ordinary garrison of Berwick accounted for £1,772.²⁰⁵

Captain Vaughn's band alone which had been recruited in mid August 1557 and which was to remain on the border until December 1560 cost £328 per month.²⁰⁶ Bellingham was not made responsible for the payment of the 4,000 men serving under Shrewsbury in late September as Sir Thomas Gargrave was appointed Treasurer of the troops at Newcastle. Gargrave's account has not survived but he was sent £15,000 in August 1557 to pay the expenses of the men, the rest was to be made up of the receipts of the Crown lands in Yorkshire. By 9 November, the Lieutenant's men had been dismissed and paid, and the £2,000 surplus was sent to Bellingham.²⁰⁷

At the turn of the year, the fall of Calais increased the government's fears that Berwick was at risk. Reinforcements were sent to the border and a new initiative was

taken with the fortifications. The subsidy bill of February 1558 recalled the expense the government had already sustained in the war against France and Scotland. In particular, it drew attention to the present financial burden entailed by the 'greate power and number of soldiors' that had to be maintained on the border for the defence of the realm towards Scotland.²⁰⁸ To cope with the new order a new Treasurer, Sir William Ingoldsby, was appointed.

Bellingham had been complaining of illness and had asked to be dismissed in December 1557.²⁰⁹

Ingoldsby's account stretches from 16 January 1558 to 30 November 1560.²¹⁰ The usefulness of the account is in many ways restricted. In particular, payments made to the Captains for the troops employed on the border are recorded in lump sums which cannot be practicably broken down. In much the same way, recruitment of bands of horse and foot continued throughout the three year period, with bands being raised and dismissed over varying periods. It is impossible from Ingoldsby's account to attempt an accurate assessment of the men serving on the border at any given time, a problem that not unreasonably concerned the Council.²¹¹ Fortunately, a sufficient amount of financial statements and summaries of accounts survive for us to arrive at a fairly accurate evaluation of border finances during the last year of Mary's reign.²¹²

In January 1558, there were 2,275 horse and 5,499 foot in active service in Berwick and on the marches. Quite a high proportion of men numbering over 800 were noted apart; of these, some 480 were reported as being sick, one suspects that the influenza epidemic was taking its toll.²¹³ Despite slight variations, the numbers of horse and foot seem to have remained at this high level until October 1558.²¹⁴ The total monthly wages of the troops and workmen amounted to £10,838. These had been paid from January to mid April and Ingoldsby had £28,492 towards the £32,514 due when the pay fell again in July.²¹⁵

The accounts of the other chief officers at Berwick were all in surplus in July 1558. Abingdon, the Quartermaster, still retained £10,194 after paying freight charges and repairs to the brew and bake houses amounting to £1,243 and the wages of some 185 staff which included bakers, brewers, butchers, keepers of the oxen and 'clarkes of the butter and cheese'.²¹⁶ The Surveyor of the Ordnance, Thomas Gower, after paying the wages of the 'bowyers fletchers and other artificous' had £668 in hand.²¹⁷

Despite the Council's instructions to the Lord Lieutenant in March 1558 that in the disbursement of cash he was to exercise "... good husbandry consyderinge the scarsytie of money and dyffyculty to provyde the same". The heavy monthly wages bill continued throughout the summer and early autumn financed by a relentless stream of Exchequer warrants.²¹⁸ In October, with the campaigning

season at a close, the extraordinary bands of horse and foot were discharged and only 1,500 horse and foot retained for winter garrisons.²¹⁹

Even though regular payments were made to the troops and for the fortifications, there were signs in 1558 that the government was having difficulty in meeting its obligations. For the massive wages bill that was incurred in paying off the troops in October 1558 the government used money borrowed from the merchants of the Staple and from the Mayor and Corporation of Newcastle upon Tyne, while £700 from the clerical subsidy of the diocese of Durham was also diverted to Ingoldsby. So costly was the wages bill that the air of urgency can be well understood in the Council's letter to Nicholas Brigham, one of the tellers of the Exchequer. He was to tell out all the monies coming to him to Edward Hughes, the Lord Treasurer's servant, who was usually appointed to carry funds to Berwick, even though a warrant for this purpose had not been issued.²²⁰

Another important financial outlay on the border aside from the payment of soldiers' wages was the money expended upon the fortifications. Additional work was carried out on Carlisle castle during late 1557 and early 1558, but the sum involved was small.²²¹ Although the government had once contemplated building a new fort at Netherby to countervail the French garrisons at Langholm and Annan, the idea never materialised;²²² instead all the building energies of the government were concentrated on the works at Berwick.

Work recommenced in the spring of 1557. During the early part of the year, the costs remained small, averaging out from February to June at some £40 per month. In July, the month after the declaration of war against the French, the wages bill leaped to £286 per month, accounted for by some 400 masons, hewers and labourers working on the Edwardian bulwark.²²³ The work provided a means of employment for the borderers; although the government recruited masons and 'hard hewers' from Kent, the pay roll of the labourers reads like a list of border surnames with Homes, Reades, Potts, Johnsons and Bells earning 5d per day.²²⁴ Tools for the works were purchased from merchants in Berwick but were also shipped from Newcastle and Scarborough. Wood was brought from the Lordship of Prudhoe by 'servantes unto my ladye perse' to Newcastle and then conveyed to Berwick by sea.²²⁵ Even when winter set in, work did not slacken off so that for the twelve months from February 1557 to February 1558 £2,165 was spent on the wages of the workmen alone.²²⁶ The loss of Calais in January 1558 was a blow to the government's prestige of unparalleled magnitude, after which intelligence and rumour that the French and Scots had plans to take Berwick were too important to be ignored. The loss of Calais was the crucial factor that led the government to replace Berwick's antiquated defences by a modern bastioned system.

The introduction of the bastion was one of the most important military developments of the late fifteenth and

early sixteenth centuries. Its use was made necessary by the increased efficiency of artillery. The development of large siege cannon rendered obsolete the high and relatively thin masonry walls of medieval castles and towns. To combat this, military engineers in central Italy, where siege warfare was common, evolved a more sophisticated type of fortress capable of mounting and resisting powerful cannon. The thin high curtain walls of the middle ages now became relatively short, thick, solid structures constructed of broad banks of earth encased in masonry. In this way they were able to withstand and absorb more intense bombardment. A series of wide ditches and outworks impeded the advance of the attacker but, more revolutionary still, were the arrow shaped bastions constructed all around the fortress. These provided flanking observation and flanking fire so enabling the defenders to gain maximum fire advantage over the enemy by being able to aim shot in virtually any direction.²²⁷ The idea that the border fortresses should be developed into a defensive system more suitable to the needs of contemporary warfare was in the minds of almost every commission that reviewed the fortifications during this period. Most extant surveys recommended that bulwarks should be added and that free standing walls should 'be massively rampiered with earthe'.²²⁸

Of course, one might argue that it is easy to exaggerate the obsolescence of the border fortresses and claim that they presented an adequate defence against the

Scots who were considered to be notoriously inept at siege warfare.²²⁹ Yet, the English government of the mid sixteenth century had not only Scotland to contend with north of the border but France - at that time the most powerful military state in Europe. France had been able to send 10,000 men to Scotland in 1548 and she might do so again. This explains the susceptibility of the Council to rumours of French reinforcements for Scotland. The military presence of the French north of the border, no matter how small, was a factor that the Marian government had to bear in mind and take measures against.

The cost of these new fortifications was enormously high and many European towns preferred to carry out make-shift improvements by lowering their walls and simply backing them with earth whilst they filled in old artillery fortresses with the same material. No such rudimentary device was considered at Berwick but because of the prohibitive cost the government's energies were concentrated solely on remodernising its defences.

In January 1558, Sir Richard Lee, who had already in the previous reign been responsible for planning fortifications at Berwick, was sent to the town with 800 pioneers.²³⁰ Lee was appointed to take charge of the fortifications; at first, he worked in cooperation with Ridgeway until the latter was dismissed in March 1558. Originally, it seems to have been decided that the works should encompass the precincts of the old medieval town

but, for reasons of economy, it was decided to reduce the circumvallation of the old walls by a third. This involved the abandonment of the ancient castle in the north west corner of the town. Commission was granted to Lee and the chief officers in Berwick to see to the demolition of the houses in this area and make reasonable compensation to the owners.²³¹ The commission was broadened in June 1558 to include the lowering of the castle walls. It also granted powers to the Surveyor and others to execute all such measures they deemed necessary for the advance of the fortifications.²³²

With over 1,200 men employed on the works, costs rose phenomenally from a monthly average of £180 in 1557 to £1,520 in February 1558, remaining at that level certainly until the end of the reign.²³³ The importance the Council attached to the progress of the new fortifications is illustrated by the constant attention paid to them during the course of 1558. Westmorland was urged to make sure that money always remained available for the works, 'although others shuld remayne unpaid'.²³⁴ In June 1558, the Bishop of Ely and Sir William Cordell were sent as commissioners to the north, among other things, to inspect the fortifications and report on their progress.²³⁵ Their report seems to have been favourable and they recommended that the works be carried on throughout the winter. Lee wished them to continue only till Michaelmas which was the usual seasonal stopping date but it appears that at

the insistence of the Queen, he was urged to carry on as the weather permitted.²³⁶

Although the major part of the new fortifications at Berwick were carried out during the reign of Elizabeth, it is too easily forgotten that the project was planned and begun during the reign of her predecessor. The large financial outlay that the extraordinary bands of horse and foot engendered coupled with the considerable costs of the works is firm proof of the government's commitment to the security of the border. Mary's order that the works were to proceed without the usual winter break manifests the urgency with which the government set store upon their speedy progress. Mary's council had no need to be reminded by repeated Spanish cautions that another debacle on a par with Calais was to be avoided at all costs.²³⁷

CHAPTER IVNotes

- 1 R. Holinshed, The Chronicles, ed. Sir H. Ellis, London, 1807-8, V, 586.
- 2 On 10 September 1557, nearly six weeks after the Council considered itself at war with the Scots, Lord Dacre asked Shrewsbury's advice on how he should proceed vis à vis Scotland, "... conscidering there is no proclamacon made asyet of open warres betweene the Realmes". Talbot MSS. D. f.165.
- 3 C.B.P. II, 566; W. Maitland, Narrative of the Principal Acts of the Regency, ed. W. S. Fitch, Ipswich 1842, 14, 23-24.
- 4 Teulet, I, 184.
- 5 Maitland. op. cit., 11, 14.
- 6 A.P.C. VI, 22.
- 7 P.R.O., 31/3/23/ fos.5,10,15.
- 8 Ibid., 82.
- 9 The numbers of French troops had been run down after the Truce of Vaucelles. Aff. Etr., Mémoires et Documents Angleterre, XV, fos.8-9, 10-11.
- 10 P.R.O., 31/3/23/fos.21-22.
- 11 As early as 1555, the Scottish Parliament passed an act "Aganis thame that rasis murmuris sclanders and seditioun betuix the liegis of this realme and the maist christin Kingis liegis", Acts of the Parliament of Scotland, ed. T. Thomson and C. Innes, Edinburgh 1814-1875, II, 499-500. French soldiers in garrison on the border were murdered with alarming frequency. P.R.O., 31/3/22/f.19.
- 12 Regent to the Cardinal of Lorraine, 13 January 1557, Aff. Etr., Mémoires et Documents Angleterre, XV, fos. 8-9.

- 13 Sir J. Melville, Memoirs of his own life, Edinburgh 1827, 71-72.
- 14 Regent to Cardinal of Lorraine, 13 January 1557, Aff. Etr., Mémoires et Documents Angleterre, XV, f.9.
- 15 Ibid., f.8.
- 16 Regent to Henri, 29 March 1557, Aff. Etr., Mémoires et Documents Angleterre, XV, fos.11-12.
- 17 Ibid., P.R.O., 31/3/23/fos.117-118, D'Oysel to Noailles 29 March 1557.
- 18 Foedera, XV, 457-458; Teulet, I, 290-293.
- 19 Aff. Etr., Mémoires et Documents Angleterre, XV, fos.14-19.
- 20 Supra., p.218. On 16 December 1556, Norton had been called before the Council in connection with this matter and agreed to pay the money. The incident shows that the Council were anxious to appease the Scots when political expediency permitted. A.P.C. VI, 30. Bishop Leslie ironically enough credits Norton with devising the articles in the 1553 treaty concerning the Tweed fishing. Leslie, II, 355.
- 21 Foedera, XV, 464-465, dated 25 May 1557. Acting on behalf of the English were the Earl of Westmorland, the Bishop of Durham, the Chancellor of the Bishopric, Robert Hyndmer and one of the Presidents of the Chancery, Dr. Thomas Marten. For the Scots, the Earl of Cassillis, the Bishop of Orkney and Robert Carnegie. P.R.O., SP51/1/39.
- 22 P.R.O., SP15/8/12.
- 23 Talbot MSS. C. fos.336-340.
- 24 A.P.C. VI, 95-96.
- 25 Talbot MSS. D. f.36. This involved some £907 on the Middle March and £2,378 on the West March. Another estimate noted the sum as being £3,000. Talbot MSS. C. f.306.

- 26 Talbot MSS. D. f.36.
- 27 P.R.O., SP51/1/26-27.
- 28 Ibid., 29; A.P.C. VI, 121-122. For a memorandum prepared by Wharton for the commissioners of the bills outstanding for the East and Middle Marches see P.R.O., SP15/8/10, the figures almost excite disbelief and include 872 horses @ £4 each, 3,324 cows and oxen @ 20s each, 12,717 sheep and 714 goats @ 3s 4d each.
- 29 P.R.O., SP51/1/25.
- 30 Lodge, I, 243.
- 31 Cal. Scot., I, 198-199.
- 32 Lodge, I, 238-9; Vertot, IV, 317-318. A much more accurate hint of the true situation was Carnegie's qualification of the oath that the Regent meant to keep the peace "... as farre as we yet ken", C.S.P.S., I, 198-199.
- 33 Talbot MSS. D. fos.42, 52.
- 34 Ibid, fos.40-41; P.R.O., 31/3/23/f.129.
- 35 Talbot MSS. D. f.42; Acta Curiae Admirallatus Scotiae, ed. T.C. Wade, Stair Soc., II, Edinburgh 1937, 3, 7, 10-11 passim.
- 36 Talbot MSS. D. f.31.
- 37 He was appointed in conjunction with Shrewsbury and Tunstal to settle the dispute over Ford. Infra., p.285.
- 38 D. M. Loades, The Reign of Mary Tudor, 1979, 365-368.
- 39 P.R.O., 31/3/23/fos.161-162, 172, 179.
- 40 Ibid., f.187.
- 41 Ibid., fos.176-177, 208.
- 42 P.R.O., SP15/8/8; for the precise meaning of these terms see L. Boynton, The Elizabethan Militia 1558-1638, London 1967, XV.

- 43 A.P.C. VI, 119-120.
- 44 P.R.O., SP59/1/114.
- 45 The Earl of Northumberland, High Marshal, Derby, Captain of the Vanguard, Cumberland the Rearguard, Westmorland was to be Captain-General of the Horse and Lord Talbot, Shrewsbury's son, Captain-General of the Foot. P.R.O., SP15/8/7,8.
- 46 A.P.C. VI, 99-100; P.R.O., SP15/8/14. Croftes had served at the siege of Boulogne in 1544 and 1549. Captain of Haddington 1549. Lord Deputy of Ireland 1551-1552. D. N. B. The Autobiography of Sir James Croftes, R.E. Ham, Bulletin of the Institute of Historical Research, 50, 1977, 50-55.
- 47 P.R.O., SP15/8/9.
- 48 The Council to the Earl of Shrewsbury, 5 July 1557, P.R.O., SP15/8/17.
- 49 A.P.C. VI, 114, 119-120; P.R.O., SP15/8/16, 17, 18; Lodge, I, 245.
- 50 A.P.C. VI, 120.
- 51 Ibid., 135-136.
- 52 Talbot MSS. D. fos.66-67.
- 53 Ibid., f.67; Maitland suggested that the Regent's refortifying of Eyemouth was designed to provoke a military reaction from the English and so draw the recalcitrant Scots into the resulting conflict.

... the Quein Regent be advyse of the Frenchemen and uthers of the Councell ... did resolute to mak warre against Ingland and to induce or force the nobilitie and Cuntrie verye unwilling thai resolvit to mak and fort neir to Heymouthe on the seysyde in the Mers and in 6 myles to Berwik vnder colour to be a fronteire to the cuntrie for safetie thairof in tyme of warre ... bot the verye true caus was that thai considerit Ingland wald intend to stop the fartliffing thairof and so invade the Scots grund and giue thairby just occasion of warre on our pairt for so thai did and be occasion thairof

the Border men on bothe sydis fel to robbing and preying in vthers cuntries and so the nobilitie in end for defens of thair auin wes forcit to enter in warre.

Maitland, op.cit., 9.

- 54 A.P.C. VI, 137-139; P.R.O., SP15/8/26; Cal. Span., XIII, 311-312.
- 55 Lodge, I, 249; Talbot MSS. D. f.60. Westmorland as Lieutenant of the Bishopric was clearly embarrassed by Tunstal's intransigency and had advised the Bishop to send the men. Ibid., D. f.61. On the Bishop's liability to raise troops for border service, see "The Bishops of Durham and the Office of Lord Lieutenant in the Seventeenth Century," G. Scott Thomson, E.H.R., XL, 1925, 351-352.
- 56 Lodge, I, 254; Talbot MSS. D. f.101.
- 57 Lodge, I, 252-254; Talbot MSS. D. f.74.
- 58 P.R.O., SP15/8/33.
- 59 Ibid.
- 60 Ibid., Cal. Span., XIII, 316.
- 61 A.P.C., VI, 146, 148; Vaughn like Croftes was convicted and attainted for high treason and later pardoned for his role in Wyatt's conspiracy and like Croftes became a pensioner of Philip, C.P.R. Philip and Mary, II, 245, III, 44, 263; Machyn, 60; Loades op. cit, 266.
- 62 Talbot MSS. D. f.80ff.
- 63 Ibid., D. f.74.
- 64 Ibid., D. f.114, 257. Robert Lindsay of Pitscottie, The Historie and Chronicles of Scotland, ed. J. G. Mackay, Scottish Text Society (1899-1911), II, 118.
- 65 A.P.C. VI, 173.
- 66 Lodge, I, 257-258.

- 67 Ibid., 259-260
- 68 Ibid., 261.
- 69 H.M.C. Twelfth Report, App. IV, Rutland MSS. I, 35.
- 70 Talbot MSS. D. fos.111, 121.
- 71 Lodge, I, 247.
- 72 Ibid., 262-5.
- 73 Lodge, I, 266-267, 270-271; Talbot MSS. D. fos.150-151, 162, 177, 179, 182.
- 74 Ven, Cal., VI, 1277, 1302-1303, 1321-1322, 1331-1332.
- 75 Talbot MSS. D. f.184.
- 76 Ibid., f.230
- 77 Lodge, I, 282-285.
- 78 Ibid., 284.
- 79 Ibid., 287.
- 80 Ibid., 292; Pitscottie, op. cit., 119-120; Leslie, II, 371-372.
- 81 It was reported in late October that D'Oysel so feared for his personal safety that he maintained a personal bodyguard of 100 soldiers, Lodge, I, 289-290; Talbot MSS. D. f.265; Leslie, II, 373.
- 82 Lodge, I, 289, 292.
- 83 Shrewsbury to the Council, 20 October 1557, Lodge, I, 291.
- 84 P.R.O., SP15/8/41.
- 85 Ibid., SP15/8/52 (I)
- 86 Ibid., SP15/8/41; Talbot MSS. D. fos.271-272. It must be added that Northumberland's was not a lone voice. Eure and Wharton were also alarmed at Shrewsbury's reductions. It was probably the pressure of their protestations coupled with Northumberland's that persuaded the government to override the lieutenant.

- 87 P.R.O., SP15/8/46.
- 88 Talbot MSS. C. f.292. For similar supply problems faced by military commanders on the border in the 1540's, see Hamilton, I, 187-189, 205, 210-216.
- 89 Lodge, I, 281-282; the fears of the merchants were not ill founded, e.g., A.P.C. VI, 240.
- 90 P.R.O., SP15/8/9; Talbot MSS. D. f.207.
- 91 Ibid., f.70
- 92 Lodge, I, 234, 274.
- 93 Talbot MSS. P. f.319.
- 94 Before the 1558 harvest wheat was priced at 4 marks (53s 4d) the quarter, malt 44s and beans and rye 40s. After the harvest these commodities fell to 5s, 6s 8d and 3s 4d respectively, John Stowe, Annales ... , London 1632, 631.
- 95 Lodge, I, 263.
- 96 Ibid., 269-270. The wages of the northern posts were also raised from 1s to 16d and then eventually to 20d per day, A.P.C. VI, 136-137, 188.
- 97 Lodge, I, 233; P.R.O., E101/64/9, 23; B.L., MSS. Cotton Caligula B, IV, f.258 "Artycles sette foarthe concernynge suche captaynes and soulderes as bee serving or shall serve uppon the fronntyeres against the Scotcs", infra app., C . Soldiers were granted a further rise using the same criterion. In July 1558, the Council ordered that all soldiers serving in the North should have 10d per day "... being thoroughly armed with corsellettes". A.P.C. VI, 337; ill equipped troops led the government to take sharp steps in the direction of military reform especially with the Militia Act of 1558, 4 and 5 Philip and Mary, C. 2, S.R. IV, I, 316-318.
- 98 P.R.O., SP15/8/30, 31, 32; Talbot MSS. D. fos.126, 133, 179, 230 C.

- 99 From September to December 1557, over £100 was paid to Michael Wharton, Constable of Berwick castle and Humphrey Collwich, Clerk of the Watch "... for espyall money dyssburssed by them ... to sundry Scottes personnes and others". P.R.O., E101/64/3/13, 14, E351/225.
- 100 Sir William Heron died in 1535 leaving property to the value of £88 10s 2d, the bulk of which was made up of the Ford estate, N.C.H. XI, 386; P.R.O., SP15/4/30. Elizabeth Carr died in late 1556 or early 1557. C.P.R. Philip and Mary, III, 116.
- 101 H.M.C. Twelfth Report, App. IV, Rutland MSS. I, 40.
- 102 P.R.O., SP15/4/30.
- 103 Talbot MSS. (Lambeth Palace library) 696 f.83; Talbot MSS. D. f.8; on 9 April 1557, Berwick Town Council set about the doleful task of making financial provision for the orphans of the slain men and settling their estate. B.R.O. MSS. B1/1/f.78.
- 104 Talbot MSS. D. f.9.
- 105 Ibid., D. f.12.
- 106 Cuthbert Horsely to the Earl of Shrewsbury, 31 March 1557; Talbot MSS. (Lambeth Palace library) 696 f.83; Lodge, I, 225-226, 231-232.
- 107 A.P.C. VI, 72-73, 86-87.
- 108 Infra., p.330, n.135.
- 109 Talbot MSS. D. f.15.
- 110 Lodge, I, 227-228, 231-233.
- 111 P.R.O., SP15/8/5.
- 112 Lodge, I, 238.
- 113 P.R.O., SP15/8/27.
- 114 Rymer Foedera, XV, 461-463; Machyn, 133-134.

- 115 Letters and Papers of the Reign of Henry VIII, ed. James Gairdner et al., London 1862-1932, XII, II, 87, 97, 322, 356.
- 116 S.R. IV, I, IX.
- 117 C.P.R. Edward IV, IV, 118, 185.
- 118 A.P.C. V, 206, 248-249.
- 119 C.P.R. Philip and Mary, IV, 179-189; P.R.O., SP12/1/64.
- 120 Loades, op. cit., 97.
- 121 Talbot MSS. O. f.8; C.P.R. Philip and Mary, III, 168.
- 122 E.B. Fonblanque, Annals of the House of Percy, 2v, London 1887, II, 5-6; G. Brennan, A History of the House of Percy, 2v, London 1902, I, 256. Both these works are so shot through with error that their use is problematical.
- 123 History of the Percy Family, Etc. Alnwick castle MSS. 93 A 11; Percy Papers 7th and 8th Earls MSS. 93 A 7 (MSS. notes of Bishop Percy).
- 124 Printed in J. Strype, Ecclesiastical memorials, Oxford 1822, III, II, 513-515; Noailles makes no mention of Percy involvement at Scarborough but he clearly regarded Thomas's ennoblement in the light of the government's preparation of the border for war. P.R.O., 31/3/23/f.177.
- 125 Foedera, XV, 468-471, 472-474, 475-477. The hurried course of events may account for some apparent confusion, because although expressly appointed by patent Captain of the Town of Berwick, the Earl never took up the office. The government had already changed its mind a few days before the patent was issued. P.R.O., SP15/8/29. Wharton continued as Captain of the Town and Castle till he was replaced by Lord Eure in December 1557.

- 126 P.R.O., SP15/8/27; Talbot MSS. D. f.70. A report on Northumberland at the same time noted that
 ... The inhabitants there sheweth them selves verie disobedient and slacke in service ... the dissention and devision emonge the gentlemen and inhabitantes there dothe moche abate and impaire the strength and service on that fromtyer for one ryfuseth to helpe an other but beareth and winketh everie of them at others displeasure and thone will procure displeasure to thother bothe by Scottes and other-wise.
 The document is incorrectly calendered in P.R.O., SP15/4/32.
- 127 To facilitate the raising of men in the North Riding, the Earl was appointed in July 1557 Bailiff of the Honour of Richmond and Keeper of the castles of Richmond and Middleham. C.P.R. Philip and Mary, III, 479-480; A.P.C. VI, 123; Talbot MSS. D. f.282.
- 128 P.R.O., E101/64/10. Historians have left us a poor opinion of the Earl's intellectual abilities it would seem on somewhat slender grounds. Nothing is known of his formal education but 'simple' seems an obligatory epithet in describing him. This is probably derived from Hunsdon's remark after his examination of the Earl prior to his execution in 1572, "I never thought him so simple as I now find him". Dom. Add. Elizabeth, XXI, 401; see D.N.B., Brenan, op. cit., I, 258; Fonblanque, II, op. cit., 9.
- 129 Slingsby married the Earl's sister, Mary, Surtees Soc. 1920, Visitations of the North, II, 125.
- 130 P.R.O., SP15/8/52.
- 131 Ibid., SP15/8/55; A.P.C. VI, 159-160, 221-222, 262.
- 132 Supra., p.283 ff.
- 133 A.P.C. VI, 254; Carr who almost certainly owed his position as Marshal at Berwick to the Earl had been sent by Northumberland to the Council in January 1558, in connection with the affairs of the wardenry; P.R.O., SP15/8/66; A.P.C. VI, 261.

- 134 A.P.C. VI, 264, 267, 270-271, 277-278, 338.
Sir John Forster had distinguished himself in an engagement against the Scots in November 1557. Holinshed reported that
Sir John Forster bare himselfe verie valiantlie at this incounter, so that his service might not well have beene spared. He was thrust through the mouth into the necke, and also through the thigh; moreover, his horsse was slain under him. Holinshed, Chronicles, V, 581.
- 135 On 1 May 1558, the Council thanked Westmorland for having settled the dispute. P.R.O., SP15/8/92. Yet, the affair was by no means concluded as it was one of the matters that the commissioners, the Bishop of Ely and Sir William Cordell, were instructed to settle in the summer of 1558. P.R.O., SP15/8/106; A.P.C. VI, 331. The extent of Forster's involvement is unclear but he was bound over with Heron and Lisle for £1,000 each to attend on the commissioners, Ibid., 331. In August, the commissioners claimed to have made agreement between the Herons and Carrs but no mention was made of seeking Thomas Carr's murderer, Ibid., 360. Even then, the matter was unconcluded. Despite further recourse to the law in 1559, P.R.O., SP12/4/70, the continuing feud was listed in 1579 as one of the reasons for border 'decay'. C.B.P., I, 13.
- 136 A.P.C. VI, 154-155; Lodge, I, 264-265.
- 137 Talbot MSS. D. f.144.
- 138 C.P.R. Philip and Mary, IV, 65.
- 139 A.P.C. VI, 219.
- 140 P.R.O., SP15/8/71.
- 141 Norton also lived to be a participant in the 1569 Rebellion of the Earls. He died in the Netherlands as a pensioner of Spain. C. Sharp, ed., The Rising in the North. The 1569 Rebellion, repr. Durham 1975, 276-277.

- 142 P.R.O., SP15/8/71.
- 143 P.R.O., SP15/8/75.
- 144 Ven. Cal., VI, 1073.
- 145 Lodge, I, 271.
- 146 Talbot MSS. D. f.189.
- 147 Ibid., fos.264, 265, 277. William Kirkcaldy Laird of Grange was one of the conspirators in Beaton's murder for which he was imprisoned in France. He later escaped but was pardoned in the general amnesty of 1550. He offered his services to England in 1551 and acted as one of Mason's agents in France under the pseudonym of 'Coraxe'. Cal. For. Edward, VI, 75-77. In 1556, he again offered to act as a spy for England and Wotton recommended him to the government with no apparent success; by 1557, he was in the service of the Regent.
- 148 P.R.O., SP15/8/42, I-III.
- 149 Lodge, I, 294; Talbot MSS. D. f.267x; A.P.C. VI, 208-209.
- 150 Loades, op. cit., 370-371.
- 151 P.R.O., SP70/3/178-180, document belongs to 1558, see K. de Lettenhove, Relations Politiques des Pays-Bas et de l'Angleterre, 2v, Brussels, 1882-1900, I, 177, nl.
- 152 There is abundant evidence of the success of Scottish pirates against Flemish vessels, see Cal. Span., X, 94, 96, 98, 99, 146-147, 193-194, 353-354. Charles V in his Political Testament that he composed for his son Philip, made a point of urging his son to maintain peace with Scotland to ensure the freedom of the trade, Karl Brandi, The Emperor Charles V, trans., C.V. Wedgwood, London 1968, 585.
- 153 D'Assonleville's instructions printed in Lettenhove, op. cit., I, 89-91.

- 154 Lettenhove, op. cit., I, 93-95, 107, 108-112.
- 155 Ibid., 114-115.
- 156 H.M.C. Twelfth Report, VIII, MSS. of the Duke of Athole and Earl of Home, 183-184.
- 157 Cal. Scot., I, 203-204; Teulet, I, 296-297.
- 158 Ibid., 298.
- 159 Cal. Scot., I, 204-205.
- 160 Teulet, I, 299-300; Cal. Scot., I, 203.
- 161 Leslie, II, 380.
- 162 Machyn, 162-163.
- 163 Cal. Span., XIII, 351.
- 164 Teulet, I, 299.
- 165 Cal. Span., XIII, 316, Don Juan de Figueroa to the Emperor, 15 August 1557.
- 166 e.g., C.P.R. Philip and Mary, IV, 244; C.P.R. Mary, I, 320, 333; C.P.R. Philip and Mary, III, 217.
- 167 P.R.O., SP15/8/81, 122; Cal. Scot., I, 207-209.
'Advertissement pour la Roynne touchant les affaires du Noort'. It seems more than a coincidence that many of the recommendations contained in d'Assonleville's memorial were in fact taken up by the government.
- 168 Teulet, I, 300; the idea that the fall of Calais might somehow presage the restoration of Berwick to Scottish sovereignty seems to have been a widespread notion in Scottish government circles at this time. The poet Sir Richard Maitland of Lethington, a strong supporter of the Regent who had been one of the commissioners for the division of the Debateable land, and, who in 1554 was appointed an Extraordinary Lord of the Session, wrote a eulogy on the Guise victory entitled, 'Of the Wynning of Calice', the last stanza

expressed the wish that,

Sen God in the begynning of this yeir,
Unto that King Sa gude fortune hes send;
We pray to Him sic grace to grant us heir,
That we get Berwick our Merches for to mend;
Quhilk, gif we get, our Bordoures may defend
Againes Ingland, with His Help and supplie;
And than I wald the weiris had ane end;
And we to leif in peace, and unitie.

Sir Richard Maitland, Poems, Maitland Club, Glasgow
1830, 8-10.

169 Teulet, I, 300-301.

170 Infra., p.314 ff.

171 A.P.C. VI, 237-238, 242-245; P.R.O., SP15/8/64-69.

172 A.P.C. VI, 242-243, 258-259.

173 Ibid., 250; B.L., Landsdowne MSS. 105 f.174.

174 Cal. Scot., I, 205; T.A., X, 331, 337; Talbot MSS.
(Lambeth Palace Library) 696, f.47.

175 Teulet, I, 297; Cal. Scot., I, 205; A.P.C. VI, 275;
what seems to have been the final truce of Mary's
reign was arranged between the Earls of Bothwell and
Northumberland (D'Oysel's official agreement was also
sought). It was proclaimed on 6 March and was to
have lasted for two months. Haynes, 209; T.A., X,
420. The Regent took advantage of the lull in
hostilities to resupply and revictual Hume, Kelso,
Tantallon and Eyemouth. For the supplying of the forts
and the considerable effort that went into the repair-
ing and recasting of ordnance, see T.A., X, 421-443.

176 Leslie, II, 381.

177 P.R.O., SP15/8/88; Cal. Span., XIII, 387; Holinshed,
op. cit., V, 583-584. The defeat raised fears of an
English invasion in Edinburgh, Extracts from the
Records of the Burgh of Edinburgh 1557-1571, Edinburgh,
Scottish Burgh Record Soc., 1871, 19-23. For other
encounters, see Holinshed, op. cit., V, 581-586.

- 178 Ibid., 581-582; Cal. Scot., I, 207; T.A., X, 342 ff.
- 179 Loades, op. cit., 381; P.R.O., SP15/8/102-105; A.P.C. VI, 360.
- 180 A.P.C. VI, 334.
- 181 Ibid., 353-355, 358-359, 363.
- 182 F. J. Fisher, "Influenza and Inflation in Tudor England," Economic History Review, second series, XVIII, 1965, 126-129.
- 183 Talbot MSS. B. f.225, D. f.288.
- 184 Ibid., E. fos.1-5; A.P.C. VI, 373.
- 185 Cal. Span., XIII, 391, 399-400; Cal. For., Mary, 353, 370, 371; Foedera, XV, 486. There was a similar problem with the provision of armour. Gresham was written to in May 1558 to ask the King for licences to export all the armour he could buy up in Germany and Flanders because many shires had been appointed to provide armour "... which they cannot gett for money here". A.P.C. VI, 314, 327-328.
- 186 P.R.O., SP59/1/114-116.
- 187 A.P.C. VI, 373.
- 188 Ibid., 319.
- 189 M. H. Merriman, "The Assured Scots," S.H.R., XLVII, 1968, 10-34.
- 190 Lodge, I, 265; P.R.O., SP15/8/78.
- 191 Talbot MSS. D. f.253, 272; A.P.C. VI, 210.
- 192 A.P.C. VI, 406, 417-418, 423.
- 193 A.P.C. VI, 424.
- 194 P.R.O., SP15/8/91, 92, 92I.
- 195 Ibid., SP15/8/106; A.P.C. VI, 360.
- 196 T.A., X, 352, 353, 355, 356, 359 ff; R. Pitcairn, Criminal Trials in Scotland, Edinburgh 1833, I, 404.

- 197 P.R.O., SP15/8/87, 98. In March 1558, the Mayor and Council of York decided to cut short the mayoral feasts
 ... the exceeding dearth of all maner of vitaylls
 and other necessities of howskeepyng whiche in theis
 our dayes doo cost duple and treble the money that
 in tymes past they were wont to do.
York Civic Records, V, 177. Yorkshire Archaeological
 Society Record Series, vol CX, ed. A. Raine, 1944.
- 198 P.R.O., SP15/8/7; A.P.C. VI, 115.
- 199 C.P.R. Philip and Mary, IV, 142-143; A.P.C. VI, 94.
- 200 P.R.O., E101/64, "The fyle of the warrantes directyd
 Allane Bellinghme esquier Treasurer of Barwyck",
 E351/225, Account of Alan Bellingham, 21 July 1557-
 14 February 1558.
- 201 P.R.O. E101/64/10.
- 202 Machyn noted that on 3 August in the afternoon, 17
 horses laden with money left London for Berwick,
 Machyn, 146; A.P.C. VI, 137.
- 203 A.P.C. VI, 115.
- 204 P.R.O., E351/225.
- 205 Ibid.
- 206 P.R.O., E101/64/136, 157. Although it must be added
 that judging by his rates of pay Vaughn was an
 experienced professional soldier whose services were
 highly regarded by the government. He himself was
 paid 13s 4d per day while his band included a petty
 captain @ 6s per day, an ensign bearer @ 3s, three
 serjeants @ 12d, three drums and three 'phypfes'
 @ 12d per day, 'one prest' @ 12d, a clerk and surgeon
 @ 12d and 300 arquebusiers @ 8d per day. Ibid.,
- 207 P.R.O., SP15/8/32; A.P.C. VI, 121, 197.
- 208 4 and 5 Philip and Mary, C. 11, S.R. IV, I, 336.
- 209 C.P.R. Philip and Mary, IV, 64-65; A.P.C. VI, 209.

- 210 P.R.O., E351/3471.
- 211 A.P.C. VI, 302-303.
- 212 P.R.O., SP15/8/108-109, 112, 115, 121, 129.
- 213 P.R.O., SP15/8/112. 188 men were recorded as "... ronne away deadd and discharged", 68 were prisoners in Scotland. Ibid.,
- 214 P.R.O., SP15/8/121.
- 215 Ibid.
- 216 Ibid., P.R.O., SP15/8/108-109.
- 217 P.R.O., SP15/8/112. Gower the former Edwardian Surveyor and Marshal of Berwick replaced John Bennet as Master of the Ordnance in the North in January 1558, A.P.C. VI, 242. Bennet had a long history of fraud and peculation of stores, as early as September 1550, the Council had received reports that he had been selling these for his own private profit, A.P.C. III, 127, 136-137; A.P.C. VII, 51; P.R.O., SP59/1/194. Gower himself ironically enough had lost his offices in Edward's reign for similar reasons Supra., pp.161-162. He also appears to have had a shadowy involvement in the Dudley conspiracy of 1556 and spent a period of exile in France, C. H. Garrett, The Marian Exiles, Cambridge 1938, 165. He represents yet another example of the many individuals convicted or suspected of being involved in treasonable activities and later coming to terms with the Marian regime through employment on the border.
- 218 A.P.C. VI, 296; Loades, op. cit., 411; P.R.O., E405/484.
- 219 P.R.O., SP15/8/121, SP59/1/12-13, 67-68.
- 220 A.P.C. VI, 414; P.R.O., E351/3471.
- 221 From October 1557 to March 1558, £105 was spent on repairs to the tower of Carlisle castle, P.R.O., E101/483/17, "Booke of the workes began at Carlisle".

- 222 The government dismissed Dacre's plans for the fort in June 1556. Then, a year later, Ridgeway, the Surveyor of Berwick, was ordered to give an estimate of what the costs would be for a new fort on the West March, A.P.C. V, 280, VI, 99.
- 223 P.R.O., E101/483/16. Ridgeway was ordered in May 1557 to increase the workmen to 500 men, P.R.O., SP15/8/7.
- 224 P.R.O., E101/483/16. 'hard hewers' and masons earned 11d per day.
- 225 Ibid.
- 226 Ibid., P.R.O., SP15/8/112, 115.
- 227 J. R. Hale, "The Early Development of the Bastion" in Europe in the Late Middle Ages, ed. J. R. Hale et al, London 1965, 474-475; L.R. Shelby, John Rogers Tudor Military Engineer, London 1967, 136-137.
- 228 P.R.O., SP15/4/30; Hodgson, III, II, 201, 203, 205, 206.
- 229 Supra., p85, n.85. This was one of the reasons for the poor Scottish performance against Somerset's garrisons in the 1540's. Lord Methven had this weakness in mind when he recommended the use of French military expertise to the Regent in 1547,

Madem, of necessite is requirit part of the cappidennis that is cum out of France quhilkis has intelligens of ordour of men on the feildis; alsua is to be had of the cappidens that has best intelligens to asseg and ordouring arttallzerij and that can mak the samyn to be weill and perfitlie ussit.

Scottish Corres., 210; the military efficiency of the French was proved almost immediately when, in July 1547 the murderers of Beaton in St Andrew's castle who had defied the besiegers for almost a year surrendered to them : "... quha wan it in thrie houris eftir thar cuming", A Diurnal of Remarkable Occurrents ..., Edinburgh, Bannatyne Club, 1833, 44.

- 230 A.P.C. VI, 243, 286; C.P.R. Philip and Mary, IV, 71. Supra., pp.159-160.
- 231 C.P.R. Philip and Mary, IV, 71; By November 1560, £229 had been paid out in compensation to various individuals, P.R.O., E351/3471.
- 232 C.P.R. Philip and Mary, IV, 12; P.R.O., SP15/8/89. The castle though detached from the main fortifications continued to be used as the Captain's lodging.
- 233 P.R.O., SP15/8/112. These figures are taken from financial statements among the State Papers. Ingoldsby who was Treasurer from January 1558 did not submit his account until November 1560. During this period, £50, 641 was spent on the works. Unfortunately, Ingoldsby did not include a breakdown of payments in his accounts nor have the '37 bookes of pays' he spoke of survived. P.R.O., E351/3471 , AOI/2502/454.
- 234 A.P.C. VI, 303, 321.
- 235 P.R.O., SP15/8/106-107; "Just the mission for a bishop and a lawyer", quipped Feria dryly, Cal. Span., XIII, 399.
- 236 A.P.C. VI, 367-368.
- 237 Cal. Span., XIII, 388, 389, 394, 399, 438.

CHAPTER V

THE EARLY ELIZABETHAN BORDER

Peace and the Politics of the English Intervention in Scotland.

The continuing hostilities on the border remained an abiding concern for the new government. Since the outbreak of the conflict was an indirect result of the war with France, it was inevitable that in the peace negotiations, which began in September 1558, France and Scotland should be the subject of joint discussion. For the moment, the main weight of diplomatic activity surrounded the burning question of Calais. It quickly became clear that the French would never willingly surrender the town and a renewed offensive for its recovery seemed unlikely without Philip's aid.¹ As long as he remained King of England, it was just possible that he would have refused the cession of the town by treaty. However, the Queen's death on 17 November finally set the seal on the town's fate. Almost from the outset, the commissioners had cast heavy doubts about the practicability of insisting on the restitution of Calais. They added the suggestion that such a weighty matter should be brought before Parliament. It was a surprising recommendation and was probably put forward as a means of protecting the Queen from any odium that might result if the permanent surrender of the town

was formally agreed upon. The Queen and Council were ready to accept the proposal but Mary wished to consult Philip beforehand. In a letter to the peace commissioners, on 8 November, the Council reiterated a familiar theme : the war in which Calais was lost had been declared at the request of the King. If Philip's allies were restored to territories long since relinquished by conquest and Calais remained French, the resultant effect on public opinion would be disastrous.² Further, in the same letter in somewhat ambiguous terms, the Council stated that since the King's commissioners were so near to a peaceful settlement and the realm was exhausted by the war, they were prepared to suffer the loss of Calais for the sake of the peace of Christendom. Philip's advice was also solicited as to whether the commissioners should conclude a peace without the restitution of Calais.³ Yet, at the same time, the Council was hesitant over the wisdom of relinquishing the bridge-head. The French still remained firmly implanted in Scotland, so with the retention of Calais the English would at least have a continental base from which to impede any French expeditionary force.⁴

The first gesture of Elizabeth's government was an unequivocal demand for the restoration of the town. The English commissioners were also to inform the French that, if they desired the inclusion of Scotland in the peace, then the fort at Eyemouth which posed a threat to Berwick had to be rased.⁵ At the turn of the year, when the government had

begun to take stock of its military and financial position, there was a slowly growing acceptance of the inevitable. Elizabeth continued to insist on the restoration of Calais as long as she dared but the drain on the government's resources and the poor showing at the musters persuaded the Council that a peaceful solution was the most desirable course.⁶ A face-saving compromise on the lines of the Treaty of Boulogne by which Calais would be returned to England after eight years was slowly gaining ground.

Baulked of Calais, the English placed a renewed emphasis on the importance of securing a separate peace with Scotland, arguing that, in the last analysis, peace with their northern neighbour was more pressing than peace with the French. As the Queen informed the commissioners, "... for certain it is as you all three know, that the greatest burden of these our wars resteth upon Scotland, and be daily like if they continue to be greater and greater". Careful to employ all safeguards, the government was bent on securing a separate peace with Scotland by formal treaty rather than a 'bare comprehension' of the Scots in any treaty between France and England.⁷

Elizabeth's view of the Scottish problem differed widely from her sister's. The growing religious discontent north of the border and the Protestant tone of the new regime in the South compelled Elizabeth, whether she liked it or not, to regard Scotland in the context of Reformation politics. Thus, the most important feature of

Elizabeth's policy towards Scotland which distinguished it from Mary's was the willingness of the English government to cooperate with the Scots on the common ground of Protestantism. This cooperation was designed not only to bring about a peaceful solution to the situation on the border but also to establish a friendly Protestant, anti-French regime in Edinburgh.

There were signs that the Scots were anxious to obtain peace. The Dowager was kept informed of the negotiations on the continent and there were indications that the growing financial burden that the hostilities on the border entailed was becoming difficult to meet. It was reported in January 1559 that the Scottish bands of horse on the border were refusing to serve for lack of pay, while Sir Henry Percy wrote that the Scots had asked for a truce at the persuasion of D'Oysel.⁸ Later that month, Percy reported the details of a border interview he had with Chatelherault.⁹ The latter declared that many of the Scottish nobility were eager to see peace on the border. Percy remarked on the recent similarity of the political situation of the two realms. Scotland, because of her ties with France, was at war with England, and the latter, by a similar dynastic marriage with Spain, had been driven along the same path into conflict with Scotland. By the recent death of Mary England had been delivered from these conditions and Percy suggested that Scotland might do the same; a Protestant establishment would form the basis of

friendship and mutual cooperation between the two realms. Chatelherault dismissed any prospect of attempting armed resistance against the Scottish Crown as the time was not propitious but he was willing to give several important guarantees. He would dissuade the Scots from invading England at the behest of the French and he would forewarn Elizabeth if any enterprise was to be attempted against Berwick. He also added that if England was driven to arms against the French in Scotland, his countrymen would support the English. Of more immediate importance, the Duke, following Percy's suggestion, would do all he could to support the idea of a truce.

This meeting was the first significant step in the negotiations between the English and the Scots that led to the eventual armed cooperation of the two in expelling the French. It gave Cecil an important indication of the state of mind of the heir to the Scottish throne. In this light, Percy's frankness in his dealings with Chatelherault is easily understood.

It seems improbable that he negotiated at such a level without the prior knowledge and consent of the government. Percy had already been in London on border affairs at the time of the Queen's accession and so had had the opportunity to consult with Cecil on the matter. The nature of the correspondence between Percy, Cecil and Sir Thomas Parry, suggests previous discussion of the affair between the three men.

On 24 January, Percy reported that the Scots desired a month long truce to enable the Dowager to send the Scottish Secretary, Maitland of Lethington, to talk of peace.¹⁰ Instructions were sent to the Earl of Northumberland, informing him how to proceed if the Scots sought a truce. Negotiations towards an armistice took a more official line when the Dowager suggested that Lethington and Sarlabois, the French Captain of Dunbar, should meet in commission with Sir James Croftes and Percy.¹¹ The four men met on 17 February and it was decided to send an envoy to Elizabeth. A preliminary cessation of hostilities was agreed upon until an official truce could be negotiated.¹² At the meeting, Lethington inquired of Croftes as to whether the war between France and Spain would prejudice negotiations between Henri and Elizabeth. Croftes's reply hints at the shift in emphasis English foreign policy was taking. He informed the Secretary that the alliance between Elizabeth and Philip "... stood not so straight" as that between France and Scotland and that which ever tended to the benefit of England would be the one adhered to.¹³ The despatch of Lethington as peace commissioner coincided with the news from Cateau-Cambresis that a treaty had finally been concluded.¹⁴

The main aspect of the treaty between Elizabeth and Henri centred round the face-saving compromise that had been decided upon in February. Although, of course, no one considered seriously that Henri would ever hand back Calais,

for Elizabeth the clause was an acceptable solution to the foreign policy debacle of her sister's reign.

The loss of Calais was an important factor in that there was now no impediment to the sailing of a French fleet. For the first time in her history, France controlled the whole of her northern seaboard. In the light of this fact the commissioners endeavoured to provide for the security of the realm by the best possible means. Two treaties were concluded by the Queen's commissioners at Cateau-Cambresis.¹⁵ Scotland was included in the treaty between Elizabeth and Henri with the provision that Eyemouth should be dismantled as a violation of the Treaty of Boulogne. This was reaffirmed in a separate peace between the Queen and the sovereigns of Scotland, Francis and Mary. The latter treaty also referred to 'certain articles' which, it stated, could only be resolved by commissioners on the border itself. To settle these matters, delegates of the two realms were to meet on the border within two months. Until this was accomplished, the Edwardian Treaty of Norham was to remain in force.

On 7 April, the Council wrote to Northumberland informing him that peace had been settled; Croftes, the new Captain of Berwick, was also notified to ensure that the peace was proclaimed simultaneously on both sides of the border.¹⁶ In accordance with the terms of the Treaty of Cateau-Cambresis, the government appointed commissioners

to settle the peace on the border; these included the Bishop of Durham, the two Wardens and Sir James Croftes.¹⁷ Tunstal was anxious that the matter be prosecuted with all haste since the treaty was dated 2 April and specified that the Queen must conclude with the Scots within two months.¹⁸ The Dowager, however, was so heavily engaged in maintaining her authority against the Protestant insurgents that, only after an armistice had been agreed upon between her and the Congregation at Perth, could the commissioners finally meet.

The first meeting was held in the church of Our Lady at Upsetlington on the last day of May.¹⁹ After rejecting Scottish proposals that individuals be allowed to pass through England without passports and that the series of earthworks lately set up to protect the bounds of Berwick be removed, the commissioners got down to work. The outcome of their deliberations, the Treaty of Upsetlington, was essentially a recast of the Treaty of Norham; of course, the clauses relating to the Debateable land were omitted.²⁰ The commissioners remained together until the end of June to ensure the smooth beginning of the peace and to supervise the initial meetings between the Wardens, "... leste lyke effecte contrarye to peaxe shoulde ensewe, as dyd the last yere of peax proclamed at Carlysle".²¹

An important matter left out of the treaty was that of the 'assured' Scots. The Scottish commissioners were insistent that the Wardens deliver up all pledges for the

assured men or answer for their activities, treating them as English borderers at Days of Truce.²² The outcome of the Scots' demands is not known. Nevertheless, the English government was clearly anxious that these men, who had abandoned their loyalty to Scotland in order to serve the interests of England, should be protected from charges of treason by their government once the peace had been established.²³ Whether or not agreements were made on behalf of these men, the Scottish government was in no position to take punitive action against them, nor was it politically expedient to do so as the Dowager was concerned to win as many of the borderers over to her side as possible.

In spite of the peace of Upsetlington, the border remained in a state of uneasy tension; France's continued maintenance of garrisoning forces in Scotland still posed a dangerous threat to England's northern frontier.²⁴ The eruption of the Protestant rebellion against the Dowager in May 1559 only exacerbated an already worrying situation, since it gave the French the excuse to send more troops into Scotland to restore the government's authority.

The Elizabethan religious settlement of 1559 further complicated English policy towards Scotland since it placed the two sides of the border on opposite sides of the religious divide. This change was especially important coming as it did so soon after the Treaty of Cateau-Cambresis. The 'rapprochement' of France and Spain made united action by these Catholic monarchs against the

heretical Elizabeth a dangerous possibility for the future. Free from their war commitments, there had been renewed efforts against heresy in both France and Spain and nearer home, in Scotland itself.²⁵ These events only served to fuel the widespread belief amongst Protestants of an international Catholic crusade designed to crush them. The 'Device for the alteration of Religion' which belongs to the beginning of Elizabeth's reign took it for granted that, as a consequence of the reestablishment of Protestantism, the Pope would excommunicate Elizabeth, place an interdict on the realm and encourage the Catholic sovereigns to invade. The French, it stated, would overrun the border. To obviate this, it recommended, "... for certainty to fortify Berwick, and to employ demilances and horsemen for the safety of the frontier".²⁶ Another factor that weakened Elizabeth's position was that in Catholic eyes, she was regarded as illegitimate, the child of the unlawful union of Henry and Ann Boleyn. Her bastardy had been reaffirmed in the first Parliament of Mary.²⁷ During the Cateau-Cambresis negotiations, the French envoys questioned Elizabeth's title to the throne and the French ambassador was labouring at Rome to have Elizabeth declared illegitimate and the Queen of Scots Mary's successor.²⁸

The danger from France reached new proportions after the death of Henri in July 1559. With the accession of Francis and Mary, France and Scotland became one monarchy.

The direction of French affairs was assumed by the Queen's Guise uncles who publicly asserted their niece's title to the English throne. With this overwhelming evidence of French hostility, Elizabeth and her ministers could not afford to ignore the opportunities for English policy which presented themselves in Scotland with the revolt of the Protestant Lords of the Congregation.

The religious and political dissension north of the border had come to a head in May 1559 after the iconoclastic riots that followed John Knox's preaching in Perth. The armed forces of the Congregation occupied the town and by the end of June, Edinburgh itself. The Dowager and her French troops were forced to retreat to Dunbar.

The English government kept a close eye on events in Scotland. Lethington and Kirkcaldy informed Cecil of the progress of the Protestants through Sir Henry Percy and Croftes. Cross-border communications were facilitated by the fact that negotiations between Cecil and the Congregation were carried on under the guise of Days of Truce.²⁹ Percy and Croftes played key roles as intermediaries between the Scottish Protestants and the English government. Croftes suggested to Cecil in late June that letters should be addressed jointly to both border officials as Percy was 'something ripe in these matters'.³⁰ In July, Knox himself was in correspondence with Percy, repeating Kirkcaldy's requests for assistance for the Protestants

against the French.³¹ The initial reaction of the government was lukewarm; Kirkcaldy's integrity was suspect, but the Congregation's pleas were not entirely to be ignored. Cecil urged Percy to obtain from Kirkcaldy more specific details of the Protestants' intentions and what help they required from England. He was to give the Scots the vague assurance that Elizabeth would not stand idly by and see their country oppressed by the French.³² At the same time, Cecil mapped out future English policy towards Scotland. The Scottish Protestants were to be encouraged first with fair promises, then with money, and lastly with arms.³³ Care was to be taken not to ignore ambassador Throckmorton's advice from Paris, "... to nourish and entertain the garboyle in Scotland as much as may be".³⁴ Efforts were also to be made to push the Scottish Protestants into action and they were to be encouraged to secure unanimity among themselves. Cecil urged Croftes in July 1559, "... in any wise do you endeavor to kyndle ye fyar for if it shuld quench ye opportunitie therof will not arrive in our lyves".³⁵

The distrust with which the Scots were held was an important element in inducing the government not to commit itself too far in Scottish affairs at this juncture. The Scots had not yet won the outright backing of Chatelherault whose support as second person in the realm was essential to the success of their cause. The English were not slow to realise the importance of the presence of the Duke's son

in Scotland. Croftes was at pains to stress to Cecil the necessity of hurrying the young Earl of Arran out of France to keep up the momentum of the Protestant Lords; the Duke would make no move towards the Congregation unless he could be assured of the safety of his heir.³⁶ The suggestion was also made to the Congregation that some respectable individuals should come forward with a concrete plan on which a basis for English aid could be made. Cecil further confided to Percy that Knox's continued participation in the negotiations was out of the question. Though esteemed for his learning, the fiery Calvinist's anti-feminist views were sufficiently well known to make him persona non grata at Elizabeth's court.³⁷

By mid July, after a series of meetings between Croftes, Percy and Kirkcaldy, the English had succeeded in persuading the Congregation to expel the French and take measures to prevent any other extraneous forces being allowed into Scotland. The Congregation were also to decide on what foundation the two sides would work together and what offers they could make in return for English aid.³⁸

On 19 July, the Protestants made their formal application for English support. Their main purpose, they asserted, was the reformation of religion and the maintenance of Scotland's liberties against the French. They denied attempting to subvert the authority of the Crown but hinted that the intransigence of the Dowager, the French and the Clergy and their turning a deaf ear to their petitions

would force them to seek new measures. This they would do with English aid and advice.³⁹

This inference that the Congregation might seek the deposition of the Dowager was quickly seized upon by Cecil as the next logical step into which to persuade the Congregation. A suggestion along these lines was made by Croftes. The latter informed Whitlaw, a messenger of the Protestants, that although the members of the Congregation who had written were noblemen, they did not constitute a recognised and established authority with whom Elizabeth could meaningfully negotiate. The Queen, Cecil remonstrated "... wolde not enter to knyght unitie with a confuse multitude". Croftes also took the Congregation to task for the fact that no serious effort had been made by their forces to expel the French.⁴⁰ This goading of the Congregation into action, especially before the English had committed themselves to aid them militarily, although not received without a measure of resentment, was successful in producing the desired political effect. On 1 August, Knox was sent by the Congregation to Holy Island to meet Percy and Croftes. He carried with him proposals for an offensive-defensive league between Elizabeth and the Protestants as well as a request for arms, money and men.⁴¹

This formal application by the Congregation for armed assistance placed Elizabeth in a dilemma. The idea of aiding rebels against their lawful sovereign was repellent to her. Further, Cecil was forced to play down the religious aspect

of the Scots' requests as the Queen had no wish to be seen as the patron of radical Protestantism. There always remained the possibility that Philip, Elizabeth's only powerful ally, would aid his brother-in-law. On the other hand, it seemed more likely that England could, once again, capitalise on the inveterate hostility between the Habsburg and Valois monarchies, and on the whole secular considerations usually succeeded in quashing any plans for cooperation on religious principles. For Philip, the spectre of a Valois imperium from Shetland to the Pyrenees was enough to prevent him from joining hands with France against England.⁴² Yet, even if Philip allowed dynastic contingencies to outweigh religious ones, the prospect of war with France was daunting enough; peace had only lately been signed with Henri, and that, after an unsuccessful war.

Another factor was the difficulty in assessing just how far the Scots could be relied upon. The Dowager was a resourceful political opponent who might easily induce a divided Scottish nobility and the large body of neutrals to compromise rather than risk everything against the French. Conversely, failure to act in support of the Scots Protestants might drive them into coming to terms with the Dowager and the French hold on Scotland would be strengthened.

Overshadowing all were the dangerous pretensions of the House of Guise who continued to press the claims of their niece, the Queen of Scots. Elizabeth and her ministers were convinced that it would only be a matter of time before the French declared war in an attempt to depose her. The choice lay between allowing the Congregation to be beaten and then resisting the combined forces of France and Scotland, or aiding the Scottish Protestants. Financing the Scots would spare English manpower, an important consideration since the realm was weakened by the recent influenza epidemic and experienced war leaders were not to be found.

The alternative to aiding the Scots was to keep the realm, and the border in particular, on a permanent war footing. This would be prohibitively expensive. Berwick, the key to the northern defences, would require double the 2,000 troops it now held, and 10,000 more troops would be needed to withstand any siege. To prevent the border being devastated, strong garrisons requiring another 4-5,000 men would have to be laid. Maintaining these charges for as short a time as three months would place an intolerable burden on the Exchequer. Cecil's arguments were conclusive : aiding the Scots was the surest and most cost effective means to guarantee border security.⁴³

Elizabeth was pledged to a policy of non-intervention by the Treaty of Cateau-Cambresis. She could not, therefore, openly assist the Scots without first searching

for acceptable alternatives; a compromise solution would be to subsidise the Congregation covertly. The sending of Sir Ralph Sadler to the North with £3,000 in August 1559 involved Elizabeth in no immediate political commitments towards the Scots but the move served to demonstrate to them that England favoured their cause.

The negotiations between Elizabeth and the Protestants now entered a new and more important phase. Croftes and Percy had acted circumspectly in their dealings with the Congregation. Now, the time had come for a more professional diplomat to handle the proceedings. In addition, the problem involved in transmitting intelligence quickly from Berwick to London was an important factor, especially when considering the alternating fortunes of the Congregation. This made it necessary to have a trusted expert 'in loco' with sufficient discretion to deal with any sudden change of circumstances that might occur. Originally, it was envisaged by Cecil that Sadler, Croftes and Percy should work in conjunction with each other but Sadler's outspoken distrust of the latter temporarily ended his role in the proceedings.⁴⁴

The weeks following Sadler's residence in Berwick witnessed a rapid deterioration in the position of the Congregation. Although the Dowager had been deposed and her authority transferred to a Council of Regency under the leadership of Chatelherault, in early November the

Protestants abandoned Edinburgh in panic and their forces began to diminish.⁴⁵ The situation became one of deadlock with the French strongly positioned in Leith, awaiting expected reinforcements by sea.

The poor showing of the Congregation only added to the government's conviction of their unreliability as political allies. Sadler and Croftes continued to recommend that money and advice were to be the only aid given to them.⁴⁶ The turning point came in early December with the news (which later proved to be false) that a number of French bands had occupied Eyemouth.⁴⁷ Cecil noted the impact of the news on the Council "This daye, your advertisement of the matter of Aymouth maketh us styrr".⁴⁸ A small fleet of a dozen men of war under Admiral Winter with accompanying victual and munition ships was sent to blockade the Firth of the Forth while the Duke of Norfolk was appointed Lieutenant General north of the Trent.⁴⁹

Norfolk's appointment as Lieutenant was a surprising one. Although as England's only Duke, he was her premier peer, he was also young and ignorant of military affairs. Paradoxically, the Duke's martial inexperience was a factor in his appointment. As Cecil remarked to Sadler, Norfolk could be depended upon not to act upon his own initiative, "One notable quallitee he hath, wherin is great commendation He will doo nothyng almost of any moment in his private causees, but uppon advise".⁵⁰ Norfolk received his

instructions on Christmas Day. He was to be responsible for the coordination of all military preparations, organising men and supplies for the army as well as seeing to the needs of Winter's fleet. The actual command of the army was given to Lord Grey. In his communications with the Dowager, Norfolk was to inform her that he was sent to see to the defence of the North, since after subduing Scotland, the French intended to invade across the border. If the Dowager refused to dismiss her French forces, hostages were to be taken of the Congregation and Grey's army sent into Scotland.⁵¹

Norfolk was instructed to use Sadler as his right hand man, and Grey, as a seasoned military commander, was especially recommended to him. In addition, the Duke was provided with the Queen's letters missive to the northern nobility whose advice he was to use.⁵² In a set of secret instructions, Norfolk was also required to keep an eye on those in the North whose religious conformity was suspect. By the same, he was instructed to mollify Shrewsbury and explain to him why he was not granted the Lieutenancy. The reasons for the latter are obscure. It may simply be that Shrewsbury was not attracted by the prospect of another term as Lieutenant having barely recouped the financial losses of the previous one. A more likely reason was that the Earl was something of a spent force; old and ailing, he was now approaching sixty and might not have survived the rigours of another northern campaign.⁵³

By 26 January, Westmorland, Dacre and Wharton were with Norfolk in Newcastle. Their arrival coincided with the first news of Winter's engagements with the French ships in the Forth. Significantly enough, Norfolk kept from the northern peers the true nature of Winter's expedition and stuck to the official line that the fleet had been sent against pirates "... because they should not myslyke that they were not made prevye to the Doings here".⁵⁴

As soon as Norfolk had set off for Newcastle, the Queen's instinctive hesitancy made her draw back. She ordered that the gathering of the army on the border should be halted and instructed Norfolk to confer with Sadler as to whether Winter's blockade of the Forth was not sufficient aid to the Scots. Besides, some experienced captains and gunners from Berwick were to be sent secretly to Scotland with a ship-load of munitions.⁵⁵

Elizabeth was desperately searching for alternatives to avoid a bloody campaign. The Queen would have been only too happy to see the Scots expel the French by themselves without her open aid. Not the least of her misgivings was the fear that the Scots might come to terms with the French with disastrous consequences for the English.⁵⁶

Elizabeth's fears over the latter prospect were engendered by the fact that there remained a large body of influential neutral Scots. It was essential for the success of English policy to create a unified front of the

Scottish nobility. Sadler and Croftes had repeatedly stressed this factor in their communications with the Congregation. Sadler's experience as a diplomat in Scotland during Henry's reign made him wary. Then, it had been a virtually impossible task to create an Anglophile party among the quicksands of Scottish factional politics. His cautious approach was demonstrated when he and Croftes remarked to the leaders of the Congregation in December 1559, "... and what those noble men do meane, which in this case do sitte still and withdraw themselves from your partie, surely we cannot but mervaille".⁵⁷ In particular, the government was concerned about the Scots in the Merse and Teviotdale who had not yet openly declared for the Congregation; these were led by Walter Ker of Cesford and Alexander, fifth Lord Hume, Wardens respectively of the Middle and East Marches.⁵⁸ The two men were strong supporters of the Dowager. She had worked hard to retain their loyalty by offering them rewards and pensions.⁵⁹ It was essential to win over these two powerful conservatives, not only to ensure the unimpeded passage of the English army into Lothian and the safety of the supply routes into Scotland, but also because the army would have to rely almost exclusively on the Merse for victuals. Further, the adherence of the two Wardens to the English cause would ensure the security of the border once the bulk of the army was occupied in Scotland.⁶⁰

As early as August 1559, Croftes had sought to use Sir John Forster as a negotiator with the Scottish borderers but he alleged that Forster was afraid to lay himself open to charges of march treason because of unlicensed dealings with the Scots, especially in view of the fact that Northumberland, the Warden, was his enemy.⁶¹ Knox, predictably, saw Protestantism as the surest factor in winning over the borderers to the Congregation. He wrote several times (without success) recommending Elizabeth to license preachers to be able to minister on both sides of the border, "... yf the hartes of the bordoraris of both partes can be united together in goddes fear, our victorie shalbe easy".⁶²

The negotiations that Sadler and Croftes carried on with the two Scottish Wardens, using Days of Truce as a convenient guise, proved inconclusive. It was only after Winter's fleet had entered the Forth that the two reopened discussions.⁶³ A meeting was arranged between the two Wardens and Croftes; Cesford, however, did not attend. Hume informed Croftes that, although the Kers were still undecided, he himself wished to remain neutral until he sought further advice from the Earl of Huntly.⁶⁴ Hume promised Croftes that he would keep good order in the East March and allow his people to victual the army and serve the Congregation. If the Dowager summoned him, he would obey, but he would only take with him a small detachment of twenty horse.⁶⁵ The following month, further attempts

were made to induce the Kers to support the Congregation through the Keeper of Tynedale, George Heron, and his brother, Roger.⁶⁶ Thereafter, the negotiations were brought to a halt as they ceased to have any practical importance, the Warden's neutrality being regarded as a sufficient guarantee. Despite this, Norfolk was careful to provide for all contingencies and raised 600 light horse to patrol the border once the main army had crossed.⁶⁷

In the renewed set of instructions⁶⁸ issued to Norfolk in mid February 1560 before the formal treaty between the Queen and the Congregation, the basic principles on which the English were to aid the Scots remained the same; again, they centered upon the exigencies of English national security. Norfolk was instructed to decide with the Scots not only the most appropriate strategy for expelling the French but also to consult with them on how Scotland could be protected against any new incoming French forces, "... ye may informe them, that the chardge wer intollerable for us, to mayntene a continuell Army by sea in those North Partes for that Purpose". It was taken for granted that the French would retaliate by a declaration of war, "... it is a thing most evident that the French will enterr into an oppen hostilitie with us and our realme, uppon this our ayde gyven them". Guarantees of mutual aid and assistance were to be negotiated with the Scots "... or els so to establish a condord betwixt both these realmes, and specially uppon these frontyers as the one might live in

a suerty of the other without jelosye or doubt". Norfolk was to give priority to the security of Berwick. If the Queen could be certain of continued Scottish amity and assistance should the French invade across the border, the financial burden the defence of Berwick entailed might be curbed. The suggestion was even raised as to whether the English might maintain a small garrison at Eyemouth to protect Berwick. The offensive-defensive treaty concluded at Berwick on 27 February encapsulated these aims, although the matter of Eyemouth was quietly dropped. The treaty provided that if the French invaded England, the Scots would provide Elizabeth with 2,000 horse and 1,000 foot at the Queen's expense. If the invasion occurred north of York, the Scots would finance their own forces.⁶⁹

On 24 March, Elizabeth announced her intention of maintaining peace with France and Scotland. The proclamation drew attention to the overweening ambition of the House of Guise and the provocative actions of the French and their belligerent preparations. Their forces north of the border, it was argued, constituted a threat to English national security.⁷⁰ Almost simultaneously, the army under Lord Grey entered Scotland and laid siege to the French in Leith. The campaign⁷¹ was a far from glorious one. The siege was grossly mismanaged and the French put up a stubborn resistance, seriously weakening the morale of the besiegers by fierce sorties. An attempt to take the town

by assault on 7 May ended in disastrous failure with the loss of some 500 lives. Only the seasoned troops from the Berwick bands were singled out for their conspicuous bravery.⁷²

Despite these drawbacks, the growing desperateness of the situation in Leith meant that the French could not hold out much longer. English naval supremacy in the Forth and the outbreak of the French wars of religion made any supplies or reinforcements from France an unlikely prospect. By mid May, the French were ready to talk of peace. On this occasion, contrary to the proceedings at Berwick, the negotiations were not conducted by Norfolk. Instead, Cecil, accompanied by that veteran of English diplomats, Dr. Nicholas Wotton, was appointed to treat of peace. Originally, it was agreed that the two sides should meet at Newcastle, but on the death of the Dowager, the meeting was transferred to the Scottish capital. By the provisions of the Treaty of Edinburgh,⁷³ concluded on 6 July, all French forces were to be evacuated except 60 troops in Inchkeith and 60 in Dunbar. French troops or munitions were to be prevented from entering Scotland and Eyemouth was to be demolished. By agreeing to drop the arms and title of England, Francis and Mary tacitly accepted Elizabeth's right to the English throne.

Since it was deemed to be in derogation of their majesty that sovereigns should enter into a treaty with their

subjects, the agreement was concluded between the English and French. However, to ensure the continued influence of the Congregation and English interests in Scottish politics, certain concessions were granted to the Scots. These included the setting up of a ruling Council just less than half of whose members were to be chosen by the Scots, and the remainder were to be appointed by Mary. The Queen was also to confirm the summoning of a Scottish Parliament to settle the affairs of the realm.

The only possible warranty for the security of the border at the beginning of Elizabeth's reign was a peaceful understanding with the Franco-Scottish monarchy. In the political climate that followed the Queen's accession, with evidence of French hostility streaming from every quarter, the treaty agreements concluded at Cateau-Cambresis and Upsetlington could not be relied upon to provide a basis for peace. An alternative strategy was a garrisoning policy of the Anglo-Scottish border which the Crown could not possibly afford to maintain effectively, especially if England had to compete with the combined power and resources of France and Scotland. The only remaining possibility was the ejection of the French from the Scottish mainland by force with no guarantee that they would not simply return. Faced with this dilemma the revolt of the Protestant Lords of the Congregation was a unique opportunity for the new regime. Cecil at once seized on the political significance of the revolt. He saw in it not only an occasion to rid England

of the military threat north of the border but also a chance to further the advancement of the Protestant cause. Forging strong ideological links with Scotland would provide a more lasting basis for Anglo-Scottish amity than heretofore. To persuade the Queen to intervene in Scottish affairs was an uphill task. The argument that was to have the greatest weight with Elizabeth was that she was obliged to act in the interest of her own self-preservation against the menace of France. The Queen would not commit herself to aid the Scots unless she was assured that they could be taken seriously. The Congregation for their part refused to hazard themselves irrevocably in overt rebellion without strong guarantees of English backing. It took eight long months of negotiations to resolve this diplomatic impasse. Full credit has been given to the part played by Cecil in the drawn out negotiations but little recognition has been given to the roles played by Sadler, Percy and Croftes. Their effort was crucial to the success of the intervention policy. Not only did they act with unflagging loyalty as intermediaries between the Congregation and the court but their experience of and proximity to the arena of events coupled with their intelligent assessments of the accuracy of information and significance of the situation north of the border had a positive influence in the shaping of that policy.

Of the military achievement of the Leith campaign, the Chronicler Hayward commented

It is certayne that if we respect either the preparations, or the atchivement, or the continance of this warre, it was not great; but if we regard the end which it atteyned, or the effects which did ensue, it was a very great and weightye warre. 74

Although the Queen of Scots remained in power, the new role exercised by the Protestant nobility in government was an effective bridling force. Another factor working in England's favour was that the Protestant Lords refused to relinquish their league with Elizabeth. Protestantism was successfully cutting through old loyalties neutralising the threat once posed by the Franco-Scottish monarchy.

The Treaty of Edinburgh has rightly been seen as one of the great triumphs of Elizabethan foreign policy. It saw the beginning of a new concord between the two realms based on a common faith and common interests. In stark contrast with her father's bludgeoning and ultimately fruitless tactics, Elizabeth's achievement was considerable. Cooperation and not integration was to be the key to the success of Elizabethan policy towards Scotland. Both sides of the border could look forward to four decades of peace, adequate time in which to "... weare out that hatred betwene the two nations which former hostilitie had made almost naturall".⁷⁵

The Change of Regime : the Border 1558-1559

On 18 November, the day following the accession of Elizabeth, Cecil drew up for the Council a memorandum of business to be transacted. The Chief-Secretary placed the affairs of the Anglo-Scottish border second only in importance to the renewal of the commission of the envoys at Cateau-Cambresis.⁷⁶ It was a forceful reminder that the new Queen inherited her sister's war with the Scots. Two days later at Hatfield at the first session of the new Council, Eure was instructed to continue with the new fortifications at Berwick, "... so as at the least there be somuche doone as shulde have been doone if the late Quene had lyved".⁷⁷ While orders were given for the despatch of ordnance, munitions and victuals to the town, the new government set about assessing the military situation. Sir Thomas Percy, who was in London at the time of the Queen's accession, had reported that some of the bands serving on the border were lacking in numbers; to remedy this, his brother, the Earl was instructed

... to cause furthewith in most secrete manner certain discrete gentlemen, not being Northumberland men or Borderers, to repayre at oone instant tyme to all the severall places where any nombers are placed, and to take musters of them to see how many are wanting. ⁷⁸

Eure was instructed to perform the same task at Berwick.⁷⁹ In an attempt to countervail absenteeism among officers and troops, a proclamation was issued ordering all men in

wages on the border to return immediately on pain of forfeiture of pay.⁸⁰ At the same time, the Master of the Ordnance in the North, Thomas Gower, and John Abingdon, the Surveyor of the Victuals, were called to London to give an account of their charges.⁸¹

On the border itself, the desultory series of raids continued unabated. Since the dismissal of the bulk of the garrisons in the late autumn of 1558, the East and Middle Marches seem to have suffered particularly badly from the cumulative effect of the Scottish incursions. It was claimed that "The Skote rydes as far as Morpeth as peacebly as in Tividale". Upon entering the villages of the East March, "... the Skotes byd rise the greate hoste of Skotland is comyng all your towne shalbe burned, yf ye wyle be my prisoner I wyll save thy hors corne and Kattle."⁸² On 22 December in a daring raid the barmkin at Cornhill between Wark and Norham was captured by the Scots and French, the Captain was killed and his entire garrison of 100 light horse and 40 of the townsmen were captured.⁸³ The outrage at Cornhill prompted Northumberland to request reinforcements. The Earl argued, "... we be habell nothings to withstand the enemyes power they be of so great force havinge there countrie strong withall, and we so weike".⁸⁴ The Scots with their effectively organised system of quartering managed to maintain a steady raiding pressure especially in the East and Middle Marches.⁸⁵ The Earl insisted to the Council that unless the inequality of forces

"... be spedely repaired so as our force be to counter-vail thother, ye shall in shorte tyme have the borders utterly distroied".⁸⁶

The winter garrisons left by Westmorland were clearly insufficient to patrol large areas of the border especially since priority was given to the guarding of the main fortified strongholds. When in December the former Lieutenant's advice was sought regarding the military situation on the border, he remonstrated that the forces he had left were adequate. Westmorland claimed that the defect in border security lay in the failure to enforce the watch devised by Wharton. Lack of forewarning of Scottish raids through the absence of a proper system of watch meant that reinforcements could not be quickly dispatched to countervail the marauders.⁸⁷

It was difficult to decide how to react effectively to the constant raiding of the Scots. On 10 January 1559, the Council wrote to Leonard Dacre, Deputy Warden of the West March, commending him for his activities against the Scots; yet, at the same time adding that they "... wyssshed he had forborne thannoyinge of them, and stande only uppon his owne garde, consyderinge they wyll seke to revenge it."⁸⁸ The following day on receipt of Northumberland's letter the Council urged the Earl to confer with Lord Dacre to arrange counter measures against the Scots, "... which the lordes thinke shalbe best doone if they agree uppon some enterprise againste them at oone tyme". Further reinforcements were

to be sent to help the Earl deal with the situation.⁸⁹ However, peace offers from the Dowager in late January and the likelihood of the negotiations at Cateau-Cambresis drawing to a successful conclusion enabled the Council to cancel their former orders.⁹⁰

The government continually protested that the combined total of the northern garrisons exceeded that of the Scots' forces. Although an exaggeration, this statement might have been nearer the truth if the bands on the border had been up to full strength. The incoming muster returns confirmed the Council's worst fears regarding undermanning. Northumberland's diligence in taking secret musters was commented on favourably but the Council "... muche myslyked that there are such lackes of the nombers".⁹¹ Musters, especially on active service were notoriously inaccurate, mainly because unscrupulous Captains had every financial inducement to make them so. It was relatively easy to make up depleted bands with anyone willing to pass as a soldier for the day in return for an appropriate reward. One correspondent writing from Berwick in December 1558 sardonically observed that on muster day all agricultural pursuits were halted as every ploughman had a crown for mustering.⁹² Deliberate undermanning by Captains who pocketed the proceeds was perhaps a contributory factor in the weakness of the northern garrisons but there is also evidence that the effects of the influenza epidemic were taking their toll.⁹³

Reports of the muster commissioners from other parts of the country bear this out. The Justices of Cheshire in February 1559 declared the reason for the poor attendance at the musters was due,

... not onelie to the great nomber bothe of men and harnes imployed in service northwarde these late yeares past. But also extreme sicknes aswell the plague as quartern and other extreme diseases. 94

From Staffordshire, the commissioners complained of 'the great mortalitie of late'.⁹⁵

Yet, even allowing for these factors, a comparison between the muster returns of the East and Middle Marches for 1559 and 1584 illustrates the wild discrepancies that could occur in the figures. The 1559 muster 'of all the inhabitants of the two marches' shows 2,988 foot and 1,830 horse, while in 1584 the totals amounted to 7,450 and 3,139 respectively.⁹⁶ The 1559 figures bear no relation to the true manpower of the marches; this was also true of the country as a whole.⁹⁷

The peace settlement enabled the government to discharge the residue of the garrisons in Northumberland but undue concern for financial stringency was putting at risk the military security of Berwick especially since the progress of the new fortifications meant that the defences of the town were seriously weakened. In March 1559, the government removed Lord Eure from the Captaincy of Berwick and appointed Sir James Croftes.⁹⁸ The new Captain was

bitterly opposed to what he regarded as the government's over hasty troop reductions at Berwick so soon after the peace with Scotland had been proclaimed. In late June 1559, he protested that besides the continuance of the French bands and the slowness of the Scots in dismantling the fortifications at Eyemouth, the Dowager had not dismissed her forces because of the Protestant rebellion but she had merely withdrawn them into Lothian. He also warned that despite the opposition between the Dowager and the Congregation, "... they wyll sone inoughe be freyndes yf anye advauntage may be had of this towne".⁹⁹ In July, Croftes repeated his protests in vigorous terms to Lord Robert Dudley; not only were the Council imprudent in reducing the garrison but they failed to consult him beforehand

I have written to declare my opynion, but yt comythe alwayes to late, for they make me not privy till they have fyrst determyned... nowe the Councell hath determyned, yt ys late to wryte for you know the peryl therof, and this secrasye I must put into your handes. Assuredly the doers of these matters are eyther careless or els they understand not the state of thinges here. 100

Reflecting the rising influence of the Dudley faction at court, Croftes urged "... this thing in especiall, I besече your lordshippe to be meanes there be no more demynishment or alteration here without good deliberation".¹⁰¹

The government's drive to reduce expenditure made Croftes's position as Captain increasingly difficult as the Council decided to withdraw the extra

allowance that had been paid to the soldiers on the border since 1557.¹⁰² In March 1559, Croftes's request that the payment be continued was refused. The Captain was instructed "... to persuade the sowldiours to be contented with their ordinary interteignement untyll that her Hieghnes be of better habylltye to consyder them".¹⁰³ Croftes advised upon the inexpediency of discontinuing the allowance as one of the reasons for its introduction had been to encourage the men to better arm themselves. Every man with armour was paid 10d per day, 2d more than those soldiers without, and of this sum the Captain took 1d per day until the armour was paid for. The results of the scheme were such that at Berwick, "... the rarest thing that ys to be observed in a muster ys a naked pyke or an harquebusshe without a murrion".¹⁰⁴

Aside from financial considerations the reasons for the Council's adverse reaction to Croftes's request are not easily understood especially since lack of armour was widely thought to be one of the reasons for the country's military weakness. Sir Thomas Challoner, Elizabeth's ambassador to Philip, noted how well informed the King's former ambassador to London, Count de Feria, was of England's affairs, adding that the Count had told him how sad he was to see England's plight, without money, soldiers, armour or experience in war.¹⁰⁵

Comments on England's military weakness were not only restricted to foreigners. Sir John Brende, an experienced military writer who had been appointed Muster Master at Berwick in Edward's reign and who was to recommend that a new establishment be brought into being at Berwick, ruefully observed "... our men in thes daies are so without armor and disciplyne that they seme not comparable to the foreyn nations yt be so well armed and in contynuall exercise and discaplyne".¹⁰⁶ It is not known whether the men that were discharged after March 1559 were paid according to the old rates or not. In December 1559 Sadler continued to pay the supplementary allowance awarded in Mary's reign to the garrison at Berwick because supplies were so dear the men could not live on a groat a day.¹⁰⁷ That this policy was generalised seems a strong possibility; however, the 'benevolence' only became an official wage rise after the drawing up of the New Establishment at Berwick.

Croftes also received the backing of Sadler in another controversy engendered by the government's short-sighted attempts at financial retrenchment. This concerned another Marian measure designed to improve the efficiency of the soldier. In February 1558, at the request of Eure, and Sir John Brende, the Council instructed Westmorland to permit the Master of the Ordnance at Berwick to allow monthly two pounds of gunpowder free of charge to the harquebusiers serving in the town, 'for their training and

encouragement'.¹⁰⁸ This allowance was distributed until May 1559 after which Gower's warrant ran out. In spite of this, the Master of the Ordnance continued the allocation which the men hoped to enjoy freely. In October 1559, Sadler and Croftes informed the Council of the dispute that had arisen between the Captains at Berwick and Gower. The latter wished to have the money for the powder allowance docked from the men's pay. Sadler and Croftes, although aware of the danger of the free powder allowance becoming customary, were none the less impressed by its beneficial effects,

... though we thinke that it had ben moch better to have relieved the souldours som other way, because we lyke not the president, yet sithens it is passed, and that therby tharquebutiers here are becom so perfite in their feate that for so many we thinke there be no better of no nacyon. 109

Norfolk was also impressed by the skill of the harquebusiers at Berwick and strongly recommended their employment at Leith. Events proved that his confidence in them was not mistaken.¹¹⁰ To end the controversy, Sadler and Croftes suggested that the men should have their powder allowance freely provided up to the present and thereafter the practice should be discontinued. Although the New Establishment recognised the need for the garrison to have an allowance of powder for training purposes, the cost was docked from the soldier's wages.¹¹¹

These controversies served to bring to light the more general disorganised state of affairs at Berwick. Problems over the administration of the town and garrison presented themselves from every quarter. In August 1559, the Council decided to send Sir Ralph Sadler in an effort to improve the efficiency of the town.

Sadler was an experienced administrator who had begun his career in Cromwell's secretariat. He rose rapidly in the latter's service becoming Groom of the Chamber in 1535 and Joint Principal Secretary with Wriothesley in 1540. However, Sadler's chief claim to fame was his long experience in Scottish affairs. It was in this connection that Noailles referred to him as '*homme d'esprit et de grande menee*',¹¹² Sadler had been Henry VIII's chief agent in Scottish affairs from 1537 onwards and was the main architect of the ill-fated Treaty of Greenwich. Sadler was a confirmed Protestant whose own religious convictions led him to judge other men's ability in the light of their religious affiliation. The application of this principle was one of the main drawbacks that prevented Sadler from coming to grips with the complexities of Scottish politics.¹¹³ It also became the overriding factor in his estimation of the suitability of leading march administrators. Sadler's wide commission reflected the government's confidence in him.¹¹⁴ Although the main purpose of his mission was to negotiate with the Scottish Protestants, he

was also instructed to take order for the fortifications at Berwick and the government and administration of the border.

At Berwick, Sadler worked conscientiously with Croftes in the running of the town, particularly in dealing with the two perennial problems of the Captain, those of securing an adequate supply of victuals and making sure the men were paid as promptly as possible. No innovations were made in the administration of Berwick, though it was realised that change was long overdue and the government in fact was in the process of formulating a new order for the town. Sadler had little to do with the organisation of the New Establishment; at Berwick, his energies aside from the important negotiations with the Scottish Protestants were devoted mainly to Wardenry affairs, and it is to these that we must now turn.

Sadler's arrival in Berwick saw the beginning of his unremitting campaign to undermine the power of the Percies and their adherents. Although he had been instructed to use the advice of Croftes and Sir Henry Percy, who had been closely involved in the negotiations with the Scottish Protestants since the beginning of the reign, Sadler declined to involve the latter and began to criticize his role in the administration of the march,

As for Sir H Percy, I saw him not yet; for he hath not ben nere the fronteirs syns I cam hither, nor a good

while before; nor do I judge him a man of such integryte as in any wise may be comparable to Sir James Croft. 115

Percy had been in London at the time of the Queen's accession and had warned the government that the bands on the border were lacking in numbers. He was rewarded by the Council with £40.¹¹⁶ In January 1559, the Council commended his 'forwardnes and actyvvytye' against the Scots.¹¹⁷ In June of that year, Percy solicited Cecil for the Captaincy of Tynemouth vacated by the death of Sir Thomas Hilton, and his request was granted immediately.¹¹⁸ Percy had carried on a direct correspondence with Cecil and Sir Thomas Parry, the influential Controller of the Household, since the beginning of the reign, giving advice on Scottish and border affairs. This correspondence and his long involvement in the Scottish negotiations illustrate the strong links which the Earl's brother had forged early on in the reign with the leaders of the new regime. These connections were to shield him from the attacks of men in the mould of Sadler who opposed the reestablishment of Percy power on the border.

The Earl was not so fortunate. Northumberland had been confirmed as Warden at the beginning of the reign.¹¹⁹ Criticisms of his rule on the border, however, soon reached the ears of the government.¹²⁰ Sadler only added fuel to the flames, Northumberland was in his view : "... a very unmete man for the charge which is comytted unto him here".¹²¹ This was only the beginning of a steady campaign to erode the

Earl's influence on the border and prepare the way for his dismissal from the two Wardenries.

Sadler was determined to make an issue of the dispute between the Earl and Lady Carnaby. The latter was the widow of Sir Reynold Carnaby who had been the most prominent leader of the Crown party on the border throughout the 1530's and early 1540's. Carnaby used his influence over the sixth Earl, (the uncle of the present Earl), to split him from his family and friends. He bore much of the responsibility for the Earl's reckless prodigality and eventually persuaded Northumberland to surrender his estates to the Crown.¹²² Carnaby died in 1543 leaving a widow, Dorothy Forster, the sister of Sir John Forster who was himself prominent among the present Earl's enemies.

In June 1559, Northumberland petitioned the Council for the use of Lady Carnaby's house situated in the former abbey at Hexham for use as a residence for the Keeper of Tynedale, Francis Slingsby.¹²³ Among Sadler's instructions was a letter from the Queen which he was to deliver to Lady Carnaby requesting her to lend her house to Slingsby.¹²⁴ Upon his arrival in Berwick, Sadler ordered the Earl to proceed no further in the affair. The delay angered Northumberland who complained that the authority of his office was being held in contempt, "... foras moche as the usage of that matter by the said ladie and her frendes hathe bene and is suche evell example of disobedience to thauctoritie".¹²⁵ Sadler for his part now claimed that

although he possessed the Queen's letters to Lady Carnaby the task of their delivery had been left to his discretion, he now argued that Hexham was not a suitable residence for the Keeper of Tynedale.¹²⁶ The matter was finally settled after the Earl sent Slingsby to complain to the Council. A face-saving compromise was devised whereby the Keeper was to remain in Lady Carnaby's house for two or three weeks or longer if she agreed, thereafter he was to seek an alternative residence.¹²⁷

The affair was not to be an isolated incident for Sadler sought to bring the whole question of the Earl's rule in the East and Middle Marches into doubt,

It is more than xx yeres ago syns I had som understanding of this frontier, and yet dyd I never know it in such disorder; for now the officer spoyleth the thefe, without bringing forth his person to tryall by the law; and the thefe robbeth the trew man, and the trew men take assuraunce of the theves that they shall not robbe them, and give them yerely rent and tribute ... All of which procedeth of the lacke of stoute and wise officers. 128

Northumberland's dealings with the Scots as Warden were also made difficult by Sadler's ambiguous role. There were many deferrals of Days of Truce after the Treaty of Upsetlington, mainly due to the turmoils between the Dowager and the Congregation. In addition, there was much friction between the Wardens as Hume and Cesford and the Keeper of Liddisdale, the Earl of Bothwell, were strong supporters of the Dowager and were well aware of the covert

negotiations of Sir Henry Percy and his brother the Earl with the Congregation.¹²⁹ At the request of the Dowager, a commission was appointed in July 1559 to deal with the ransoms and exchange of prisoners from either side as well as to settle outstanding border disputes. Northumberland and Croftes were appointed and later Sadler was included in the commission.¹³⁰ The original meeting, planned at Norham on 5 September, was cancelled by Sadler and Croftes who were heavily engaged in arranging the safe passage of the Earl of Arran across the border. Northumberland was not a party to the underlying purpose of Sadler's mission and was puzzled by the deferral of the meeting with the Scottish commissioners.¹³¹

It was only after Arran had been safely conveyed into Teviotdale that the commissioners met at the Kirk of Upsetlington. The articles of the commission¹³² provided for the immediate exchange of bills by the Wardens and their settlement at an early Day of Truce. The rest of the articles set out the arrangements dealing with the ransom and exchange of prisoners. All controversies arising out of the latter were to be dealt with by the Wardens. Although Northumberland had been present at the first meeting, the Earl was not a signatory to the concluding articles. He remained as Warden but his position was under threat. In a dispute with Bothwell over the implementation of the articles, the Earl was unable to argue his case as Sadler had not even bothered to send him a copy, which, as

the Warden bitterly complained to Sadler,

... I am enformed was assigned by you and them, and never as yet sent unto me; which is not a lytell marvale to me, considering the most parte of the same articles shuld have bene put in execution by me. It seamyth the quenes majesties pore subiects is rather further dreven of for the having of justice by our last sytting in comyssion, then if suche comyssion had never ben sytt on. Therefore I wold wish, and do think it most convenient, you shuld take in hand to procede for the help and relieve of this pore countrie, as ye were put in trust when ye cam in comyssion for that purpose. For I am sure ye are not amynded that I shuld do any good, when ye kepe from me the originall that I shuld be directed by. 133

The letter eloquently conveys the resentment of a magnate official who felt his whole position in the marches to be under threat.

The memoranda¹³⁴ written by Sadler during his 'investigation' into the Earl's tenure of the Wardenries were designed to procure as much damning evidence as possible against Northumberland to ensure his dismissal from his offices. They are of interest because although they appear to be investigative articles drawn up as a prelude to the investigation itself, the incriminating evidence is confused with the proposed articles of enquiry, reinforcing the fact that an impartial investigation into the Earl's conduct as Warden was not Sadler's intention. The catalogue of accusations constituted a wholesale condemnation of the Earl's rule in the East and Middle Marches.

As an alternative to the rule of the Percies, Sadler submitted to Cecil a series of recommendations for the government of the borders. As Warden of the East March, Sadler suggested Sir James Croftes. The latter, however, was unwilling to accept the post on financial grounds and was reluctant to stay in the North for health reasons. If Croftes was unwilling to accept the post, then the Wardenry coupled with the Captaincy of Berwick might be granted to Lord Grey, the former Captain of Guisnes.¹³⁵ To increase the rewards of the office Sadler suggested that Grey might also have Sir Thomas Percy's Captaincy of Norham.¹³⁶ As Grey's deputy in the Middle March, Sadler recommended Sir John Forster, suggesting that Forster could reside at Harbottle to keep both Tynedale and Redesdale in order. With monotonous predictability, Sadler also put forward the names of Wharton and Sir Thomas Dacre as replacements for Lord Dacre in the West March.¹³⁷

Sadler was suggesting no less than a complete reversal of the Marian personnel of March government and the putting back of the clock to 1553. Not all of his recommendations were accepted by the government but the decision to dismiss the Earl was quickly acted upon. On 30 October, Northumberland was summoned to court and instructed to remit his offices to Sadler.¹³⁸ The latter, shocked by the prospect of taking over the Wardenries, now disclaimed all knowledge of border affairs, and claimed he was not equipped for the role,

... how I am hable to bere these charges, I pray you consider; for, as you knowe, I have no lands or rents in this countrey, nor I have no tenaunts here to call uppon to kepe on horsback with me at all tymes, but must hire and enterteyn men for that purpose. 139

Sadler was also concerned about the irregularity of the situation, as the Earl upon leaving Alnwick, either as a gesture of defiance or because he was ignorant of the true circumstances of his recall to court, had proclaimed Sadler his deputy in the two marches, "... so as he taketh himself to be still warden; and if he may so remayn, and receyve thenterteignment and profite of the office, and I to have all the travaile and charge".¹⁴⁰ Sadler's anxiety that the Earl might continue as Warden was unfounded as Northumberland's summons to court constituted a dismissal from his office.

In November, Sadler proceeded to oust all the Earl's major officers in march administration and replace them by conspicuous opponents of the Percies. That month he wrote to Cecil, informing him "... I have more for frendshippe's sake than for anything ells, gotten Sir J Forster to execute under me in the wardenrye of the middell marches, who, I assure you, is more sufficient for the same than I am".¹⁴¹ Forster was instructed by Sadler to dismiss the Earl's brother-in-law, Marmaduke Slingsby, from the Keepership of Tynedale. Forster's reply to Sadler describes the circumstances attending the appointment of a new Keeper. Slingsby had written to the bailiffs of Tynedale instructing the chief surname leaders or Headsmen to appear at Hexham at

9 am on 23 November when a new Keeper would be assigned to them. The order was apparently ignored, whereupon Forster sent warning throughout the dale ordering the Headsmen to appear before him at Chipchase or they would be proclaimed as rebels. He was evidently pleased with the effect of this hard line approach,

... the saide daie the moste parte of all the holle countrye came unto me without eny such assurance, as thaie have bene accoustomed to have of other there kepperes heretofore; wherof many of them ware such as haive bene rebelles theise towe yeres by past, and never came to my lord nor Mr Slengsbye"

Forster appointed his kinsman, George Heron, as Keeper. John Hall, the Keeper of Redesdale, who had been replaced by the Earl in favour of Christopher Rokesby, was reinstated in office.¹⁴²

In spite of Sadler's efforts to discredit Lord Dacre, there was no such reversion of personnel in the West March. Sadler accused Dacre of fomenting feud between the Grahams and the Maxwells. The Warden of the Scottish West March, the Master of Maxwell, was a Protestant and Sadler alleged that Dacre wished to prevent Maxwell from joining the Congregation by encouraging the Grahams who "... ryde and spoyle his countrey ... so that he is so occupied there to defend the same, that he hath yet no leysour to loke thother way".¹⁴³ Sadler argued that Dacre was loth that the Protestants should prosper on either side of the border,

What polycie it is to commytte rule and auctoryte to such men as your wardens here be, with their other faults not unknowen to you, being indeed rank papists you can judge and consider better then we can; but we, as our dueties do requyre, wish that shoulde have the rule of these frontierrs, as favour the quenes maiesties procedinges. 144

By attacking the Wardens' religious beliefs, Sadler sought to bring into suspicion their loyalty to the Crown. Since the enactment of the Statutes of Supremacy and Uniformity, loyalty to the established church and to the Crown became synonymous. That religious non-conformity was a potential threat to the unity of the State and could only be regarded as civil disobedience was a principle upheld by Protestants and Catholics alike.

Sadler recommended that Dacre be summoned to court, but as for Cecil's request to have something concrete with which to accuse the Warden, he was afraid that even a charge of negligence might not stand. Cecil might suggest that the Warden's sickness rendered him unfit to carry out his duties effectively.¹⁴⁵

The news that Dacre was to go to London and the likelihood that he would be deprived of his Wardenship encouraged his enemies to apply further pressure. In October 1559, Wharton, Dacre's old opponent, wrote to Sadler asking him to favour Sir Thomas Dacre, Lord Dacre's illegitimate brother, and his son Christopher as the two branches of the family were locked in bitter feud. Sadler sent Christopher Dacre to Cecil informing him that both he and

his father had been, "... verye extremely delt withall by the lord Dacre, and have suffered grete injurye at his hands these VI yeres and more ...".

The affair, though trivial enough, illustrates the methods a Warden could use to make life intolerable for those in his march if he happened to be at feud with them. Sir Thomas's son had been out hunting in his father's park which lay adjacent to the Warden's. Dacre had imprisoned him on a charge of trespass, fictitious or not, and would not permit his release unless he and other gentlemen would agree to be bound by recognisance for Christopher's re-entry upon twenty days warning. Dacre, as Sadler remonstrated, "... for so small a matier, hath shewed some malice and great extremyte, and more then law and reason wolde, in that he semeth in his own cause to be both judge and partie".¹⁴⁶ Sadler's accusations against Dacre were in a similar vein to those he had used in order to discredit Northumberland. The emphasis on the magnate official abusing the authority that had been granted him by the Crown for his own private interests, Sadler knew, would strike a powerful note with Elizabeth's Council. Both peers had been too closely connected with the discredited Marian regime for the new government to continue to favour them. By attacking their religious convictions, Sadler brought into question the loyalty of these powerful territorial magnates to the Crown, during a

politically sensitive period when the new Queen herself was expressing fears of a Catholic led revolt against her.

Although Dacre's position was seriously undermined by Sadler, the Warden managed to hold on to the West March till his eventual removal in 1563.¹⁴⁷ Northumberland's political eclipse on the border was irreversible; a much more powerful figure than Dacre, the government decided to remove him from all influence in border affairs rather than try to secure his loyal cooperation by retaining him in office. Sadler's campaign was an effective one. Yet, his bold lecturing of the Earl, full of accusations that Northumberland was exceeding the authority of his office, was not done entirely on his own initiative. He knew he had the powerful support of the Council behind him. Of all Sadler's charges against Northumberland, the accusation of administrative incompetence is the most difficult to sustain. Seen from the relative efficiency and stability of the central government at Westminster, it was very easy for a bureaucrat trained in Cromwell's household to have a jaundiced view of border affairs, especially since an already inadequate system of regional government had been thrown into turmoil during two years of disruptive hostilities with the Scots. Sadler's professed concern for administrative efficiency and law and order on the marches, genuine though it might have been, accords little with his appointment of Sir John Forster as his Deputy Warden. Sadler must have been aware of the latter's reputation. Left

to his own ends the unscrupulous Forster was to rule the Middle March through a mixture of brute force and corruption for the next three decades. Much the same can be said for his recommendation of Sir James Croftes as Warden: Croftes was not only later under a cloud for his maladministration at Berwick but was blamed for the failure of the assault at Leith. Northumberland's dismissal stemmed from the new government's distrust of his Catholic sympathies especially when combined with his powerful position as Warden in the two marches. Sadler's suspicion of Catholics on principle and his support for the Forster faction on the border led him to wage a successful campaign for the Earl's discharge from the Wardenries. Humiliated and deprived of a part in what he saw as the traditional role of his family in border office, the resentment Northumberland began to harbour against the new regime reached its climax in the disastrous rebellion of 1569.

Reorganisation and Reform : Berwick and the Border 1559-1560

In the wake of the loss of Calais the new government was as sensitive as Mary's had been over the security of the town of Berwick. We have seen that one of the first acts of Elizabeth's Council was to order that the fortifications there should be continued. The progress of the latter impressed Salder on his arrival in the town, "... surely the works are wourthie the seing, and, as we thinke, be both

fayre, and lykelye to be made very strong, wherein grete expedition hath ben used hitherto". Both he and Croftes recommended that the fortifications be given urgent priority as the defences of the town were still weak. The two men suggested that there should be a temporary increase in the strength of the garrison to protect Berwick during the course of the works.¹⁴⁸ The ordinary garrison of the town was far from large and could fluctuate considerably. In 1557/8, it stood at 132 horse and 63 foot. By August 1559, these figures had shrunk to 76 horse and 32 foot.¹⁴⁹ This force, however, only made up part of the armed strength of the town. The rest consisted of the armed retinues of the major officers of the garrison.¹⁵⁰ These were generally made up of their household servants and their presence in the town therefore depended on the residence of their masters. This explains why the government was so preoccupied with the absenteeism of border officials. Another cause for concern was the widespread practice of pocketing the wages of prescribed retinues so that often the armed strength of the town remained merely figures on paper.¹⁵¹ This latter practice was so notorious at Berwick that Elizabeth herself personally stressed to Norfolk the importance of stamping out the systemised fraud, "... your majestie told me in your gallerye, alongest your garden, that Barwick bandes had ben afore tyme, farr out of order".¹⁵² Yet, even allowing for a full complement of men it was felt that 2-300 soldiers were insufficient to guard the town effectively. Not only was it desirable to increase troop numbers but a thorough

overhaul of the military organisation of Berwick was long overdue. Slackness and some abuses in the offices of the Treasurer, Surveyor of the Victuals and Ordnance had lately come to light.¹⁵³ The increased cost of living had led to many requests for salary increases and since these had been granted or refused in a somewhat arbitrary fashion, it was expedient that the wages of the men from the Captain downwards should be reviewed.

The recommendation that a new order should be drawn up for Berwick seems to have originated with the Muster Master, Sir John Brende, a recognised expert on military affairs.¹⁵⁴ The suggestion seems to have been made early in 1559 when hopes of an early end to the hostilities with the Scots seemed fairly certain. In lengthy memoranda, which bear frequent annotations by Cecil, Brende put forward his case for the reorganisation of Berwick "... wich nowe by other losses we have lernyd to be of moment".¹⁵⁵ Brende justified the additional expenses he anticipated the Crown would have to bear in implementing his plans by emphasising the unique importance of Berwick. The Scots and French would not risk a full scale invasion over the border while a strongly fortified and garrisoned Berwick, "... lie upon their backs". For Brende it was essential that, in addition to the ordinary garrison, Berwick should have an extra force of 1,000 men in peacetime and 2,000 in war. In connection with the victualling of Berwick, Brende drew attention to the important fact that the most

vulnerable part of the town, the south-east corner which relied for its defences on the old medieval wall, was where the magazines, brewhouses and bakehouses were situated. To overcome this weakness, Brende recommended that a Lord Lieutenant should be appointed annually from August to October, establishing armed headquarters at Tweedmouth, the town in Northumberland that faced Berwick on the south bank of the Tweed. In the event of any siege, this camp could be supplied and provisioned by sea from Holy Island.¹⁵⁶

By May 1559, Brende's suggestion had the official recognition of Cecil who encouraged him to draw up an outline of a new establishment using the advice of Croftes and Sir Richard Lee.¹⁵⁷ Brende now turned his attention to the financial provisions of the reorganisation of the town. Cecil's insistence on a reduction in expenditure was an almost impossible objective to attain especially since with the unfinished fortifications more men were required to man the walls. Apart from this factor, the dearth of victuals made the old rate of 6d per day difficult for the men to live on. Brende argued that at the last pay he had been at pains to persuade many of the men to stay on. "... everie one is so desyrous to retorne towardes the sonne from the sowernes of this northerne ayer"; because of the unwillingness of troops to serve in the North, men must have some 'allurement' to draw them to garrison service at Berwick. Some financial provision for retired troops would be an added factor in persuading men to serve on the

border.¹⁵⁸ These and other suggestions were drawn up in a draft of the New Establishment in May but the government's preoccupation with Scottish affairs made it impossible to carry on with the plans.¹⁵⁹

After the Treaty of Edinburgh the task was revived and the New Establishment at Berwick became a major part of a general reorganisation of border defences. Cecil had passed through Berwick on his way to Edinburgh and the settlement of the frontier was evidently on his mind; writing to Petre he asked that if a peace treaty was secured "... gett me leave to make a long jorney to court : for I covett to peruse all the frontyers, and so to Carlile".¹⁶⁰ Whether in fact Cecil got as far as Carlisle is improbable. He was heavily engaged after the Treaty of Edinburgh making sure the provisions of the treaty were carried out and arranging the dismissal of the English army. However, his short stay in Berwick in late July gave him a unique opportunity to review the situation at first hand. By 28 July, Cecil was back in London and the following month was spent drawing up the New Establishment incorporating many of the former recommendations made by Brende. By early September, the plans had been drafted and the new scheme was to come into practice from 8 September.¹⁶¹

In accordance with Brende's suggestion, the provision for the separate defence of the town and castle was abolished especially as the latter had been abandoned for

defensive purposes in the new fortifications. The Captaincies of both the town and castle were coalesced into the new designation of governor. The fees accorded to the office were not on the face of it any different from those which had been allocated to the Captains of the town and castle. The Governor was allowed £133 6s 8d and £40 for 'espiall money'. Temporary provision, however, was made for a more liberal allowance to take into account the dignity of Lord Grey's peerage, but since Berwick throughout Elizabeth's reign was largely governed by a member of the nobility, the distinction became irrelevant. Grey was paid an extra £200, "... for his better mayntenaunce in consideracon of his baronage". He was also allowed a Captain at £13 6s 8d per annum and a Secretary at a similar rate. Salaries of £6 13s 4d were allocated to the governor's domestic staff. These were designated as household servants in the New Establishment but it is clear that they and the 40 soldiers that had previously been allowed to the Captain of the castle were one and the same thing and that Grey's personal servants were expected to double up as soldiers when required.

The fees for the Wardenry of the East March were accorded at £400 per annum, a slight rise on the previous figure.¹⁶² The total cost of the Governor's establishment, taking into account his fees for the East Wardenry amounted to £1,090 13s 4d. The Council had acted upon Brende's recommendation that in order to attract competent men into

service at Berwick, the government had to assign appropriate rates of pay. In the same way, the fees of the other officers were significantly raised. The Marshal's fee was trebled from the old figure of £33 6s 8d to £100 per annum. The Treasurer's fee was raised from £20 to £100 per annum. The office of Chamberlain which had been responsible for the management of Crown property in Berwick was abolished; its functions were now to be fulfilled by the Treasurer. The number of the town's Constables was halved to four; the salaries of the remainder were doubled to £20 per annum.

Perhaps, the most radical change was in the size of garrisoning crews, which were massively increased. There was unanimous agreement that to be adequately defended Berwick required a garrison of at least 1,000 men. Sadler suggested that the garrison should be maintained at 1,500 during the time of the fortifications and 1,000 after. Brende was also of the opinion that 1,000 men were the minimum required as a garrisoning force.¹⁶³ In the New Establishment the distinction between the old ordinary garrison and the extraordinary bands was done away with. Berwick was to be provided with an adequate garrison of trained men, a sufficient permanent force which would even in time of danger ensure its security. The new garrison was to consist of 1,150 men of whom 800 were to be harquebusiers and 350 gunners. The 'benevolence' that had been granted in the previous reign now became finally accepted as a permanent wage rise.

Provision was made for the sick and retired men of the garrison in the New Establishment. Three surgeons were appointed to see to the medical needs of the soldiers. Sir Francis Leek, Lord Grey's predecessor, protested in vain at the insufficiency of that number and lamented the dismissal of many good surgeons.¹⁶⁴ The number of pensioners was to be confined to 56 with the rate of pension payable according to former rank, starting at 10d per day to 'good old souldiers' and rising to 20d daily for Captains. The appointment of pensioners was to be left to the governor and his Council.¹⁶⁵ As for the other chief officers of Berwick, the Carpenter and Master Mason, these continued to be paid following the terms of their original patents. The fees of the Mayor, Customer and Controller of the Customs continued unaltered at £10 per annum each for the former two and £5 for the latter. The almost derisory payment to the Mayor reflects the overwhelming ascendancy of the military government of the town and the continued decline in the influence of the Mayor and freemen.

The New Establishment led to the appointment of many new chief officers to the town. These were issued with fresh instructions designed to lead to improvements in efficiency and curb wastage in the administration of the garrison. Efforts were made to reduce the charges of the Ordnance office. It was claimed that since 1554 the office had cost £280 a year to run, little or no control over expenditure had encouraged speculation by the Master of the Ordnance,

John Benet.¹⁶⁶ A new scheme for the Ordnance office at Berwick led to the establishment of a Clerk of the Ordnance to take charge of all manner of ordnance, armour and munition, delivering none of these from the magazines without the signed order of the Master of the Ordnance and the Controller. These orders were to be used as a warrant to the Treasurer to deduct the necessary payment from the men's wages. These provisions, the government hoped, would result in a considerable saving on the administration of the office which was reduced to £127 15s per annum.¹⁶⁷

A new Surveyor of the Works and Keeper of the Store, Thomas Jennison, was appointed with strict instructions to avoid all excess and waste. His duties included equipping the workmen with the necessary tools and providing them with adequate provisions at reasonable prices. In order to minimise the opportunity for fraud, Jennison was to render his account twice yearly.¹⁶⁸

Sweeping changes were made in the key office of Treasurer. Ingoldsby who had been in office since January 1558 was dismissed. The Queen, with some exaggeration, charged him with not rendering an account for four years, adding significantly "... forasmuch as we mynde to knowe yor proceedinges in our causes thoroughly and to have allwayes more certain notice of thestate of our affaires there, then we hither to have had : we are resolved to disburden you of that charge".¹⁶⁹ The Treasurership was

given to Valentine Brown, "... uppon commendacon of yor faithefulnes and skylle in matters of receipte and accomptes".¹⁷⁰ Brown, one of the Auditors of the Exchequer, had been frequently employed in the North during the two previous reigns to examine accounts. He was appointed in December 1559 to take charge of the cash sent to finance the expedition into Scotland and had acted as paymaster at Leith. During his stay at Berwick, Brown informed Cecil that he suspected financial mismanagement especially in the Office of the Works, and he also joined in the chorus of complaints against Ingoldsby's inefficiency as Treasurer.¹⁷¹

Brown became a central figure in the New Establishment at Berwick; he not only exercised the office of Treasurer but was also appointed Surveyor of the Victuals¹⁷² at 10s per day, besides, as we have already noted, fulfilling the duties of the now defunct Chamberlain's office. Brown's prime task was to ensure that Berwick was adequately supplied with victuals at prices the troops could afford. Upon his appointment, he received £3,000 in 'prest' to enable him to lay in a sufficient stock of victuals. Since the troops paid for their rations out of their wages, the government in theory recouped its initial outlay from the Treasurer who docked what was due from each man's pay. Brown was given authority to enter into agreements with private merchants for the supplying of the town. To ensure that the garrison could buy food at reasonable prices Brown was to make a monthly declaration of the standard prices of the basic

commodities in the soldiers' diet. Any complaint regarding high prices was to be referred to the Governor and then to the Privy Council.¹⁷³

To accompany the New Establishment at Berwick, a new set of rules was issued for the government of the town and garrison. The original 'Statutes and Ordinances' of Berwick were presumably drawn up after the town was retaken by the English in 1482; however, they might originate from an earlier date. This comprehensive set of military regulations laid down the duties of the garrison and various punishments, from loss of pay to imprisonment or even death for soldiers who infringed them.¹⁷⁴ These provisions were designed to ensure maximum security for Berwick. Their emphasis on the maintenance of an effective system of watch again illustrates the key importance of Berwick as a frontier town, the actual conquest of which lay barely outside living memory and whose loss the Scots still resented.

Any soldier on watch who allowed men on the battlements without first demanding the 'watchword' was to be imprisoned and fined. Fighting between watchmen was punishable by death as was failure to alert the garrison when danger threatened. Clerks of the Watch who accepted bribes from men wishing to avoid watch service were to forfeit 20s to the maintenance of the Tweed bridge. The Yeomen Porters were responsible for the guarding of the town's gates and the searching of all incoming traffic. Particular attention

was to be paid to Scots who were not to be allowed into the town without a royal safe conduct or the Captain's licence. Each evening the Porters were to bring the keys of the town to the Master Porter who in turn submitted them to the Captain who retained them till the following morning.

The reason for the new set of rules was clearly stated. The preamble in the Queen's name began,

Wee do certenly understand ... our towne of Barwick at this present is in very evill estate, by reason ye aunciente lawes and orders therof be neglected and for our garrison there is farr greater at this present then either it was in deed or ever was ment upon the making of the foresaid auncient lawes. 175

The new rules were not entirely to replace the old ones but were to be obeyed in addition to them.

The first provisions dealt with the organisation of the spiritual welfare of the garrison, "... bicause the foundacon of all worldely strengths is to be laid and stablished with the fear and service of almighty God". It was ordered that the church was to be prepared by the Surveyor of the Works "... and kept and preserved to thuse onelie of praier, ministracon of Sacraments and preaching God's worde and no other profane use".¹⁷⁶ The Governor and the principal officers of the town were to attend church twice daily, 'at least on Holydays and Sundays'. Aside from reasons of security, the smallness of the church meant that it was impossible for all the garrison to attend services simultaneously. The rules stated that the

Governor and Council were to see that "... there may not be one soldier or other person having pay of us in the town but that at the least come in 14 or 21 daies he may be appointed and knowen to come to church". Each soldier was to hear a sermon at least once a month, and defaulters were to be fined three days wages.¹⁷⁷

The ecclesiastical organisation of the town was completely revised. In September 1560, the Dean of Durham, Dr. Horne, had preached at Berwick to some effect and Leeke urged upon Cecil the necessity of sending a permanent preacher, warning him "... yf ye tracke of tyme and do not sende a preacher hyther shortely I dowte they wyll reytorne to theyre owlde vomytte and become to muche oblyvyous".¹⁷⁸ In place of an 'unlernyd curate' at £7 per annum, an elaborate ecclesiastical structure was set up. This included a preacher who received a stipend of £80 per annum, a curate at £40 as well as a coadjutor, clerk and sexton and several assistants. The cost of the new ministry was to be met by a quarterly levy on the pay of the men, ranging from 13s 4d from the Captain to 2d from a footman.¹⁷⁹

The rules were principally designed to ensure the good order and discipline of the garrison. They strongly emphasised the fact that soldiers were forbidden to exercise any craft or trade other than the making of arms.¹⁸⁰ This regulation was laid down not only to confine the troops' activities to the specialised art of soldiering but also

to protect the interests of the Merchant Freemen of Berwick. Brende, however, had recommended that the troops should be allowed to trade insisting that this would have a salutary effect, "... for ther shuld be but one kinde of people within the towne, for all soldiours wold become marchauntes, and marchauntes soldiours". The recurrence of this order suggests that it was a difficult ruling to enforce. The garrisoning troops had much free time on their hands and the temptation to supplement their wages was too great to avoid; the burgesses frequently complained that the troops engaged in the keeping of 'tippling houses' and other trades.¹⁸¹

A series of measures were included in the new rules regularising practices which had been established in the previous reign. The free allowance of powder for gun practice which had been introduced in February 1558 was continued, though its provisions were radically altered. Instead of 2 lbs of gunpowder being issued freely per month the new ruling allowed a mere half an ounce quarterly or at every muster, the cost of which was to be deducted from the soldiers' wages.¹⁸² As for the problem of maintaining an adequate supply of armour in the town, the supplementary payment that had been allowed to troops who were well armed was now frozen into the general wage increase, so some other means of encouragement had to be sought. The new orders stated that the Governor could compel any soldier leaving Berwick to hand over his armour to be compulsorily purchased

by the Master of the Ordnance. This would permit it to be sold to the man's replacement at a reduced price.¹⁸³

The new rules included an attempt to resolve the many problems involved in the distribution of the men's pay. A new order of pay was drawn up "... bicause there hath bin found great deceipte in the payment of ye extraordinary band, for the same hath not bin paid by view and pole as thordinary of the towne hath bin".¹⁸⁴ This referred to the system of paying the Captains the soldiers' wages according to the numbers they presented on paper, rather than by a head count. In the new order of pay, the distinction between the ordinary and extraordinary garrison was abolished. Each Captain was to make two rolls of his band, one of which he was to retain, and the other he was to hand over to the Clerk of the Check. On pay day, the men were to be individually called and paid in the presence of the Governor, Marshall and Clerk of the Check. This method of payment by poll was instituted to stamp out the financial abuses involved in the handing over of lump sums to the Captains merely on the strength of their muster figures.¹⁸⁵

Despite their well defined thoroughness, the new rules were not meant to be definitive. The Governor and Council were empowered to introduce new regulations as they saw fit, provided that the punishments prescribed for their infringement fell short of the death penalty. The Council, which was responsible for the overall government of Berwick was

small, it was made up of the Governor, Marshall, Porter and Treasurer. The exclusion of the civil establishment from any significant involvement in the running of Berwick's affairs was the final step in the complete militarisation of the town. The Mayor and his colleagues were reduced to the roles of passive bystanders assessing market tolls and regulating the price of salmon. It was the unsuccessful culmination of a long struggle by the Mayor and Burgesses for a greater say in the government of Berwick. Bowes, who in 1551 had made a number of recommendations which constituted the last attempt at an accord between the two rival authorities had noted that "... the greatest common wealthe and suretie of ye towne consistethe in the good agreement¹⁸⁶ of the captayne and souldiors with the Maior and inhabitants". He suggested that the Mayor should be a member of the governing Council, taking his place as next in authority to the Captain. The advantage of this arrangement, Bowes argued, was that "... the better reputacon and estimacon that the Capten taketh the Maior, and specyally in open presens of the people, the more able shall he be to rule and order the inhabitants and commonynaltie".¹⁸⁷ The unwillingness of the government to take any steps to reverse the declining role of the Mayor, particularly since the New Establishment provided it with the opportunity, was short-sighted. It resulted in a long series of embittered and strained relations between the civil and military establishments of the town.¹⁸⁸

The reorganisation of the military government of Berwick and the drawing up of the new rules were designed to place the town on a sure footing after the years of uncertainty brought about by the French presence in Scotland. The new measures were a bold attempt to improve the military efficiency of the town; although throughout they bear the marks of Cecil's thoroughness, they were by no means a one man exercise, but the result of the steady cooperation between the Secretary and the military experts. Cecil was fully aware of the need to economise and cut down on excessive waste but he also realised that if an effective and well trained garrison was to be had at Berwick, it could not be done cheaply. The New Establishment cost a massive £22,080 per year to maintain. This bears no relation to the normal annual running costs of the town and East March during the reign of Mary which totalled some £2,776.¹⁸⁹ Efficient officers and seasoned men could only be drawn to serve in the town if attractive rates of pay were offered, an important factor since Berwick could not be adequately defended without a fuller and more professional establishment. The new importance of artillery and advances in siege warfare not only made it necessary greatly to increase the amount of gunners in the garrison but it also accounted for the wholesale commitment of the Elizabethan government to the continuance of the fortifications at Berwick.¹⁹⁰ These factors explain why the government thought itself justified in embarking upon the considerable financial outlay its arrangements for the security of the town involved.

At the same time as the reorganisation of Berwick, the government sought to settle the future of some of the other major fortified border holds. Although the main attention of the military engineers was devoted to Berwick, Brende had urged that Wark and Norham should be considered for improvement.¹⁹¹ Wark continued to remain in the hands of the Greys; although surveyed by Lee in 1560 it was clearly thought to be expendable and the castle soon ceased to play any role in Elizabethan frontier fortification policy.

This was far from the case with the castle of Norham and its appurtenances. Tunstal's opposition to the Elizabethan ecclesiastical settlement made his deprivation a likelihood. The uncertainty over his episcopacy and his eventual dispossession gave rise to many suggestions that a portion of the rich revenues of the see of Durham could be used to contribute to the cost of the defence of the frontier and, in particular, that Norham should be taken into the Queen's hands.¹⁹² Tunstal's refusal to take the oath of supremacy in September 1559 led to his deprivation.¹⁹³ The resulting vacancy of the see, as Cecil pointed out, now permitted the Queen to intervene in episcopal affairs.¹⁹⁴ Under the provisions of 1 Eliz. c.19 a significant proportion of the temporal possessions of the Bishopric including Norhamshire were taken into the Crown's hands and when in 1566 these were restored, Norhamshire was retained.¹⁹⁵ In 1568, Norham and its domains were leased to the Governor of Berwick, Lord Hunsdon.¹⁹⁶ The castle and estates

continued to be attached to the Governorship throughout the reign of Elizabeth. At the close of the century, when after a family quarrel Hunsdon took Norham from his son Sir John Carey and gave it to his brother Sir Robert, the former protested in vigorous terms. It was inexpedient that the Governorship of Berwick and Norhamshire should be in separate hands because of the status of the latter as a liberty which would "... ever breed controversies and contentions", but Sir John stressed the economic importance of the Lordship. Norhamshire was essential as it provided coal, horse fodder, poultry and game for the Governor's house. Besides, the lucrative leases of the Tweed salmon fishings went with the Captaincy of Norham, and no nobleman, he postulated, would accept the Governorship of Berwick without Norham.¹⁹⁷

The arrangement by which Elizabeth's government took over the Keepership of Norham did not result in any major repair work being carried out on the castle. In 1580, it was reported that Norham and its sister Wark were, "... so greatly in ruyne and decay, as no man dare dwell in them".¹⁹⁸ Once again, the major responsibility for the defence of the East March was placed upon Berwick but Norhamshire, lying as it did out on a limb from the bulk of the episcopal lands in the Bishopric and situated so conveniently near the frontier, proved too valuable a commodity for an impecunious Elizabethan government to ignore.

As for the settlement of other fortified border holds held by the Crown, the government chose not to exercise such a free hand as at Berwick probably because the economies to be made were so small they did not justify involving trusted and loyal servants in financial losses. In the Middle March a garrison continued at Tynemouth under the Captaincy of Sir Henry Percy. The latter was paid according to the terms of his patent with an extra reward of £33 6s 8d per annum and an allowance for eleven household servants and nine gunners, the total cost of which amounted yearly to £274 6s 8d.¹⁹⁹ The redoubtable Captain Read continued to command the small garrisoning force on Holy Island and the Farne Islands till the end of Elizabeth's reign. Again, Read was paid according to his patent with extra pay for an additional sixteen soldiers. This brought the total armed force in pay on the islands to twenty one at an annual cost of £362 17s 6d.²⁰⁰

As for the West March, the retinue of the Captain of Bewcastle remained unaltered; however, the number of gunners at Carlisle was reduced to ten.²⁰¹ Although the West March still remained an unsettled part of the border, it was felt that the main military threat from Scotland was on the east border and this explains the government's neglect of the fortifications at Carlisle.²⁰²

A much more difficult problem for the new regime after the Treaty of Edinburgh was the settlement of the Wardenries. Both the East and Middle Marches were without official

Wardens and the Captaincy of Berwick was vacant. Grey had left the two Wardenries upon his appointment to lead the army into Scotland, and his offices had been conferred upon Sadler.²⁰³ When the latter was sent to Leith early in April 1559, Norfolk took charge with Sir John Forster and Sir Francis Leeke as aides. Croftes was removed from the Captaincy of Berwick after reports had reached the government of his financial maladministration and his mishandling of his role in the assault of Leith.²⁰⁴ In July 1560, Leeke was appointed temporary Captain on Cecil's recommendation.²⁰⁵ Leeke's task was a difficult one, for the return to peace on the border was not a transition to be easily achieved. The New Establishment at Berwick, with the greater number of troops involved, meant that discipline was difficult to enforce, especially by Leeke who was regarded as an interim Captain. Exasperated, he asked Cecil for stronger powers when dealing with recalcitrant troops, as imprisonment proved a weak deterrent, "... of necessytie some seyvere punyshment by losying a hand or a member muste be used for the terror of those whiche nowe daylye desythe and otherweys offend thoffycers heare".²⁰⁶ The disorders among the troops were not only confined to Berwick, bands of marauding discharged soldiers were causing chaos in Northumberland, robbing the inhabitants and each other of their recently earned pay.²⁰⁷

In Leeke's opinion, matters could only be remedied by the appointment of a "... goode carefull warden to the

charge of the wardenrye for that ys the towchestone of one pyece of our comonweale". Leeke recommended that "... the choyse of an honest trewe and dylygent man who wyll rather starve than be corrupted ys thonely meane to redres all thes dysordered people".²⁰⁸

Before making the new appointments to the Wardenries, the Council solicited the advice of Norfolk as to the future government of the North. The late Lieutenant made the improbable suggestion that effective royal authority in the North could only be exercised if the offices of Warden General, Captain of Berwick and President of the Council in the North were held by the same individual.²⁰⁹ Later, and more practically, Norfolk recommended Grey for the East March and the Governorship of Berwick with Sir Ralph Grey of Wark as his Deputy Warden. To increase Grey's standing on the border and in consideration of his noble status, Norfolk proposed that Grey should also be given the Middle March with Sir John Forster serving as his deputy. Alternatively, Grey's authority could be confined to Berwick and the East March and Sir Thomas Percy could be made Warden of the Middle March.²¹⁰ On 22 October 1560, Grey was nominated to the East March and on 5 November he was appointed Governor of Berwick.²¹¹ The government's choice of him was in many ways inevitable, Grey possessed the qualities which were in short supply in early Elizabethan England, he was an experienced and respected soldier of noble status.

Grey's appointment was welcomed by the new Scottish regime, as during the siege of Leith he had become personally acquainted with many of the leaders of the Congregation. These ties, formed when the two sides were engaged in the common purpose of expelling the French, were to have an important bearing on the future of cross border cooperation between frontier officials.

Grey energetically set about reconciling some of the bitter feuds among the gentry of the East and Middle Marches in which ironically enough the Forsters, the family of the Warden of the latter March, were taking a prominent part. Grey as Governor also continued Leeke's work of restoring order in Berwick.²¹² At the same time, a new beginning was attempted in Tynedale and Redesdale with the issue of a royal proclamation of pardon to the inhabitants of the two dales, for all crimes excepting high treason and wilful murder.²¹³

The government resisted the temptation of placing a Percy in the Middle March as Norfolk had recommended and instead appointed the formidable Sir John Forster. The latter at the age of sixty, far from being a spent force still had thirty five years of what can best be described as political gangsterism ahead of him.²¹⁴

Only in the West March were there no major upheavals in personnel. Lord Dacre continued as Warden against all odds. Norfolk, following Sadler and Wharton, had been

bitterly critical of Dacre's rule in the West March. Writing to Cecil the Duke remarked, "... it pitieth me to see in what estate now it standeth, I thinke the wilde Yrish be in no more disorder than now that wardenry is".²¹⁵ No-one, he argued, was more fit to rule there than Wharton, but the latter's 'dedly feode' with Maxwell made his appointment out of the question. Norfolk proposed Sir Thomas Dacre, the Warden's estranged half brother and ally of Wharton as an alternative.²¹⁶

Dacre probably owed his continuance as Warden to a series of negative factors, not the least of which was his age, for he was already over 60. Rather than appoint Sir Thomas and increase tension in the March by exacerbating the antagonism between the two men, the government thought it best, at this juncture, to let him end his days in office. In a similar way, Elizabeth, who was anxious to court the favour of the Scots, did not want to make the provocative move of appointing an enemy of the Scottish Warden to the West March. Cecil had sounded out the possibility of appointing Wharton with Randolph his agent in Scotland, the latter quickly dismissed the idea and urged that Dacre be continued in office.²¹⁷

We have seen that English concern to continue good relations with the Scots after the Treaty of Edinburgh, had some bearing on the Queen's appointment of Wardens. The political gains of the Anglo-Scottish victory were not to

be dissipated, especially in connection with English frontier policy. Norfolk suggested that in order to foster Scottish good will, the Queen should distribute,

... certen annuall pencons the wich although it well serve at the furst somewhat arguable, yet in every fowre or fyre yeres it will redowble the charge that this realme hath ben contynuallie dryven unto upon that frontier. 218

For the moment in the heady days immediately after the expulsion of the French this policy was scarcely necessary. That is not to say that the English were not ready to capitalise on the political debt and good will accumulated through the aid given and the joint action of Elizabeth and the Congregation. The presence of a friendly regime north of the border was something of a rarity and augured well for the peace and stability of the frontier. For a brief space prior to and just after the coming of the Queen of Scots, amicable relations continued.

The new Scottish government was anxious to show itself ready to do justice. Immediately after the peace, arrangements were made for the convening of Days of Truce.²¹⁹ At the same time, Randolph reported that some of the weightiest discussions in the Scottish Parliament had concerned the question of law and order on the frontier. He also noted that the embassy sent to Elizabeth thanking her for her support would discuss border policy with the English government.²²⁰

On the border itself, Randolph reported that Maxwell was restoring order to the Scottish West March but was not receiving the like cooperation from Lord Dacre in respect of the Grahams' offences. The worsening situation between the two officials led to Dacre's eventual dismissal in 1563.²²¹ In the Middle March there appears to have been some initial unwillingness on Ker of Cesford's part to meet for the settlement of justice but after English complaints Ker was summoned before the Scottish Council and a Day of Truce was arranged.²²² Soon after Grey's arrival in Berwick in early November, meetings were appointed between his deputy in the East March, Sir Ralph Grey and Lord Hume. Cecil carefully annotated Grey's correspondence that a letter was to be sent from the Queen to Hume encouraging his 'forwardness'.²²³ In mid December, the Earl of Arran was appointed Lord Lieutenant on the Scottish border for the administering of justice. The leading border gentry and surname heads were summoned to a border court at Jedburgh. Peace bonds were renewed and assurances were taken for old feuds. It was also agreed, on the English model, that the gentry and surname heads would be made responsible for bringing in offenders to answer at Days of Truce.²²⁴ Negotiations for the peaceful settlement of the border were carried on through a variety of channels. Grey was in frequent contact with the Scottish Council and Randolph, Cecil's agent, who acted as ex-officio ambassador, was himself frequently in touch with the Scottish Wardens. The

latter were also involved in direct correspondence with Cecil and the Queen. While the strong personal relationships between the leaders of the two governments made for effective administrative cooperation, the complex criss-crossing of correspondence on border affairs reflects not only the diversity of interests in maintaining peace and stability on the frontier but the degree of close harmony, built up during the crisis, in which the two regimes for the moment functioned.

CHAPTER VNotes

- 1 P.R.O., 31/3/23/fos.235, 241.
- 2 Cal. For., Mary, 404-406; Cal. For., 1558-59, 3. The reference was to the speedy settlement over the restoration of Piedmont and Savoy to Duke Emanuel Philibert. These territories had been occupied by the French since 1536. E. Lavissee, Histoire de France, Paris 1911, V, ii, 174-175.
- 3 Cal. For., Mary, 406.
- 4 Cal. For., 1558-59, 3.
- 5 Ibid., Forbes I, 1.
- 6 Infra., pp.370-371.
- 7 Forbes I, 59; Cal. For., 1558-59, 150-151, 155; Cal. Span., Elizabeth I, 29.
- 8 Cal. For., 1558-59, 62, 100-101. Eure was instructed in late December 1558, "... utterly to forbear embrace any Frenchman's offer that woulde ronne away from Scotlande, if they might be suffred to pass through this realme". A.P.C. VII, 32.
- 9 R. Keith, History of the Affairs of Church and State in Scotland, Edinburgh 1834, App. I, 21-23.
- 10 Cal. For., 1558-59, 100-101.
- 11 Ibid., 120-121.
- 12 Ibid., 146, 147. On 29 March 1559, a truce was agreed between the Earls of Northumberland and Bothwell to last for two months. Ibid., 170, 192.
- 13 Ibid., 147
- 14 Cal. Scot., I, 210; Cal. For., 1558-59, 159, 168-169.
- 15 Foedera, XV, 505, 513-516.

- 16 Cal. For., 1558-59, 206, 207.
- 17 Foedera, XV, 526. The Scottish commission was led by the Earl of Morton and included the Warden of the East March, Lord Hume. Foedera, XV, 517-518; Cal. Scot., I, 213.
- 18 Ibid., 211.
- 19 Ibid., 215.
- 20 Foedera, xv, 520-527; P.R.O., SP52/1/70; Hughes and Larkin, II, 117. Although final agreement was not reached until 16 June, the treaty was antedated to 31 May to avoid any controversy that might arise by it falling outside the time limit prescribed by the Treaty of Cateau-Cambresis. As Tough noted, the peace marked the end of the last war between England and Scotland, Tough, 189.
- 21 P.R.O., SP52/1/171-172.
- 22 P.R.O., SP59/1/209.
- 23 This had been the case in 1550, *supra.*, p.118.
- 24 In June 1559, the Spanish ambassador noted, "It is incredible the fear these people are in of the French on the Scotch border". Cal. Span., Elizabeth, I, 76.
- 25 L. Romier, Les Origines Politiques des Guerres de Religion, Paris 1913-1914, II, 286-287, 362-364; John Knox, History of the Reformation in Scotland, ed. W. C. Dickinson, London 1949, I, 158-159, 199.
- 26 Printed in J. Strype, Annals of the Reformation, London 1824, I, ii, 392-394.
- 27 Although her title was not erased, Henri was anxious to be informed of all the precise details as "... chose que je ne veulx pas négliger". Noailles was instructed to send all documents relating to the Statute. Vertot, II, 250-251.

- 28 Cal. For., 1558-59, 54-55, 156, 164. Mary's claim to the throne was also widely aired in Scotland. Ibid., 169.
- 29 Ibid., 278, 295, 316, 338, 349-350.
- 30 Ibid., 339.
- 31 Ibid., 351.
- 32 Ibid., 357-359.
- 33 Cal. Scot., I, 223.
- 34 Forbes I, 117.
- 35 P.R.O., SP52/1/55.
- 36 P.R.O., SP52/1/68; Cal. For., 1558-59, 372, 381, 401. Chatelherault's heir had been sent to France in 1548 to guarantee his father's continued support of French interests, Balcarres, I, 205-207. His dealings with French Protestants on his father's Poitevin estates had caused Henri to summon him to court. The Earl managed to escape to Geneva and through Throckmorton's agents he was helped to London and from thence to Berwick. After spending a few days in the castle there, Sadler and Croftes arranged his passage into Teviotdale on 10 September, a week later his father joined the Congregation. Sadler, I, 461; Teulet, I, 320-321, 359. R. K. Hannay, "The Earl of Arran and Queen Mary", S.H.R. 18, 1921, 262-264.
- 37 Ironically enough, Knox's views were more dangerous to the present Queen than to her sister Mary. Elizabeth's position was weak in Europe and not firmly secure at home. It was a galling thought to realise that the whole basis of her rule was being publicly undermined by the arguments of a prominent Protestant leader in the shape of Knox.
- 38 Cal. For., 1558-59, 381, 384-385.

- 39 Cal. Scot., I, 226-228.
- 40 P.R.O., SP52/1/130.
- 41 Cal. Scot., I, 236-239.
- 42 Philip made a gesture of arbitration by sending a diplomatic envoy to negotiate between France and England but on the whole he adopted a posture of benevolent neutrality. Conyers Read, Mr Secretary Cecil and Queen Elizabeth, London 1965, 165-167; Teulet, II, 54 ff.
- 43 The bulk of these arguments are drawn from Cecil's own memoranda, particularly, "A Short Discussion of the Weighty Matter of Scotland", August 1559, printed in Sadler, I, 377-383.
- 44 For Sadler's campaign against the Percies see *infra.*, p.377 ff. Sir Henry Percy, however, played a leading part during the campaign in Scotland resuming his role as one of the negotiators, this time between the Congregation and the Dowager, Cal. Scot., I, 357, 419. He also distinguished himself militarily on several occasions, *Ibid.*, 343, 355, 384, 387; Haynes, 289. His appointment as a commissioner to treat with the French in May 1560 illustrates that the government had not lost its confidence in him. Cal. Scot., I, 413.
- 45 "Noz rebelles se trouvent grace à dieu battuz de tous costez", Dowager to Noailles, 11 January 1560, Aff. Etr., Correspondance Politique Angleterre, 20 f.333.
- 46 Sadler, I, 530-531, 551.
- 47 Cal. For., 1559-60, 174.
- 48 Sadler, I, 635, Cecil to Sadler and Croftes, 13 December 1559.
- 49 *Ibid.*, payments to Norfolk as Lieutenant began on 16 December 1559, P.R.O. SP12/11/17 (i) but the decision to appoint him had been taken as early as

- 14 November, Sadler, I, 576-577.
- 50 Sadler, II, 668.
- 51 P.R.O., SP59/1/54-61.
- 52 Ibid., Sadler, I, 669-670.
- 53 Talbot MSS. D, f.167. Shrewsbury died 21 September 1560.
- 54 Haynes, 233. They did not stay at Newcastle, nor were any of them appointed to the Duke's Council although it seems that Wharton acted in an advisory capacity. H.M.C., Salisbury MSS. XIII, 1915, 52; P.R.O. E351/226; for Norfolk's adverse opinions of Dacre and Westmorland, see Haynes, 275, 321.
- 55 Ibid., 217-218, Norfolk was exasperated at the Queen's suggestion that such a ludicrously small amount of aid would help the Scots and also at her insistence that the men and supplies be sent clandestinely,
- ... howe the mynysteringe of aide unto them, in such sorte as is devised in the Quene's majestie's lettres, cann be suffycyent, or so coloured as it shall not be constrewed and taken for a plaine breche of peaxe, and seame to be open hostylytye, (speciallye when here majesties shipps shall lye in the Friethe to annoye the Frenche and impeche their landinge, thoughe it seame to be donn of themselves) I doubt not but you well judge.
- Norfolk to Cecil, 10 January 1559, Haynes, 222.
- 56 Haynes, 230.
- 57 Sadler, I, 626-627.
- 58 The Master of Maxwell, Warden of the Scottish West March was a Protestant; he had been imprisoned in Edinburgh castle but managed to escape and join the Congregation. Cal. Scot., I, 247.
- 59 Forbes I, 192; In July 1559, D'Oysel had noted that
- ... beaucoup de gens de bien se retirent vers elle (the Dowager) et offrent de la servir quand elle

verra son temps, mesmes ces seigneurs et barons des frontières de Therudel et Meers où il n'y a encores rien innové du faict de ladicte relligion.

Teulet, I, 332.

- 60 Cal. For., 1559-60, 175-177; Haynes, 251-252.
- 61 P.R.O., SP52/1/164.
- 62 Knox to Cecil, 12 July 1559, P.R.O., SP52/1/110-111.
- 63 Haynes, 231-232; Cal. Scot., I, 302.
- 64 Not only were the border lairds looking to the powerful Chancellor for guidance, but many of the "northern Earls" agreed to act in accordance with Huntly's decision. This explains why his adherence was so strenuously sought after by the Congregation. Huntly did not join until 28 April 1560. He was accompanied to the camp before Leith by Hume and Cessford, Cal. Scot., I, 388-389.
- 65 Ibid., 309; Haynes, 235.
- 66 Cal. For., 1559-60, 394-395.
- 67 Haynes, 252, 275.
- 68 Ibid., 242-244.
- 69 Foedera, xv, 569-571; Haynes, 253-255.
- 70 Hughes and Larkin, II, 141-144.
- 71 Treated fully in C. G. Cruickshank, Elizabeth's Army, Oxford 1966, 207-236.
- 72 P.R.O., SP52/3/185, 193.
- 73 Foedera, xv, 593-7.
- 74 Sir John Hayward, Annals of the First Four Years of Queen Elizabeth, Camden Soc. 1840, 72-73.
- 75 Ibid.
- 76 Cal. For., 1558-59, 5.

- 77 A.P.C. VII, 4.
- 78 Ibid., 9.
- 79 Ibid., 10.
- 80 Hughes and Larkin, II, 100; A.P.C. VII, 24.
- 81 Ibid., 20-21.
- 82 P.R.O., SP59/1/12.
- 83 Ibid.
- 84 P.R.O., SP59/1/10.
- 85 P.R.O., SP59/1/12.
- 86 P.R.O., SP59/1/83.
- 87 Cal. For., 1558-59, 56.
- 88 A.P.C. VII, 41.
- 89 Ibid., 42. As a result of the continuing conflict on the border, the Council ordered the two northern Peers to abstain from Parliament, Ibid., Tunstal received similar instructions, P.R.O., SP12/1/37.
- 90 Supra., p.341 ff.
- 91 A.P.C. VII, 39-40.
- 92 P.R.O., SP59/1/12. The same writer also noted that "... some captains in Northumberland can putt XXX or XL horsemen in hys purse", Ibid.,
- 93 P.R.O., SP59/1/77.
- 94 P.R.O., SP12/2/38.
- 95 P.R.O., SP12/2/42. The muster commissioners for Nottinghamshire spoke of the weakness of their shire in similar terms, P.R.O., SP12/2/45.
- 96 P.R.O., SP59/1/120; SP59/23/255.
- 97 E. E. Rich, "The Population of Elizabethan England", Ec.H.R. 2nd series II, 3, 1950, 249. It must be remembered that the influenza epidemic incapacitated more men than it killed.

- 98 A.P.C. VII, 68, 75. Croftes had been employed by the Marian government on the border since June 1557 using his military experience in an advisory capacity. Although his role in the Wyatt rebellion kept him from high office during her sister's reign, Croftes's personal acquaintance with Elizabeth during the shadowy days of the conspiracy may have been an additional factor in his appointment at Berwick.
- E. H. Harbison, Rival Ambassadors at the Court of Queen Mary, Princeton 1940, 112.
- 99 P.R.O., SP59/1/213.
- 100 H.M.C., 58; Bath MSS. V, 1980, 140.
- 101 Ibid.
- 102 Supra., pp.280-281.
- 103 A.P.C. VII, 75-76.
- 104 P.R.O., SP59/1/220-221.
- 105 Cal. For., 1558-59, 442-444. The Count added that England "had matter but wanted form". Ibid., 443.
- 106 P.R.O., SP59/1/62.
- 107 Sadler, I, 653.
- 108 A.P.C. VI, 275-276.
- 109 Sadler, I, 477-478.
- 110 Haynes, 221; P.R.O., SP52/3/185, 193. An anonymous late sixteenth century treatise recommending the professional training of soldiers complained of the use of raw untrained men in the wars. Although he made no mention of the skill of the Berwick garrison, the writer roundly condemned the performance of the English troops at Leith,
- ... of our harquebusiers ther hath ben noo triall,
but of laite at lyeth wheras by the credible report
of your majesties capiteins were almoost as many of
your souldiours hurte and kylled by their owne

unskilfulnes and faulsnes oftheir peaces as were
 .slayne by thennymie ... for men naturally ar not
 borne harguebussiers.

B.L., Harleian MSS. 68, f.3.

111 Infra., p.402.

112 Teulet, I, 374.

113 A. J. Slavin, Politics and Profit : A Study of Sir
 Ralph Sadler, 1507-1547, Cambridge 1966, 111-113.

114 Sadler, I, 387-391, 730-732.

115 Sadler to Cecil, 29 August 1559, Sadler, I, 409-410,
 the previous month Percy had remarked to Cecil that
 "... the trowbles of this wardenrie and the wild
 countrey of Tynedale causeth me that I remane seldome
 thre nyghts in one place". P.R.O., SP59/1/22

116 A.P.C. VII, 10, 15.

117 Ibid., 42.

118 For. Cal., 1558-59, 338, 359; N.C.H., VIII, 159-160.

119 C.P.R. Elizabeth, I, 56, 58.

120 Cal. For., 1558-59, 167.

121 Sadler, I, 409-410. There are indications that the
 Earl's standing on the border quickly diminished in
 the wake of Sadler's arrival at Berwick. One Ninian
 Menville who had been appointed to convey the Bishop
 of Argyll from London to Scotland (Sadler, I, 495)
 wrote to Sadler and Croftes in November 1559 asking
 them to intervene in a dispute between him and Sir
 Albany Featherstonehaugh over a chain of gold which
 Menville claimed the latter had taken from him,
 "... And it pleasee your honours to wryte to
 Fetherstonhalf, I wolde wyshe that your letters wher
 not disobeyd and laughte to scorne, as was the letters
 of therlle of Northethumberlande". Sadler, I, 609-611.

- 122 J. M. W. Bean, The Estates of the Percy Family, 1416-1537, Oxford 1958, 145-146.
- 123 P.R.O., SP59/1/239. Sir Reynold Carnaby became Bailiff of the Regality of Hexham in 1536 and in 1538 was granted the house and site of the dissolved abbey which he converted into a private residence. N.C.H., III, 52.
- 124 Sadler, I, 391.
- 125 Ibid., 412. A later letter of the Earl to Sadler again hinted that Lady Carnaby was not alone in her defiance, "... yf other thinges that I knowe did not meave hir to this obstinacie", Ibid., 425.
- 126 Ibid., 427-428. As Sadler correctly suggested the Heron castle of Chipchase situated a further 15 miles up the North Tyne valley was the ideal residence for the keeper, Supra ., p.40. Although such a prominent border expert as Bowes saw nothing incongruous about the keeper residing in Hexham, Hodgson, III, ii, 227.
- 127 Sadler, I, 489-490.
- 128 Ibid., 444.
- 129 Cal. For., 1558-59, 374, 380-381, 406-408.
- 130 Ibid., 343, 397, 453; Sadler, I, 387-388.
- 131 "I did not understande howe your busines wold spare you to kepe the daie and place". Northumberland to Sadler and Croftes, 3 September 1559, Sadler, I, 423. The Earl's limited role in the negotiations between the Congregation and the Council came to an end with the despatch of Sadler, all surviving correspondence between the two men relates exclusively to wardenry affairs. However, it seems that Northumberland was not completely in the dark as Sadler suspected that the Clerk of the Council at Berwick kept the Earl informed of all secret matters, Ibid., 453.

- 132 Printed in Sadler, I, 457-459.
- 133 Ibid., 496-497.
- 134 Ibid., II, 15-18.
- 135 William Lord Grey of Wilton was an experienced military commander. As Governor of Boulogne, in 1546 he distinguished himself by capturing and destroying the fortress of Chatillon which threatened English control over the town's harbour. In 1547, he was a leading commander in Somerset's Scottish army. Grey became a key figure in the Protector's Scottish garrisoning policy acting as Lieutenant in the North and Warden of the East and Middle Marches until recalled to aid Lord Russell in suppressing the Western Rebellion in 1549. Appointed Captain of Guisnes in 1552, he was captured when the town fell in January 1558 and was later ransomed. D.N.B., William Grey, "A Commentary of the Services and Charges of William Lord Grey of Wilton, ed., Sir P. de Malpas Grey Egerton, Camden Soc, XL, London 1847.
- 136 The domains of Norham did not escape Sadler's comment, under Percy they were, "... now made a ferme-hold, employed to all profite, and not used as we have knowen it heretofore, lyke a fortresse". The domains had been leased by Percy to Thomas Clavering, the Earl's deputy in the East March. Sadler noted that if Grey took over Norham, he could remove Clavering as some suspected him as acting as a spy for the Dowager. Sadler, I, 472, 519-520, 533, 544-545, 558.
- 137 Ibid., 470-473; for Dacre Infra., p.385 ff.
- 138 Cal. For., 1559-60, 70-71. Clearly Sadler was to be regarded as caretaker Warden, no patent was issued to him.
- 139 Sadler, I, 544, 557-558.

- 140 Ibid., 584-585.
- 141 Sadler to Cecil, 30 November 1559, Sadler, I, 616.
- 142 Ibid., 611-616, 636-637.
- 143 Ibid., 449. The charge that Dacre was covertly preventing Maxwell from joining his forces with those of the Congregation, Sadler knew, would bear great weight with the Council since the English were deeply concerned to secure unanimity among the Scottish Protestants and improve their military capacity. Supra., p.358 ff.
- 144 Sadler, I, 449, 452-453.
- 145 Ibid., 460, 476.
- 146 Ibid, 493-494.
- 147 Infra., pp.411-412.
- 148 Sadler, I, 406-407.
- 149 P.R.O., E351/225; Sadler, II, 10.
- 150 Supra., p.33.
- 151 Talbot MSS. D, f.275.
- 152 Haynes, 320-321. Norfolk heaped all the blame for this on Croftes's mismanagement.
- 153 Infra., pp.396-398, 428 n.172.
- 154 Brende was appointed Muster Master in the North in March 1548, A.P.C. II, 177-178. For the Edwardian Council's high opinion of him, Ibid., 551. Brende does not seem to have served in office during the first half of Mary's reign but in January 1557, he was reappointed Muster Master. Brende was knighted in the closing months of 1558. Sadler, I, 477; P.R.O., SP59/1/60. D. Harold, "John Brende : Soldier and Translator", Huntingdon Library Quarterly, I (4), 1938, 421-426.

- 155 P.R.O., SP59/1/159.
- 156 P.R.O., SP59/1/60, 62.
- 157 P.R.O., SP59/1/159.
- 158 P.R.O., SP59/1/195.
- 159 P.R.O., SP59/1/166. Unfortunately, Brende did not live to see the implementation of the New Establishment in which he had been a leading figure. He died in August 1559. Sadler, I, 417.
- 160 Haynes, 342.
- 161 P.R.O., SP59/3/65.
- 162 Supra., p.49.
- 163 Sadler, II, 13; P.R.O., SP59/1/60, 197. B.L., Add. MSS. 33, 591, f.44.
- 164 He noted that the perfunctory medical care of 'unkonnyng sergyons' had been the cause of great losses of men at Leith. P.R.O., SP59/3/149.
- 165 B.R.O. MSS. B6/11, f.14.
- 166 B.L., Lansdowne MSS. 9, f.11.
- 167 B.L., Lansdowne MSS. 9, f.11.
- 168 P.R.O., SP59/3/101.
- 169 P.R.O., SP59/3/232.
- 170 P.R.O., E351/226/1.
- 171 Cal. For., 1559-60, 415-416, 579-580.
- 172 Both Brende and Croftes had complained of Abingdon's performance as Victualler. P.R.O., SP59/1/195, 211. Croftes wrote informing the Council in June 1559 that not only was Abingdon overcharging the men for victuals but that they were of such poor quality that "... men thereby become sore in the mouthe and swollen in the legges and other partes as yt were

- men poysonyd whereof dyvers doth dye and others lamyd for ever". P.R.O., SP59/1/211. Despite these allegations Abingdon on his dismissal from office at Berwick was appointed a Receiver of Crown Lands and granted an annuity of £100, C.P.R. Elizabeth, I, 250.
- 173 P.R.O., SP59/3/234-239. For daily rations at Berwick see C.B.P., I, 236.
- 174 Letters and Papers of the Reign of Henry VIII, ed. J. Gairdner et al, London 1862-1910, XVII, 200-203.
- 175 B.R.O. MSS. B6/11, f.11. A more perfect copy of the new rules is to be found in P.R.O., SP59/3/107-115.
- 176 B.R.O. MSS. B6/11, f.12.
- 177 Ibid., Prior to the reign of Henry VIII, there had had been two churches in Berwick, the Parish church of the Holy Trinity and St Mary's. The latter was demolished during Henry's reign and the materials used on the fortifications, C.B.P., I, 143-144. The Parish church continued to be used by the garrison. However, in 1593, the Deputy Governor of Berwick complained to the Privy Council,
- ... that in the somber tyme, the smaleness of the church with the great resort of people thereunto, is not onlie daungerous for infection; but also the churche beinge olde and weake, and manie scaffoldes beinge builded there for enlardgement of roomes, is in great hazard of fallinge, to the greate danger of such as shalbe there, in so much as with the surchardginge of the scaffoldes, and the weaknes of the tymber, at everie smale tempest, hath so feared the people, that both the preacher and them have often tymes rune furth of the church even at sermond tyme, to save themselves from the danger thereof.
- C.B.P., II, 505. A new Parish church was not completed till the Cromwellian period. D. A. Macnaughton, A Short Guide to the Parish Church of the Holy Trinity, Berwick 1981.

- 178 P.R.O., SP59/3/183. Dean Horne was to play a prominent role in the setting up of the new ministry at Berwick, P.R.O., SP12/14/45.
- 179 P.R.O., SP59/3/67. For a detailed account of the Elizabethan ecclesiastical reorganisation of Berwick, see S. M. Keeling, "The Church and Religion in the Anglo-Scottish Borders 1534-1570", Ph.D., Thesis, Durham 1975, 106-114.
- 180 P.R.O., SP59/3/107; B.R.O. MSS. B6/8, f.5.
- 181 P.R.O., SP59/1/195; C.B.P., I, 141, 143, 146, II, 505. Later in the reign an exception to the rule was allowed, when the concession was made to married soldiers of allowing them to keep a maximum of two cows on the common fields, Ibid.
- 182 P.R.O., SP59/3/114.
- 183 P.R.O., SP59/3/108; B.R.O. MSS. B6/11, f.11.
- 184 Ibid., f.13; P.R.O., SP59/3/108.
- 185 Ibid.
- 186 R.T. IV, i, 18.
- 187 Ibid., 19.
- 188 e.g., C.B.P., I, 138-139, 141-149, 424-428, 433-439.
- 189 P.R.O., SP59/3/66, P.R.O., E351/225; Haynes, 398-400.
- 190 For the fortifications, see H. M. Colvin, The History of the Kings Works, London 1982, IV, ii, 648-664.
- 191 P.R.O., SP59/1/62.
- 192 Cal. For., 1558-59, 491; Sadler, I, 470-473, II, 13-14.
- 193 D. M. Loades, "The Last Years of Cuthbert Tunstal, 1547-1559". Durham University Journal, 66, 1973, 20.
- 194 Sadler, I, 533.

- 195 The Statute defined the Queen's right to the temporalities of vacant sees and gave her authority to take into Crown hands episcopal estates assigning in return impropriations or other former monastic property annexed to the Crown. S.R., IV, i, 381-382. Besides Norhamshire, Allertonshire, Easington and Gateshead were taken over by the Crown. Foedera, XV, 608-609; V.C.H. Durham, II, 165.
- 196 C.H. Hunter Blair, "Norham Castle", History of the Berwickshire Naturalists' Club, XXXVIII, i, 1932, 57.
- 197 C.B.P., II, 18-19, 21.
- 198 C.B.P., I, 30.
- 199 P.R.O., SP59/3/65.
- 200 C.P.R. Elizabeth, II, 97; P.R.O., SP59/3/65.
- 201 Ibid.
- 202 Despite the considerable sums spent on the castle and walls during Mary's reign, Carlisle was still not considered defence worthy. "Certificate of the Decay of Carlisle Castle, 1563" B.L., Cotton MSS. Titus F.xiii, f.222.
- 203 Haynes, 257-258.
- 204 Ibid., 311, 320-321; Cal. For., 1560-61, 242-243; R. E. Ham, "The Autobiography of Sir James Croft", Bulletin of the Institute of Historical Research, 50, 1977, 55-56.
- 205 Cal. For., 1560-61, 197-198.
- 206 P.R.O., SP59/3/32.
- 207 Ibid., 33.
- 208 Ibid., 32.
- 209 Cal. For., 1560-61, 271. Norfolk suggested Shrewsbury as the possible candidate!

- 210 B.L., Cotton MSS. Titus, F, xiii, f.309. One of the series of questions put to the Duke inquired, "... what gentlemen and other principall parsones within the countries next the frontiers be best disposed to justice order and peace?". To which Norfolk replied, "... As I will not answer that I thinke that none in the wholl countrey to be addicte to justice order and peace, so do I thinke very fewe to be enclyned to any of thoes", Ibid.,
- 211 C.P.R. Elizabeth, I, 327, 412.
- 212 P.R.O., SP59/3/221-224.
- 213 Hughes and Larkin, II, 159-160.
- 214 C.P.R. Elizabeth, I, 411. Although Forster was appointed independently to the Middle March, Grey took precedence over him and Forster was ordered to obey the Governor's instructions, P.R.O., SP59/3/170.
- 215 Haynes, 275; B.L., Cotton MSS. Titus, F, xiii, f.309.
- 216 Ibid.
- 217 P.R.O., SP52/4/174.
- 218 B.L., Cotton MSS. Titus, F, xiii, f.309.
- 219 P.R.O., SP52/4/174, SP59/2/280.
- 220 Cal. For., 1560-61, 240.
- 221 Ibid., 257, 267, 337-338; Tough, 194-195.
- 222 P.R.O., SP59/3/222.
- 223 Ibid., 221.
- 224 Cal. For., 1560-61, 445-447; Cal. Scot., I, 489, 492-493, 499-500.

CHAPTER VI

CONCLUSION

"He maketh peace in thy borders"

Ps.147:14

Traditionally, Crown policy towards the border had two basic aims, political and strategic. The government wished to maintain law and order and make sure that executive decisions made at the centre were carried out in the locality. In addition, the government bore the responsibility for seeing that the realm was adequately defended against the potentially hostile state that formed its northern neighbour.

The border was an area of crucial strategic importance; any visible weakness in English control would invite occupation by the Scots. We have seen how sensitive English officials were to any threat, however minor, to English control over the region.¹ The border was England's defensive bulwark against the Scots, a factor which was of paramount importance to English governments in deciding frontier policy. The administration and control of the border posed many problems. Borders almost by definition were inherently lawless areas, and theft and violence were commonplace in border society. There was a variety of reasons for this. The practice of warfare had almost

become second nature to many borderers. Long centuries of Anglo-Scottish hostilities had engendered a tradition of violence. In times of open warfare, lawlessness became part of official government policy to be used against the Scots. The violence, however, was difficult to control once the official peace had been agreed upon. At the beginning of the decade, peace had just been declared with Scotland after a war that had lasted since 1542. The threat of a renewal of the conflict was ever present and at the end of the decade an English army left Scotland after helping the Scots to expel the French.

In the example of the Grahams can be seen the ambivalent attitude that the government could adopt towards perpetrators of violence.² Here, crime was discussed in the context of the capabilities and concerns of the state. Faced with the considerable problems that stood in the way of bringing the surname to justice, both Mary and Elizabeth offered them royal pardons in an attempt to restore order in the West March. Similarly, despite the recidivist tendencies of the Grahams, the Marian Council repeatedly insisted on their immunity from prosecution, fearing that if they were handed over to the Scots for punishment there would be dangerous repercussions for the peace and security of the border.

Other factors contributed to the lawlessness of border society. Geography had a part to play. The border constituted a vast upland area through which communications

were difficult. The region, on the periphery of the realm, was far removed from central government, which, faced with the enormity of the problem, had often been weak and inefficient in maintaining order. In the light of this, the borderers had sought protection and security through the solidarity of kindred groups which in themselves became sources of disorder through the organised blood feuds which they pursued.

Lawlessness was both an internal and an international problem. To deal with both aspects of crime, a unique judicial system had grown up. Purely domestic law breaking came under the aegis of the Warden Courts which were presided over by the chief officer of the Crown in the marches, the Lord Warden. International crime demanded international machinery. This took the form of a Day of Truce at which both English and Scottish Wardens met for mutual redress of wrongs. On both sides of the border implicit faith was placed by central governments in the judicial system of international redress. Periods of peaceful cooperation with the Scots were always marked by attempts to reform and redefine border law and the judicial procedures involved in its enforcement. Yet, however perfect the machinery was, it was the driving force behind it that counted. Any criticisms that were raised by central governments were not levelled at the system of law enforcement itself but at the failure of officials to operate it effectively. It is not an easy task to discern just how efficient both internal

and international law enforcement was. The historian can only work within the limitations of surviving evidence and, therefore, many conclusions must of necessity be tentative. What is clear is that the difficulties that jeopardised the capacity of these courts to administer justice were formidable. In the light of this, what emerges is that there was a wide distinction between precept and practice and that the most the Crown could do was to bring violence within tolerable limits, obviating the worse excesses.

If no marked differences can be seen between the policies of government over the decade in the pursuance of this goal, the same cannot be said of the choice of Warden. The Warden was the chief officer of the Crown in the Marches. Therefore, it was crucial that he was a loyal and trusted servant who would show himself ready to execute Crown policy. Unusual latitude was given to the Warden in his march in the discharging of his functions. The Crown, however, was not prepared to defend the Wardens irrespective of the state of affairs nor did it shrink from imposing the ultimate sanction - dismissal.

The rapid succession of three governments over the decade meant that there was a high turnover of border officials as each government installed its own supporters. This led to a certain amount of administrative disruption for, as one Elizabethan border official later complained, "... the often alteracion and chaunge of officers makes the people, beinge rude by nature, to be very untowarde and

out of provision of suche furniture as they ar bounde by the tenor of ther laundes to have in redines for her Majesties servise".³

After Northumberland had secured his dominance over the Council, he sought to strengthen his position and preempt any rising in Somerset's favour in the North, by exercising a firm control over the border. In 1551, his close supporter Henry Grey, Marquis of Dorset, was appointed Warden General. Dorset owed his shortlived rise solely to eminence of rank and political impotence. At this critical moment in Northumberland's consolidation of power, firm political allegiance was the criterion for appointments to the most important border offices and not administrative competence. Finally, Northumberland's drive to assert his influence over the border was pushed to its logical conclusion, when in late 1551, the Duke himself assumed the Warden Generalship and installed one of his close supporters, Lord Wharton, as his deputy. Wharton developed a coherent set of ideas about border policy which he attempted to follow with consistency. Although he was able, intelligent and possessed much administrative aptitude, Wharton was hampered by other factors. Outside the West March he commanded little influence and respect and, in particular, he lacked the landed interest which was a prerequisite for the effective carrying out of his duties.

The accession of Mary brought her firm supporter, Lord Dacre, into prominence again and the eclipse of Wharton paved the way for the startling rise of Thomas Percy, the seventh Earl of Northumberland. With Dacre in the West March, Northumberland occupying the other two Wardenries and Westmorland as Lord Lieutenant, the years 1557/8 can be regarded as the mid-Tudor honeymoon of the old established border magnates. This state of affairs was short-lived, for the accession of Elizabeth brought about a rapid reversal of the situation. The new Queen was suspicious of those recipients of her sister's favour, while her ministers feared the power and influence wielded by the border magnates. They represented insular provincialism and conservative catholicism in a centralising though not yet obviously Protestant state.

The Earl of Northumberland's political decline early in Elizabeth's reign was as rapid as his climb to power had been during her sister's. The Earl had worked hard to build up Percy power in the two marches but the building of an effective patronage network took time and in using the authority of his office to weaken his opponents, Northumberland had made many enemies. A surprising factor is that the Earl was not supported by his brother, Sir Henry Percy, who was in Cecil's favour. The signs of fratricidal strife which had been so disastrous to the former generation of Percies in the 1530's were already visible late in Mary's reign. The instrument of the Earl's downfall was his implacable enemy, Sadler. However, the

latter's bold lecturing of the Earl, shot through with allegations that he was unlawfully abusing the authority of his office, was not entirely carried out on his own initiative. Sadler knew that he had the powerful support of Cecil and others on the Council to back him. In his vilification campaign against Northumberland, Sadler was aided and supported by the Earl's enemies, the Wharton-Forster faction, who were to profit considerably by the Warden's fall.

A preoccupation with administrative change and development only emphasises one side of the government's perspective of border affairs which was essentially a dual one. The other important consideration which the Crown had to bear in mind was that the border faced a realm which was more often than not hostile. During the mid-sixteenth century, however, Crown policy towards the border was not only motivated by the exigencies of the Scottish situation but also by fear of France. The presence of the French in Scotland had important ramifications for the border policy of English governments. With the advantage of historical hindsight, we can see that in fact Henri after 1550 regarded Scotland as a poor military investment. Nevertheless, contemporaries viewed with alarm the continuing consolidation of French power in Scotland. Constantly in the back of their minds was the fact that the French had deployed 10,000 troops in Scotland in 1548 to secure a political objective, and they had been successful. There was little

to stop them repeating the tactic if the political stakes were sufficiently high.⁴

This threat was a powerful factor in influencing the government's attitude to the border, enhancing a greater awareness of its vulnerability. Thus, the frontier took on a new significance. The French, for their part, skilfully used the small numbers of their troops north of the border as a diplomatic ploy to give witness to their continuing commitment to Scotland. This was particularly evident during the reign of Mary, the purpose being to force the government to divert its resources from aiding Philip against the French and concentrate them on the defence of the border. The French consistently exaggerated the numbers of their troops in Scotland. In May 1557, for example, the Venetian ambassador noted that 1,500 French reinforcements had been sent to Scotland while Noailles, sceptical as to how long he could keep up the pretence, admitted that only 500 Gascons had been sent to replace the bands already there.⁵

The Marian government tried hard to keep Scottish participation in the war on the side of France from becoming an eventuality but Mary was bent on aiding Philip whatever the repercussions might be north of the border. This said, Mary's government took positive and firm action to forestall a Scottish invasion, diplomatically and militarily. The commission under Westmorland and Tunstall to answer Scottish grievances was appointed almost simultaneously with the

declaration of war against the French in the hope that this would defuse the situation and that the war against the French would be confined to a single front. Philip himself took an interest in the diplomatic relations with the Scots through the mission of D'Assonleville. The latter probably did more harm than good for it reinforced Philip's adamant refusal, despite English pleas, to declare war against the Scots. Philip was prepared to jettison English amour-propre rather than jeopardise the economic interests of his subjects in the low countries.

Militarily the borderers responded well. Commanders reported that the people cooperated with their military plans. Signs of opposition were conspicuously absent despite the fact that hostilities had begun because of Mary's declaration of war against the French. English interests were not directly involved and it was apparent to everyone that the declaration had been made merely on Philip's instigation. However, one must not be too hasty in concluding that absence of opposition to the war should be taken as a sign of support for government policy. A more plausible reason for the cooperation of the borderers is that the preparations against the Scots afforded them opportunities for military employment and held out prospects of legitimate booty and plunder.

Although it was recognised that "... the devysion of religion in Scotland is of great importaunce",⁶ no attempt was made to exploit the religious dissension prevalent among

the Scots. Mary's Catholic principles preempted this. Despite lack of English initiative in this direction, the divisions in the Scottish camp caused by opposition to the Dowager's French policy and fear of the military preparedness of the English were crucial factors in the failure of the projected invasion of 1557.

The Franco-Scottish threat was heightened at the beginning of Elizabeth's reign as, in French and even Scottish eyes, Mary Queen of Scots was regarded as the legitimate Queen of England. Fortunately for Elizabeth, the political situation in Scotland at the beginning of her reign presented her with an opportunity to do something definitive about the military threat that the French presence in Scotland posed to England. The end of the decade saw franco-phobia in Scotland reaching high water mark and this was coupled with the violent beginnings of the Scottish Reformation. These two factors together formed the foundations on which Anglo-Scottish cooperation could be based. The expulsion of the French and the new and lasting pact of amity and friendship between Scotland and England meant that the threat of an overland invasion had been lifted. The task of officials was reduced to curbing cross frontier incidents and maintaining a tolerable degree of law and order. Now that the frontier no longer posed a threat to the security of the realm, it was left to an intensely parochial world of its own. The problem of the border now simply amounted to upholding internal order.

Perhaps the most significant ramification of the French presence in Scotland was the new emphasis that the government placed on the border defences. At the beginning of the decade, these were in a universal state of disrepair. It was Northumberland's government that first focussed attention on the fortifications at Berwick. The preoccupation with the defences of this key border stronghold was to be a prominent feature of the decade. The building programme at Berwick was continued by the Marian government who further introduced comprehensive legislation in an attempt to overhaul completely the border's defensive system.

The 1555 act laid the responsibility for the repair of fortifications on the owners of the land on which they were situated. The act also provided for the enclosing and ditching of ground near the border in an effort to stimulate the economy and increase the density of the population living near the frontier line itself. The government attempted to put the act into effect only to have its attention diverted by the hostilities of 1557/8. The Elizabethan government set up a commission for the implementation of the provisions of the act but results were not forthcoming. The act remained a dead letter. Its failure is illustrative of one of the basic problems of the Crown in dealing with the localities. The Achilles heel of all local administration was the government's inability to subject declarations to independent verification. The

Crown was forced to rely on local administrators with vested interests and divided loyalties both to Crown and county.

One of the greatest influences on the government's fortification policy was the loss of Calais. This led the Marian government to concentrate all its attention on Berwick. Work on the Edward VI citadel and piecemeal repairs were abandoned, and a massive reorganisation of the defences which was to transform the old medieval town was embarked upon. Berwick's fortifications were remodelled using the new system of bastions, which were designed to withstand the might of the latest heavy siege artillery. The Elizabethan government not only continued to devote attention to the fortifications but in keeping with the renewed importance of the town, its antiquated military organisation was both extensively restructured and considerably expanded. These measures were designed to increase the military efficiency of Berwick, putting it on a sure footing and ensuring that its security would never again be at a risk.

The works at Berwick were continued by Elizabeth even after the French threat had been lifted. The reasons for this are not immediately apparent. It may be that the government felt the peace might prove an uneasy one and that it would have been foolhardy to abandon the work and jeopardise the future security of the border. However, it seems more likely that by 1560 the fortifications at Berwick had acquired a prestige value and had become something of a

status symbol illustrating the firm commitment of Elizabeth's government to a strong frontier policy.

The increased involvement of government during the decade in border affairs coupled with the new fortifications and military reforms meant that the cost of border administration and defence soared dramatically. The ordinary costs of border administration for the year 1557/8 amounted to close on £5,000 per annum while the Elizabethan establishment at Berwick alone cost £22,080 a year to maintain. The mounting costs were due to the considerable increase in the garrisoning crews as laid down in the New Establishment. The cost of rebuilding and repairing fortifications was an additional burden. Every Treasurer's account makes mention of sizeable sums set aside for this purpose. After the fall of Calais fortification costs rocketed; the wages of the workmen alone after February 1558 amounted to £1,520 per month while the Treasurer of Berwick, Ingoldsby, estimated that over £50,000 had been spent on the fortifications there from January 1558 to November 1560.

Although salaries and fees to military and civil personnel usually came to a fixed annual amount, it was difficult for the government to plan its financial policy towards the border with any great precision. Periods of tension with the Scots were frequent and the government had to cater for this by raising extraordinary bands of troops. During the years 1557/8 with the threat of invasion hanging over the border the government had to recruit and equip

large numbers of men and maintain them for considerable periods. In January 1558, there were close on 8,000 troops in wages on the border.

Although some cash was designated from fixed sources there was in fact very little permanent provision made to pay for border government. The customs revenues of the ports of Newcastle and Berwick were assigned to the Treasurer of Berwick and in September 1550 the Privy Council ordered that he was to receive annually £1,000 from the Receiver of Crown lands in Yorkshire and £2,000 from Cumberland. This provision, however, fell far short of even the ordinary expenses of border government. To supply the remainder two main sources were used. If a subsidy was being gathered, the cash, usually from Yorkshire, was paid over to the Treasurer of Berwick, but more regular funds were obtained from the Receivers of Crown lands in the North. This procedure meant that carriage costs and the difficulties and dangers of transporting large amounts of cash through the country were minimised. However, during periods of crisis, when large numbers of men were in wages, or when, in order to finance the fortifications, considerable amounts of cash were needed, money was dispatched directly from the Exchequer.

Despite these somewhat ad hoc arrangements, it is surprising that the financial side of border administration functioned so well. It was only in the autumn of 1558, when the government was paying off large numbers of troops, and

in the summer of 1560, when the English army was in Scotland, that the Crown showed signs of being unable to meet the onerous financial demands imposed upon it. On both these occasions the government resorted to borrowing from Newcastle Merchants to pay its troops and was forced to keep them in wages longer than necessary because it lacked the cash to pay them off.⁷

Although the financial machinery of border administration operated with reasonable efficiency cases of fraud and peculation were revealed. Embezzlement, especially on a small scale, proved difficult to control. Close supervision of financial operations was clearly necessary as much of the abuses in the system were due to delays in accounting. Opportunities for peculation were enormous, not only because of the general lack of supervision but because the number of troops and workmen rose and fell so frequently and revenues came in intermittently from such a variety of sources. Attempts were made to tighten up the system by the Elizabethan reforms which provided for more frequent rendering of accounts for audit. In addition, reforms in the method of payment to troops and workmen, it was hoped, would limit possibilities for fraud.

We have discussed the manifold facets of border government and examined the various factors that the Crown had to take into consideration in framing its border policy. The task was complex and difficult and required administrative aptitude as much as political foresight.

Throughout the decade, successive governments had not only to take cognizance of the fact that they were responsible for the governance of an area of crucial strategic importance facing a more often than not hostile state, but that state was linked with another potential enemy which seemed bent on European hegemony. This factor had a decisive influence on border policy during the decade. Both Northumberland and Mary had no choice but to accept the *fait accompli* of French dominance in Scotland and adapt their border policy accordingly. Northumberland embarked upon a serious fortification policy to strengthen the border, which was continued by Mary. During the invasion threat of 1557/8, the government showed leadership and energy in its preparations and the danger was averted.

The loss of Calais added new vigour to the fortifications programme. The reign of Mary, so often seen as a hiatus in the development of Tudor England, saw the government on the contrary efficient and energetic in safeguarding the security of the border and constructively providing for the future. Elizabeth was singularly fortunate in that the political and religious circumstances in both realms were favourable for a successful expulsion of the French. Even though the Elizabethan regime only had to deal with Scotland, a much more manageable prospect, it carried on with the Berwick fortifications and organised an important series of military reforms to ensure the security of the border's chief stronghold.

The governing of the border was carried out through a complex administrative structure, controlled by the Crown through appointed officials. Since these men wielded great power and influence, it was of prime importance to the government which individuals held the Wardenships. Each successive government sought to install its own candidates and each change of regime was accompanied by important alterations in the personnel of border government. No regime sought radically to change the system or evolve an alternative method of organisation but important procedural changes were made to the judicial system to improve its operational efficiency while the laws which governed international relations were amended and codified.

Despite these developments it is clear from what we have seen of the actual working of border government, especially with regard to law enforcement, that control was weak. The Crown was often forced to compromise and give way; it was obliged to function no matter how haphazardly within the existing politico-judicial framework. There was no alternative to a tried and tested system that maintained a tolerable degree of order. The only effective solution to match the complexity of the problem was the union of the two realms.

Both the nature of the sixteenth century Anglo-Scottish border with its dual series of administrators and policing officials rarely willing to cooperate with each other, and the virtual impunity with which marauders could

pass to and fro were a recipe if not for anarchy then endemic lawlessness. The problem could only be tackled by the ubiquitous force of law untrammelled by territorial restrictions. It only began to resolve itself after 1603 when the border from being the 'uttermost parte of the realme' became the 'Middle Shires' of the Stuart Crown.

CONCLUSIONNotes

- 1 Supra., p.28.
- 2 Supra., p.223 ff.
- 3 C.B.P. I, 227.
- 4 Leslie was probably correct in assessing the over-riding motive for Henri's momentous decision to send such a large army to Scotland, "... becaus he saw na way mair commodious, and better to put the Inglismen out of Boloynzie, quhilk tha held, than be the Scotis weiris to ding thame out, and turne baith thair mynd and mycht frome France". Leslie, II, 305.
- 5 Ven. Cal., VI, 873; P.R.O., 31/3/23/f.202. During the early months of Elizabeth's reign when the French hold on Scotland was in jeopardy and the threat of English intervention ever present, the French changed their tactics and protested at the smallness of their troop numbers in Scotland.
- 6 A.P.C. VI, 388.
- 7 The prompt dismissal of troops, especially where large numbers were involved was a matter of urgent necessity. The reason was summed up eloquently by the Captain of Berwick, Sir James Croftes, who argued that it was

... better to pay a greate interest for the lone of money than to want of that whiche shulde make a thorowe pay to all men at thys dischardge, and howe that those that remayne in wages for want of tresor increaseth her hyhnes chardges above all kynd of interest to multiplications above doubles or tryples yor wysdome can consyder".

Croftes to Cecil, 14 April 1559, P.R.O., SP59/1/151.

APPENDIX A

Paid Borderers ...? The Controversy

By far the most important features of border service were the unpaid military duties incumbent on borderers.¹ All the able bodied inhabitants of the four northern counties irrespective of whether the terms of their tenure prescribed military service or not, were bound to obey the summons of the Warden. They were to be ready in 'defensible array' to follow and assist him either in the maintenance of domestic order or to resist the enemy.² There were differing views as to what length of time borderers were liable to serve. Bowes argued that they should serve freely for eight days at a time.³ Yet, in January 1558, the Council stated that ten days was the usual time. Different arrangements existed for the Bishopric levies, but here again, as we have seen, controversy reigned.⁴

Despite these organisational dissimilarities one thing was clear. The borderers were to serve without wages, although not without some form of remuneration. Both Bowes and Wharton agreed that 'rewards' could be distributed among the borderers in recognition of their extended service.⁵ There is abundant evidence for the disbursement of this sort of payment to borderers for their services during the decade 1550-1560. Basically, there were two methods of distribution.

Lump sums were paid out to the headsmen or surname leaders, (one must assume that these were broken down and shared among the men) or more commonly, a small regular sum was paid to each individual.⁶ In most of the Exchequer accounts stretching over the decade, no distinction is made between borderers and other troops in pay. However, Alan Bellingham's account which covers the period 21 July 1557-14 February 1558 makes it clear that the 1,200 borderers in pay were given 9d per day compared to a Shilling a day for 'inlande men'.⁷ The Records are usually silent on the number of borderers of lower social status who served but the accounts are full of the names of the northern gentry who frequently served as captains.⁸

Any examination of the military situation on the border reveals a continually recurring theme, that is, the central government's anxiety about the numbers of borderers in receipt of regular wages. There were obvious powerful financial reasons behind this concern but there was also the added factor that when local inhabitants served for wages, they ceased to serve as borderers. It was not a straightforward task for the government to secure the unpaid services of the borderers. In January 1551, the Council rather belatedly wrote to Sir Robert Bowes, the Warden of the East and Middle Marches, asking him to certify the reason why the light horsemen of Northumberland were granted wages during the Scottish war, 'contrary to custom'.⁹ It must be said that the Crown tried hard to minimise the

number of Northumberland men in wages. To protect the border during the invasion scare of 1557/8, the Marian government decided to resort to the partial use of mercenaries.¹⁰ In view of this, orders were sent out in November 1557 commanding that all borderers in wages were to be discharged except 300, "... yonge men without fermys or offices ... or suche as we have had there habitations or dwellinge laid waste".¹¹ These men were paid the full rate of a shilling a day while the remaining borderers in paid service were given 9d per day. However, when in January 1558, an estimated 200 additional borderers were recruited to protect Berwick while reinforcements came from the South, the Council ordered that after the customary ten days' free service the men were to be paid only 6d per day.¹²

There was a persistent emphasis on the fact that the payments were to be regarded as rewards and not wages. The Crown was very sensitive about the subject and was careful to dispel any notion that borderers should be paid on the same terms as other troops. When in January 1558 George Bowes, the new Marshal of Berwick, was appointed to bring 100 foot and 50 horse to Berwick, the Council stipulated that of the borderers in Bowes's retinue only 20 were to be allowed wages, "... which we have byn pleased to toller-ate... so as it be reputed and taken as his howsholde servants". The government regarded the payment of these men as a concession on the condition that Bowes passed them off as ordinary members of his household.¹³

Throughout this welter of administrative inconsistency and compromise, the Council clung to the basic principle that borderers should offer their military service freely to the government. This was the obvious motive behind the Council's decision in August 1558 to investigate what instructions had been issued since the Anglo-Scottish conflict began regarding the allowance in wages of Northumberland men. Similarly, in September, when Westmorland was in the process of organising a scheme of winter garrisons, the Council ordered that "... as for the interteyning of the Northumberland men in wages", Westmorland was to "... retayne as fewe of them as may be ... consydering that they have at all tymes served when soever they are called, for their owne defence, without charging the Prynce".¹⁴

The early Elizabethan Council reiterated similar instructions but in January 1559 Sir James Croftes, the Captain of Berwick, reported that most of the extraordinary horse bands were made up of Northumberland men; it is also clear that throughout the Scottish campaign many borderers were retained in wages.¹⁵

The clauses of the New Establishment reaffirmed traditional practice when they ordained that the garrison men were to "... have neither wyfe nor howse nor habitation in Berwick or the border"; the ruling, however, was virtually ignored.¹⁶

It seems clear that throughout the period under our consideration, the Crown pursued a vacillatory policy as far as the paid service of the borderers was concerned, and it was prepared to relent in certain circumstances. It is equally clear that any firm line regarding this policy was beyond the power of the Council to enforce. The reasons why border commanders continually circumvented the instructions of the central government and employed borderers in military service are manifold. They are of interest because they not only relate to the particularities of border warfare but also they provide informative insights into the characteristics of the borderers themselves.

Border warfare was essentially guerilla warfare, made up of long and irregular campaigns of raid and counter-raid; it consisted in the main of frequent skirmishes and indecisive minor encounters. In view of this, it was felt by frontier commanders that borderers had the special skills that made them the most effective fighters in these circumstances.

Of paramount importance was the fact that they were excellent light horsemen. The quality of border horsemanship was widely testified and compared favourably against the poor performance of 'inlande men'. One commentator in Edward VI's reign argued against the employment of southern men on the grounds that their service did not justify their expense, since they too often contrived to remain in garrison and were loath to take part in active service,

"... they are not used to the skirmish nor can (they) well sett on horseback to runne with their speares". The writer also alleged that their lack of martial skills made them ready bait for the Scots who took both prisoners and horses; he also added scathingly that the men of Northumberland conspired with the Scots for their destruction.¹⁷ Not only were the equitational skills of the borderers held in high esteem but equally important was the fact that owing to the obligations of border service, horses were in ready supply. Leslie commented of the borderers that, "... A filthie thing they esteime it and a very abiecte man thay halde him that gangis upon his fute, ony voyage quhairthrouch cumis that al ar horsmen".¹⁸

Even in peacetime the maintenance of order over such a wide area depended heavily on the mounted retinues of the Wardens and their ability to move quickly from place to place and act decisively in restoring law and order. The tracking down of horse and cattle thieves and following the fray required an intimate knowledge of the routes, fords and hill passes of the difficult border terrain. Border commanders placed a premium on the skill and experience of fighting troops. The poor showing of the besieging army at Leith and the fiasco of the assault on the town in May 1560 confirmed the opinions of many contemporaries regarding the poor quality of English soldiering. At Leith, the exception to the rule were the men of the Berwick garrison the bulk of whom were certainly borderers : they were praised

frequently for their skill and bravery by their military commanders.¹⁹

At the end of Elizabeth's reign Lord Eure summed up the various arguments why the paid service of the borderers was indispensable for frontier defence.²⁰ Eure stated that they were more suitable than inland men because they were conversant with the difficult terrain and they also had a knowledge of the various Scottish surname groups. He also used the traditional argument against the use of mercenaries when speaking of the fighting qualities of inland men. Eure alleged that borderers made better troops because they were fighting in defence of their families and property and not merely for lucre. Eure also made the point that the risks of incurring deadly feud during service obliged the borderers to see themselves well horsed and armed. On the other hand, he added that many borderers, although bound by the terms of their tenure to keep horses for the Queen's service, were too poor to do so and so he allowed them wages.

The poverty factor is an ever recurring one. There are many indications that borderers were not prepared to serve without some form of financial remuneration, whether it took the shape of regular pay or infrequent 'rewards'. In addition, there are suggestions that borderers in contrast to many southern men were prepared to tolerate the harsh conditions and low wages that went with frontier service.

Throughout the latter half of the sixteenth century Tudor governments still clung to the principle that borderers should be responsible for the defence of their region. Initially, they were to serve on a quasi-feudal basis for a limited period, and then for any extended length of service they were to receive intermittent payments in the guise of 'rewards'. The Crown was reluctant to make use of the regular employment of indigenous horse and foot because it argued they should serve anyway. The principle was based on the fact that the border counties and the Bishopric were exempt from Parliamentary taxation. This argument, however, hardly carried much weight since it only affected the wealthier borderers and there is abundant evidence that these were in fact often in regular pay. The justification that ordinary borderers should serve without pay because their region was granted immunity from Parliamentary taxation is in many respects irrelevant since the bulk of borderers would have been too poor to pay taxes anyway.

Despite the government's insistence, we have seen that for a variety of very valid reasons border commanders realised that the ruling regarding the paid employment of borderers was impracticable to apply. It remained very much a dead letter and as long as there remained a border the inhabitants of the region continued in the paid service of its defence. Border commanders availed themselves of the experience and skills of the local inhabitants that made them the fittest individuals for the task of protecting the

frontier. At the same time, military service on the border constituted a supplementary means of livelihood and helped to alleviate the under-employment that was so noticeable a feature of pastoral economies such as the Anglo-Scottish border. Above all, the controversy over the paid service of the borderers reveals the dichotomy between practice and principle, between the demands of a distant central government and the exigencies of the situation facing border officials that is such a familiar theme in border history.

APPENDIX ANotes

- 1 For other aspects of border service, Supra., pp. 26, 53, 153ff.
- 2 R.T. IV, i, 38-39; Leges, 339-340; P.R.O., SP15/4/30; A.P.C. V, 14-15.
- 3 R.T. IV, i, 39-39; P.R.O., SP15/8/72.
- 4 P.R.O., SP15/8/72; Supra., pp. 266-267.
- 5 R.T. IV, i, 68-69; Leges, 341-342.
- 6 P.R.O., E101/64/3, 12 : E351/225, SP15/8/52 (i).
- 7 Ibid.
- 8 P.R.O., E351/223, 3471, E101/64/3, P.R.O., SP15/8/121.
- 9 A.P.C. III, 202.
- 10 P.R.O., SP15/8/102-105; A.P.C. VI, 242. The mercenaries in fact never came and so the discharge order was ignored. For the abortive scheme to hire the mercenaries, see D. M. Loades, The Reign of Mary Tudor, London 1979, 381.
- 11 P.R.O., SP15/8/41, 43, 46; A.P.C. VI, 271.
- 12 P.R.O., SP15/8/72.
- 13 P.R.O., SP15/8/64, 65.
- 14 A.P.C. VI, 399, 405.
- 15 Cal. For., 1558-59, 289; P.R.O., SP59/3/30.
- 16 P.R.O., SP59/1/199; C.B.P., II, 539-541.
- 17 P.R.O., SP15/4/32. There was always a risk of collusion between borderers on both sides of the frontier during times of open warfare, see Patten's comments, Supra., pp. 19-20; Wharton himself, in June 1548, voiced the same drawback to the employment of borderers in frontier warfare when he complained "... oure owen borderers ar of too greate accquayntaunce with the

ennemyes". P.R.O., SP15/2/65. Despite this evidence these two commentators seem to be lone voices, their remarks, though of interest, are heavily outweighed by contrary opinion and contrary factual evidence.

- 18 Leslie, I, 99.
- 19 P.R.O., SP52/3/185, 193.
- 20 C.B.P., II, 471.

APPENDIX B

B.L., MSS. Cotton Caligula B, IV, f.259

A proclamacone to be made in all the market towns
within the countye of Northomberland.

(Jan (?) 1558)

Henry Earle of Westmoreland, Lord Neville, Knight
of the moste noble ordere of the Gartere and the Kyng and
Queenes Majesties leiftenaunt Generall of the Northe partes
in theyre Highneses name straightely chargethe and comannbeth
that all mannere of strangeres Scoteshemene and frenche men
aswell mene as womene inhabetyng or beinge within the
county of Northumberland doe within XIII dayes nexte aftere
this proclamacone avoyd this Realme orelse come unto the
sayd lord leiftenante within the affoarsaid space wheare
soever he shalbe and to showe unto his lordshipe by what
authoretye they doe abyde in this Realme under payene of
Imprisonement and to be lawefull prisoneres unto all
Englishemene that shall take them aftere that daye.

Also that noo Englisheman have any talke or conference
with any Scotte or frencheman privie or openlie aftere this
proclamacion under payne of deathe without speciall lycence
in wrytyng signed with the hand of the said lord lieufte-
nante, the Right honorable the earle of Northumberland lord
warden of the easte and mydle marches of England for againste

Scotlande, the lord Everes capten of the Kyng and Queenes majesties Town and Castelle of Barwicke or Sir Henry Percye Knyght deputye warden unto the said Earle of Northumberland or one of them for any tyme that he or they shall so talk with Scotte or frencheman.

Also that no Inglysheman wich hathe byn is or shalbe hereafter taken prisoner shall make his returne or enter in to Scotland or come into this realme out of the same by any other waye but by Northumberland and to make his apparaunce theare to the captayne as well att his entry as at his retorne under payne of deathe and that no Scotysman make his enterye or retuerne any other waye but as is afforsayde and lykewise make his apparaunce before the captaine theare to the intent the same may bee by them recorded under payne of being taken prisoner againe and to be lawfull prisonere to any Englysheman that shall fynd them passyng or repassyng any other waye.

Also that no Northumberlande man nor none other Englisheman doo buye any horse of any souldiere beinge an Inlande man and appoynted to serve under payne of forfeiture of the horse he so boughte and his duble price and imprisone-mente at the said lord lyfetenantes pleasure and that no souldiere as is afforsayd to serve doe sell his horse under payne of loosyng bothe his yeares and to be in prisone in Irones one whole yeare.

Also that noe souldyere departe or goe from his
 Captayne without spessyall lycence and a pasporte sygned
 with the hand ether of the afforsaid Earle of Northumberland
 the lord Everes or Sir Henry Pearsye and Mr Bravnd Mustere
 master or twoe of them whearof the Muster master alwaies to
 be one, and the same to sarve but to the said lord lyueten-
 aunt unto whom they shall sue for further lycence as they
 passe by under payne of deathe.

God save the Kynge and Queenes Majesties.

APPENDIX C

B.L., MSS. Cotton Caligula B, IV, f.258

Artycles sette foarthe concernynge such captaynes
and soulderes as bee serving or shall serve uppon
the fronntyeres against the Scotcs

(Jan (?) 1558)

Fyrste that every Captayne agaynst the nexte musters
provide and forsee that their souldyeres be furnished of
Armure and weapone every one in his Band of service that is
to saye.

That the lyghte horsemen be horsed suffytyently and
that every one have his sward, daggere coate of plate, skull,
speare or bowe and sheafe of arrowes at the leaste.

That the hargabushere have his hargabush his flaske
tuche boxe, sworde, dagere and municion at the leaste.

That the Archer have his Bowe his Sheafe of arrowes,
sward, daggere, corselet, almain rivete or jacke of plate.

An yf any of the said sowldyeres lacke of his furne-
ture they shall have no wages but according to the old rate,
but all such as have their furniture shall have such wages
as hathe byn latly encreased of the Queenes Majesties
benevolence.

That yf any captayne bringe in any person to the mustores to mustere for a daye wich is not or hathe not byne of his bande befoare, the said Captayne shalbe soare punished and displaced of his rowme and the persone so mustering sheefe both his eares.

That yf any persone lend to any souldyere horse to muster, wich all the same shalbe a forfeiture and the owneres to loose the property of the same for evere.

That no captayne shall tak into his bande any souldiere betweene the musters, but he shall present the daye of his takinge in to the muster master or his clerkes and also the daye of deathe, discharge or departure, of any souldyere or else to be allowed noe wages for the same.

That noe captayne shall give parsporte to his souldieres but onely the lord wardene wich parsporte must be presented to be recorded by the clerk of the musterers oreles they to receave no wages duringe their absence.

That no captayne shall take into his bande or retayne any man that is or hathe byne free with in the towne of Barwick or appoynted to be a laborere or yet any that is servante to any man dwellyng in Barwick or Northumberland uppon payne of grevos punneshement and wante of wages of such persones as shalbe retayned.

That no souldyere appoynted to any captayne shall Runne awaye or departe from service or his Ensygne without

speciall pasporte of the lorde warden uppon payne to suffer deathe for the same accordinge to a statute made in that behalf.

That no souldier wich is or shalbe sette foarthe of the inland contreyes to serve one horseback shall sell, putt awaye or willingly suffer his horse to be taken away uppon payne of grevos puneshment bothe of the buyere and the Seller and that it shall be lawfulle for the captayne or petty capten of every such souldier to sease upon the horse so sold or put awaye by coven or otherwise, and the same to retayne and keepe for the maintenaunce of his Band not withstanding any sale made or money recorded and yf the said horse be put awaye by the buyer then the said buyer shall remayne in prisone till syche time as he hath revealed the horse agayne.

APPENDIX D

MAJOR MARCH OFFICERS 1550 - 1560

I WARDENS AND DEPUTY WARDENS OF THE MARCHES

A The East March

Henry Manners, Earl of Rutland, appointed Warden of the East and Middle Marches, May 1549. 1

Sir Robert Bowes appointed Warden of the East and Middle Marches, January 1550. 2

Henry Grey, Marquis of Dorset, appointed Warden General of all three marches, February 1551. 3

Sir Nicholas Stirley (Captain of Berwick) appointed by the Council Dorset's Deputy in April 1551, later confirmed under Northumberland. 4

John Dudley, Duke of Northumberland, appointed Warden General of the three marches, October 1551. 5

Thomas Lord Wharton appointed Deputy Warden General, July 1552. 6

Ralph Grey of Chillingham appointed Deputy Warden, November 1552. 7

John Lord Conyers appointed Warden, December 1553.⁸

Thomas Lord Wharton, appointed Warden, December 1555.⁹

Thomas Percy, Earl of Northumberland, appointed Warden of the East and Middle Marches, August 1557.¹⁰

Sir Ralph Sadler appointed 'Caretaker' Warden of the two marches (no patent issued) after the dismissal of Northumberland, October 1559. 11

William Lord Grey of Wilton appointed Warden of the East and Middle Marches, December 1559. 12

Sir Ralph Sadler, appointed 'Caretaker' Warden of the two marches while Grey was in Scotland, March 1560. 13

Thomas Howard, Duke of Norfolk, Lord Lieutenant with Sir John Forster and Sir Francis Leeke as aides, worked in cooperation with Sadler and took charge when the latter went into Scotland in May 1560. 14

William Lord Grey of Wilton appointed Warden, October 1560. 15

B The Middle Marches

Henry Manners, Earl of Rutland, appointed Warden of the East and Middle Marches, May 1549, (see East March).

Sir Robert Bowes appointed Warden of the East and Middle Marches, January 1550, (see East March).

Henry Grey, Marquis of Dorset, appointed Warden General of all three marches, February 1551, (see East March).

Robert Lord Ogle appointed by the Council Dorset's Deputy in April 1551, later confirmed under Northumberland. 16

John Dudley, Duke of Northumberland, appointed Warden General of all three marches, October 1551, (see East March).

Thomas Lord Wharton appointed Deputy Warden General, July 1552, (see East March).

William Lord Eure, appointed Warden, November 1552.¹⁷

William Lord Dacre appointed Warden to Middle and West March, January 1554. 18

Thomas Lord Wharton appointed Warden, March 1555.¹⁹

Thomas Percy, Earl of Northumberland, appointed Warden of the East and Middle Marches, August 1557, (see East March)

October 1559 - November 1560, (see East March).

Sir John Forster, appointed Warden, November 1560.²⁰

C The West March

Thomas Lord Dacre appointed Warden, April 1549.²¹

Henry Grey, Marquis of Dorset, appointed Warden General of all three marches, February 1551, (see East March).

John Lord Conyers appointed Dorset's Deputy by the Council in April 1551, confirmed under Northumberland Northumberland. 22

John Dudley, Duke of Northumberland, appointed Warden General of all three marches, October 1551, (see East March).

Thomas Lord Wharton appointed Deputy Warden General, July 1552, (see East March).

Sir Thomas Dacre of Lanercost appointed Warden, November 1552. 23

William Lord Dacre appointed Warden of the West and Middle Marches, January 1554.

II CAPTAINS OF BERWICK - UPON - TWEED

Sir Nicholas Stirley, 1546 - August 1552.²⁴

Richard Norton, November (?) 1552.²⁵

Sir William Vavasour, May 1555.²⁶

Thomas Lord Wharton, August 1556.²⁷

William Lord Eure, December 1557.²⁸

Sir James Croftes, April 1559.²⁹

Sir Francis Leeke (temporary Captain), July 1560.³⁰

William Lord Grey of Wilton, November 1560.³¹

III CAPTAINS OF CARLISLE

William Lord Dacre, August 1549.³²

Sir Richard Musgrave, November 1552.³³

William Lord Dacre, January 1554.³⁴

APPENDIX DNotes

- 1 C.P.R. Edward VI, II, 402-403.
- 2 Ibid., 162-163.
- 3 A.P.C. III, 223, 379; C.P.R. Edward VI, IV, 123-124.
- 4 A.P.C. III, 262; C.P.R. Edward VI, IV, 128-129.
- 5 Ibid., 195-196.
- 6 M. E. James, Change and Continuity in the Tudor North : The Rise of Thomas First Lord Wharton, Borthwick Papers, 27, York 1965, 31.
- 7 C.P.R. Edward VI, IV, 258.
- 8 C.P.R. Mary, I, 177.
- 9 C.P.R. Philip and Mary, III, 182-183.
- 10 Foedera, XV, 468-471, 472-474, 475-477.
- 11 Cal. For., 1559-60, 70-71; Sadler, I, 708.
- 12 C.P.R. Elizabeth, I, 348.
- 13 Haynes, 257-258.
- 14 Ibid., 274-275.
- 15 C.P.R. Elizabeth, I, 412.
- 16 P.R.O., SP15/3/80; A.P.C. III, 262; C.P.R. Edward VI, IV, 184-185.
- 17 Ibid., 258.
- 18 C.P.R. Philip and Mary, I, 140.
- 19 Ibid., III, 27.
- 20 C.P.R. Elizabeth, I, 411.
- 21 C.P.R. Edward VI, II, 401-402.
- 22 A.P.C. III, 262; C.P.R. Edward VI, IV, 186-187.
- 23 Ibid., 258-259.

- 24 P.R.O., SP10/14/32.
- 25 P.R.O., SP10/15/51.
- 26 C.P.R. Philip and Mary, II, 299.
- 27 Ibid., III, 547.
- 28 Ibid., IV, 65.
- 29 C.P.R. Elizabeth, I, 107.
- 30 Cal For., 1560-61, 197-198.
- 31 C.P.R. Elizabeth, I, 327.
- 32 C.P.R. Edward VI, III, 118.
- 33 Ibid., IV, 266.
- 34 C.P.R. Elizabeth, I, 177.

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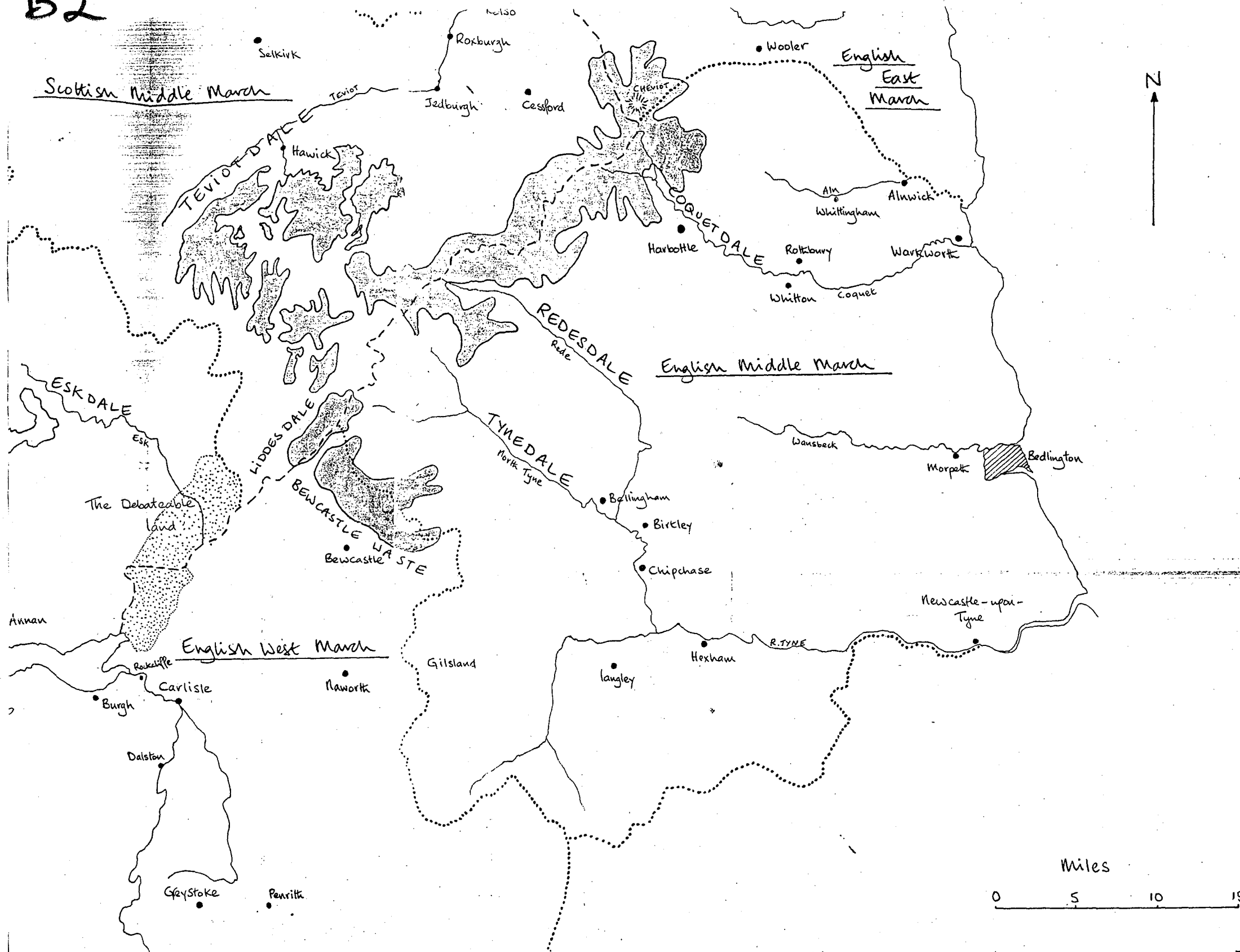
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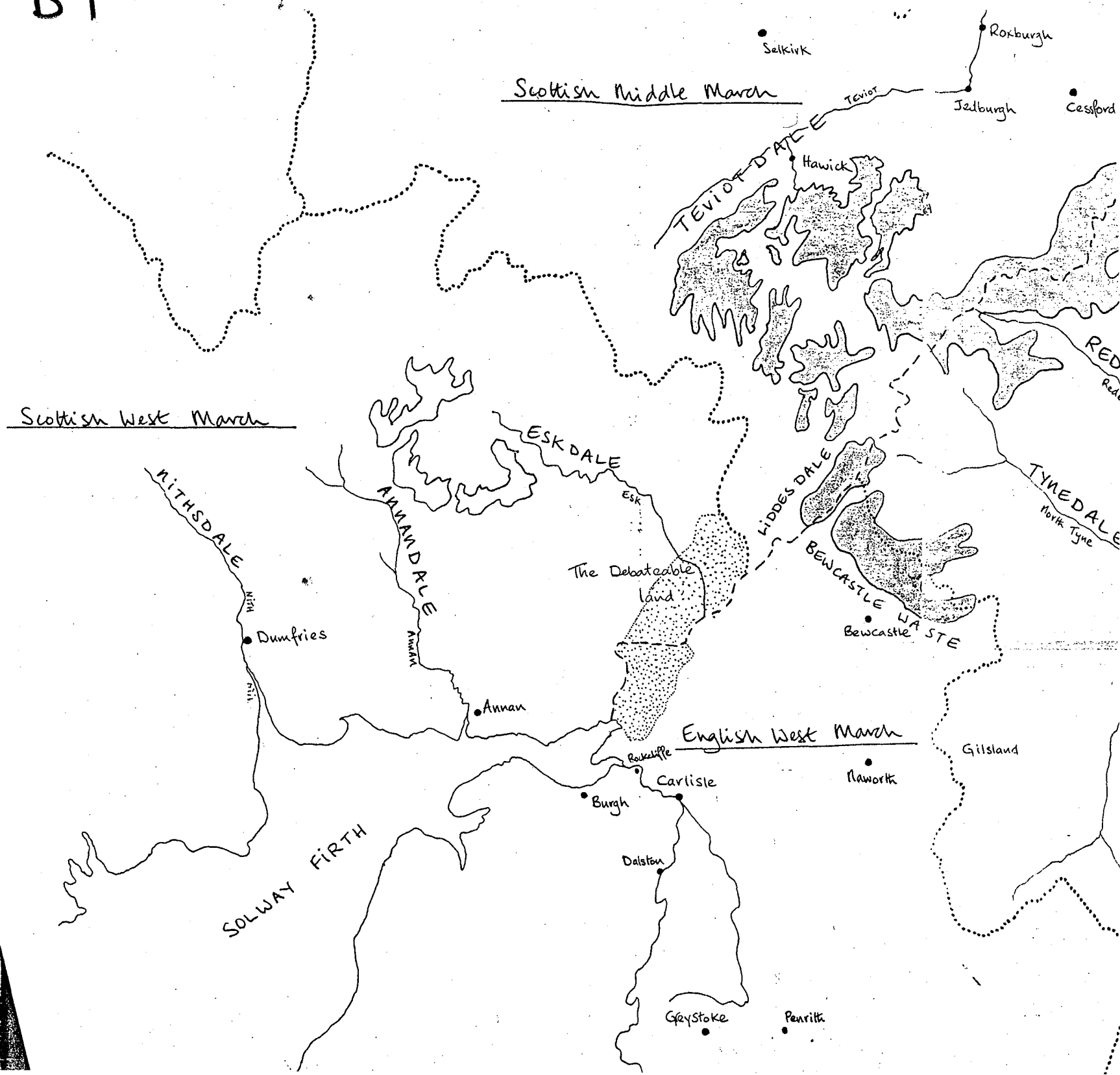
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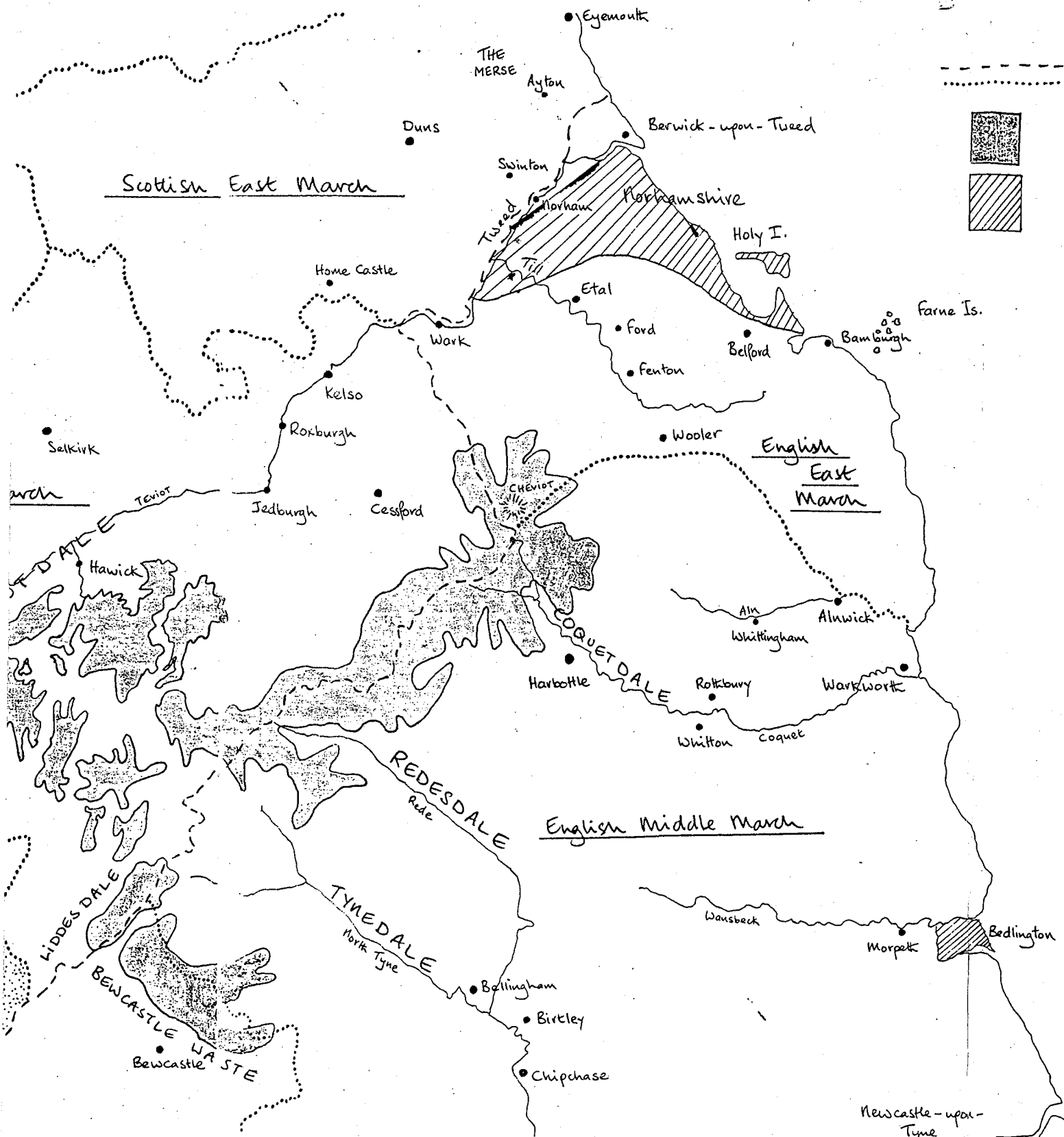
B2



B1



A2



Anglo-Scottish boundary
March boundary

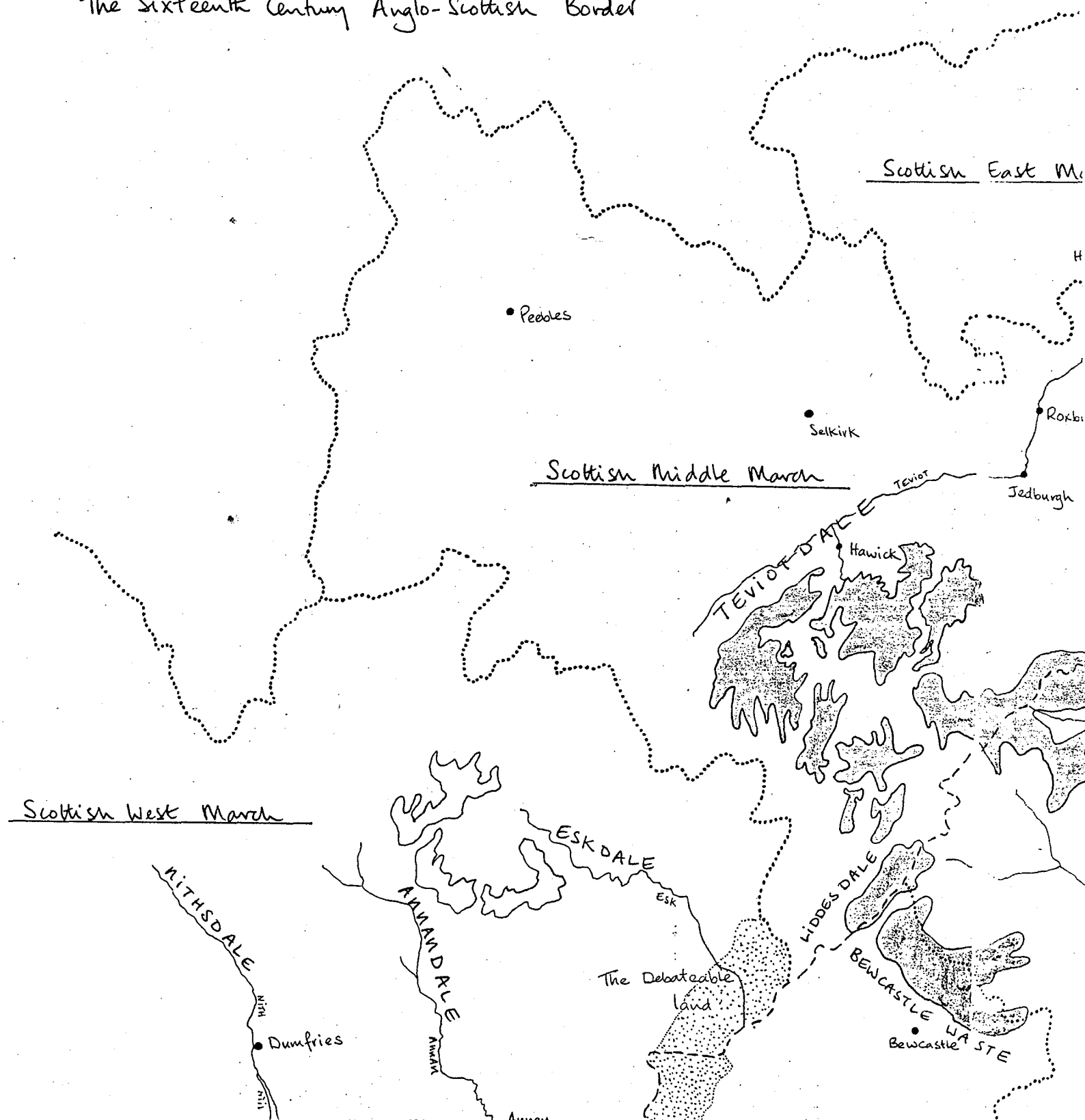
land over 2,000 ft.

North Durham.
[part of the County Palatine
of Durham]

N

A1

The Sixteenth Century Anglo-Scottish Border



The Sixteenth Century Anglo-Scottish Border

