

Sketches of Early Scotch History

Part 6

KELSO.

No other spot of Scotch ground has witnessed such changes as the river bank where Teviot falls into Tweed. A town once stood there, of such importance as to form one of that remarkable Burgher Parliament, known as "the Court of the Four Burghs of Scotland," of which not a house, not a trace, remains. Still earlier, and long before the kindred people dwelling on the opposite sides of the Tweed had learned to look on each other as aliens and enemies, the great Princes of Northumberland had built a castle there, which became a favourite dwelling of Earl David, afterwards King David I. Before his accession to the throne, while Prince of Cumberland, and of a large district of southern Scotland, as well as after he became king, and while he ruled in peace all Northumbria to the Tees,¹ that prince found Roxburgh a central and convenient residence. Even after southern North-

¹ The English chroniclers, painting vividly the distractions of southern England during Stephen's reign, in the middle of the twelfth century, describe the

northern region, all beyond the Tees, as enjoying undisturbed peace and prosperity under the authority of David of Scotland.—*Bromton* ; *W. Neubr.*

umbria had been severed from Scotland, the castle continued one of the chief royal residences, where courts and councils and parliaments were held, ambassadors and legates were entertained, and a royal mint was established, during the reigns of David's grandsons, and down to the end of that long period of prosperity and peace which terminated for Scotland with the reign of King Alexander III.¹ That old importance has left a traditional and romantic interest about Roxburgh, which has survived its towers and walls, and the very memory of its actual story and of its share in the disasters of later times; and the same association which led the unfortunate prince, whose father fell in assaulting the castle, to adopt the name for one of his heralds, and his chivalrous son to blazon it around his shield,² still attaches to the green mound which the Teviotdale peasant shows as the site of "the Castle of Marchmound."

While the baronial castle and the gilds of free burghers were each contributing their share in the great work of civilisation, under princes like David and his successors, the foundations were laid of other institutions still more influential, and destined to be more enduring. As if foreseeing that his favourite valley was to become, in later times, the field of arms for two warlike nations,

¹ David received the cardinal-legate, John of Crema, at Roxburgh, in 1125, and there convened a council of the clergy. "Raul of Roxburc" was moneyer of much of the Scotch currency of William's reign. At least four parliaments or great national councils were held at Roxburgh during the reigns of Alexander II. and Alexander III.—*Act. Parl.* I.

² Although our books of heraldry tell

us nothing of the matter, it would seem that the chivalrous styles of our Scotch Heralds and Pursuivants—Snowdoun, Albany, Ross, Rothesay, Marchmond, Ilay, Carrick, Kintyre, Ormond, Bute—were introduced by King James III. James IV.'s signet has the name **Marchmond** on a scroll over the shield of the arms of Scotland.

the wise David had restored ancient, or planted new monasteries thickly over Teviotdale, which were not only to spread the blessings of religion, and in part to tame the rough Borderer, but were destined to afford him sometimes an asylum and support, when war had wasted all that was not under the protection of the Church.

At length, the abbeys too were swept away, when they had fulfilled their destiny ; and the effect produced by the suppression of such houses as Kelso, Jedburgh, Melrose, and Dryburgh, after four centuries of power, was more than had been experienced from the razing of the royal castle, and the utter disappearance of the flourishing city.

The period of our investigation embraces no less remarkable changes in the population of that district. When the light of record first breaks upon it, we can discern dimly, but with sufficient certainty, a native race retreating or sinking into dependency before the influx of predominating strangers of Saxon and of Norman lineage. These new settlers figure for some centuries as the feudal lords of the soil, rivalling the most munificent sovereigns in their benefactions to the Church. With them, as well as with many of their immediate vassals and of those of the Church, we become acquainted in the transactions recorded in the monastic Registers. We find evidence, also, of the early importance of a burgher class, and of the wealth of many merchants, burghesses of Roxburgh and still more of those of Berwick, a place which, before it became the unhappy subject of contention and war, carried on the most extensive com-

merce of any port on the eastern coast of the island, always excepting London.¹ Of the condition of the peasantry we have incidentally some information, though more of the kindly tenants under the easy rule of the Church than of the husbandmen and villeins who tilled the land of the lay lord and followed him to battle. But long before the end of our period, the great lords who once bore sway on the marches, the Earls of Dunbar, the De Morvilles, Balliols, Ranulphs, De Vescis, Cumins, De Sulis, and Avenels, had, in their turn, died out; and, for some centuries, the distracted state of the Borders seems to have been adverse to the rise, on firm footing, of any great families in the district. Even the Church could scarcely hold its own in a time so stormy, and there was no very dominant aristocracy at all to rival it, in that district, from the period of the war of the succession to the time of its downfall.

In the meantime, however, the disturbed state of the Border had given birth to a population not more remarkable in its early stages, than for the adaptation to varying fortunes through which it has arrived at its present condition. The lower class of that population has furnished subjects for the old minstrels who created the popular lays and ballads of Scotland; and our great Minstrel has thrown round them the romantic colouring of his poetry. But though we may not take their picture of the stark moss-trooper of the old Border days without abatement, we

¹ Note to Tytler's *History*, II. — An old chronicler describes Berwick as "a city of such populousness and commerce that it might justly be styled a second Alexandria, 'whose riches were the sea, and the waters its walls.' In those days its citizens being most wealthy and devout, gave noble alms, among which," etc.—*Lanercost*, A.D. 1266.

have there the marked features of his character, and cannot fail to observe his hardy but plastic nature accommodating itself to better times ; till the Borderer who, in the times they loved to dwell upon, would have been sung as the most daring "lifter" of an English drove, is noted only as the hardest shepherd or the stoutest husbandman among a peasantry and yeomanry that may well bear a comparison with any.

The progress to civilisation was still more remarkable in the upper class. The rough leaders of those Border hordes—"gentle," undoubtedly, after the style of Scotland, but not in general men of noble family, acquired consequence at first by the command of the readiest lances for any expedition that wanted their service. But in process of time (when the old churchmen had gone down, who formerly did the business of envoys and mediators), those illiterate captains were forced into a kind of diplomacy and management of international affairs, from their very contact with their neighbours on the English side. From the same cause, they were of necessity employed in the mixed military and judicial office of Warden of the Marches ; and in emergencies that often called for a ready hand as much as a cool head, their hardy nurture bore them bravely upwards. They rose through all commotions and all changes of parties. In the troubled times that succeeded the Reformation, church lands were ready for rewarding their service ; and when the time of tranquillity came, it found the children of adventurous leaders of a few troops of Border lances, not only among the old nobility, but

taking their place, without effort, among the foremost rank of the nobles of Scotland.

It was in 1113, during the period of the consequence and prosperity of Roxburgh, that Earl David, the heir-presumptive of the crown of Scotland, brought a little colony of thirteen reformed Benedictine monks from the newly founded abbey of Tiron, in Le Perche, and planted it beside his forest castle of Selkirk.¹ He endowed them with large possessions in Scotland, and a valuable territory in his southern earldom of Huntingdon; but the French monks were dissatisfied with their position on the banks of the Ettrick; and upon David's accession to the throne of his brother, he removed them from Selkirk—"a place unsuitable for an abbey"²—and established the monastery "at the Church of the Blessed Virgin on the bank of the Tweed, beside Roxburgh, in the place called Calkou."

The Abbey was dedicated to the Virgin and St. John the Evangelist. The first Abbot was Ralph, one of the French monks. The Scotch chronicles record that he succeeded St. Bernard, the reformer of the Order, who died in 1116, in his abbacy of Tiron; which, however,

¹ Simeon of Durham. 1113 is most probably the true date. The Chronicle of Melrose records the foundation of St. Bernard's monastery of Tiron in 1109, and it joins to that a memorandum (but without date) that Ralph was sent from thence, and became the first abbot of Selkirk. Fordun, who is here following the Chronicle of Melrose, appears to have mistaken the entry, and asserts that the Tironensian monks came to Selkirk in

that year, a statement, not only against probability, but contrary to his authority, the Chronicle of Melrose, which places the coming of the Tironensian monks into this country in 1113. *Anno M.C.XIII. monachi Tyronenses venerunt in patriam istam.—Chron. de Mailr. Fordun, v. 36.*

² *Quia locus non erat conveniens Abbatie.*

can scarcely be reconciled with the succession of abbots as given by the French writers.¹

Writing for the general reader, it is necessary to pass at once over all those minute particulars of local antiquities, which form the chief interest to the intelligent people of the district. The ancient names of places ; the boundaries between farms, settled by Saint David in person ; the sites of ancient churches, chapels, castles, granges, now ruined and forgotten ;—all those marks of the advances of early civilisation, in which the Abbey Register abounds, must be left for those who have the advantage of local acquaintance, and the opportunity of reading the charter upon the ground to which it bears reference. The time must come, when the gentlemen of Scotland will take an intelligent interest in the antiquities of their own districts ; and our scholars will be ashamed to know less of the colonizing and early history of Scotland than they do of Greece or Italy. All that can be attempted here, is to notice a few points of more general interest or curiosity, either illustrated or suggested by the ancient muniments which form the Register of the Abbey of Kelso.

A charter of Richard Cumyn, the first of that great name in Scotland, records a donation of the Church of Linton-roderick to Kelso, for the weal of the souls of Earl Henry, his lord, and of John, his own son, “ quorum corpora apud eos tumulantur.” The Earl Henry, whose place of interment is thus recorded, was the son of David I., who predeceased his father, dying in 1152.

¹ *Gallia Christiana*, VIII.

By his wife Ada, daughter of William Earl Warenne, he left three sons, Malcolm and William, who in succession filled the throne, and David Earl of Huntingdon, the ancestor of the later sovereigns of Scotland. Lord Hailes has alluded to an unaccountable assertion, which runs through some of the chronicles, that Earl David was older than his brother William.¹ The reason assigned for David being set aside is, that he was absent when the succession to the throne opened by the death of his brother Malcolm ; but the report is put upon a different footing by the Chartulary of Newbattle, where, upon a charter of King Malcolm iv., witnessed by his brothers William and David, and their mother, it is noted, “ hoc est contra eos qui dixerunt, de tribus filiis comitis Henrici, videlicet Malcolmo Willelmo et Davide, ipsum Davidem fuisse primogenitum ;” showing that the report, however groundless, went to raise David to the head of the family.

Some historical interest attaches to the grant by Malcolm iv. of the church of Inverlethan. Lord Hailes used this charter for refuting the fable of the chroniclers, of Malcolm’s vow and practice of chastity ; the king himself giving as a reason of his grant, that his son’s body lay in the church of Inverlethan the first night after his death. The charter is remarkable on another ground. For the cause already mentioned, the king grants to Inverlethan a right of sanctuary, as fully as was enjoyed by Wedale or Tynningham.

But while our early monarchs were thus ready to aid

¹ *Annals*, 1152, quoting Wyntoun and Fordun.

the Church in mitigating the violence of a rude age, they were prepared to withstand any assumption of jurisdiction that put in peril the entire independence of the Crown. On occasion of a Papal commission granted to an English and a foreign churchman, for trying an action against the Abbey of Kelso, King Alexander II. promptly interfered, and prohibited the commissioners from proceeding, while he intimated that anything done by them could have no effect. The king conceived he set forth a sufficient ground for that step when he cited the Papal privilege, "that causes originating in our kingdom shall not be drawn before other judges beyond the kingdom." It was not his intention to question the right of appealing to Rome, which was especially reserved in the bull founded upon.¹ Still less was it necessary now, as his forefathers had done,² to assert that as an indefeasible right which the Papal commissioners would respect more as a Papal grace.

After the monkish fashion of copying into their register whatever excited their particular interest, whether connected immediately with the affairs of the monastery or no, we have in our Chartulary a fine contemporary copy of the famous deed of Edward III. and his council, in Parliament, renouncing all claim of superiority over Scotland.³ This deed was formerly a subject of great

¹ The privilege runs against removing suits—*nisi ad sedem apostolicam, pro hiis duntaxat negotiis quæ in regno commode terminari non possunt.*—*Bull of Urban III. Reg. Glasg.* 69.

² *Hailes*, 1181-1188, and the Papal bulls in the chartularies.

³ It is imperfect. The conclusion giving the date (1st March, *an reg.* 2), and the authority of the English commissioners to make oath for their king, are here wanting.

dispute, and apparently even of doubt. The Parliament of Scotland directed a transumpt, or authoritative copy of it, to be made for preservation, so lately as 1415. An old English chronicler, who gives the words of the deed faithfully enough (with the exception of the solemn authentication—*By the King and Council in Parliament*), adds, as a palliation,—we fear rather of Edward's granting such a recognition, than of his violating it—*“sed notandum quod hæc notanda acta sunt anno ætatis sue decimo sexto.”*¹

It may surprise some readers to find a charter bearing the style of John, King of Scots, and dated the tenth year of his reign. John Balliol, whose reign dates from his coronation in November 1292, is generally said to have resigned his kingdom to his liege lord, Edward, in July 1296. The Scotch Envoy at Rome in 1300 formally denied that transaction, and asserted that Edward, after sending Balliol into England to prison, used the seals, which he had taken forcibly from the Chancellor, for fabricating the letters of resignation.² He maintained that John was still King of Scotland; and, whatever may be the truth with regard to Edward's forging Balliol's resignation, it was then the policy of Scotland, in its desperate struggle, to put forward the unhappy John as its rightful king. We accordingly find Wallace in 1298, while taking himself the style of “Guardian of Scotland,” acting “in the name of an illustrious prince,

¹ *Lanercost*. The words forming the conclusion of the deed in the Parliamentary transcript, *per ipsum Regem et concilium in parlamento*, may have been

written apart from the body of the deed. —*Act. Parl.* I. 226.

² *Fordun*, XI. 63, quoting the pleading of Baldred Bisset, the Scotch Envoy at Rome.

John, by the grace of God King of Scots ;”¹ and, in the following year, the Bishop of St. Andrews, the Earl of Carrick, and John Comyn, then Guardians, use the name of the king in the same manner.² We here find that Sir John de Soulys, the Guardian, continued to set forth the style of the degraded and forgotten King John so late as the year 1302.

Another series of these charters is of some historical interest. It appears that, under the doubtful sovereignty of David II., during his English imprisonment, a certain Roger de Auldton founded a chantry in the church of St. James of Roxburgh, which he endowed with the lands of Softlaw in Teviotdale ; and, on the same day apparently, granted two several charters regarding it ; the one running—“for the soul’s weal of a most excellent prince, my lord David King of Scots ;” the other, for the weal of “my lord King Edward of England.” These charters seem to have been each presented for confirmation to the sovereign commemorated in each ; and a confirmation, engrossing Roger’s charter at length, bears to be granted by David “at Inverkeithin, in our council there held, on the first day of April, the year of our reign the twenty-fourth, and A.D. 1354 ;”³ while Edward’s confirmation of the grant is in a charter under the great seal of England, dated “at Berwick on the first day of May, the year of our reign, of England the twenty-eighth, and of France the fifteenth,” *i. e.*, May 1, 1354.

¹ *Act. Parl.* i. 97.

² *Ibid.* 98.

³ It is now well known, that in all documents *after* his return from England, the regnal years of David II. are

stated one year short of the truth. These charters show that this discrepancy between the years of his reign and the years of our Lord, existed also some time *before* his return from captivity.

These dates, in both instances, occur in duplicate, and we cannot, without much violence, presume an error of the record. It would appear, however, that in neither case can the Sovereign have been present at the granting of the charter which passes in his name and under his seal. We have no other evidence, nor any notice by historians, of the imprisoned David having attended a council at Inverkeithing in April 1354; and Edward was undoubtedly at Westminster on the 1st of May of that year. But at that period, and for long after, the English practice agreed with that of Scotland; and, in both countries, the king was believed to be where he attested his charter.¹ The terms of the English confirmations are also remarkable. They set forth Edward's usual style of "King of England and France, and Lord of Ireland," while the subject-matter is wholly Scotch. It would seem as if the English monarch considered Teviotdale, at that time, as part and parcel of England.²

It is scarcely of less than historical interest to endeavour to ascertain the early history of the family of Douglas; a race which, in two or three generations of remarkable men, rose so high as to send its future chroniclers into the region of romance to seek for a suitable origin.

Later writers, willing to escape from palpable fables, sought for proofs of the Douglas origin in the Kelso Chartulary. Mr. Chalmers lays it down as demonstrated by

¹ This presumption ceased after the eighteenth of Henry VI.; subsequent to which, the place where an English crown charter is dated affords no proof that the king was present.

² It will be observed that one of the

witnesses, John de Coupland, the hero of Neville's cross, is set forth in Edward's charter as *vicecomes noster de Roxburgh*; as if he considered Roxburghshire actually an English county.

him, that the lands of Douglas, the ancient family estate, were first granted to a certain Theobaldus, a Fleming; and that his son William, in the end of the twelfth century, first took the territorial name of Douglas.¹ In both positions he seems to be mistaken. The lands granted by the Abbot to Theobald, though on the Douglas water, appear, after the minutest inquiry into their boundaries, not to be a part of the ancient territory of Douglas;² and there is no proof, nor any probability, of William of Douglas of the twelfth century, the undoubted ancestor of the family, being descended of the Fleming who settled on the opposite side of his native valley.

The materials of the early history of the Parliament of Scotland are so scanty, that it was to be expected our constitutional lawyers should not overlook the fragments of Parliamentary styles which have been preserved on the blank leaves of the Kelso Register. These are a series of slightly varying forms of proxies to Parliament, running in the names of Abbots Patrick and William of Kelso, and of a certain J. de H., a lord of that ilk, and, as a free tenant of the Crown, bound to give suit and service in Parliament. From the handwriting and style of these writs, they may be safely ascribed to the time of Patrick and William, successively abbots in the beginning of the fifteenth century;³ and we may be allowed to conjecture

¹ *Caledonia*, i. 579; followed by Wood in his Peerage.

² If it shall be thought that the charters, of Polnele in 1267-70, convey the same lands, granted a century before to Theobaldus Flamaticus, it would follow that the Douglases were not in the pos-

session of the land of his grant, till acquired by Sir William in 1270.

³ Wight, in his *Enquiry into the Rise and Progress of the Parliament of Scotland*, has mistaken the age of the only one of these which he has used. His argument in support of its being of the

that one, in which the Abbot sets forth sickness as the cause of his own absence, is of date subsequent to the Act 1425, which required that no members should appear by proxy, "but gif the procuratour alleage there, and prove, a lauchful caus of absens." It will be observed that all these styles substitute two or more procurators for the absent member ; and we find that more than one sometimes actually attended,¹ showing how little the voting was considered, and carrying us back to the times when a seat in Parliament was felt as a burden much more than a privilege.

In the charters of Schottun and elsewhere, we find some references to the marches of the kingdoms, too minute for all but the fortunate inquirer who may trace "the rivulet as it descends by the chapel of Saint Edlered the virgin, and divides between the kingdoms of England and Scotland, close beside Homeldun." The attention of historians and antiquaries has not been sufficiently turned to the actual boundaries of the kingdoms, as they existed at different times. Nothing would be more important for the early history of Scotland than to ascertain what was really comprehended in the province of Lothian ; upon which some light might be thrown by an attempt to fix the successive limits of the Bishopric of St. Andrews ; and it is by no means impossible that a

20th May 1258, loses its last support, when we ascertain that the Patrick of that century certainly was not abbot sooner than September of that year. The mistake has been long ago pointed out, and but little detracts from the merit of a valuable law-book, not making much

claim to record-learning or antiquarian research.

¹ Thus we find Duncan Waleis mentioned in the Parliament of 1369, as "one of the procurators of the Earl of Douglas."—*Act. Parl.* i. 173.

clue to the geography of the much disputed kingdom of Cumbria might be obtained, by exploring the boundaries which separated the jurisdictions of the Bishops of Durham and those of Glasgow. We have it established on the best evidence the subject admits of, that Edgar of England and his witan yielded the province of Lothian to Kenneth King of Scotland, in the latter half of the tenth century, which led to the permanent incorporation of the Scoto-Saxon lowlands with the kingdom of Scotland proper.¹ Now, along with the kingdom of Northumbria, the patrimony of Saint Cuthbert must have suffered curtailment; and there seem to be more materials for fixing the subsequent limits of the ecclesiastical than of the civil jurisdictions.²

Of the Church, its dues and its burdens, and of the life of the clergy, we have scarcely so much information from Kelso as in most of the other chartularies. In a bull,

¹ In A.D. 953-971. Edinburgh had already been evacuated by the English. See the admirable translation of Lappenberg's *Anglo-Saxon History* by Thorpe, and the authorities cited.

² The following very curious mandate, recorded in the Registers of Durham, is communicated by the kindness of the Rev. J. Stevenson. It is here printed entire, in the hope that it may excite the attention of some zealous Church antiquary, who will perhaps elucidate the time and circumstances in which it has been issued:—

Prohibitio T. Archiepiscopi Eboracensis clericis de Teuydale que est de diocesi Dunelmensi.

Thomas Dei gratia Eboracensis archiepiscopus Alg' clerico salutem. Ipse tibi ore ad os prohibui, cum per te crisma et oleum ad Glasguensem ecclesiam misi, ne crisma vel oleum illud dares in parochiam

Dunelmensis episcopi. Tu vero illud, contra defensionem meam, in Teueytedale dedisti, de qua ecclesiam Dunelmensem saisitam inveni. Mando igitur tibi et episcopali autoritate prohibeo et omnibus presbiteris de Teueytedale ne de crismate et oleo aliquod ministerium amodo faciat, nisi per octo dies tantum postquam breve istud videritis, ut interim requirere possitis crisma a Dunelmensi ecclesia que vobis illud dare solita est. Quod si post illos octo dies de crismate quod misi, aliquam christianitatem facere presumpseritis, a divino officio vos suspendo [donec] dirationatum sit ad quam ecclesiam pertineat. Valet.

Reg. 1. Prior. et Capit. Dunelm. fol. 183. The old annotator on Nennius, quoted above (p. 181), speaks of Wedale as “in the province of Lothian, but now within the diocese of the Bishop of St. Andrews in Scotland.”

which seems to be of Innocent IV.,¹ is a curious notice of what was perhaps the earliest shape of dues levied by Rome from the monasteries of Scotland, before the era of either of our ancient taxations of benefices. We have very careful and solemn settlements regarding the share of the Abbey benefices allowed to the working clergy: the privileges of the Mother Church in cases where chapels were tolerated: regarding "procurations," or the visitation dues of the bishop, archdeacon, and rural dean: and fixing that extraordinary exactions were to be borne equally by the rector (the Abbey) and the vicar. The celibacy of the clergy was effectually established by David I. among his other Roman reforms—a change of vast consequence for good and for evil. Its first and best effect was to save the clergy from becoming a hereditary caste. We do not find, within the period of our Register, acknowledged marriages of priests; nor, as in other church records, proofs of their sons succeeding to their livings. But we have here abundant occurrences of the sons of clergymen appearing along with their fathers, and plainly taking their rank and style from them. About the beginning of the thirteenth century, the Abbot confirmed to John, the son of the Dean of Stobhou, the land of Corroc, which his father had held of the Abbey. The Abbot's words are peculiar—"We receive him as his father's heir."²

It may be presumed the convent scribe entered, rather as a model than as having any authority within

¹ The pontificate is gathered partly from the enumeration of the Pope's predecessors, and from the list of the

bishops and kings of Scotland given in the bull.

² "In heredem ejus recepimus."

the Abbey territory, the two summonses of the Bishop of Durham against heretics. No register of Bishop Walter Skirlaw is preserved at Durham; and concerning James Notyngam, Robert Roxburgh, and John Withby, "priests, heavily suspected of perverse and erroneous doctrine, and opposed to the Catholic faith," we may only conjecture that they were some of the clergy imbued with Wycliffe's opinions, which were then beginning to spread in the north of England.

The Register of Kelso affords a great deal of information regarding the occupation of the soil, and the manner of its culture; and we are enabled to form a tolerably complete idea of the state of the population and the whole scheme of rural life, at least as it existed under the kindly shelter of the Church. We have a glimpse even of the mystery of rents and prices, the value of land and of labour, in Teviotdale in the thirteenth century.

At the period of a Rent Roll engrossed in the Register, or about the year 1290,¹ a great part of their ample lands and baronies were held by the monks "in dominico," in their own hands, and cultivated (by their villeins, doubtless) from their several granges, as at Reveden, Sprouston, Molle, Faudon, Witemer, Witelaw, Bolden. The land so held they measured in ploughlands where arable, and by the number of sheep it maintained where pasture. We must not judge of a plough of the monks by our modern notions, or fill it in our fancy with a pair of quick-stepping Tweedside horses. The Scotch plough of the thirteenth

¹ Lord Hailes, mistaking the date of Abbot Richard's accession, has slightly mistaken the period of the rent-roll. It

certainly was very near the year mentioned in the text.—*Miscellaneous Occurrences*, 1295.

century (and for three centuries afterwards) was a ponderous machine drawn by twelve oxen, whether all used at once, or by two relays; so that for the five ploughs of Reveden they had sixty oxen; and we do not wonder at finding pasture for those work cattle set down as a considerable part of the produce. On their land they reared oats, barley, and wheat, as their successors do. They made their hill pasture afford them hay, by removing their sheep from a portion of it at one season of the year. They had wagons for their harvest work, and wains of some sort for bringing peats from the moss.¹ Some time later, the Abbot's wains were usually sent for commodities to Berwick, and had a special resting-place allotted them upon "the bourn bra, south from the vedryng meadow," in the lands of Simpring; but perhaps that road was not at the time of the rental passable for wheel carriages.²

The monks had large flocks of sheep—fourteen scores of ewes in Reveden; 500 in Colpinhope "beyond the march," with 200 dinmonts; 300 hogs in Sprouston; 300 dinmonts in Altonburn of Molle; 700 wedders in Berehope, which were to be removed for a month in summer, when they were to have pasture in Molhope; 1000 ewes in Newton; 300 lambs at Malcarveston, etc.—more than 6600 enumerated, besides "two flocks" of wedders at Witelaw.

¹ The Abbey had from the land of Molle rods for repairing their wagons, as it would seem, though the word is generally used in old Scotch charters for ploughs—*virgas pro reparatione carrucarum*.

² We find, however, that the venders of fish and other commodities at Kelso, and at the fairs of Roxburgh, brought them thither both in wagons (*quadrigis*) and on horseback, as early as the time of William the Lion.

It would rather seem that the monks did not rear black cattle in considerable number. The oxen mentioned on their pastures were mostly those used in their ploughs. But at Witelaw they had a herd of fourscore cows, and smaller herds in other places ; and they had 60 swine pasturing in Newton.

So early as the twelfth century, the monks had a grant from Odenel de Umfravil, lord of Prudhoe, of the tithe colts of his *haraz*, or stud of brood mares ; extended by his descendants to the tenth colt of the mares which pastured in their forest westward of Cotteneshop. The monks put their brand on those tithe colts, which were then allowed to follow their dams in the Umfravils' forest till they were two years old.

We have here some indications of the previous existence of a system which must, in all likelihood, have been the earliest mode of land tenancy everywhere ; when the occupier of the ground, not yet possessed of capital enough of his own, hired, along with his farm from the landlord, the cattle, seed, and stock, required for cultivating it. This system, which is still remembered among us by the name of *steel-bow*, seems, at the time of the rental, to have felt the effects of a long period of national prosperity, when the tiller of the ground had risen in circumstances, and was enabled to cultivate his farm with his own stock. "Formerly," says the rent-roll, "each husbandman of Reveden took with his land, **Stuht**, namely, two oxen, a horse, three chalders of oats, six bolls of barley, and three of wheat. But when Abbot Richard commuted their services into money, they gave up their

Stuht, and each paid for his land yearly eighteen shillings.¹

As a fair specimen of the rate at which the Abbey tenants sat, we may take the rental of the barony of Bolden, which was considered as the model of the Abbey

¹ Of the word *stuht*, which is here plainly equivalent to "steel-bow goods," it is feared no further explanation can be ventured; and we must rest satisfied with the account given by Dr. Jamieson in the supplement to his Dictionary, who connects it with the Gaelic *stuth*, "stuff." The subject of "steel-bow goods" is interesting to the legal antiquary. Stair describes them as "goods set with lands upon these terms, that the like number of goods shall be restored at the issue of the tack." An early indication of this custom is found in the most curious of Anglo-Saxon law relics, the *Rectitudines singularum personarum* (Thorpe's *Ancient Laws and Inst. of England*, I. 434), where, in the chapter of *Gebures gerihte*—"the boor's rights"—it is thus described—*On tham sylfum lande the theos wæden on-stænt gebure gebyreth that him man to land-setene sylle 2 oxan & 1 cu & 6 scep & 7 æceras gesawene on his gyrde landes. forþhige ofer that year ealle gerihtu the him togebyrigean, & sylle him man tol to his weorce & andlaman to his huse. Thonne him forþ-sith gebyrige gyme his hlaford thæs he læfe.*—"On that same land where this custom holds, it falls to the boor that there be given to him at the setting of the land two oxen and one cow and six sheep and seven acres sown in his rood of land. (He is to fulfil after that year all the obligations which attach to him); and there are to be given to him tools for his work, and furniture to his house. When death befalls him, let the lord take what he may have left."

Of a custom so ancient and so widespread, it is interesting to observe how remarkably it has retained its *iron* appellation in other languages as well as

our own, in reference, we must suppose, to the *enduring* nature of the cattle or goods *quæ non pereunt domino*. We find them styled *eisern vieh*, *stahline vieh*, *stahlinen fuh*, "iron or steel cattle," in the old German law-books; *bestia ferri*, "beste de fer," in old law Latin and French (*Besold. thesaur.*—Ducange, etc.); and the tenure still known in French law by the name of *Cheptel de fer*. The Code, treating "Du cheptel donné par le propriétaire à son fermier" uses the ancient phrase,—*"Ce cheptel, aussi appelé cheptel de fer, est celui par lequel le propriétaire d'une métairie la donne à ferme, à la charge qu'à l'expiration du bail, le fermier laissera des bestiaux d'une valeur égale au prix de l'estimation de ceux qu'il aura reçus."*

The Scotch term *steel-bow*, being thus plainly equivalent to the *stahline vieh*, *bestia ferri*, *stahlinen fuh* und *schaafe*, of the continental lawyers; the last member of the phrase is perhaps to be found in the Scotch word *bow*, formerly used for a herd of cattle (from whence *bower* and *bowing*, applied to a particular tenure of pasture land), as the lines of Virgil (*Æn.* VII. 485):—

"Tyrreusque pater cui regia parent
Armenta et late custodia credita
campi :

are translated by Douglas—

"Tyrreus thar fader was fee master
and gyde
Of studdis, flokkis, *bowis*, and heirdis
wide ;"

unless we are satisfied with the more general German word *bau*, which may express any sort of *cultivation*; giving as the translation of *steel-bow*, *cultus ferreus*.

lands in regard to services. The monks had twenty-eight husband-lands there, each of which paid yearly six shillings and eightpence of rent in money, and the following services :—

Four days' reaping in harvest, the husbandman with his wife and all their family ; and a fifth day, the husbandman with two other men ;

One day, carting peats from Gordon to the Pullis, and one cart-load (*plaustrum*) yearly, from the Pullis to the Abbey ;

The service of a man and horse to and from Berwick once a year ; and on this occasion they were to have their food from the monastery. (The husbandmen of Reveden were bound each to give carriage with one horse from Berwick, weekly during summer, and a day's work on their return—or, if they did not go to Berwick, two days' tillage). In these services of carriage, a horse's load was three bolls of corn, or two bolls of salt, or one and a half bolls of coals ; or somewhat less in winter ;

To till an acre and a half, and to give a day's harrowing with one horse yearly ;

To find a man for the sheep-washing and one for the sheep-shearing,—these were to be fed from the monastery ;

To serve with a wagon one day yearly, for carrying home the harvest ;

All were bound to carry the Abbot's wool from their barony to the Abbey ; and to find carriages across the moor to Lesmahagow.

In such transactions with the labourers of the soil,

we perceive the chief opening for escape from villenage or hereditary servitude, for which "the air of Britain was too pure;" and which died out among us without exertion of the Legislature.¹ Whether any ceremony or act of emancipation took place, we cannot now perhaps determine; but it is manifest that both those classes of tenants were virtually and effectually freed from servitude. The covenant of a limited portion of service implies that the rest was free.

Last of all were the great Church vassals, who held a place only second to the baronage and freeholders of the Crown. These were chiefly in the territory of Lesmahagow. They had their lands free from all service, and (by license of the Abbot) had courts of Bloodwit and Byrthensak, and petty causes.² They had "merchet" for the marriages of their vassals' daughters, and paid to the Abbot "merchet" for the marriage of their own.

In the very earliest of these charters there are grants concerning mills, showing that the system of thirlage was even then introduced; and their curiously minute regulations of precedency at the mill, and payment of multures, prove the early ingenuity with which this piece of feudal oppression was enforced against all but the privileged.

At the period of the rental (A.D. 1290), the mill of Bolden, with its thirlage, gave eight merks of yearly

¹ One shape of slavery, indeed—the servitude of colliers and salters—was abolished by statutes so late as 1775 and 1799. That was not a continuation, scarcely a legitimate descendant, of the primeval villenage.—See *Appendix*.

² But in each case it was provided—*Si sanguis effusus fuerit in terra ejus, ipse forisfactum habebit de hominibus suis, et nos de hominibus nostris*, so important was the revenue derived from escheats and fines of court.

rent. Four brewing-houses were let for ten shillings each, and were bound to supply ale to the Abbot at the rate of a gallon and a half for a penny. The Abbot had from each house of the barony a hen at Christmas, which was worth a halfpenny.

The land of Abbots Selkirk, which was a plough-gate and a half, used to give ten merks of rent.

The Abbey had hostilages and mansions in many burghs, perhaps to enable their Abbot or his representatives to attend the king's court during the royal progresses. It had valuable fishings, and others of so little value, yet so carefully guarded by charters, as almost to lead to the belief that the monks esteemed some sort of fishing for sport.¹

We are not informed of what materials the bridge of Ettrick was constructed, for the support of which King Alexander II. gave the monks a grant of land, and where the Abbot afterwards held his courts of regality; but we have a very formal transaction recorded, for leave to build a bridge across the rivulet of Blackburn, and to have passage for carts and wagons to and fro; and we find the bridge was designed to be of stone, in the middle of the thirteenth century—an early instance for Scotland, and marking considerable progress in the arts, if the stream is of any size.

All the Abbey tenants and vassals were probably bound to relieve the Abbey of the military and other

¹ In the first charter to the Abbey, the founder granted the monks the fishing of the Selkirk waters—*aquas meas de Selechirche communes ad piscandum suis propriis piscatoribus ut meis*; a

right that would now be held of little value, save by the lover of the angle. It must have been of more consequence, however, when the lower water was less closely fished.

public services. We find this expressly provided in the case of the husbandmen of Bolden ; and with regard to the lands of Prestfield, which in 1327 were found by an assize to be four husband-lands ; to be parcel of the barony of Bolden ; and bound to provide a man-at-arms, who should be the captain of thirty archers, found by the barony.

Although richer in notices of the rural population, the Abbey Chartulary is not devoid of information regarding the class of burghers, such as they existed in those burghs of second rank which enjoyed privileges under the authority of some of the great lords of the Church. Kelso was one of this class, and there are some amusing instances, as early as the reign of William the Lion, of the jealousy with which the royal burgh of Roxburgh protected its privileges of fair, and right of trading, against the Abbot's pretty village on the other side of the river.

The Abbey of Kelso, the first and perhaps the richest of the Sainted David's monasteries, freed from all episcopal jurisdiction and dues,¹ itself enjoying the privileges of the mitre and crozier, took precedence among the monasteries of Scotland second only to the Priory of St. Andrews. It was not, indeed, until the reign of James I. that priority of place in parliaments and councils, above the Abbot of Kelso and all other prelates (after bishops), was adjudged to the Prior of St. Andrews, not on account of the antiquity of the foundation, but plainly by reason of his connexion with the primal see.²

¹ *Ab omni subjectione episcopali et exactione libera.*

² *Fordun*, vi. 49 ; where Bower evi-

dently misunderstands the arguments he reports. Without reckoning the foundations of Culdees, of remote and ob-

Thus foremost in rank and power, the monks of Kelso vindicated their place by their practice of the monastic virtues. We find their charity and hospitality early acknowledged by their diocesans, impartial witnesses, of the opposite faction, and with some cause for jealousy of the independent regulars. We may see them, in the transactions here recorded, as the liberal landlords of a vast domain, stimulating and aiding their people towards emancipation and true independence.

Good landlords and good neighbours, hospitable and charitable, when the time of trouble came in the War of Independence, we find them the objects of general sympathy. After peace had been in some measure restored by the vigour of Bruce, John, Bishop of Glasgow, expresses his sorrow that "the Benedictine monastery of Saint Mary of Calchow, which used to show a liberal hospitality to all who crowded thither, and lent a helping hand to the poor and needy, being situated on the confines of the kingdoms, through the hostile incursions and long-continued war of the countries, is now impoverished, spoiled of its goods, and in a sort desolate." The Bishop of St. Andrews, William of Lamberton, who had himself experienced so many of the mischiefs of the civil war, in the preamble to a grant in their favour, speaks with equal commiseration of our Kelso monks—"Seeing that the Monastery of Saint Mary of Kelcho, on the borders of England and Scotland, is, through the common war and the long depredation and spoiling of

scure antiquity, the Abbey of Seone and the Priory of Coldingham, at least, were earlier foundations of regulars than

either St. Andrews or Kelso. The controversy, therefore, cannot have turned upon mere antiquity.

goods by fire and rapine, destroyed, and, we speak it with grief, its monks and 'conversi' wander over Scotland, begging food and clothing at the other religious houses—in which most famous monastery the service of God used to be celebrated with multitude of persons, and adorned with innumerable works of charity; while it sustained the burdens and inconvenience of crowds flocking thither of both kingdoms, and showed hospitality to all in want—whose state we greatly compassionate," etc.

The beautiful and somewhat singular architecture of the ruined church of Kelso Abbey still gives proof of taste and skill and some science in the builders, at a period which the confidence of modern times has proclaimed dark and degraded; and if we could call up to the fancy the magnificent Abbey and its interior decorations, to correspond with what remains of that ruined pile, we should find works of art that might well exercise the talents of high masters. Kelso bears marks of having been a full century in building; and during all that time at least, perhaps for long afterwards, the carver of wood, the sculptor in stone and marble, the tile-maker and the lead and iron-worker, the painter, whether of Scripture stories or of heraldic blazonings, the designer and the worker in stained glass for those gorgeous windows which we now vainly try to imitate—must each have been put in requisition, and each, in the exercise of his art, contributed to raise the taste and cultivate the minds of the inmates of the cloister. Of many of these works the monks themselves were the artists and artisans.

The Abbey buildings of Kelso must have suffered severely at several periods of its history. We have seen the melancholy state to which the convent was reduced during the War of Independence; and subsequent wars with England, which always fell heavy on the Borders, must have rendered necessary more than one refitting of its buildings. But those church walls of massy stone were not easily obliterated. The solidity of their structure was proved when the English forces under the Earl of Hertford made that ferocious foray, in which the Church was no more sacred than the corn and cottage of the unarmed peasant. The leaders of the expedition describe it themselves, in a letter addressed to the King of England:—"From the Campe at Kelso, the 11th of September 1545, at night."¹

"Please it youre Royall Majestie to understand that uppon Wensdaye at two of the clock at after none, I thErl of Hertford, with youre Highnes armye, did arryve here afore Kelso; and ymediatly uppon our arryvall a certen nombre of Spanyardes, without myn appoyntment, gave of their owne courage an assault with their harquebues to the Abbey; but when I perceyved the same to be to lytell purpose for the wyning of yt, I caused them to retyere, and thought best to somon the hous, whiche I did furthwithe; and such as were within the same, being in nombre about an hundred persons, Scottishemen (whereof twelve of them were monkes), perswaded with their own follye and wilfulnes to kepe yt, whiche no man of any consideration of the daungier they were yn, the

¹ State Papers, v.

thing not being tenable, wolde have don, did refuse to rendre and delyver it. Wheruppon I caused the same to be approached out of hande with ordnaunce, and within an hower or lytell more made a grett breche; and the Spanyardes, whiche had byn at yt before, desyryng the assaulte, which I graunted theym, did enter the churche at the brèche, and haundeled yt so sharpely, that the Scottes were by and by dryven into the steple, whiche was of good strenght, and the waye to theym so narrowe and dangerous, that the night being at hand, althoughe they had wonne the churche, and all the house in effect saving that steple, yet they were forced, by reason of the night, to leave the assaulte till the next morning, setting a goode watche all nighte aboute the house; whiche was not so well kept but that a dosen of the Scottes, in the darke of the night, escaped out of the house by ropes, out at back wyndowes and corners, with no lytell daunger of their lyves. When the daye came, and the steple eftsones assaulted, yt was ymediatly wonne, and as many Scottes slayne as were within; and som also that fledde in the night were taken abrode. Of the Spanyardes were loste not past three or 4, whiche were kylled with the Scottes hacbutiers, at the first assaulte given afore the breche was made, and one or two Englishe men hurte, whereof Henry Isam, servaunt to me Sir Henry Knyuet, was one.

“Yesterdaye all daye, intending to procede to the making of a fortresse of the said Abbey (as I the saide Erle have before advertysed that I wolde, yf uppon the viewe of the place the same were fesible), we devised

theruppon with the Italion fortifier that ys here, Arham, and the master mason of Berwik ; and when we had spente all the day theraboutes, we found the thing so difficulte, that, in our pore opynyons, yt seemeth impossible to be done within the tyme that we can tarrye about ytt, for the causes folowyng ;”

Among the reasons given for not fortifying Kelso, are the following :—“ We fynde there, so great and superfluous buildinges of stone, of gret height and circuit, aswell about the church as the lodginges, whiche, to make any convenyent fortresse there, must of force be down and avoyded, that the taking downe and advoyding therof only, woll axe at the leeste two moneths ; and yf the same shuld be taken downe and not advoyded, the heapes of stone, besides the confusion of the matier, shuld remaine an enemye to the fortresse ; and to make the fortresse so large as shuld conteyne all those superfluous buildinges, shuld be suche a confused and longe worke as can not be perfected in a great tyme. . . . Also by reason that the water of Twede ryseth many tymes sodenly, we cannot have [victuelles] brought unto us when we wolde ; wherof we had a good experyens on the day of our marching hither ; for when the vaunt garde and the moste parte of the battell was passed over Twede, the water rose so sodenly, that the rereward could not passe, and drowned some of their carriages ; by meane wherof the rereward was fayne to marche on th’other syde of the ryver, till they came agaynst our campe on this side, and so to encampe theym silfes as strongly as they coulde agaynst us, the ryver being be-

tweene us ; and the next mornynge, the water being fallen, they came over to us. This experyens we had of this ryver ; and yet the wether was as fayre as was possible, and no likelyhod, nor no man wolde have thought that yt coulde have rysen so sodenly. . . . On th'other side of the water, even hard by, ys a gret hill called Maxwell hughe, whiche may beate the house, and ys an exceding great enemye to the same. And besides all this, the soyle hereaboutes is suche, and so sandye and bryttell earthe, that we can find no turfe any thing nere hand to buylde withall ; and the ground about the house ys suche a hard gravell, that without a countermure of stone, yt woll not serve to make the ditches, whiche woll axe a long tyme."

After weighing all which, the English leaders come to the resolution "to rase and deface the house of Kelso, so as th'enemye shal have lytell commoditie of the same, and to remain encamped here for five or six dayes, and in the meane season to devaste and burne all the country hereabouts as farr as we maye with our horsemen. As to morrowe we intend to send a good bande of horsemen to Melrosse and Dryburghe to burne the same, and all the cornes and villages in their waye, and so daylie to do some exploytes here in the Mershe, and at th'end of the said 5 or 6 dayes to remove our campe, and to marche to Jedworthe, to burne the same, and thus to marche thorough a great part of Tyvydale, to overthrowe their piles and stone houses, and to burne their cornes and villages"—a pious resolution, most faithfully fulfilled.

It is not wonderful that so little remains of the

Abbey of Kelso. The storm of the Reformation vented itself on the remaining images of saints, and relics of the old religion ; but found little of the fabric entire. The "great and superfluous buildings of stone," which impeded the English engineers in their plans of fortification, after being "razed and defaced" by them, have disappeared under the gradual but persevering inroads of the neighbours ; and the cloisters and conventual buildings of the convent and its lordly abbot, have passed by a common transmigration into the dwellings of their former dependants, the burghers of the Abbot's burgh of Kelso. The Abbey church, breached and shattered by the English "ordnaunce," seems never to have been repaired. After the Reformation, an unsightly fabric was fitted up within its walls, to serve the double purpose of a parish church and a jail, which has now for some time been removed ; and the church of St. Mary at present suffers only under the gradual decay of age, and the encroachment of some villager, whose sturdy Presbyterian heart feels no compunctious visitings while he stalls his cow on the consecrated ground where altars stood of old, and where warriors and princes chose their place of rest.

Reposing on the sunny bank of its own beautiful river, the modern town of Kelso looks a fitting rural capital for "pleasant Teviotdale." It has little the air of an old monastic burgh, and still less calls up any recollection of the heaps of ruins that impeded the plans of the English engineers. There is not much knowledge or tradition of its former state, and but few memorials

of its old inhabitants. Lately, a worthy burgher who had dug up in his garden under the Abbey walls what seemed to him a rare coin of a Scotch king, was scarcely well pleased to learn that it was a leaden *bullā* of Pope Alexander III., bronzed with the oxidizing of seven centuries.

In the midst of the modern town, the Abbey Church stands alone, like some antique Titan predominating over the dwarfs of a later world. Its ruins exhibit the progression of architecture that took place over Scotland and England, between the middle of the twelfth and the middle of the thirteenth centuries. What remains of the choir affords a good specimen of the plain Norman style, not of the earliest character, but such as prevailed in England before 1150, and in Scotland perhaps a little later.

The western front is later Norman, probably of the latter half of the twelfth century ; and the great western doorway, of which but a fragment remains, must have been a fine specimen of the period which produced the richest architecture of the circular arch.

Of the same period nearly, is the arcade of intersecting arches, a form more common in the churches of Normandy than in those of Britain ; and lastly, the tower springs from arches of a transition character, marking the first half of the thirteenth century, when the Norman style was passing into that which is now almost authoritatively stamped with the appellation of Early English.