

**PRIVATEERS OR PIRATES? THE REIVER FAMILIES OF THE
SCOTTISH BORDERS DURING THE EARLY REGENCY, 1567-1572**

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During the first half of the sixteenth century, the borderlands between England and Scotland

were dominated by extended family groups or clans who lived primarily by raiding, or by a weaker way of life. These raiders followed an essentially piratical way of life, owing allegiance to none outside the kinship group, and had reduced the borderlands to an unprecedented state of lawlessness by the middle of the sixteenth century. For about fifteen years, though, political turmoil in Scotland beginning in 1567 impelled many of the Scottish raiders to ally with political factions, and act more as privateers, or pirates owing allegiance to a higher authority, while not attacking them or their allies.

The raider families of the Scottish Borders inhabited a region markedly different from England's other border region, the Welsh Marches. Wales had effectively been brought under English authority by the beginning of the fifteenth century, while Scotland's independent (and occasionally semi-independent) status persisted, at least in part, well into the eighteenth century. As a result, the Border families tended to regard their region as a distinct political and social entity distinct from either Scotland or England, and tended to ignore both Edinburgh and London equally, particularly when these governments were attempting to enforce order in the region or obedience to their laws. Despite the frequent quarrels and feuds carried on among the Borderers, they were all inhabitants of a semi-autonomous region, irrespective of national boundaries, and whose behavior and codes of conduct were more consistent with those of each other than to either of their respective governments.¹

Raider families created elaborate kinship ties through marriage, frequently with little regard for national boundaries. In December 1565, both the English and Scottish governments established restrictions on cross-Border marriages in an attempt to reduce the escalating complexity of kinship bonds, but this regulation was treated no more seriously than other official pronouncements.²

The Border region was divided into three areas: the West March, from Solway Firth to the valley between the rivers Esk and North Tyne, the Middle March, to just east of Kelso, and the East March, to the North Sea. Scottish and English marches faced each other across the border. On the Scottish side, the West and East Marches were dominated respectively by the powerful noble families of Maxwell and Johnston in the west, and the Homes in the east. The situation in the Middle March, though, was more complex; while the dominant powers were the lairds of Buccleuch and Ferniehurst, raider families such as the Armstrongs, Elliots, and Crosiers exercised considerable autonomy in the region.³

Officials known as wardens were placed in control of the marches. In the English marches they were invariably Crown officials with familial ties to the region, but in Scotland the choices were limited to Border lords, some of whom were as lawless as the raiders against whom they were supposed to be contending. While the Homes exerted enormous influence in the East March, the Maxwells and Johnstons of the West March skirmished frequently among themselves, and the principal lairds in the Middle March, Thomas Kerr of Ferniehurst and Walter Scott of Buccleuch, not only feuded with each other, but with several of the raider families as well.⁴

The most turbulent of the Border regions, and the principal focus of this paper, were the provinces of Teviotdale and Liddesdale in the Middle March. Liddesdale in particular had a reputation for unbridled lawlessness, largely due to the unrestrained behavior of the Armstrongs and the Elliots, both powerful enough to muster hundreds of men for forays into rivals' lands. Attempts to restrain the conduct of these families were frequent, if not always successful. Three Elliots were charged with the murder of the laird of Hassinden in 1565, and while all were found guilty and banished for life, one of them was pardoned by Queen Mary and her husband, Henry

Lord Darnley, later that year, despite his demonstrable guilt.⁵

In some cases, kinship ties among the lairds were overridden by other concerns. In the murder trial of Gilbert Lauder in September 1565, Fernihurst appeared among the *Aprelocoutouris* [witnesses] for the defense, and his kinsmen William Kerr, laird of Cessford and Andrew Kerr, laird of Fawdonside performed the same role for the prosecution.⁶

Occasionally, the lords of the region behaved no differently than the reivers. In August 1566, Lord Home, 3 of his kinsmen, and 2 of his clients were charged with raiding Fernihurst's lands, and Aat the leist trubling the peax of the cuntre.⁷ It appears that their common identity as Borderers transcended traditional class boundaries, as the differences between outlaws and lords were marked more by power and status and less by behavior and activity.⁸

Periodically, the authorities mounted punitive raids into the Borders. In October 1566, Queen Mary sent one of her Border lords, James Hepburn, the Earl of Bothwell, on a foray into Liddesdale to pacify the perennially troublesome Elliotts. While Bothwell was initially successful, capturing a group of Elliotts and imprisoning them in a castle called the Hermitage, he then undertook to pursue one of the most notorious reivers of Liddesdale, A Little Jock@ Elliott.

As A Little Jock@ tried to flee, Bothwell shot him with a pistol; but as he approached the fallen reiver, Little Jock leaped to his feet and stabbed Bothwell three times in the body, as Bothwell delivered two blows from his own dagger. Little Jock made his escape, but he collapsed and died of his wounds less than a mile away. As the wounded earl was brought back to the Hermitage in a cart, he learned that the Elliott prisoners in the Hermitage had escaped and seized control of the fortress; and now Bothwell had to bargain with the Elliotts to regain admittance to his own castle. This frustrating and humiliating encounter demonstrates the limitations of official power in this region, especially considering that Bothwell had been appointed lord of Liddesdale by the queen and was the effective representative of royal authority in the district.⁹

The traditional pattern of behavior in the Borders, activity independent of both Edinburgh and London, appears to have been irretrievably altered by the events of 1567 and 1568 in Scotland: the assassination of Lord Darnley, the queen's marriage to Bothwell, the lords' revolt against Bothwell, and the forced abdication of Queen Mary at the hands of the lords, led by the Earl of Moray (Mary's half-brother) and the Earl of Morton. At the same time, the allegiance of Border factions still proved important. When Bothwell was brought up on charges by the lords in April 1567 for involvement in Darnley's murder, and forcing himself in marriage on the queen, a notorious Liddesdale reiver, Sim AWanton Simie@ Armstrong, was among the co-conspirators accused.¹⁰ According to the *Diurnal of Occurrents*, when Bothwell took the queen to Dunbar where they were married, he did so with a force of nearly 800 men, many of whom were Borderers, and disguised his true intent by informing them that he wald ryid vpoun the thevis of Liddisdaill,@ a perfectly natural activity at the time.¹¹

As Scotland descended into chaos in 1567, the English considered ways and means to limit the depredations of their territory. The English Marches were controlled by Crown officials: Thomas Ratcliffe, Earl of Sussex, in the West, Henry Carey, Lord Hunsdon, one of Elizabeth I's cousins, in the East, and the elderly and wily Sir John Forster in the Middle Marches. Forster, whose preeminence in the Middle Marches would span more than 50 years, had extensive family connections in the region, and operated more as a crime boss than as a royal official; but his kinship ties, combined with the fear that he engendered on both sides of the border, kept his area controllable, if hardly peaceful.¹²

Increasingly, Scottish border lairds were forced to ally with a political faction, as Scottish

politics grew more polarized. The English ambassador to Scotland, Nicholas Throckmorton, complained to Elizabeth's chief minister William Cecil in July 1567, that as the Borders were becoming increasingly lawless, the best means of containing the unrest was to suborn the Edinburgh lords, on whose behalf the Borderers operated. The problem, increasingly, was that the Edinburgh lords were rapidly losing control of the border region as well.¹³

The first of the Scottish Middle March lairds to break ranks, other than Bothwell, was Thomas Kerr, the laird of Ferniehurst. Ferniehurst's quarrels with the English and with the new Regent of Scotland, the Earl of Moray, as well as with the disgraced Bothwell, gave little assurance that the Middle March would be pacified in the near future. The flight of Queen Mary to England in May 1568, moreover, introduced a new element of discord to the already unstable Border situation, for many of the Border lairds supported her rather than Moray¹⁴. This was particularly true in the Middle March, where Ferniehurst and Walter Scott, the laird of Buccleuch, openly supported the queen. Moray mounted a fierce raid into Liddesdale and Teviotdale in June 1568, ostensibly to pursue Athieves, but the raid's effect was negligible, if bloody.¹⁵

The Scottish regent knew only too well from whence his opposition came. He wrote to Queen Mary, then detained at Bolton Castle in northern England, that A some under colour of your service, has practised to break the Borders and endanger peace. At the same time, Mary was complaining to the English that her supporters were being despoiled by the Regent's followers, a charge echoed repeatedly by the queen's supporters in the Borders, and just as regularly dismissed by the English as overblown and self-serving.¹⁶

Amidst the charges and countercharges of raiding, more important objectives were considered. Moray warned the English warden of the Middle Marches, Sir John Forster, in August that the laird of Ferniehurst was seeking to free Queen Mary from captivity. The English wardens were fully aware of the activities of Mary's supporters on the Borders, and complained repeatedly to the queen's more prominent adherents, citing the East Middle Marches (in other words, Liddesdale and Teviotdale) as the region most subject to abuse by her supporters. The queen responded that these acts were committed not by her supporters, but A unruly theives and no men of accompt.¹⁷

The Queen's party escalated their activities in the following months. Andrew Kerr, the laird of Fawdonside, one of the Regent's most dedicated followers, was kidnapped and held for ransom in September by one of the queen's lairds A and other Elliotts, broken men, an indication that the Elliots of Liddesdale were now supporting the queen's party. As Moray's enemies in the region increased in number, the regent in early 1569 coordinated an attack on his enemies in Liddesdale with a 4000-man force led by Sir John Forster. Forster and the Regent burned Liddesdale to the ground, but took few prisoners; and by October 1569 Moray was preparing for yet another invasion of this most turbulent of Border provinces.¹⁸

Once again coordinating his attack with Forster, Moray's raid against Liddesdale in late October proved far more effective than the incursion earlier that year. The *Diurnal of Occurrents* reported in early November that A [i]t is said that thair wes sik obedience maid be the said thevis to the said regent, as the lyk wes neuer done to na king in na mans dayes of befoir.¹⁹

This did not, however, assure quiescence in the Middle March. On the day after Moray returned to Edinburgh from his successful raid, the Crosiers of Liddesdale destroyed the town of Kilham in the East March, seizing prisoners and stealing cattle. While some of the prominent Border families had chosen sides in the political disputes of the late 1560s, others had not, and

continued to raid their neighbors and rivals with undiminished and indiscriminate enthusiasm.²⁰

The event that did more to politicize the Borders than any other during this period, though, was the Northern Rising of December 1569. Two of Elizabeth I's most prominent lords in the north, Thomas Percy, Earl of Northumberland, and Charles Neville, Earl of Westmorland, had planned a rebellion in order to free Queen Mary from imprisonment and return the Catholic religion to its former official status. When Northumberland and Westmorland were summoned to London, suspicions regarding their loyalty having been aroused, the two earls fled across the border into Liddesdale and sought refuge with pro-Marian Borderers. The warden of the English West March, the Earl of Sussex, immediately wrote to Moray, asking that you will do what by force or by policy you can to apprehend them.²¹ On the same day, Sussex despatched an ambassador to Moray with instructions to recommend a full pardon for any offender in Liddesdale who could be persuaded to deliver the earls into English custody.²²

Moray moved with even greater speed. Within several days, Northumberland was betrayed by two Borderers, Martin Elliott and Hector Armstrong, who engaged the earl in conversation as Moray's troops quietly surrounded them. Northumberland was conveyed to Lochleven and there imprisoned until terms could be agreed upon for his extradition.²³ This egregious violation of the Borderers' unwritten policy of offering shelter to fugitives from royal justice brought notoriety to both, but particularly to Hector Armstrong, whose name became a virtual byword for treachery of the most reprehensible sort.²⁴

Moray was less successful regarding the earl of Westmorland, who was received and protected by the laird of Ferniehurst. Although the English were well aware of this, they also knew what resources lay at Ferniehurst's disposal, and the extent of their hostility toward the English and the Regent.²⁵

On January 23, 1570 Moray was assassinated in Linlithgow by a member of the Queen's party, and within days Buccleuch, Ferniehurst, and Westmorland mounted an enormous raid into northern England, savaging the countryside with fire and sword. Elizabeth I had warned her wardens to be on their guard, but the Scottish forces were too great, as the Borderers and Queen's party lords had now made common cause.²⁶

As a result of this common cause, though, pro-Marian Border lairds such as Ferniehurst and Buccleuch, along with the troops they could raise, were more valuable elsewhere in Scotland. In addition, the Marian lords were not anxious to invite English retribution unnecessarily, so cross-Border raiding was actively discouraged by the Queen's party, who now turned their attention to resisting Moray's successor as Regent, the Earl of Lennox.²⁷

The English, though, had resolved to end Scottish raiding across the Border once and for all. In a carefully planned and coordinated attack along all three Marches, forces commanded by Sussex, Hunsdon, and Forster crashed across the border on April 17, destroying Ferniehurst's and Buccleuch's principal castles, and pillaging towns controlled by the Maxwells and Homes, as well as properties belonging to other Queen's party lords. This attack had the desired effect, inducing the chiefs of the Elliots and the Armstrongs to seek arrangements with the English, and reducing, if not eliminating, Ferniehurst's and Buccleuch's raids into English territory.²⁸

As the pro-Marian Border lairds turned to resisting the Regent Lennox in Edinburgh, the security situation along the English Borders improved markedly, although raiding from Liddesdale did not cease altogether.²⁹

On September 4, 1571 some of the Queen's party, including Buccleuch, mounted a daring raid against Stirling, and captured nearly all of the leading members of the King's party, including the Regent Lennox. The undisciplined behavior of Buccleuch's Borderers, though,

enabled the Regent=s forces in Stirling Castle to mount a successful counterattack as the Borderers were looting Stirling, recovering all of their prisoners except Lennox, who was murdered to prevent his liberation.³⁰

While Ferniehurst advanced on Jedburgh in February 1572, intending to destroy the city, King=s party forces aided by the English defeated his army, and once again savaged Ferniehurst=s lands in Liddesdale.³¹ But in July 1572, after months of negotiation, a two-month abstinence was finally signed by the Queen=s party and Lennox=s successor as Regent, the Earl of Mar, in which all the major figures of both parties were granted amnesty for past deeds. Specifically excepted, though, were *Athe haill theiffis and brokin men of the bordouris@*.³²

Following the death of Mar in October 1572, Ferniehurst finally made his peace with the King=s party, as Buccleuch had done several months earlier.³³ It is possible that Ferniehurst=s decision had been prompted by the choice of Mar=s successor as Regent, the Earl of Morton, whose capacity for implacable vengeance was notorious even among his peers.

For a brief period, the propensity of the Border reiver clans to act essentially as pirates, owing allegiance to none but their particular group, had been subsumed by political and national factors triggered by the overthrow of Queen Mary in 1567. For the next fifteen years or so, the Borderers acted more as privateers, pirates serving under a flag, and owing loyalty to a faction larger, more inclusive, and more powerful than the kinship group. Following the execution of the Regent Morton in 1581 and the accession to majority by James VI shortly thereafter, the political and factional issues that had prompted this unusual period in Border history faded, and the reiver clans returned to primarily piratical behavior, a circumstance that would continue until the virtual destruction of Border autonomy during the first quarter of the 17th century.³⁴

ENDNOTES

¹ John Gray, *At Home in the Hills: Sense of Place in the Scottish Borders* (New York: Berghahn Books, 2000), pp.36-37.

² *Ibid.*, p.37; Joseph Bain, ed., *Calendar of Letters and Papers Relating to the Affairs of the Borders of England and Scotland Preserved in Her Majesty's Public Record Office London. Vol.I. A.D. 1560-1594* (Edinburgh: H.M. General Register House, 1894). #6, p.3.

³ Gray, p.38.

⁴ John Sadler, *Scottish Battles* (Edinburgh: Canongate Books Ltd., 1996), p.94; Robert Borland, *Border Raids and Reivers* (Dalbeattie: Thomas Fraser, 1898), pp.81-82.

⁵ Sadler, p.94; Robert Pitcairn, *Ancient Criminal Trials in Scotland; Compiled from the Original Records and MSS., with Historical Illustrations, &c. Vol.I. Part Second.* (Edinburgh: Maitland Club, 1833), p.466.

⁶ Pitcairn, pp.467-468.

⁷ *Ibid.*, p.487.

⁸ Sadler, p.94.

⁹ A detailed account of Bothwell's raid can be found in the contemporary *Diurnal of Remarkable Occurrents* (Edinburgh: Bannatyne Club, 1833), pp.100-101.

¹⁰ Pitcairn, p.489.

¹¹ *Diurnal of Occurrents*, p.109.

¹² Alistair Moffat, *The Reivers* (Edinburgh: Birlinn Limited, 2007), pp.215-217.

¹³ Throkmorton to Cecil, July 11, 1567; Throkmorton to Bedford, July 20, 1567; Throkmorton to Elizabeth, July 26, 1567; in Joseph Bain, ed., *Calendar of Letters and Papers Relating to Scotland and Mary, Queen of Scots Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol.II. A.D. 1563B1569.* (Edinburgh: Her Majesty's Stationery Office, 1900) [hereinafter *CSP Scotland*], #557, p.348; #566, p.357; #574, p.363.

¹⁴ Cecil was advised by Robert Lord Elphinstone in early May 1568 to instruct the English wardens to cooperate with Moray's representatives to apprehend those troubling the frontiers, particularly Liddesdale and Teviotdale. Elphinston to Cecil, May 3, 1568, in Bain, *CSP Scotland*, vol.II, #647, p.402.

¹⁵ Kyrkcaldy to Bedford, August 10, 1567; Elphinston to Cecil, May 3, 1568; The

Regent=s Progress in the West, June 11-24, 1568; in Bain, *CSP Scotland*, Vol.II, #591, p.378; #647, p.402; #717, pp.445-446.

¹⁶ The Regent to the Queen of Scots, August 7, 1568; Knollys to [Cecil], August 16, 1568; Herries to Scrope and Knollys, August 17, 1568; Knollys to Cecil, August 23, 1568; in Bain, *CSP Scotland*, vol.II, #765, p.473; #768, p.480; #770, p.482; #779, p.487.

¹⁷ Moray to Forster, August 21, 1568; Scrope and Knollys to Herries. September 11, 1568; Knollys to Cecil, September 15, 1568; in Bain, *CSP Scotland*, vol.II, #779, p.487; #810, p.504; #813, p.506.

¹⁸ Offences by the Queen=s Party, October 4, 1568; Sir John Forster to [Cecil], March 30, 1569; Murray to Elizabeth, October 22, 1569; in Bain, *CSP Scotland*, vol.II, #836, p.517; #1032, p.636; #1180, p.689.

¹⁹ *Diurnal of Occurrents*, p.151.

²⁰ Drury to [Cecil], November 9, 1569, Berwick, in Bain, *CSP Scotland*, Vol.II, #1201, p.700.

²¹ Sussex to the Regent Murray, December 21, 1569, in William Boyd, ed., *CSP Scotland, Vol.III. A.D. 1569-1571*. (Edinburgh: Her Majesty=s Stationery Office, 1903), #54, p.29.

²² Instructions for Mr. George Carey, December 22, 1569, in Boyd, *CSP Scotland*, Vol.III, #59, p.32. One possible explanation for Sussex=s extreme haste in pursuing the earls is that Sussex=s own brother, Egremont Ratcliffe, was implicated in the Northern Rising; and therefore an ostentatious display of loyalty to Elizabeth was a wise decision.

²³ *Diurnal of Occurrents*, p.154. One of Moray=s officers was killed in the scuffle that followed. Oddly, another contemporary chronicle, the *History of King James the Sext*, makes no mention of Martin Elliott or Hector Armstrong, but states that Northumberland was captured forcibly from the Elliotts, who Adefendit stoutlie..@ *The Historie of King James the Sext: Being an Account of the Affairs of Scotland, From the Year 1566, to the Year 1596; With a Short Continuation to the Year 1617* (Edinburgh: James Ballantyne and Co., 1825), pp.44-45.

²⁴ For years to come, the expression Ato take Hector=s cloak@ meant to betray someone whom you were honor-bound to protect. Thomas Hodgkin, *The Wardens of the Northern Marches* (London: J. Murray, 1908), p.13.

²⁵ Francis Haugh to [Cecil], January 12, 1570, in Boyd, *CSP Scotland*, Vol.III, #84, pp.47-53. Clearly a deep-cover agent for the English, Haugh=s palpable fear of his companions (Scottish reivers allied with Ferniehurst) radiates from every page of this entry, as when at dinner one of them observed jovially that he wished Hector Armstrong to have been on the menu (p.50).

²⁶ *Diurnal of Occurrents*, p.157; *Historie of King James the Sext*, p.48; Elizabeth to Sussex, January 29, 1570, in Boyd, *CSP Scotland*, Vol.III, #97, p.61.

²⁷ The Laird of Farnyhurst to the Laird of Grange, February 23, 1570, Drury to Cecil, February 23, 1570, in Boyd, *CSP Scotland*, Vol.III, #137 inclosure, p.89; #133, p.85.

²⁸ *Diurnal of Occurrents*, pp. 169-171; *Historie of King James the Sext*, p.55; Sussex to Cecil, April 16, 1570, Lord Scrope to Sussex, April 21, 1570, Sussex to Elizabeth, May 1, 1570, Sussex to Elizabeth, May 9, 1570, in Boyd, *CSP Scotland*, Vol.III, #177, pp.115-116; #188, pp.130-131; #209, pp.145-146; #222, p.168.

²⁹ For example, the Crosiers raided the Wark area in early June 1571 to steal horses. Drury to Burghley, June 11, 1571, in Boyd, *CSP Scotland*, Vol.III, #795, p.603.

³⁰ *Historie of King James the Sext*, p.91.

³¹ *Diurnal of Occurrents*, p.258, p.290; Hunsdon to Burghley, February 11, 1572, in Boyd, *CSP Scotland*, Vol.IV. *A.D. 1571-1574*. (Edinburgh: Her Majesty's Stationery Office, 1906), #136, p.112.

³² *Diurnal of Occurrents*, p.309. The entire text of the abstinence can be found in *Historie of King James the Sext*, pp.115-118.

³³ Declaration by Farnyhurst, November 1, 1572, in Boyd, *CSP Scotland*, Vol.IV, #472, pp.429-430.

³⁴ A very similar sequence of events would occur regarding Atlantic and Caribbean piracy, where following the primacy of privateering during the War of Spanish Succession (1702-1713), after the war piracy returned with a vengeance, until the final suppression of Atlantic and Caribbean pirates by the British Navy in 1725.

BIBLIOGRAPHY

Bain, Joseph, ed. *Calendar of Letters and Papers Relating to the Affairs of the Borders of England and Scotland Preserved in Her Majesty=s Public Record Office London. Vol.I. A.D. 1560-1594.* Edinburgh: H.M. General Register House, 1894.

Bain, Joseph, ed. *Calendar of Letters and Papers Relating to Scotland and Mary, Queen of Scots Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol.II. A.D. 1563-1569.* Edinburgh: Her Majesty=s Stationery Office, 1900.

Borland, Robert. *Border Raids and Reivers.* Dalbeattie: Thomas Fraser, 1898.

Boyd, William, ed. *Calendar of Letters and Papers Relating to Scotland and Mary, Queen of Scots Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol.III. A.D. 1569-1571.* Edinburgh: Her Majesty=s Stationery Office, 1903.

Boyd, William, ed. *Calendar of Letters and Papers Relating to Scotland and Mary, Queen of Scots Preserved in the Public Record Office, the British Museum, and Elsewhere in England. Vol.IV. A.D. 1571-1574.* Edinburgh: Her Majesty=s Stationery Office, 1906.

A diurnal of remarkable occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year M.D.LXXV: from a manuscript of the sixteenth century in the possession of Sir John Maxwell of Pollock, baronet. Edinburgh: Bannatyne Club, 1833.

Gray, John. *At Home in the Hills: Sense of Place in the Scottish Borders.* New York: Berghahn Books, 2000.

The Historie of King James the Sext: Being an Account of the Affairs of Scotland, From the Year 1566, to the Year 1596; With a Short Continuation to the Year 1617. Edinburgh: James Ballantyne and Co., 1825.

Hodgkin, Thomas. *The Wardens of the Northern Marches.* London: J. Murray, 1908.

Moffat, Alistair. *The Reivers.* Edinburgh: Birlinn Limited, 2007.

Pitcairn, Robert. *Ancient Criminal Trials in Scotland; Compiled from the Original Records and MSS., with Historical Illustrations, &c. Vol.I. Part Second.* Edinburgh: Maitland Club, 1833.

Sadler, John. *Scottish Battles.* Edinburgh: Canongate Books Ltd., 1996.