THE HISTORY OF SCOTLAND, VOLUME 7

FROM THE EARLY 17TH CENTURY TO THE BISHOPS' WAR

ANDREW LANG

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HIGHLANDS AND BORDERS (1603-1610)

A NECESSARY result of James's accession to the English throne was the pacification of the Borders. For several centuries the Marches of the two countries had been in a social condition much like that of the tribes on the Afghan frontier of India. A warlike population, existing in the clan system, had no particular morality or loyalty, except fidelity to the laird, to "the name," and to outlaws and banished men. " On no condition was extradition " allowed on the Border. Property consisted chiefly of cattle and horses, and, by endless raids, was kept in lively circulation. There was, of course, a standing feud between the clans on either side of the burn or glen which constituted " the Border " in each district. But the feud between English and Scots, as such, was relatively mild, and even humorous, a kind of game with rules of " hot trod," and " cold trod," and so forth, of its own; these laws regulated raids and the recovery of cattle stolen in raids. The wardens, also, it might be Buccleuch and Scrope, with their deputies, such as Scott of the Haining, and Salkeld of Corby, had peaceful days of meeting, when the riders of both sides met and discussed their feats of robbery and fire-raising, and their duels, much as men might discuss a football match. Now it is the Captain of Bewcastle who has harried Jamie Telfer of the Dodhead; now it is Jamie Telfer who has " warned the water speedily," and brought all the Scotts of Upper Teviotdale down on the Captain of Bewcastle.

Rough " riding ballads " were sung about these feats, which now and then entailed a vendetta, but, on the whole, did not cause much bad blood. In fact, one of the peculiarities

of the Border was that certain clans, as the Netherby Grahams, the Elliots, Crosbies, Nixons, and Robsons, were of dubious nationality: they might take either national side, as opportunity served and temptation arose. Probably Buccleuch contrived the rescue of Kinmont Willie with the aid and connivance of the Grahams who lay between Langholm and Carlisle. On both sides of the line the adjacent clans had a common interest in preserving their lawless freedom. Justice only took the shape of sporadic hangings of " pretty men," who were respected and regretted, and left friends and sons to carry on the old sportive military existence. Private feuds between clans and neighbours were more cruel and violent than the skirmishes of an international character. Kers and Scotts and Elliots, in the east and centre, Maxwells and Johnstons in the west, and in Dumfries and Galloway, fought like fiends, for centuries, over some old quarrel of which the origin might be lost, but which produced new bloodshed and new revenges in every generation. The Criminal Trials are full of " spuilzies," maiming of cattle, burnings, shootings "with hagbuts and pistolets," slayings of men. The existence of this animated kind of society was inevitable while the two countries were separate.

But when James became King of England, the Borders, as he said, became the "heart of his royal empire." The shires of Berwick, Selkirk, Roxburgh, Peebles, Dumfries, and the Stewartries of Dumfries and Annandale must be brought to order, and five gentlemen were appointed commissioners for that purpose. They had powers to hold courts, and were granted immunity for "any mischance or inconvenient," such as hanging the wrong man. For Northumberland, Cumberland, and Westmorland commissioners were also appointed. Extradition was now to be the order of the day. The incorrigible were to be, rather vaguely, " removed to some other place," where " change of air " might " make in

them a change of manners." Of the English commissioners, the name of Sir Wilfrid Lawson is most familiar to modern ears; of the Scots, Gideon Murray of Elibank on Tweed. All dubious characters were to be disarmed, especially of hagbuts and pistols, before May 20, 1605; and a kind of census of the natives was to be taken. No gaols existed, so new gaols were to be built in the burghs, and as the prisoners could not maintain themselves in prison, and the burgesses would not, "justice is to be administered to them as soon as possible." Hence our proverb, " Jeddart justice: hang a man first, and try him afterwards." So the commissioners, not without misgivings and questions, began to hang persons like " Jock of the Shiels, ane lymnar of auld." They doubted about poor Jock, but the Lords said " Hang him." Tom Armstrong, " a proper young man," against whom there was no evidence at all, the Lords ordered to be hanged, merely pour encourager les autres. A horse had been stolen, its owner went to Peebles to testify that Tom was innocent, yet the gallows got him. In April 1606 we find some forty proper men hanged surely the worst use to make of them; and about fifteen others, including a bastard of Kinmont Willie, were hanged in November. Scores of freebooters were fugitive in the hills and morasses, pursued by " lurgg dogges." Cranstoun got an indemnity for executions done without trial; and the active Earl of Dunbar was placed on the Border Commission. In 1607 a number of small Border lairds Rutherfords, Elliots, Kers, and Scotts were removed from the Border, and warded in northern or inland towns; and the same policy, in 1608, was exercised on a crowd of gentry of the house of Maxwell; all were sent north of Tay. By July 1609 the doers of the work could congratulate themselves that the Borders were tranquil.

One noble victim perished in the persistent massacres of rough justice. This was Lord Maxwell, who was a Bothwell

for reckless mischief. He was the son of the sixth Lord Maxwell, who, after Morton's execution in 1581, for a while bore the title and brooked the lands of Morton. In 1585 Morton's attainder was reversed, Maxwell lost his prize, and took to intriguing with Spain. He was taken prisoner, and Johnston succeeded to his wardenship of the West Marches. Though the wardenship was restored to Maxwell, his clan and that of the Johnstons entered on a feud: and in a great battle (Dec. 7, 1593), on the Dryfe Sands, Maxwell was defeated and slain. Some 2000 men fought on either side; and the phrase, "a Lockerby lick," is said to be derived from the ghastly wounds inflicted on the fugitives in the streets of Lockerby. Maxwell's son inherited the feud, and, at a meeting for reconciliation, shot Sir James Johnston through the back (April 6, 1608). He was warded in Edinburgh Castle, but made a dexterous escape, wounding several of the warders. In 1612, being in the north of Scotland, he was betrayed by his kinsman, the Earl of Caithness, and, on May 21, 1613, he was beheaded at Edinburgh. This execution was procured by the Laird of Johnston's friends, specially by Sir Robert Ker, Earl of Rochester (Somerset the favourite), " the chief guider of the court at that time," says Calderwood. There was a great deal of sympathy with Maxwell though he was a Catholic. He certainly had the charm of recklessness, and though he had treacherously murdered a man under trust, the man had been his feudal foe.

At this distance of time (with all respect to the name of Maxwell), we feel more pity for poor Tom Armstrong, who was hanged merely for being suspected of knowing too much about the stealing of a nag. The execution of the Mures of Auchendrane, in 1611, for a series of cold-blooded murders, later to be described, proceeding from a murder-band or contract of the usual sort, proved that, in Scotland, the law was beginning to be a terror to evil-doers, even

when of good county families. It may be remarked that fifty years of an open Bible, and of the Truth constantly preached, seem in no way to have mollified the ferocity of the Scottish people, but rather, if anything, to have increased their bloodthirsty dispositions. A few mounted police and the expense of some miles of rope were infinitely more efficacious. The reduction of the Highlands was undertaken simultaneously with the settlement of the Borders, but was a task much more difficult, and, by the Stuart kings, never fully accomplished.

In various parts of the Highlands Presbyterianism is still called the Religion of the Yellow Stick. There is a legend that a chief caned all his tenants into kirk, where or at what date is unknown. The great Lauchlan Maclean of Dowart, as we have seen, was a Presbyterian, and took the Covenant in " the Little Kirk " on the day of the Edinburgh riot of December 17, 1596. Mackintosh also spoke generously of planting kirks, and James Melville was convinced that the Celts would make good Presbyterians. But the West Highlands and the Isles, like Nithsdale and Galloway, were not yet "planted" with ministers, and the West was little visited by the few wandering and skulking Catholic missionaries. These regions, therefore, like Galloway and Annandale, were especially turbulent. Macleods, Mackenzies, Macgregors, Macdonalds, and Macfarlanes lived in a state of open war, or, in the case of the two latter clans adjacent to civilisation, of brigandage.

It was necessary to try to bring the Celts into order, a task in which the Crown never succeeded for want of money, of a standing army, and of police. The difficulties, when a royal expedition was attempted, were of a kind not unfamiliar. The castles of the island chiefs were of a strength impregnable to the weak artillery of the assailants. To burn the cots and destroy the crops of the

clansmen might irritate but could not subdue the hardy recalcitrants. Swiftfooted and mobile, they succeeded in night surprises of camps, and, if hard pressed, easily escaped by boats to other islands. A common ruse was to attack a camp, and then fall back among their unmapped hills and glens, alluring the pursuers into ambushes for which every wood and corry afforded shelter. Driven far from their base, the royal forces were now attacked by overwhelming numbers; now returned to find that their camp had been fired, and that their supplies were in the hands of the enemy.

On July 9, 1599, the Privy Council tried what could be done by a vigorous proclamation. The Celts were persecuting what may be called the Chartered Company of the Lewes, which was an association of Fifeshire and other gentlemen to exploit and establish towns, agriculture, and fisheries in that island. A commission was given to Lennox and Huntly to quiet the Lewes and collect the royal rents. The two lieutenants were to be assisted by a council of nobles and gentlemen. Negotiations were entered into in the .September of the same year for reducing the southern isles and promontories of the West coast. The focus of trouble was the Castle of Dunyveg in Isla, the old royal seat of the sons of Somerled. For sway in Isla, and the long, narrow, but fertile peninsula of Kintyre, Macdonalds had been cutting each other's throats, while Macleans took part in the fray, and Campbells waited for their opportunity, which was soon to come. Probably the rightful holder of Dunyveg was the truculent old Angus Macdonald, whom his son, Sir James, once burned out of his house. In 1599, in September, negotiations were begun with Sir James Macdonald. He was to evacuate Kintyre in favour of new settlers; was to place the Castle of Dunyveg, in Isla, in the king's hands; and was to receive, as royal tenant, the lands of Isla, and make provision for his father, Angus, whom he

had once nearly burned to death. No good came of all this, for which Sir James and his friends blamed Argyll and Campbell of Calder. Sir James was a polished ruffian, but the Campbells usually bear the weight of all turmoils which turned to their own advantage.

In October 1599, fortified by hopes from Lennox and Huntly, the Lowland settlers, with an armed force, set off to " plant " the Lewes. Unsheltered in the wild weather, they sickened and died. Leirmont of Balcomy was taken at sea and held prisoner by Murdoch Macleod; the curse of Andrew Melville, with whom he had quarrelled in St. Andrews, was thought to pursue " this jolly gentleman," who died in the Orkneys. But Murdoch was given up to the adventurers by his brother Neil Macleod, who allied himself with the Lowlanders. Murdoch was executed at St. Andrews, and the Lord of Kintail, a Mackenzie and a foe of the settlers, was imprisoned. He escaped, and continued to oppose the " planters."

James, in 1600, thought of visiting the Isles with a large array, but ships, money, men, and perhaps inclination, were deficient. The Highland historian, Dr. Gregory (one of the Gregarach), accuses James of cowardice, but we know how destitute he was of money in 1600. Nicholson (July 9) writes to Cecil about the king's poverty; the Convention in which Gowrie spoke refused supplies; and (July 22) Nicholson says that the expedition to the Isles was abandoned "on account of the great scarcity in the country." In June 1601 increased powers were given to Lennox and Huntly, but these powers were not used. In Skye, Macdonald of Sleat and Macleod were at feud; they were brothers-in-law, and Macdonald had repudiated Macleod's sister with insult, divorced her, and wedded a sister of Mackenzie of Kintail. Then began expeditions of murder and rapine through Skye, Harris, and the Long

Island; the natives were driven to eat their horses and cats. Government interfered; Macdonald was to surrender to Argyll, Macleod to Huntly, and the clans were reconciled. The Lewes settlers now quarrelled with Neil Macleod, and had the worse of the strife; while Mackenzie of Kintail slipped on the settlers a chief who was the nephew of Neil, and had been a prisoner. Round this young Tormod the Celts rallied as the representative of the true Macleod dynasty, and they reduced the Lowland settlers to a capitulation. They kept two hostages, turned the other Lowlanders out, and secured a pardon, but the settlers did not observe the conditions, and the war was renewed, or rather was deferred, till 1603.

The Glengarry Macdonalds now went to war with the Mackenzies, and young Glengarry was slain in a night surprise of his galley. By burning a church full of Mackenzies the Macdonalds avenged this disaster, Glengarry's piper strutting round the edifice playing a pibroch. The singular point is that there was any church to burn. But it is fair to add that Dr. Gregory could find "no public notice taken of such an enormity," so we may trust that the story (so unfavourable to Glengarry) is a Mackenzie myth. The Celtic excesses in West Ross and the Isles were nearly as remote, in effect, as now is a rising in Fiji. But the Macgregors, in the Lennox, were much nearer home. This unlucky clan seems to date its misfortunes from Bruce's forfeiture of the Macdougals. They were harried from one reservation to another, a fleeting race, the Children of the Mist. As Argyll " gave them wood and water " down to the days of Rob Roy, he was responsible for their behaviour. But just as a much later Argyll, " Red Ian of the Battles," found Rob Roy a useful spy and secret ally in 1715, so the Argyll of 1603 is accused of "hounding out " the Gregarach against Colquhoun of Luss. The Macgregors invaded the Lennox, it is said, by virtue of a commission

from the king. The great fight, or slaughter, of Glenfruin occurred on February 7 or 8, 1603. On January 20, 1604, Macgregor of Glenstra was tried for his feat of arms. His idea, it is alleged, was to extirpate the Colquhouns and Buchanans, and he was aided by the Camerons, the Clananverich (not Clan Vourich, the Macphersons?), and "other broken men and sorners." The Glencoe Macdonalds appear to have been in the fray. The invaders wore coats of mail, and had muskets, bows, two-handed swords, and pole-axes. They entered Glenfruin, in Luss's territory, and slew, among others, " Tobias Smollet, bailie of Dumbarton," and bearer of the name made immortal by the author of " Peregrine Pickle." About a hundred and forty persons were slain, many of them as disarmed prisoners. The house of Luss was burned, and a very large creagh was driven. Nothing is said in the indictment about the massacre of a number of students or schoolboys who had made a trip to see the sport.

While most writers accuse Argyll of " hounding out " the Macgregors, Calderwood says that Lady Lennox was believed to have instigated the raid. The Macgregors, one might conceive, needed little hounding out by lord or lady. In October 1603 Ardkinglas invited the chief of the Macgregors to dinner, seized him, and was taking him by boat to Argyll, when Macgregor leaped overboard and escaped. Argyll then betrayed Macgregor, under promise of sending him to England, to the king. He did carry the chief to Berwick, that is, into England, and then brought him back to Edinburgh, where the chief was tried and executed on January 20, 1604.

Poor Macgregor left a statement, written in the hand of James Primrose, Clerk of Council. Argyll, he said, had been his ruin. First he hounded the Macleans and Camerons on to the Macgregor lands in Rannoch. Then, these

Macgregors being destitute, Argyll urged them to attack the Buchanans and the Colquhouns of Luss. Next this Macchiavelli suborned Ardkinglas to betray Macgregor, and Macgregor to slay Ardkinglas. How much truth there is in all this we have no method of discovering. It is certain that the very name of Macgregor was abolished by an Act of April 3, 1603. The results were that many of the clan, changing their name, became sober and distinguished citizens, like the family of Gregory, which, for several generations, produced men of learning if not of genius. On the other side the body of the clan became Ishmaelites, their hands against every man's hand.

In 1608 considerable preparations were made for the subjection of the islands, and a guard of 500 was allotted to the new lieutenant, Lord Ochiltree. He was assisted by a council, with the Bishop of the Isles at its head, the warlike preacher, Andrew Knox. In August, when a handful of 200 rather useless Scottish soldiers had been sent to aid in subduing an Irish rebellion, a force of English soldiers from Ireland joined the royal levies at Isla. The Irish rebels 5nd the islanders were apt to work into each other's hands, hence the junction of Scots with recruits from the English army in Ireland to guard against their combinations. O'Dogherty's rebellion in Ulster having been put down, English forces in Ireland were free to deal with the insular Celts. Meanwhile the king and Council were occupied with plans for the " plantation of Ulster " with English and Scottish settlers, each in his peel or tower, and holding lands from which the Irish had been evicted. On the island side, the castle of Dunyveg in Isla, a hold of the Macdonalds, was surrendered and garrisoned for the Crown, as (August 17) was the Maclean fortress of Dowart in Mull. Ochiltree held a durbar of the chiefs, at Aros in Mull, and received them into the king's peace, or pretended to do so. Next, inviting them to dinner on board his vessel,

he carried them off, and the Council warded them in Dumbarton, Blackness, and Stirling, much as the Maxwells had already been treated. The Macleods of Harris and the Lewes were not captured. The imprisoned chiefs capitulated, and in February 1609 a large body of commissioners was appointed to deal with the island affairs. By way of striking terror, that old prisoner, Sir James Macdonald, son of Angus of Dunyveg, and slayer of .the valiant Maclean of Dowart, was tried for the burning of the house in which he nearly roasted his father, and for his attempted escape from the Castle, when he was taken, and Lord Maxwell got free. James, we know, had of old rather favoured this chief, who produced, but withdrew, a royal warrant for the capture of his father. He was convicted, and sentenced to death and forfeiture, but was not executed. Six years later he succeeded in escaping. Possibly it was not thought well to push him to extremities, as he had some more or less compromising old document of the king's.

Meanwhile the Bishop of the Isles had been surveying these territories and negotiating with the natives. In July he met the released chiefs and others at Iona or Icolmkill, and in August the Statutes or Band of Icolmkill were ratified. The great chiefs, mainly Macdonalds and Macleans, professed the true religion, and obedience to the king and the laws of the realm. They vowed that they would respect and pay the stipends of ministers already planted or to be planted, repair the churches, and abandon the custom of handfasting, or temporary marriages. Next they denounced the custom of sorning, or forced hospitality, and ordained that inns or hostelries should be established. Each chief bound himself to harbour and entertain only a small fixed number of gentlemen. Once more they denounced "the extraordinary drinking of strong wines and aqua vita" and the traffic in these comforts. But everybody might distil his own whisky, so that the cause of temperance took little

advantage. Every gentleman owning sixty cows must educate his eldest child in the Lowlands. Unlike their ancestors in the time of Henry VIII., the chiefs at Icolmkill were themselves able to read and write. The law against using firearms was accepted. Bards and other vagabonds were to be put in the stocks, or expelled.

From these statutes the historian, Dr. Gregory, dates the loyalty of the Celts, as displayed under Charles I., and onwards, we may add, to the last Jacobite rising. But perhaps the natural attachment of the Celts to the lost cause, with the chances of authorised raids on the Lowlands, and loyalty to "the Kirk malignant," that of Prelacy or of Rome, were not without influence on the later Highlanders. Even now the river Sheil and Loch Sheil are the frontiers of Presbyterianism, farther north is a large Catholic district, while in Glencoe, and Appin, and Lochaber there are Celtic adherents of James's Church, the Scottish Episcopal. Where the modern Celt does not adhere to these faiths he shows a strong tendency to beliefs and usages like those of the austere Presbyterians with whom James VI. was always at war.

Despite the submission of many chiefs the affairs of the Lewes remained unsettled. New managers and adventurers Balmerino, Sir George Hay, and Spens of Wormiston had undertaken to settle the Lewes in 1608. But Balmerino was disgraced and imprisoned on the old affair of the letter to the Pope, and Hay and Spens were thwarted and driven out of the island by the arms of Neil Macleod, and the intrigues of Mackenzie of Kintail. They disposed of their useless concessions to this chief, who drove out or reduced the Macleods of the Lewes. These appearances of quiet and order were, of course, delusive. Many great chiefs made solemn promises. The Bishop of the Isles (Andrew Knox) received the much contested Castle Perilous, Dunyveg in

Isla, and became Stewart and Justice for the Isles, while Lochiel and Clanranald were joined with Argyll in the ferocious efforts to exterminate the Macgregors, a task for which the other clans had no heart.

Disturbances arose from a discovery casually made by Argyll in his muniment room. As far back as the reign of James V. the third Earl of Argyll had procured, through Campbell of Calder, what Calder had acquired from Maclean of Lochbuy in Mull, titledeeds to certain superiorities over the lands of Lochiel, Duror, and Glencoe. It was about 1527 that Calder, having purchased these rights from Lochbuy, and having discovered that the Camerons, Appin Stewarts, and Macdonalds or Maclans were hard to deal with, transferred the title-deeds to his brother Colin, third Earl of Argyll. The claim seems to have been forgotten for some eighty years, when Argyll happened to find the old documents, and got a new charter from the king. The man who was astonished was Lochiel, but he consented to come under Argyll's superiority. History was to prove, in the Civil War, and in 1715, and 1745, that the Argyll suzerainty was but the shadow of a name. Huntly, who had regarded Lochiel as his man, took umbrage, and seduced away from Lochiel the Camerons of Erracht and Glen Nevis, the beautiful valley which runs up the south-east side of Ben Nevis. Even after the Forty-Five we still find the Glen Nevis Camerons (really MacSorlies) engaged against Lochiel and Fassifern, in intrigues so dark that blushing History averts her eyes, and leaves the gloomy Celtic secret in the Duke of Cumberland's MSS. Huntly's Cameron friends were put by him into lands which Allan Cameron of Lochiel held either from Huntly or Argyll. Lochiel tried to negotiate peacefully with the intruders, who gave a verbal, but refused a written promise, and asked Allan to come with them to meet Huntly. Allan mildly

put the motion by; he knew what Huntly was capable of, and he rode to Edinburgh to take legal advice.

In Edinburgh he learned that " his friends " (kinsmen) were laying a plot against the life of their chief. He heard where they were to meet, hurried back to Lochaber, gathered six score fellows of the right sort, and placed them within half a mile of the scene of the hostile gathering. He set them in ambush in a wood, which lay convenient, and then, with six boys of the belt, strolled towards " his friends," asking them to meet him with other six. He had first instructed his ambushed men to lie still if all went well, if he were attacked he would fly past the wood. He went forward, was ill received, and fled under a shower of arrows. When the pursuers reached the wood, Lochiel's hundred and twenty arose from the cover of birch, and rock, and bracken; Allan turned and stood at bay, his men fell on his pursuers from the rear, slew twenty, took eight alive, and, writes James Primrose, Clerk of Council, " learned a lesson to the rest of his kin who are alive in what form they shall carry themselves to their chief hereafter." But the " form " of the Glen Nevis Camerons continued to be deplorable, though one of them " died the death of fame " at Culloden.

James Primrose tells the tale, though a peaceful man, with spirit and sympathy. However, in December 1613 the Privy Council most unfeelingly outlawed the brave Lochiel, and gave Huntly a commission of fire and sword against him. He had slain, in fair fight, "the Bodach" John Cameron, also Allaster of Glen Nevis, for which who can blame him? But it is a far cry to Loch Arkaig, and Huntly made little use of his letters of fire and sword.

A disturbance among the Macneils of Barra and the Macleans was characteristic. Old Barra had a family by a Maclean lady, to whom he was only handfasted, and