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Citation for published version:

Groundwater, K 2016, He "made them friends in his cabinet": James VI's suppression of the Scott-Ker feud. in S Reid & M Kerr-Peterson (eds), *James VI and Noble Power in Scotland, 1578-1603*. 1 edn, Routledge Research in Early Modern History, Routledge.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

James VI and Noble Power in Scotland, 1578-1603

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‘He “made them friends in his cabinet”’: James VI’s suppression of the Scott-Ker feud’¹

In 1586, Sir Walter Scott of Buccleuch was contracted in marriage to Margaret Ker, daughter of Sir William Ker of Cessford, and sister to his heir, Robert.² This happy fact failed to stem, however, the feud between their kindreds that had rumbled on periodically through the sixteenth century, and which was to be played out again in the 1590s between the brothers-in-law, Buccleuch and Robert Ker of Cessford. Despite this, both men continued to hold border-specific offices in the Middle March of the Scottish Borders, where they exercised their authority as leaders of sizeable kindreds. James VI’s increasingly insistent attempts from the late 1580s to suppress the ancient practice of bloodfeud appeared to have had no impact upon their deteriorating relationship. By the mid-1590s the antagonism between them had escalated into outright threats, and ultimately a challenge to combat. In 1597, in a furious exchange of letters between Buccleuch and Robert Ker, Buccleuch accused Cessford of having ‘intencion against my life’. Shortly afterwards, in January 1598, it was reported that ‘The declaracion that the lard of Buccleuch hath made to the challenge brought by [Cessford], is dispersed common here’ and it was thought that ‘without bloode that matter can never end honorably between them’.³

In the sixteenth century feuding was a common phenomenon in Scotland. It was seen contemporarily, however, as particularly prevalent in the Borders, where the crown explicitly equated bloodfeud with its deleterious effects on government. In 1599, the privy council attributed ‘the cheiff and onlie caus of the grite misreule and unquietnes of the West Bordour’ to ‘the deidlie feidis and querrellis standing betwixt the principall noblemen and barronis’ there, and observed that the Borders would not be ‘quieted and settled ... unless the saidis feidis be removeit’.⁴ Similarly, Sir Robert Cecil thought that ‘the disorders [were] alleged to

¹ *CSP Scot.*, xiii, pt.1, no. 279.

² Sir William Fraser, *The Scotts of Buccleuch*, 2 vols, (Edinburgh, 1878),ii, no. 204. To avoid confusion, the nomenclature ‘of Buccleuch’ has been used throughout this chapter for the head of the Scott kindred, who was usually resident at Branxholme near Selkirk in Teviotdale, even though the incumbents of this role were variously known as Branxholme or Buccleuch during the sixteenth century.

³ *CSP Scot.*, xiii, pt.1, no. 109; *CBP*, ii, no. 891.

⁴ *RPCS*, vi, p.46.

arise from the abuses in the [Scottish] Wardens government in pursuing particular quarrels in blood', for instance between Cessford, the Middle March warden, and Buccleuch, the Keeper of Liddesdale.⁵ As the leaders of the extensive Ker and Scott kindreds, this personal enmity unfortunately had significant ramifications for the stability of the region in the hostility displayed between their wider kindreds. By the mid-1590s, however, feuding in the Borders was to be affected by the growing intolerance shown by the crown to bloodfeud that was being felt throughout Scotland.

At the same time, James' succession to the English throne appeared increasingly likely, as the childless Elizabeth I grew old. Where once he had often turned a blind eye towards to his Borders officials' behaviour (even tacitly supporting Buccleuch's audacious escapade to free Kinmont Willie from Carlisle Castle in 1596), the need to maintain good relations with Elizabeth's privy councillors led ultimately to James exerting pressure on both Buccleuch and Cessford to answer for their actions to the English wardens.⁶ Furthermore, James was also to make a sustained effort in encouraging the two men to settle their own differences, and by their own example, bring their adherents into line with the new crown policies on feuding and cross-border crime. In this he was to rely upon the bonds of lordship and kinship they exerted within their kindreds, and amongst their tenants, which also then gave these leaders the manpower to effect the wider suppression of crime in the region. Thus, in December 1598, it was reported that the 'King dealt for agreement of Cessford and Buccleuch and made them friends in his cabinet [at Holyrood]'.⁷

This paper explores the combination of several pressures that led to James VI's own involvement in ending the feud between them, and in doing so, the wider pattern of feuding between members of the opposing Scott and Ker kindreds in the Borders. It considers how increasing efforts to suppress the feud throughout Scotland coincided with his concerns over the English succession (as well as his much-needed pension from Elizabeth I), and how it was especially the threat to James' personal interests that prompted his intervention in this particular feud. From the late 1580s, the crown's growing intolerance of violent crime could be seen in its insistence on parties at feud finding surety not to harm each other. Such

⁵ *CSP Scot.*, xiii, pt.2, no. 828.

⁶ Add Susan Foran's article here. And my MM.

⁷ *CSP Scot.*, xiii, pt.1, no. 279.

intolerance was to be felt all over Scotland, but the additional diplomatic imperatives in the Borders by the mid 1590s, led to a particular targeting of disputes there; even more particularly was that between the Middle March's two most senior officials who were responsible for dealing with Elizabeth's border officials. The instability this caused so close to the Anglo-Scottish border was detrimental to James' efforts to convince Elizabeth that he was doing his best to suppress crime in the region. Indeed Elizabeth herself was calling for the surrender of both Buccleuch and Cessford to her wardens for their cross-border activities more generally. Given the consistency of crown measures to suppress feuding was patchy elsewhere, James' personal intervention in the hostility between Cessford and Buccleuch was notable; Elizabeth's ire over their behaviour had probably tipped the balance.

For James, however, there was an additional problem: this particular feud was part of a recurrent pattern of violence between Scott and Ker kindreds, which from the early 1500s had been perpetuated through collective memories sustained by contemporary narratives of honour, kinship, lordship and victimization. In order to break this trajectory of memorialized violence, James had to come up with a sufficiently persuasive and effective alternative. This chapter considers that alternative – James' use of targeted patronage and of the bonds of lordship and kinship – to turn two major proponents of the ancient art of feuding into agents of its suppression in the Borders.

As early as 1524, the Scottish council had reported that 'thar is variance betwixt the lardis of Cessford and Buccleuch' and ordered them 'to gif assourance to uthiris for thaim, thar kyn frendis and part takaris' to refrain from attacking each other.⁸ This failed to prevent the killing of Sir Andrew Ker of Cessford by a Buccleuch affiliate in 1526 at the battle of Melrose. Subsequently repeated attempts were to be made throughout the sixteenth century to settle sporadic outbursts of feuding between the families and descendants of Cessford and Buccleuch. The exact origins of this variance are irrecoverable, as most were, but they probably lie in the competition for lands and offices in the Middle March of the Borders from at least the mid-fifteenth century following the crown's destruction of the earls of Douglas, formerly the most powerful family in that march. The re-distribution that resulted of Douglas-

⁸ *ADCP*, p.209.

lands from Ettrick to Jedburgh fed the emergence of the Buccleuch branch of the Scott surname, and the Cessfords amongst the Kers, as the more prominent of the surname leaders in the march.⁹ These lands, and the Scott and Ker kindreds that inhabited them, brought Buccleuch and Cessford extensive networks of manpower on which to call. Those could be utilised by a grateful crown in the furtherance of its Borders policies, or less helpfully, by their leaders in pursuing more personal vendettas.

The social structure of the kindreds, the Borders surnames, that delineated the rival Scott and Ker groupings was more or less mapped onto their geographical spread in the Middle March. In the western half, the Scotts held huge swathes of uplands in the shires of Peebles and Selkirk, and west Roxburgh, whilst the Kers dominated the lower lands in east Roxburghshire. By 1515, the power the Cessford Kers exercised through their kindred and lands were recognised in Sir Andrew's appointment as warden of the Middle March, in which he was assisted by his close kinsmen Andrew Ker of Ferniehirst near Jedburgh, and Mark Ker of Littledean near St Boswells.¹⁰ This pattern of familial support was repeated for much of the next few decades, the Kers' possession of the wardenship effectively hereditary, though subject to the occasional intervention of external officials during times of heightened crown interest in the region. Similarly the Scotts' dominance in the western part of the Middle March was recognised in 1543 by Buccleuch's appointment to the captaincy of Newark castle, an office which was combined with the duties of bailie and chamberlain of the crown-owned lordship of Ettrick Forest. As with Cessford's wardenship, this effectively hereditary captaincy and bailiery remained in the Buccleuchs' hands from then onwards. And like the Cessfords too, the Buccleuchs had the help of their kinsmen amongst the Scotts of Tushielaw, Allanhaugh, Sinton, Haining and so on in the exercise of their office. This carving up of crown-appointed offices in the Middle March along a broadly north-south axis, while suiting a crown that did not want power centered in any one family, had the unfortunate consequence of establishing an antagonistic interface in the march.

⁹ Brown, *Bloodfeud in Scotland, 1573-1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh, 1986), pp.79-80; Michael Brown, *The Black Douglasses...* pp.

¹⁰ Maureen Meikle, *A British frontier? Lairds and gentlemen in the eastern Borders, 1540-1603* (East Linton 2004), p.27; T. Ian Rae, *The administration of the Scottish frontier, 1513-1603* (Edinburgh, 1966), p.238.

There was another factor exacerbating this personal competitiveness, and that was the effect of political rivalries at the highest levels of government in Scotland.¹¹ The skirmish in 1526 between the Scotts and Kers at Melrose, that brought their enmity so forcefully to the notice of the crown, was the local playing out of a power struggle at the highest levels of government during the minority of James V. Disquiet over the earl of Angus' physical possession of the young king, and allegedly James' own appeal for liberation had led to an attempt by Buccleuch to wrest the king from Angus. Angus' recent appointment of the Kers of Ferniehirst and Littledean as his deputies in the march meant that the Kers leapt to Angus' aid when Buccleuch turned up at Melrose. The see-saw of court politics, however, by 1528 had led to Angus's downfall and Buccleuch's appointment as warden for the west part of the march, that is until the Cessford heir reached his majority.¹² The effect of national political interests were to be seen again in the appointment of Buccleuch to the Newark captaincy in 1543, whilst the Kers fell into disfavour and Cessford was sacked as Middle March warden. Although the Cessfords recovered their offices in the 1550s, in the 1570s, the Scotts prospered under the regency of the Earl of Morton thanks to the close family ties between them: Morton's niece Margaret Douglas was married to Sir Walter Scott of Buccleuch (d. 1574). During this period the council tried to prevent any renewal of the Scott-Ker feud by summoning the Buccleuch representatives, and the Kers of Cessford for the non-fulfillment of a previous reconciliation. Reflecting their advantageous connections, the Scotts were awarded £1,000 in compensation from the Kers.¹³ However, the pendulum soon swung back, and Cessford was once again in sole charge of the wardenry by 1578. Factionalism at court as Morton's power waned led in 1579, it was reported, to the 'heat borne and hatred betwixt the Earl of Morton [supported by the Scotts and the Douglasses] and the Carrs and Humes' in the Borders. In 1580, the alliance between the Kers and the increasingly powerful Earl of Lennox was noted to 'hazard troubles on the Borders'.¹⁴

Local competition for power in the Borders, stoked by adherence to adversarial political factions at court that could so easily impact on office- and land-holding there, combined to

¹¹ Brown, *Bloodfeud*, pp.5, 7, 80, 108.

¹² Fraser, *Buccleuch*, i, pp.79-90; ii, nos 137, 139, 144, 147, 148; Rae, *Administration of the Scottish Frontier*, pp.238-9.

¹³ Fraser, *Buccleuch*, ii, nos 162, 163; *CBP*, i, no. 139; ii, no. 192; *RPCS*, ii, pp.643-4, 665.

¹⁴ Rae, *Administration of the Scottish Frontier*, app. 2; *CSP Scot.*, v, nos 432, 446, 471, 584.

perpetuate the enmity between the Ker and Scott surnames. This rivalry was further exacerbated by the English intrusions into the marches in the 1540s, and during the Marian wars in 1569-70, which the Kers managed in negotiation with English officials to deflect into Buccleuch lands. At the same time, however, the crown's dependence on the manpower that Buccleuch and Cessford controlled in their kindreds to carry out crown policy in the Borders, helped to sustain the social structuring of the Scott-Ker feud in the region through the sixteenth century.¹⁵ So whilst it is possible to view individual instances of this feud as events within the specific political contexts of its time, the outbreaks of the Scott-Ker feud achieved a degree of repetition in the sixteenth century that meant that each generation had some personal experience of it; this in itself formed the background to any particular outbreak and any attempt to resolve it. Moreover, every settlement referred to past grievance in the terms laid down, the apologies that should be made at which altar and so on, reminding each generation of the longevity of the antagonism. The accretions of memories, sustained by emotive narratives invoking familial obligations and solidarity, simultaneously recalled past and legitimized present violence. As a result, the hostility displayed between Robert Ker of Cessford and Walter Scott of Buccleuch in the 1590s, whilst borne out of a particular set of circumstances, and personalities, needs to be seen also within this longer term context. It was not an isolated event peculiar to its own time. Any attempt therefore to settle it had to overcome these formidable obstacles; it would need the sustained efforts of a king.

English reports repeatedly attributed crime in the Scottish Borders to the 'greate feedes' among the surnames; as the English Middle March warden Sir John Forster wrote in 1582, feuding 'cawseth greate disobedience there'.¹⁶ In 1596, an English observer described this practice as 'deadly foed, the word of enmitye in the Borders, implacable without the blood and whole family distroied'.¹⁷ Bloodfeud, they thought, was a bad thing: encompassing whole kindreds in apparently irresolvable retributive violence, perpetuated by the prominent borderers to whom local administration of justice was entrusted, and indicative of the weakness of Scottish government in general.

¹⁵ Brown, *Bloodfeud*, pp.7, 108-9, 123-4, 127, 130, 133.

¹⁶ *CBP*, i, no. 120.

¹⁷ *CBP* ii, no. 323.

However, these characteristics have been subject to revision in recent decades. Most crucially, perhaps, Jenny Wormald's exposition of the codified nature of the bloodfeud, which allowed for its resolution as much as its practice, concluded it could be a 'force for peace'.¹⁸ An understanding existed contemporarily of the processes available for the settlement of disputes, of arbitration, compensation and reconciliation of grievance.¹⁹ That said, there had to be sufficient impetus, either from the crown, or within their own kindreds, for the principals within any dispute to agree to such processes being undertaken. Once instigated however the practices for resolution were broadly accepted; at the same time, the social structuring of the feud and the obligations of kinship and lordship within each kindred could, paradoxically, help to enforce any settlement. This meant that when the crown began to suppress feud more consistently in the 1590s, the mechanisms were there for it to do so. As Keith Brown has shown, James VI was able then to attract the co-operation of the nobles in this endeavour, the very men whose maintenance of armed retinues had enabled them previously to conduct their own feuds.²⁰ The networks of power exercised by the nobles were to remain politically useful both to them, and to the crown, concludes Brown, well into the mid-seventeenth century, and should not be interpreted as a sign of weak royal government.²¹ The crown's (on the whole) successful use of local elites within regional administration more generally meant that although government in Scotland may not have been as bureaucratically developed as its

¹⁸ Jenny Wormald, *Court, Kirk and Community: Scotland 1470-1625* (Edinburgh, 1981), pp.35-8, quote at 36; and Jenny Wormald, 'Bloodfeud, kindred and government in early modern Scotland', *Past and Present*, 87 (1980), pp.54-97, at 70-1.

¹⁹ Wormald, 'Bloodfeud', pp.56, 62, 70, 72-4, 82-3; Groundwater, "'We Bund and Obleiss Us Never More to Querrell'": Bonds, Private Obligations and Public Justice in the Reign of James VI' in Steve Boardman and Julian Goodare (eds.), *Kings, Lords and Men in Scotland and Britain, 1300-1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014), pp.175-6, 181-2; Mark A. Godfrey, 'Rethinking the justice of the feud in sixteenth-century Scotland', in *ibid.*, 136-54, and Godfrey, *Civil justice in Renaissance Scotland: the origins of a central court* (Leiden, 2009), pp.355-6.

²⁰ Brown, *Bloodfeud*, pp.268-72; Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011), pp.32, 34.

²¹ Brown, *Noble Power*, 58-60, 61; see also Wormald, *Court, Kirk and Community*, pp.19-21, 25-6, 37-8, 40

English counterpart, it could still be effective. Feuding was not necessarily a symptom of the crown's weakness; and the power of local leaders could be employed by the crown in its suppression.

The authority of local elites, and the nobles and greater lairds that comprised them, was based on their control over sizeable groups of men shaped by familial kinship, fictive kinship (ties that replicated those of kinship, but were not familial), and lordship. The connection that these ties provided between lord and subordinate were also often based on the tenancy of the subordinate of his superior's lands; thus an economic relationship between lord and tenant reinforced what was potentially a more notional binding of personal, familial or political allegiance. Bonds of manrent and maintenance, of formalised duties of service by a subordinate to a superior, and the latter's obligation of maintenance to that subordinate, also articulated and consolidated that relationship in written form.²² These linkages bound together networks of power that local elites could call on to fulfill what the crown was asking of them, either in terms of the armed force they could raise through it, or through the pressure that the superior could exert over the subordinate to comply, for instance, with the terms of a feud's settlement.

Paradoxically these webs of authority rested on, and were shaped by, the very bonds of obligation within kinship that delineated the social structure of feuding. Evidence indicates that kinship within one surname, or clan, was seen as a determinant of the alliances and enmities that created oppositional forces, with contemporary reports, and the terms of settlement suggesting that the bloodfeud drew in entire kindreds. Wormald has however questioned the reality of 'haill surnames' being involved in any one feud, partly because the ties of kinship were not necessarily always binding, and because they tended to decline with more distant relations. In the various permutations of the Buccleuch-Cessford feud, the rhetoric of kinship was commonly invoked, and the Scott and Ker kindreds were often evident in the playing out of their disputes; however, the loyalties of kinship were not always a

²² Alison Cathcart, *Kinship and clientage: Highland clanship, 1451-1609* (Leiden, 2006), pp.27-29, 59, 89-92, 99, 112, 213-16; Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985), pp.76-8; Groundwater, *The Scottish Middle March*, pp.56-9, 71; Anna Groundwater, 'The obligations of kinship and alliance within governance in the Scottish Borders, 1528-1625', *Canadian Journal of History*, 48:1 (2013), pp.1-27.

given.²³ The internal disputes, for instance, within the Ker surname, between the various branches of Cessford, Ferniehirst and Ancrum, showed how feuding could occur even between families who were quite closely related, and not merely sharing the same surname. In 1590, Cessford the younger was involved in the slaughter of William Ker of Ancrum, his kinsman, in a dispute over the provostry of Jedburgh.²⁴ Furthermore, alliances and enmities could change over time, with previous enmity resolved between the branch of one kindred with another surname, but where the latter might continue at variance with others of that name. Such was the separate understanding eventually reached between the Scotts of Buccleuch and the Kers of Ferniehirst in the 1570s, and subsequently with the Kers of Ancrum, whilst their rivalry continued with the Kers of Cessford.

Despite these less than kindly examples, ties of kinship were contemporarily understood as sufficient justification for taking action in any dispute, and routinely invoked. Bonds of manrent promised support from the wider kindreds, as can be seen in a bond made by the Rutherfords of Hunthill to Andrew Ker of Ferniehirst and his son, in which they swore to be ‘reddy at all tymes ... to ryde and gang with thame and tak thaire pairt in all actionis’ with their ‘kin frendes servandis my partakeris and all that will do for us In all materis’.²⁵ Agreements made on the resolution of feuds were similarly structured around the opposing kindreds. In 1607, the Jardines of Applegarth promised the cessation of

All rancour and malice of our hairtis feid envy querrell and grudge with all action of displeasour [against] ... Walter lord of Bukcleughe his surname kin freindis assistaris pairtie or partakeris.²⁶

In return, Buccleuch signed this reconciliation taking the burden for his kin, friends, and allies. The obligations within kinship that bound the social structure of feuding could equally be utilised in the enforcement of its reconciliation and compensation.²⁷

²³ Wormald, ‘Bloodfeud’, pp.67-71, 96.

²⁴ *RPCS*, iv, pp.585-6; v, pp.161, 273; Brown, *Noble Power*, pp.29, 56; Brown, *Bloodfeud*, p.79.

²⁵ NRS, Lothian papers, GD40/2/9/78.

²⁶ NRS, Buccleuch Muniments, GD224/906/3.

²⁷ Groundwater, ‘Bonds, Private Obligations and Public Justice’, pp.174-5, 179-80, 185, 187-8.

Here too we see the personal authority of the kindred's leader over those of his name being recognised in a dispute. Leaders such as Buccleuch could be entrusted by the kindred to arbitrate disagreements: for instance, in 1585 at Hawick, Buccleuch signed a bond of maintenance and service with Robert Scott of Allanhaugh, in which Allanhaugh promised on behalf of his kin and friends to 'serve, manteine, and defend my said cheif ... as ane gentilman aucht to do to thair chief'. This understanding of the obligations of kinship were further fortified by those of lordship. In return for Allanhaugh's commitment, Buccleuch promised to 'fortifie, manteine, and defend' Allanhaugh and his dependents, and as he did, so did he on behalf of his own Scott kindred.²⁸ Such authority was not always efficacious, and it is clear that in the dispute between the Kers of Cessford, and Ferniehirst, that Cessford had lost that familial recognition as the rivalry between two powerful branches of the same surname escalated. Cessford however could still draw on the support of much of the rest of the Kers.

The recognition that the crown gave to the social structuring of feuds, and the authority of kindred leaders over those of their surname, was to be seen in the measures it took to try to stem escalating violence. In 1577, for instance, when the Privy Council tried to pre-empt a resumption of the Scott-Ker feud, it recalled the contract of 1565 between Buccleuch and Cessford in which both had, 'on behalf of his surname', promised to reconcile.²⁹ The 'Act anent the Highlands and Borders' of 1587 called for Buccleuch, Ker of Ferniehirst and Cessford's ally, Ker of Littledean, to assume responsibility for those who 'dependis upoun the directionis [of] the saidis capitaneis cheiffis and chiftaines (be pretensis of blude or place thair duelling)'. Of specific concern was 'masterful reiving, theft or reset of theft, depredations open and avowed, [and] fire-raising upon deadly feuds' whose proponents were 'protected and maintained by their masters'.³⁰ Periodically the crown asked kindred leaders to sign a General Band promising to enforce compliance with government requests and making them accountable for their kindred's good behaviour. Such bands, and further ordinances for their upholding, were issued in this period in 1572, 1573, 1574, 1576, and 1599.³¹ In 1602, the

²⁸ Fraser, *Buccleuch*, ii, no. 202. Groundwater, 'Bonds, Private Obligations and Public Justice', p.182.

²⁹ *RPC* ii, pp.643-4, 665. Fraser, *Buccleuch*, i, pp.137-40; ii, no. 192; Brown, *Noble Power*, p.64.

³⁰ *RPS*, 1587/7/70

³¹ *RPC* ii, pp.117, 370-3, 547-52; vi, 45-6, 435-6.

general band was signed at Jedburgh by over 120 borderers, including Buccleuch's kinsmen the Scotts of Harden, Haining, Tushielaw and Goldelands, and his allies, the Elliots of Redheugh and the Stobs; they promised that if 'we or any of us be querrellit be ony clan, brensche, or surname', they would 'concur and assist with uther aganis [those] ... that querrellis, as gif it wer oure proper cause'.³²

There was however a more concerted attempt by the crown from the 1580s onwards to suppress feuds throughout Scotland by calling specific combatants to Edinburgh to sign acts of caution and surety. Arguably, this interest impacted more heavily in regions of special concern, such as the Borders. In late 1589, privy councillors meeting in Peebles asked Lord Maxwell to give details of those 'amangis quhome deidlie feid standis, that they might be chargeit to gif and tak assurance'.³³ Typically, the main proponents of any dispute took responsibility for their own and their associates' behaviour in an act of caution, an agreement that was fortified with surety undertaken by other senior members of his kindred to see the cautions upheld. Thus for example Buccleuch, in 1590, had become surety for Robert Scott of Allanhaugh, agreeing to ensure that Allanhaugh would answer to the March Wardens for any accusation against him. In return, Allanhaugh signed an act of caution, registered by the privy council, to keep Buccleuch 'skaithless', that is unharmed through this obligation.³⁴ Kindred leaders were also being asked to find caution themselves for their fulfillment of the obligations they had sworn under the general band. In 1596, Cessford was forced to find caution under the monetary pain of £10,000 for the good behaviour of all for whom he was answerable; Robert Lord Crichton of Sanquhar and Andrew Ker of Romano Grange stood surety for Cessford's fulfillment of this bond. On the same day, Buccleuch too found himself finding similar caution, with Sir James Scott of Balwearie standing surety for him.³⁵ The same caution was being exercised by the crown three years later when Buccleuch acknowledged his responsibility for a number of Scotts in the Borders, including Robert Scott of Thirlestane for whom he 'acknowledged obligation to answer for him', since Thirlestane 'holds his lands of him'.³⁶ These onerous duties reflected the crown's acknowledgement of

³² *RPCS*, vi, pp.827–8.

³³ *RPCS*, iv, p.826.

³⁴ *RPCS*, iv, pp.809.

³⁵ *RPCS*, v, pp.741-2.

³⁶ *RPCS*, vi, pp.823-4.

the nature of these lairds' authority in the Borders, and the ways in which obligations of kinship and lordship could be harnessed in the service of the crown. Such expectations seemed justified when, in 1590, Buccleuch with Sir Andrew Ker of Ferniehirst moved quickly to contain any escalation of violence between their men following a brawl in Edinburgh when two of Ferniehirst's were killed, Buccleuch signing bonds of assurance for himself and on behalf of his own men.³⁷

The crown's recognition of the efficacious, and *de facto* nature of the power exerted by Cessford and Buccleuch over and through their followers, consolidated and legitimized that power in the offices given to them: Cessford, as Middle March warden from the early 1590s, and Buccleuch, as Keeper of Liddesdale from 1594.³⁸ However, in doing so the crown fuelled a personal rivalry that replicated earlier competition for power in this march between their two families, and reignited a pattern of feuding between them that had been such a notable characteristic of life in the Middle March for much of the sixteenth century.

It is against this background of personal rivalry and recurrent violence that we need to see the altercations between young Walter Scott of Buccleuch (born sometime around 1567) and the Cessford heir, young Robert. Both men's actions were informed by the circumstances and collective memories of previous events, and the reiteration of these during attempts to resolve the Scott-Ker feud. At the same time, the historical competition between the Scotts and Kers for local office was being played out again between the current leaders in their own feud which was socially structured by their kindreds.

As the new leader of the Scott kindred by the mid 1580s, Buccleuch's challenge to Ker power in the region recalled previous rivalries that had ended badly, at a time when William Ker of Cessford was getting older; his headstrong son Robert Ker was a few years younger than Buccleuch and it would not be until the early 1590s that Cessford would hand over to Robert his leadership of the Kers, and the Middle March wardenship. The signs for future peace were not good, with both men reputed combative; Robert Ker was said to be 'ambitious, proude, bloody in revenge, poore and easylye framed to anie purpose in courte or country',

³⁷ NRS, Lothian papers, GD40/2/9, fos 80, 81, 83-4, 86.

³⁸ Fraser, *Buccleuch*, ii, no. 211; *RPCS*, v, p.178.

whilst Buccleuch was described variously as ‘proude, malitious, mimitating the Spaniard’, and as ‘a man of energy, prompt in counsel and action, powerful in fortune, force, arms and following’.³⁹ The intense personal rivalry that developed between these two feisty men, both with access to significant manpower and resources in the Middle March, was to continue to stoke the collective memories of the enmity between their surnames. Attempting to settle the disputes of the past, and perhaps anticipating future trouble, Robert Ker’s sister, Margaret, was married to Buccleuch in 1586 in order to encourage warmer relations between the two families. Margaret was subsequently described by her sister as ‘a good Ker, if ever there was’ which must have made life interesting, ensconced as she was in a Scott household.⁴⁰

But dispute between two such vigorous men, vying for dominance in the Middle March, was perhaps inevitable – even without such a long tradition of antagonism between their families. Additionally, as ever, court politics were to impact again in the early 1590s, when Buccleuch’s deluded stepfather, the Earl of Bothwell, rebelled against his cousin James VI. Buccleuch was initially forced into temporary exile for his complicity in Bothwell’s raids, but James’ recognition that he needed the cooperation of the major landholders in the Borders in maintaining order in the Borders meant that Buccleuch was able to return by 1594.⁴¹ Buccleuch and Cessford’s personal rivalry was seen in their competition for the Keepership of Liddesdale, which Bothwell had held, and which Cessford had managed to get his hands on briefly from November 1591 to June 1592. In 1594, both profited hugely from the forfeiture of Bothwell, with Buccleuch winning the lordship of Liddesdale and the permanent grant of the Keepership, much to the irritation of Cessford. This meant that by the mid-1590s, although Cessford was acting as his father’s deputy as warden of the Middle March, Buccleuch effectively controlled the west part of the march, through his extensive lands in Teviotdale, his powerful relations amongst the Murrays of Selkirkshire and Tweeddale, and the Keepership of Liddesdale, which gave him control on the Anglo-Scottish frontier. Cessford was soon complaining to the English that he could not answer for Liddesdale, where

³⁹ *CBP*, ii, nos. 265, 347; *RMS*, xlvi, no. 15; Brown, *Bloodfeud*, p.24.

⁴⁰ Fraser, *Buccleuch*, ii, no. 204; Fraser, *Montgomeries*, i, p.252.

⁴¹ Julian Goodare, *State and society in early modern Scotland* (Oxford 1999), pp.257-9, 280, 284; Julian Goodare and Michael Lynch, ‘The Scottish state and its Borderlands’, in *Reign of James VI*, pp.186-207 at pp.187, 201.

Buccleuch dominated, or East Teviotdale, which Ker of Ferniehirst, Buccleuch's ally and Cessford's enemy, controlled.⁴²

Yet political factionalism, the legacy of previous violence, and personal competition were not the only things affecting this ongoing feud. It was the position of the region on the border with England that heightened the tension between the two surnames, the Scottish crown's need for a defensive force against English incursions justifying the arming of these borderers' retainers, and its financing of their officers. In addition, the English seemed positively to delight in stoking the flames of the Scott-Ker feud: in 1596, Ralph Eure, the Middle March warden wrote gleefully that Cessford's 'quarrel with Buccleuch is a means of peace with us, who he fears may join his adversary [Buccleuch]', noting that he hoped that one of them might 'wrecke the other'. Bowes, another English official, was 'assured that their imulation [feud] wilbe much better for our country then their agreement'. English meddling added an extra level of frisson to the existing tension between them.⁴³

It is perhaps not surprising then that in the same year it was reported that 'the matter stands so hard between the two lairds as friends dare not bring them together to move friendship between them for fear of mischief'. But despite the best efforts of their kinsmen and friends to effect a reconciliation, the English commentator suggested the dispute was not reconcilable. It was also reported that Cessford and Buccleuch were trying to secure allies amongst the non-Cessford Kers.⁴⁴ The feud between them appears to have been by then on a particularly personal level, in which their own kinsmen were trying to stop the posturing escalating into outright violence; 'some of their friends attend on them and the matter to stay their hands'. So whilst this feud drew on the historic delineation of the Scott-Ker feud, in this instance it appears that some efforts were being made within the kindreds to stem its spreading, at the same time as Buccleuch and Cessford were canvassing for support in those same kindreds.⁴⁵ By June 1596 matters had worsened, and it was thought that 'Buccleuch and Sir Robert so far quarrel as it is looked to be drawn to single combat', and in July Cessford, it was said, had attempted to provoke Buccleuch into action by showing himself 'openly in the streets of

⁴² Rae, *Administration of the Scottish Frontier*, pp.215, 240, 245; *CBP*, ii, no. 187.

⁴³ *CBP*, ii, no. 265, 347.

⁴⁴ *CSP Scot.*, xii, nos 115, 120.

⁴⁵ Check for refs in *CSP*, especially from next footnote.

Edinburgh with a small number'. An undated agreement signed by Buccleuch, probably at this point, talked of terms their 'cuming to the field'.⁴⁶ The efforts of their friends must have kept them apart, for no contest is recorded as having taken place. Bad feeling remained, however, and in August 1597 the 'heartburn and hatred betwixt them' was still being reported.⁴⁷ Despite these personal hostilities, both men however had managed to retain the favour of their king. Whilst James needed the manpower that they controlled on the Borders, as part of his bargaining with Elizabeth, James did not intervene.

At this point, the Cessford-Buccleuch feud appeared as irresolvable as ever, but just over a year later James was to have them shaking hands in his cabinet. In bringing them to this point, and in the subsequent suppression of the wider Scott-Ker feud, James' personal intervention was to be paramount. That said, it was not so much James' interest in their feud *per se* that occasioned his attention, but the changing diplomatic and governmental contexts in which the feud had become inconvenient. Most persuasively perhaps was the carrot of the English succession which forced, in 1597, a *volte face* in James' attitude to dealing with crime in the Borders, of which more below. But there were other pressures at work too: James VI's government was beginning to crack down on violent crime, in particular feuding, throughout his kingdom. Moreover, for some historians, such as Julian Goodare, this endeavour formed part of wider processes of intensifying government, amounting to state formation-in-progress, in which the exercise of violence was to be restricted to the crown; the 'strang' hand that their armed retinues had given the nobility, and previously used in the pursuit of private justice (or personal enmity) was now to be harnessed to effect newly intrusive government in the regions.⁴⁸ For many other historians, this is an over-statement of both James' intentions and the efficacy of such moves, although it should be acknowledged that the level of crown interference in local disputes in the late 1500s was unprecedented. For some, including

⁴⁶ *CSP Scot.*, xii, nos. 197, 212, 224; xiii, pt.1, no. 142; GD224/1059/17; Brown, *Bloodfeud*, p.25.

⁴⁷ *CSP Scot.*, xiii, pt 1, no. 52.

⁴⁸ Goodare, *State and Society*, pp.67, 74-6, 97, 100-101, 160; Goodare, 'Scottish Politics in the Reign of James VI', pp.37-9; Groundwater, *The Scottish Middle March*, pp.128-30, 137-9, 152-3, 206-7.

Maurice Lee, these constraints on noble power were about the playing out of historical tensions between magnates and kings, in which James, thanks to his able chancellor, John Maitland, and a new *noblesse de robe* on the council triumphed.⁴⁹ Jenny Wormald and Keith Brown have done much to nuance that old chestnut showing how the king was able to attract the co-operation of those nobles in the suppression of the feud. In doing so he utilized the mechanisms that Stewart kings had historically used to gain the compliance of their nobility and greater lairds: targeted patronage, a recognition of noble counsel, and the bonds of lordship that brought kings the manpower of a noble's kin and tenants. For Wormald, he was just singularly good at doing it at a time, when, as Brown shows, there were multiple other impetuses undermining the legitimacy that previously supplied by the codification of the feud.⁵⁰

Whatever the mixture of cultural and religious sea-changes that had occasioned it, feuding, a practice often hitherto ignored by the crown was now inescapably being deemed by secular and ecclesiastic critics alike as barbaric, uncivilized, de-stabilising and offensive to God. James and his council repeatedly attributed disorder within the kingdom, and more particularly, the 'commounweill', to the 'deidlie feidis and contraverseis standing amangis his Hienes subjectis of all degreis'; further trouble would ensue if 'the same feidis sall not be removit'.⁵¹ As a result, individual instances of feud were being targeted with increasing frequency, the principal combatants being ordered to bring their cases for arbitration and settlement before the Court of Session or the Privy Council. The private justice of the feud was slowly being replaced by more formalised settlement in the public courts, often utilizing however the processes of arbitration and compensation characteristic of the 'private' resolution of a feud.⁵² This was to be a lengthy endeavor however, since centuries-old practices were not going to be dissolved overnight.

⁴⁹ Maurice Lee, 'James VI and the Aristocracy', *Scotia*, 1 (1977), pp.18-23.

⁵⁰ Jenny Wormald, 'James VI: New Men for Old?', *Scotia*, 2 (1978), pp.70-6; Brown, *Bloodfeud*, pp.232-4, 258-60, 268-72.

⁵¹ *RPCS*, v, pp.248; Brown, *Bloodfeud*, pp.184-207, 215-19.

⁵² Groundwater, Bonds, Private Obligations and Public Justice', pp.174-6, 189-90; Godfrey, *Civil Justice*, pp.355-6, 412-13; Wormald, 'Bloodfeud', p.90.

James himself could be a driving force in these attempts at arbitration and reconciliation. In 1587, he had staged in Edinburgh a public reconciliation of a large number of feuds amongst the nobility. Nobles in dispute were made to walk together hand-in-hand to a 'love banquet' in the Tolbooth, where over copious goblets of wine and platters of sweetmeats, they were to swear an end to their feuds. Inevitably, this display of unity was more symbolic than practical, a triumph of idealism over reality; it did however suggest James' own commitment to promoting 'tranquillitie' within his kingdom by suppressing the vendettas amongst his nobility first, and then getting them to repress other feuds.⁵³ He was still advocating this method twelve years later in advising his son in *Basilicon Doron* to 'put the laws to due execution', beginning with the ones 'that yee loue best, and is most oblised vnto you; to make him an example to the rest'.⁵⁴ For James it was clear that ending the nobility's own lawlessness was key to suppressing the effects of the feud throughout society. But whilst James advocated the due and impartial execution of the laws, his own actions in doing so were open to criticism. His insistence on the king's role in dispensing personal justice, and acting himself as mediator in particular cases, could get in the way of that due process; he could be swayed to mercy where punishment was perhaps more appropriate. In February 1596, for instance, James intervened in the feud between the Kers of Ancrum and Fernihirst, and Robert Ker of Cessford over Cessford's killing of William Ker of Ancrum in 1590, calling the chief protagonists before the council; there they agreed in the king's presence that 'they were content in taikin of concord to tak the said Sir Robert be the hand' with no further action taken against Cessford. As a result, Ferniehurst was still seething over the affair some six years later.⁵⁵ As Keith Brown observes, James 'never lost his impetuous desire to forgive'; and for some, like James Melville of Halhill, James' proclivity in granting remissions 'his God offendit'.⁵⁶

But in the mid 1590s it did appear that James, or at least his council, was applying a greater consistency in systematically dealing with feuding, but it was going to take a sustained effort to overcome such an ingrained practice. In December 1595, for instance, the Privy Council woefully enumerated the continuation of thirteen named feuds. In a concerted attempt to deal

⁵³ Moysie, *Memoirs*, pp.63-4; Brown, *Bloodfeud*, p.216.

⁵⁴ James, *Political Writings*, p.28.

⁵⁵ *RPCS*, v, p.273; Brown, *Bloodfeud*, p.79.

⁵⁶ Brown, *Bloodfeud*, pp.215-19, quote at p.216; Melville, *Memoirs*, p.391.

with these it ordered the thirty-four principal offenders within them to appear on a specified day before King and Council to underlie ‘such order as shall be prescribed for removing the said feuds’. However, when an announcement was made at Stirling’s town cross of letters of horning issued against one of those named, Alexander Forrester of Garden, and his sons and associates, Garden and his gang attacked the officer at arms, showing their contempt for the legal process by ripping up the letters in front of him. The matter was still live in April 1598 when Garden was forced to become surety that his sons would stay away from Stirlingshire and Linlithgow; old habits would take time to change.⁵⁷ By 1598, the Privy Council appears to have found progress still too slow in suppressing the violence; at a convention of the estates, an act was passed ‘regarding removing and extinguishing of deadly feuds’. This called for all feuds to be submitted for formal arbitration and resolution, and any pursuit for its satisfaction was to be undertaken through legal processes, not private action.⁵⁸ Despite these measures, the crown was able only really to target individual instances of feuding, and it was not until the early 1600s that any substantive progress was made in suppressing it more generally, in the Borders as elsewhere in the kingdom. Whilst there are a number of reasons cited for the ultimate disappearance of the feud, James’ success in attracting the co-operation of the nobles and lairds whose structures of power had once formed the social structuring of many feuds should not be under-estimated. Those same structures of power, the kindreds, were now to be employed in the kingdom-wide targeting of violent crime.⁵⁹

This process was to be employed with extra emphasis in the Borders. Initially, James held back from dealing out anything other than mild rebuke in response to the rumours of Buccleuch and Cessford being on the verge of combat, or English complaints over their behaviour. At the same time, however, he was becoming increasingly worried over Elizabeth I’s refusal to confirm him as her heir to the English throne. From the mid-1590s, he was increasingly keen to prevent any occasion of antagonism between England and Scotland. By

⁵⁷ *RPCS*, v, pp.248-9, 261-2, 273, 280, 303-4, 688.

⁵⁸ *RPCS*, v, 552; *RPS*, 1598/6/2 Brown, *Bloodfeud*, pp.239-60, 269; Goodare, *State and society in early modern Scotland* .

⁵⁹ Brown, *Bloodfeud*, on attracting the nobles’ cooperation, pp.216-19, 225-6, 233-5, 241-4, 268-70, and on the role of religion in transforming attitudes towards feuding, especially ‘Ideology – Christians and Gentlemen’, pp.184-214; Goodare, *State and Society*, pp.74-6, 97, 100.

1597, this was to amount to a complete change in his often ambiguous policy in the Borders, in a newly consistent policy of suppression of cross-border crime in particular, but also of violent crime more generally in the Borders.⁶⁰ Borders lairds were forced to sign responsibility for their affiliates' actions, the general band was to be subscribed and invoked, and judicial raids were made into the Borders in August 1594, October 1595, April and November 1597, April 1598, and September 1599.⁶¹ As a result of the king's changing priorities in the Borders, and the imperatives of the hoped-for English succession, Buccleuch's and Cessford's previous favour at court slipped, the king's dependence on their armed force in the Borders superseded by his need now to placate English concerns. As importantly, the king was also in great need of his annual pension of £3,000, granted personally by Elizabeth, which she had been withholding that year until the king made Buccleuch accountable to the English for the Kinmont Willie escapade. The combination of these pressures led finally, in late 1597, to the king's insistence on their temporary surrender to English custody to answer the many heated complaints against them.⁶²

The heightened tensions of this moment seem to have brought the ongoing enmity between these men to breaking point. Whilst Buccleuch complied fairly quickly with the king's demands, Cessford, initially eluded such pressures. Buccleuch lay resentfully alone in ward at Berwick, and in November 1597, this led to a furious exchange of letters: Buccleuch, incarcerated, feared that Cessford, his rival for power in the Middle March, would make the most of his incapacity, accusing him of an attempt to take his life. A series of counter-accusations of dishonesty and dishonour followed in which Cessford wrote that things had reached such a state that 'honor will not admit me thus privately to resolve you'. The correspondence ended with the rebuttal by Buccleuch of his relationship with Cessford through marriage, 'Your brother in na termes'.⁶³ All this was too much for a hot-blooded

⁶⁰ Susan Doran 'Loving and affectionate cousins? The relationship between Elizabeth I and James VI of Scotland, 1586-1603', in S. Doran and G. Richardson (eds), *Tudor England and its neighbours* (New York, 2005), pp.203-33; Groundwater, *The Scottish Middle March*, chaps. 6 and 7.

⁶¹ Rae, *Administration of the Scottish Frontier*, app. 6, p.268.

⁶² Groundwater, *The Middle March*, pp.181-4; Julian Goodare, 'James VI's English subsidy', in Goodare and Lynch, *The Reign of James VI*, pp.110-25, at pp.113-16, 120-1.

⁶³ *CBP*, ii, no. 842.

Cessford and in December 1597 he sent his representative, the equally belligerent Master of Orkney, to the imprisoned Buccleuch with a verbal ‘challenge of combat’.⁶⁴ In January 1598, it was said that ‘without bloode that matter can never end honorably between them’.⁶⁵ The imperatives of honour and the maintenance of reputation, so central to the rhetoric of feud, continued to frame both men’s responses and bind the apparent deadlock in their positions. Thankfully for all, however, Cessford was finally induced by the king to surrender to the English to answer their complaints, which took him out of the picture for a few months. Buccleuch, on James’ personal intervention with Elizabeth, was released for James needed at least one of his senior officials available to carry out his newly persistent targeting of crime in the Borders.⁶⁶

The dispute may have been expected to flair up on Cessford’s release later that year, but in fact it never came to a violent conclusion. So what was it that had induced the combative pair to overcome their personal rivalry, and to resist the power of the collective memory of the ancient enmity between the Scott and Ker kindreds? Both seem to have cottoned on quickly to the changed political and diplomatic circumstances that no longer permitted the physical manifestations of their enmity. This was very much thanks to the king. Firstly, James’ intercession on Buccleuch’s behalf with Elizabeth, to secure his early release from English captivity, will presumably have earned him this borderer’s gratitude. The very fact of Buccleuch’s surrender at all was a reflection of his willingness to satisfy the king. Similarly with Cessford, James had not had to have him arrested; he had merely exerted pressure on Cessford to hand himself over to the English. Presumably, there was some private deal between king and his Borders’ officials of future support. After all, it was in James’ own interests in the Borders to have the co-operation of the local elites there in fulfilling his newly consistent policy of pacifying crime; Buccleuch and Cessford were useless to him imprisoned in Berwick. The sizable followings that these two men had authority over, and the manpower therefore that they could attract to help them carry out their duties as Keeper and Middle March warden, respectively, were immediately to be important forces within the pacification.

⁶⁴ *CBP*, ii, nos. 866, 878.

⁶⁵ *CBP*, ii, no. 891.

⁶⁶ *CSP Scot.*, xiii, pt. 1, no. 120.

So it was in James' diplomatic interests to insist on his officials' own compliance with the crack-down on violent crime in the region more generally, and in the interests of those same men initially to earn James' protection, and subsequent gratitude, in the changed world of increasingly harmonious Anglo-Scottish relations.⁶⁷

But as important as suppressing crime more generally was, it was James' own efforts in reconciling the personal differences between Buccleuch and Cessford that carried special weight. It was not unusual, as Keith Brown observes, for the king to stage such an intervention, especially amongst his nobility. What made this particular case pressing was the diplomatic situation as outlined above: James needed their attention focused on the pacification of crime, not the settling of scores. James also placed great emphasis on the personal nature of his role as mediator and conciliator, physically bringing them together in his presence, almost certainly making them take each other by the hand (given the examples of previous such stagings), a performance of reconciliation made all the more significant since it was done in the king's private space, his 'cabinet'.⁶⁸ It would be too much, of course, to hope that all animosity between Buccleuch and Cessford was immediately resolved, and for the next couple of years fears continued that 'the old quarrel' would resume. Crucially however despite the doubt expressed over the permanence of the reconciliation, there was an acknowledgement of the force that was binding them to peace – it was done, it was reported, 'only for obeying the King.' Where the efforts of (some of) their kinsmen and friends had to bring them together had not succeeded, the king seems to have proved irresistible.⁶⁹

James' personal intervention, the physical performance of friendship, was crucial to the reconciliation itself; but in ensuring its longevity James used a strategy that had worked for him more generally in attracting cooperation from his landed elites – rewards for service in a mixture of grants of lands, revenue and titles, of inclusion within government in Edinburgh, and in crown offices in the regions. These last, conveniently, underpinned the authority that powerful men held over their kindreds and tenants, and brought James the manpower they could command within these bodies. In the Borders, after 1597, rewarding Cessford and Buccleuch brought James the manpower at their disposal in the Ker and Scott surnames in his

⁶⁷ Groundwater, *The Scottish Middle March*, ch.7.

⁶⁸ Brown, *Bloodfeud*, pp.56-7.

⁶⁹ *CSP Scot.*, xiii, pt.1, nos 279, 440, 443; xiii, pt.2, no. 496; *CBP*, ii, no. 998.

newly consistent policy of pacification of crime; and the pressure that they could exert over their kindreds, and tenants in complying with crown policy. As crown-appointed officials, as Warden and Keeper respectively, they were responsible for the redress and suppression of internal and cross-border crime that James seemed determined now to eradicate; and increasingly, as leaders of their substantial kindreds, they were held to account for their affiliates' behaviour. They did this by utilising the traditional obligations of lordship in their lands, and kinship within their own and allied surnames. What was new, however, was their adherents' subscription of officially-registered personal bonds of assurance, and the increased invocation of the responsibilities of the General Band that both Buccleuch and Cessford had signed on behalf of these men. Typical was that promise by the Elliots to uphold Buccleuch's arbitration of their dispute, one of several such bonds signed by his tenants in Liddesdale swearing to be answerable to him for any English or Scottish complaint against them.⁷⁰

The king's gratitude for such cooperation, and for the brothers-in-laws' handling of their own enmity was quickly to follow. Both Cessford and Buccleuch were drawn (in Buccleuch's case, eventually) into central government, with Cessford attending privy council meetings between twelve and nineteen times a year to 1603. Buccleuch was to spend a few years serving in the Low Countries, but returned by 1607, at which time he began to attend Privy Council meetings more frequently. In 1611, Buccleuch was sworn in as a privy councillor.⁷¹ Any dimunition that the two borderers may have felt in the reining in of their more arbitrary actions in the Borders, was to some extent being compensated for by such inclusion at the highest levels of government. Back in the Borders, they retained their offices, although Cessford's wardenship fell into abeyance after 1603, when the whole Scottish border region, now part of the rechristened cross-border 'Middle Shires', came under the lieutenancy firstly of Lord Home, and after 1605, under the Scottish Commission for the Middle Shires. After 1607, Buccleuch, as Keeper still of Liddesdale, was instrumental in the pacification, and in 1608, he received an approbation of and indemnity for his services in this, which underlined that the king himself had 'instructed him verbally, both privately and in public' to 'execute justice on the malefactors and settle the country in peace'. That Buccleuch had the power to do so was noted in the 'fortune, force, arms, and following' that he continued to command amongst his kindred and tenants. In this he was utilizing the traditional bonds of lordship and

⁷⁰ NRS, GD224/906/68/4; GD224/906/5/1-7.

⁷¹ Fraser, *Buccleuch*, i, p.235, ii, p.262; *RPC* vii. 340;

kinship, to effect crown policy in ways that were not particularly different from those of old; the diplomatic and governmental contexts in which he was acting had, however, irrevocably changed.⁷²

Land and honours came his way too from an appreciative king, as they did also to Cessford. Buccleuch, in 1599, received a new confirmation of the barony of Branxholme, with its consolidation of Branxholme, the lordship of Ettrick Forest and the barony of Minto; along with his lordship of Liddesdale, Buccleuch effectively held lands from Ewesdale in the west through to Roxburghshire in the east, encompassing much of Teviotdale. In 1606, James created him Lord Scott of Buccleuch.⁷³ As for Cessford, in 1600, James granted him an annual pension of 650 merks from the abbacy of Kelso, in remembrance of Cessford's 'gude honorabill and thankfull service'. Later that year Cessford was made Lord Roxburgh.⁷⁴ In 1603, Cessford accompanied James to London and was eventually to marry Lady Jean Drummond of Queen Anne's household, at a wedding that reputedly cost £3000, and was paid for by the queen.⁷⁵ A list of the new Lord Roxburgh's clothing in 1610 showed how times had changed. When at Whitehall, no longer did he wear the leather jerkin of the Borders rider, but the rarified clothing of a courtier, such as:

Doublet of neir whyte satene wrought with gallounes doublet of cloth of gold.

One pair of carnatioun taffatie gatrers withe ane riche lace of gold and silver.⁷⁶

There is an indication however that these men were not fully reformed: in 1602, the newly ennobled Roxburgh had to find surety of £2000 from John Spottiswoode of that ilk not to harm two Lethan brothers in Ellesden.⁷⁷ And it would take longer for the disputes between some of their kinsmen to settle, collective memories perhaps sustaining enmity amongst those who had not benefited in the same way as their kindred leaders. In 1608, for instance, Sir Andrew Ker of Greenhead successfully pursued Robert Scott of Haining, Buccleuch's

⁷² Fraser, *Buccleuch*, i, pp.231-2; Groundwater, *The Scottish Middle March*, p.91.

⁷³ NRS, GD224/479/1; GD224/890/14; GD224/917/34.

⁷⁴ Roxburgh papers, NRAS1100/728.

⁷⁵ Chamberlain, *Letters*, i, pp. 487n., 504, 507.

⁷⁶ NRAS, Roxburgh papers, 1100/1227.

⁷⁷ *RPCS*, vi, p.733.

previously trusted lieutenant, for an armed attack on the Ker-owned mill of Selkirk, the rights to which Haining disputed.⁷⁸ As was said of the similarly long-running feud between the Maxwells and Johnstones of the West March, 'the hairburning betuix thair frendis and followeris is not yit fullie extinguishit'.⁷⁹

The inducements of offices, lands, income and titles, however, offered by James were to prove sufficient for these leaders to break the pattern of violence that had helped to define and divide their kindreds for the previous century. In the process, they had stemmed a personal rivalry too which had looked until 1598 as intractable as ever. In this, Buccleuch and Cessford were affected by a challenge by the crown to traditional models of noble power, in which the landed elites had participated in feuds, and exercised their rights of arbitration within nominally private systems of justice. The crown's increasing insistence on the resolution of feuds in either the Court of Session or the Privy Council in Edinburgh, and the subscription of various bonds of assurance for future good behavior by nobles and their followers alike, imposed an increasingly public and centrally registered mode of justice. This constrained the nobles', or as in the case initially of Buccleuch and Cessford, the greater lairds' own powers of arbitration, and began to negate the need for the large armed retinues that such men maintained to pursue a feud, or to enforce its settlement. That said, the crown continued deliberately to use the 'strang hand' exerted by the powerful men of the regions to prosecute crown policy, which meant that those traditional models of lordship, and service, and the obligations of kinship and alliance that had helped man the pursuit of a feud, were now being used in the suppression of its practice. These were processes happening throughout Scotland, but in particular in areas of governmental concern. In the late 1590s, one of those targeted areas was the Borders, in the face of changing diplomatic objectives; the personal interest that this stimulated, of James' hopes of the English succession, prodded into action the one man who could ensure that Buccleuch and Cessford would meet, and at least in his presence, reconcile. The king's personal intervention also helped to ensure that the effects of this reconciliation were lasting, no matter how much rivalry may have remained between them. So it was a combination of personal interest (of James and these borderers alike), and specific

⁷⁸ *RPCS*, viii, p.134.

⁷⁹ *RPCS*, xii, pp.673-5.

diplomatic contexts, as much as broader processes underway in the ending of the feud, and intensifying intrusion of the crown into the resolution of dispute, that Buccleuch and Cessford never themselves came to blows. The changed times were reflected in the lack of support shown by Buccleuch to his former chief enforcer, Scott of Haining after 1603; and when a fight broke out in 1619 between the followers of the former Cessford, now Roxburgh, and his cousin Ferniehirst Roxburgh offered to take such measures as Ferniehirst desired 'to teach' his affiliates 'to live more civilly and quietly'.⁸⁰ The poachers had truly turned gamekeepers.

⁸⁰ NRS, Lothian papers, GD40/2/12, fo. 50.