Thesis
2705

'THE GALLOWS AND THE STAKE: A CONSIDERATION OF FACT AND FICTION IN THE SCOTTISH BALLADS'

VOLUME TWO

PART FOUR: OUTLAWS AND REIVERS

CHAPTER ELEVEN

INTRODUCTION TO PART FOUR

The following ballads are different from those which have gone before in that they are all concerned with men who live outside the law. Some of the main characters are actually referred to as 'outlaws', while the others, through acts or nomenclature, are identified as reivers, thieves or brigands.

Within the ballad context, an outlaw is identifiable by his not conforming to particular laws extant in Scotland and England in the Sixteenth and Seventeenth Centuries - he is a reiver, a thief, a poacher, etc. - but the status, or rather the anti-status, of the outlaw corresponds to the modern interpretation of the word. To be an outlaw is to inhabit no recognised social stratum: rather, to use a contemporary classification, the characters in these ballads exist within a sub-class of society, which the stable majority society acknowledges only as being alien and inferior.

There were various acts which could entail an individual's becoming an outlaw. Failure to answer a charge of homicide was one. The law was, as stated in the *Quoniam Attachiamenta*:

> If proceedings in respect of homicide are brought before the sheriff, the pursuer being present, on the first calling a continuation of forty days shall be allowed to the pursuer. The continuation should not be for a shorter period, but it does not matter if it is for a longer period ... 'The Sheriff Court of P., held on the day of at : On which day A. prosecuted C. for causing the death of F., and the said C. having failed to appear after having been repeatedly called and waited for in accordance with law, the prosecutor is allowed forty days in which to proceed;

and command is given to the mairs of fee that wherever the said C. can be found within their jurisdiction he shall be attached under safe and sure cautioners to answer to the prosecutor.' This procedure should be followed on the first, second and third occasions. If the accused does not appear on the fourth occasion, he should be outlawed.[1]

Failure to appear seems to have been relatively frequent and there are various examples of men being declared outlaw and fugitive on the strength of this statute, of which the following is typical:

28 *August* 1491

James Hayne and his brother William of Bog, Jhone of Schele buklar makare, Jhone Taitt skynner, (*blank*), art and pairt of the crewele slauchter of Robert Malysson cordiner, committit within this burgh of Edinburgh vpon Sunday as evin last wes, the quilkis persouns hes bene sercheit and socht be the baillies of the said burgh, schreffis within the samyn, at thair dwelling places, and cowth nocht apprehend thame, bot ar fugitiue fra the lawes for the said cryme; Quhairfore the saidis schireffis denunceit the said persouns our Soverane Lordis rebellis at the mercat croce of the said burgh and putt thame to the horne ... and chairgeit thairfore all and sundry our Souerane Lordis liegis that nane of thame suld howse herbery resset supple or intermet with the saidis persouns vnder the payne of deid.[2]

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[1] *Regiam Majestatem and Quoniam Attachiamenta*, edited by Lord Cooper, Stair Society 11 (Edinburgh: Stair Society, 1947), c. 59, p. 360.

[2] *Extracts from the Records of the Burgh of Edinburgh, 1403 - 1528* (Edinburgh: Scottish Burgh Records Society, 1869), p. 60.

An individual could also be declared outlaw for refusing to comply with religious and political edicts, or for more serious crimes such as treason. Other transgressions against the King's Law, or the incurred wrath of an overlord, could result in a man, and his entire family, being branded outlaw. It took royal intervention to release an individual from outlawry, and although an act, covered by chapter 56 of the *Regiam Majestatem,* could restore a man's personal honour and good fame, lands and goods could remain the property of others:

DE RESTITUTIONE FELONUM

Cum quis secundum leges terrae fuerit utlagatus et postea ex beneficio principis paci restitutus, non potuerit ea ratione hereditatem si quam habuerit ille vel heredes sui versus dominum suum, nisi ex ipsius misericodria et beneficio et nisi ei satisfecerit, recupare.

2. Forisfactum enim et utlagationem solet Dominus Rex damnatis remittere, nec tamen aliena jura potest infringere.

RESTITUTION OF FELONS

When any man has been outlawed by the law of the land and afterwards is restored to peace by the favour of the King, he cannot on that account recover his heritage (if he and his heirs had any) as against his lord except by the goodwill and pleasure of that lord or by making due satisfaction to him. For while the King can remit the penalties and the outlawry, he cannot by so doing infringe the rights of other men.[3]

Other social groups, such as the Gypsies, found themselves outlaw through nothing more than the suspicion and mistrust of the settled communities, but perhaps the

[3] *Regiam Majestatem,* p. 166.

greatest number of individuals in Scotland proclaimed as living outside the law at any one time were the Border reivers. Gavin Dunbar, Archbishop of Glasgow, pronounced a 'great cursing' on the inhabitants of the areas of Teviotdale, Ewesdale, Liddesdale, Esdale, Nithsdale and Annandale. The Tynedale reivers were also cursed, by the Bishop of Durham, around 1525.

The main characters in the following ballads can be identified with one form of outlawry mentioned above and therefore as living with the threat of capture and execution. Two in particular, Johnnie Armstrong and Hobie Noble can be labelled as 'notorious thieves', belonging to the dominant reiving families, both English and Scottish, who lived on the Borders in the Fifteenth and Sixteenth Centuries and it is to Border Law that we have to turn to discover whether the executions presented in these ballads are judicial or not. Border Law, also known as The Law of the Marches, was devised to provide legal constraints for the Border area of Scotland and England and, as such, it was independent of the general law of these countries.

The Laws of the Marches were enforced by the Wardens, to a greater or lesser degree, but there was also personal retribution and justice and this could be swift and brutal; indeed, 'Jeddart Justice', that is summary execution, was employed frequently. The riding men often resorted to daring and subtle games of plot and counter-plot against the Wardens and Constables, who were meant to keep the King's or Queen's law within the Border Marches. Notorious acts provided the foundations for the perpetrators' names to become near-heroic and reputations grew, perhaps outstripping reality and certainly outliving the men themselves, and, more tellingly, those of their pursuers and executioners. Bishop Leslie noted that the Borderers:

> delyt mekle in thair awin musick and Harmonie in singing, quile of the acts of thair foirbears thay have leired, or quhat thame selfes have inuented of ane

ingenious policie to dryue a pray and say thair prayeris. The policie of dryueng a pray thay think be sa leiuesum (permissable) and lawful to thame that neuir sa feruentlie thay say thair prayeris, and pray thair Beides, quilkes rosarie we cal, nor with sick solicitude and kair, as oft quhen thay haue xl or l myles to dryue a pray.[4]

In the *Statistical Account of Scotland* the ministers of Wamphray and Castletown gave reports regarding their parishes which provide evidence that the people's 'awin musick' was still popular. The minister of Wamphray noted that 'songs are still sung descriptive of the barbarous deeds and bloody feuds of some former age, of which this parish [Wamphray] was the scene',[5] while the minister of Castletown dwelt a little longer on the predecessors of his parishioners:

As it [Castletown parish] lies directly along the English Border, it must have been, for a long period, the scene of action, of fierce contention, barbarous feuds, and marauding expeditions, which took place between the two nations, when, before the union, and before law and civilization took place, inroads were constantly made by both parties upon each other, and the stronger arm carried away every thing both from the house and from the field. These exploits have been recorded in the poetry of the times, which are still sung by the aged, and listened to with eagerness by the young. They contain an account of the heroic atchievements [sic]

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[4] Jhone Leslie, Bishop of Ross, *The Historie of Scotland*, edited by E G. Cody, 2 vols (Edinburgh: Scottish Text Society, 1888 - 1889), I, p. 102.

[5] *The Statistical Account of Scotland 1791 - 1799*, edited by Sir John Sinclair, 20 vols, introduced by T. I. Rae (Wakefield: E. P. Publishing, 1983), III, p. 522.

Map [11: 1], showing locations within the Reiver ballads. Section of Saxton's map of Westmoreland, 1674.

of those days, that is to say, of the inroads made and repelled by the marauders on each side of the Border.[6]

Some of the extant ballad versions recording these 'heroic atchievements' will be discussed first of all in this section. One of the famous 'Armstrong' ballads, *Johnie Armstrong*, is considered here, as is *Hobie Noble*, and these ballads contain names which can be traced, some to specific individuals and others to well-known riding families. The names in *Adam Bell, Clim of the Clough and William of Cloudesly* also sound suspiciously like Border names although they cannot be associated with the more famous families. This, coupled with the fact that, geographically, the reiver ballads are the most accurate within the Anglo-Scottish tradition ensures that there is a greater sense of locality retained within the ballads, which can add credence to a tale:[7] the story must have happened because the places where the action occurred exist, is a dangerous, but tempting, assumption, although some places can in fact be linked with actual events.

Having acknowledged the attractiveness of believing a tale because of its associated names and locations, it must be noted that, even when the nomenclature and locations cannot be identified from existing documents or reports, it would be unwise to simply dismiss the tales as being pure fiction, for such is the weight of evidence about the ways of 'the boldest men, and the hotest, that ever I sawe any nation',[8] that it is quite possible that the ballads record incidents which were insignificant at the national level and so failed to be officially documented.

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[6] *The Statistical Account of Scotland 1791 - 1799*, edited by Sir John Sinclair, 20 vols, introduced by Ian B. Cowan (Wakefield: E. P. Publishing, 1983), IV, p. 400.

[7] See map [11: 1].

[8] Thomas Howard (1474 -1554), Earl of Surrey and Duke of Norfolk (1524) to Henry VIII, on the storming of Jedburgh. British Library, Cotton MSS, Calig., Book III, fol 29.
Sir Walter Scott, *Minstrelsy of the Scottish Border*, edited by Thomas Henderson, (Harrap: London, 1931), p. 72.

CHAPTER TWELVE

JOHNIE ARMSTRONG

If all the despairing letters from March Wardens are considered alongside the records of goods taken from inhabitants of their Marches, the Borders seem to have been running wild daily, as the riding men did what they could to improve their own lot by means of predation upon their neighbours, paying scant regard to the national boundary as they did so.

Power, rather than material wealth, was the way in which influence was measured and at the apex of the power chain, local men were as little kings, able to raise rides of many hudreds of men. For example, the clerk of John Forster, the English West March Warden complained about a raid ridden by Eliots, Armstrongs and others, in a document dated 24th of February 1587-8, recording that:

> Davye Ellot called 'the Carlinge', Cleme Crozer called 'Nebles Cleme', Thome Armstrone called Syme's Thom, Will Armstrong, called Kynmothe, Ecktor of the Hilhouse, and othjer 300 men, who ran a day foray and took away forty score kye and oxen, three score horses and meares, 500 sheep, burned 60 houses and spoiling the same to the value of 2000*l* sterling and slaying 10 men at Michaelmas 1584.[1]

It was the ability to form such forces and to inflict such damage which infuriated the 'lawful' authorities in Edinburgh and London. And set in the heart of the country was Liddesdale, seemingly outwith all law but its own, and home to many of the Armstrong clan.

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[1] *Calendar of Border Papers*, edited by Joseph Bain, 2 vols (Edinburgh: H M General Register House, 1894) I, 595.

The Armstrongs, at their height, were a national menace, foraying both in England and Scotland, and, amongst them, the Mangerton branch was one of the most active, under the lead of Johnnie Armstrong of Gilnockie, brother to Thomas, the Laird of Mangerton. Johnnie Armstrong and others, such as Sim the Laird, could raise a ride of 3000 men, a formidable force, when one considers the nature of the Border rider. The depredations of the Armstrongs, however, are irrelevant to their ballads. The reivers are presented as fearless heroes, chafing against the wrongs wrought against them.

It is the fate of Johnnie 'Black Jok' Armstrong of Gilknockie which provides the basis of one of the most famous Border ballads.

Child published three versions, two of English origin ([169A] and [B]) and one ([C]) from Allan Ramsay's *Ever Green* (1724). The English versions, from printed sources, differ from the historical accounts. Both [169A] and [B] tell a tale of John Armstrong, who leaves his home in Westmoreland in order to meet with the Scottish king in Edinburgh, where there is an accusation of treason, a threat of hanging, and a desperate fight to the death ('a falce Scot came Ionnë behinde, / And runn him through the faire boddee' [169A[15]], 'Then a cowardly Scot came John behind, / And run him thorow the fair body' [B[17]]). It is Ramsay's version I will refer to most often, not because of his statement on its origin - 'This I copied from a gentleman's mouth of the name of Armstrong, who is the sixth generation from this John'[2] - but because it seems to be the version most in keeping with the history related to Johnnie Armstrong.

It is known that Johnnie Armstrong did not die in Edinburgh. The use of this locale for the death of the character of Armstrong within the [A] and [B] versions may be the result of confusion of the Johnnie Armstrong incident with a previous attempt on James V's part to subdue the Borderers. In the Spring of 1530, the King's nobles were ordered to come to Edinburgh. Once there, the Borders Lords were charged with failing to keep lawful order within the Marches, and also with committing reiving crimes. This resulted in the imprisonment of men of influence, such

[2] Allan Ramsay, *Ever Green*, 2 vols (Glasgow: Robert Fraser, 1876), II, p. 190.

as Hume, Maxwell and Buccleuch. During that same purge, other reivers were beheaded in Edinburgh. All of this preceded the expedition into Liddesdale.

The two English versions also betray their London origin in that Johnnie Armstrong's nationality is incorrectly identified, while the [C] version is accurate, presenting him as being laird of Gilnockie. The [C] version also gives the generally accepted place of execution and correctly identifies his son as Kirsty; his son's title was Christie of Barngleish.

Child's comments on the nature of the availability of this ballad are still relevant - 'Both forms of the ballad had been too long in print to allow validity to any known recited copy'[3] - but Leslie's remarks on the Borderers' love of music and song (see chapter eleven, above) should perhaps also be recalled at this point, for they certainly give force to Ramsay's claims that the version included in the *Ever Green* was 'the true old Ballad .. this was ever esteemd the genuine Ballad, the common one, false'.[4] It is near-inconceivable that the Borderers would relocate anything which occurred in their domain to the urban setting of Edinburgh.

That Johnnie Armstrong was notorious before his death is obvious in that James V targeted the reiver. The ballad versions all suggest that his status within his own society was high. In the [A] version, the style in which he lives is noted, as it is in [B], to a lesser degree:

> There dwelt a man in fair Westmoreland,
>
> Ionnë Armstrong men did him call,
>
> He had nether lands nor rents coming in
>
> Yet he kept eight score men in his hall.
>
>
> He had horse and harness for them all,
>
> Goodly steeds were all milk-white;

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[3] F. J. Child, *The English and Scottish Popular Ballads*, 5 vols in 3 (New York: Folklore Press, 1957) IV, p. 363. 'Both forms' refers to i] Ramsay's version and ii] the 'common' ballad [A] and [B].

[4] Ramsay, *Ever Green*, p. 190.

O the golden bands an about their necks,

And their weapons, they were all alike. [169A[1,2]]

The presentation of the character of Johnnie Armstrong in the ballad is similar to Lindsay of Pitscottie's account of Johnnie Armstrong:

> He was the most redoubted chiftain that had been, for a long time, on the Borders, either of Scotland or England. He rode ever with twenty and four able gentlemen, well horsed; yet he never molested any Scottish man. But it is said, that, from the borders to Newcastle, every man, of whatsome estate, paid him tribute to be free of his trouble.[5]

It was the extent of Johnnie Armstrong's infamy as 'the most redoubted chieftan', that incited James V to act decisively, rather than a sense of petty jealousy as the [C] version indicates. The execution was part of an organised attempt to suppress the power of the reivers within their own lands and in those they harried. Johnnie Armstrong was an outlaw and the King exercised royal justice upon him and his family.

The [A] version retains the open reiving nature of Johnnie Armstrong:

Newes then was brought unto the king

That there was sicke a wan as hee,

That livëd lyke a bold out-law,

And robbëd all the north country. [A[3]]

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[5] Robert Lindsay of Pitscottie, *The History of Scotland*, edited by Aeneas J G Mackay, 3 vols (Edinburgh: Scottish Text Society, 1898 - 1911), II (1899), p. 145.

However, Child's [C] version presents Johnnie Armstrong not as a reiver, but as a man of high status:

> Sum speiks of lords, sum speiks of lairds,
> And siclyke men of hie degree;
> Of a gentleman I sing a sang,
> Sumtyme calld Laird of Gilknockie. [C[1]]

We should, however, note the propaganda of the [C] version: Johnnie Armstrong may have been 'Laird o Gilknockie', but he was nevertheless known for his predations: 'Johnne Armestrang, ane Capitaine of ane faction of Theives ... was so fearfull to his neighbours that evin Englishmen, many mylis within the contray, payid tribut wnto him'.[6]

The main focus of all three versions in Child is the confrontation between the King and Armstrong, which is engineered by deception. In [A], the king is presented as being deceitful, for he gives a written promise to Johnnie Armstrong guaranteeing personal safety:

> The king he writ an a letter then,
> A letter which was large and long;
> He signëd it with his own hand,
> And he promised to doe him no wrong. [A[4]]

[6] National Library of Scotland, Anderson's MSS, Adv. MS. 35. 5. 3, 3 vols, I, fol. 154. Robert Pitcairn, *Criminal Trials In Scotland from 1488 - 1624*, 3 vols in 4 (Edinburgh: William Tait; London: Longman, Rees, Orme, Brown, Green and Longman, 1833), *I, p. 152.

In [B], 'The king he writ a lovely letter, / With his own hand so tenderly' [B[4]]. Here, 'tenderly', like the promise of [A], may indicate that the king is engineering a deception. In [C], 'tenderly' is joined by 'luving': 'The king he wrytes a luving letter, / With his ain hand sae tenderly' [C[2]], which again is revealed to be duplicitous. This letter may refer to a similar ploy carried out historically, for it seems unlikely that a man of Johnnie Armstrong's fame would walk into an obvious trap. The history sources vary, although all cite some type of deceit:

> whill as he was coming to the king, intysed by some courteours, but without a safe conduct, was intercepted by fiftie horsemen lying in an ambushe.[7]

> He came before the king, with his foresaid number richly apparelled, trusting that, in respect of his free offer of his person, he should obtain the king's favour.[8]

In the ballad, it would appear that the reason for the meeting, as far as Johnnie Armstrong is concerned, is a chance for a royal pardon. This is not stated but it is implied in Johnnie Armstrong's address to the King:

> 'May I find grace, my sovereign liege,
> Grace for my loyal men and me?
> For my name is Johny Armstrang,
> And subject of yours, my liege,' said he. [169C[7]]

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[7] David Calderwood, *History of the Kirk of Scotland*, edited by Revd Thomas Thomson, 5 vols (Wodrow Society: Edinburgh, 1842 - 1848), I (1842), p. 101.

[8] Pitscottie, *History*, p. 145.

This assurance of loyalty to the throne of Scotland is emphasised in the ballad by Armstrong's statements that he has never stolen from a Scot ('neir a Scots wyfe could haif said / That eir I skailled her a pure flie' [C[21]]) and that he has killed a nephew of the English king ('For anes I slew his sister's son, / And on his breistbane brak a tree.'[C[24]]). The final verse states that 'they saved their country deir / Frae Englishmen' [C[33]]. This establishes Johnnie Armstrong as undoubtedly a Scottish subject, and, as such, it would be from the Scottish king that he would receive any pardon. As stated in the *Regiam Majestatem,* it was in the monarch's power to grant a pardon:

DE RESTITUTIONE FELONUM

> Cum quis secundum leges terrae fuerit utlagatus ... utlagationem solet Dominus Rex damnatis remittere ...

RESTITUTION OF FELONS

> When any man has been outlawed by the law of the land ... the King can remit the penalties and the outlawry ...[9]

Despite the loyalty of Johnnie Armstrong within the ballad, the character of the King maintains an antagonistic position against the reiver, calling him a 'traytor strong' in [C[8,11,14,16,18]] and stating that he has 'grantit nevir a traytor's lyfe, / And now I'll not begin with thee.' [C[8]]. The intent, then, is to kill Johnnie Armstrong, and, as the intention is harboured by the King, it must be said to be within the King's laws.

The sentence carried out against Johnnie Armstrong was that of hanging, recorded in such statements as:

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[9] *Regiam Majestatem and Quoniam Attachiamenta,* edited by Lord Cooper, Stair Society 11 (Edinburgh: Stair Society, 1947), p. 166. *R.M.*, IV, ch. 56. *A.P.S.*, II, 50.

JOHN ARMSTRANG, *'alias Blak Jok'*, and Thomas his brother, Convicted of Common Theft and Reset of Theft &c. - HANGED[10]

This sentence is lawful within the ballad since, in all three of Child's versions, Johnnie Armstrong is presented as a reiver: he lives 'lyke a bold out-law' in [A^3]; and he steals gear in [C], and although this is from the English side of the Border, the act of reif is in contravention of the Laws of the Marches, intended to be 'common and indifferent to the subjectis of baith the realms':[11]

> *ITEM*, For sa mekil as it has apperit be experience of times past, that theives and evil doaris have not ceissit nor forborn from committing of offences and attemptatis aganis the treatie of peace ... gif it sall happin ony of the subjectis of ather realme to be fylit upon billis for thré several offences and attemptatis, to be committit heirefter aganis the peace and amitie, that for the thrid fault he sall incur the pane of deith, as ane commoun offendar aganis the lawis of the marchis (p. 611)

Irrespective of Border Laws, the sentence for being an open and 'notour' thief was death, and hanging was a common method of execution.

Johnnie Armstrong, within the ballad and within Pitscottie's account, is a man who has been loyal to his country, taking his riders beyond Scotland's border. His status within his own society is undisputed, for he can offer four-and-twenty 'milk whyt steids'

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[10] Pitcairn, *Criminal Trials*, *I, p. 154.

[11] Balfour, James, 'Bordour matteris' *The Practicks of Sir James Balfour of Pittendreich*, edited by Peter G. McNeill, Stair Society 21 and 22, 2 vols (Edinburgh: Stair Society, 1962 - 1963), II (1963), p. 602.

[C[9]], 'ganging mills' [C[12]] and, most tellingly, can promise that 'bauld four-and-twenty sisters sons / Sall for thee fecht, tho all sould flee' [C[15]], if the king will spare his life.

Keeping in mind that the king has betrayed the reiver, it is perhaps fitting that it is the reiver who is permitted to condemn the king, rather than the narrator. The king is accused and his moral character sits a poor second alongside Johnnie Armstrong's, which is reminiscent of Bishop Leslie's reference to the Borderers' honesty - 'thair first vertue that qhuomto ance thay gyue thair faith thoch til an enemie it be, thay keip it maist surelie, In sa that qhua ance brek his faith nathing is thocht mair vngracious than he':[12]

> 'Ye lied, ye lied, now, king' he says
>
> 'Althocht a king and prince ye be,
>
> For I luid naething in all my lyfe,
>
> Dare well say it, but honesty.
>
> ...
>
> To seik het water beneth cauld yce,
>
> Surely it is a great folie;
>
> I haif asked grace at a graceless face,
>
> But there is nane for my men and me. [C[19,22]]

Johnnie Armstrong, then, is given the words which focus the target of the ballad's invective. The king, the symbol of law and justice, should not have stooped to the disgrace of deceit. The king, and therefore official justice, is villainous, having no grace

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[12] Jhone Leslie, Bishop of Ross *The Historie of Scotland*, edited by E. G. Cody, 2 vols (Edinburgh: Scottish Text Society, 1888 - 1889), I, p. 101.

or decency. It is noteworthy that Johnnie Armstrong gains even more sympathy by placing his men before himself in his rebuke to the king.

The [A] and [B] versions include the intention to hang the reiver and his men. In [A], the King condemns the reivers ('For to-morrow morning by ten of the clock, / Both thou and them shall hang on the gallow-tree' [A[10]]), while in [B], the character of Johnnie Armstrong states 'It never shall be said we were hung like doggs' [B[15]]. However, the hanging is never put into practice because of the fight between the reivers and the citizens of Edinburgh.

The [C] version of the ballad does not mention 'hanging', although the sentence was well known. Instead, [C], taken, it must be remembered, from an Armstrong singing about an Armstrong, uses the word 'murdered', establishing absolutely the direction of the ballad's propaganda:

> John murdered was at Carlinrigg,[13]
>
> And all his gallant company:
>
> But Scotland's hairt was ne'er sae wae
>
> Tae see sae mony brave men dee. [C[32]]

'Murdered' is a highly emotive word to use. It condemns the acts of a king. It indicates that there is a perpetrator of a crime and an innocent victim. Most importantly, it suggests an illegal act, to which a sense of outrage is attached. The implication is that the safety of the people living on the Scottish border would be destroyed by the king's

[13] See fig. [12: 1] and [12: 2] for pictures of Carlanrig. [12: 1] shows the monument in Carlanrig chapel graveyard, while [12: 2] shows the point of execution, as it is styled by The Armstrong Society. David Moffat, an armourer and amateur historian local to that area, told me that the post is nothing but an old gatepost.

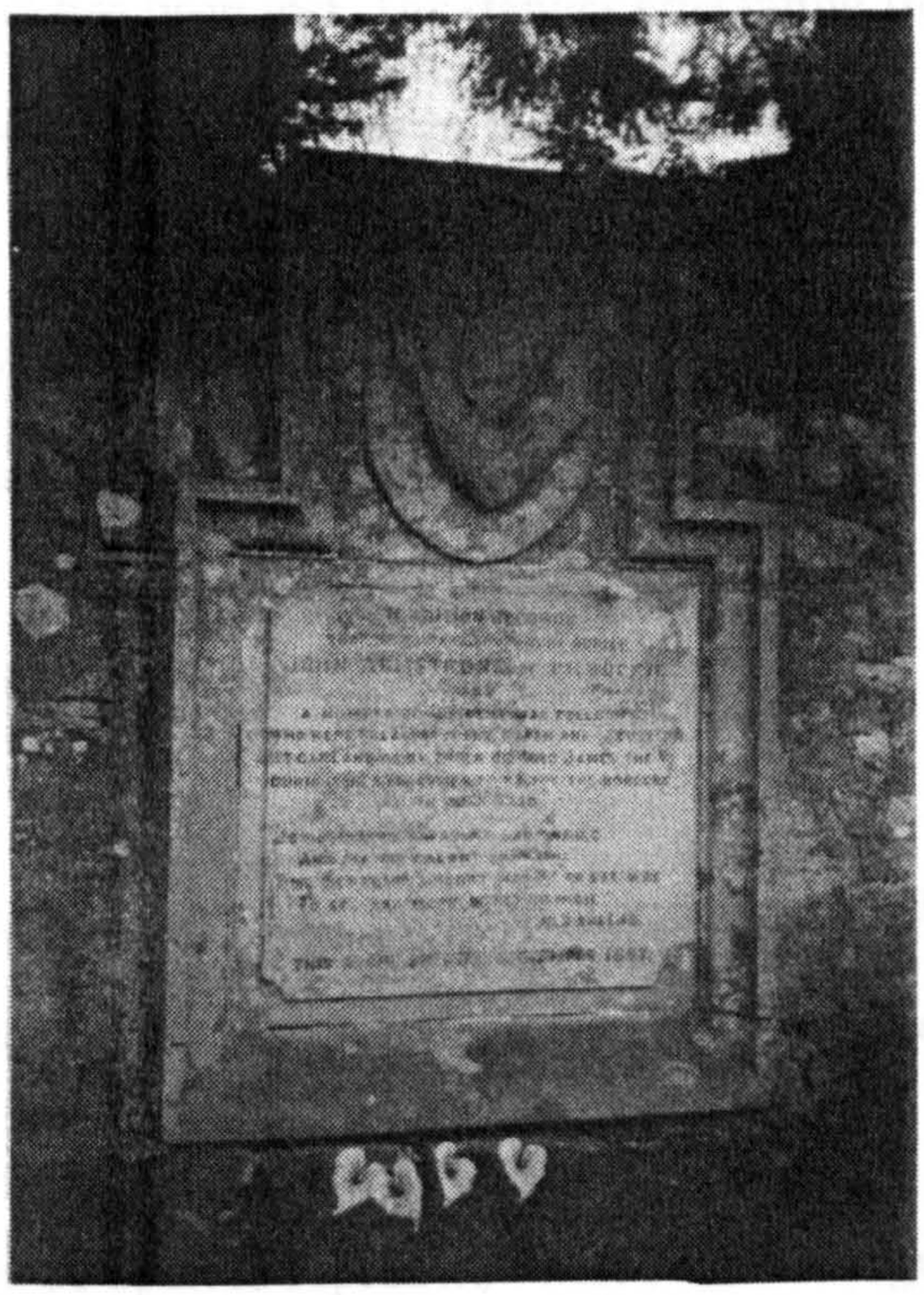

Fig. [12: 1]. The Johnnie Armstrong Monument, Carlanrig Chapel's Old Graveyard.

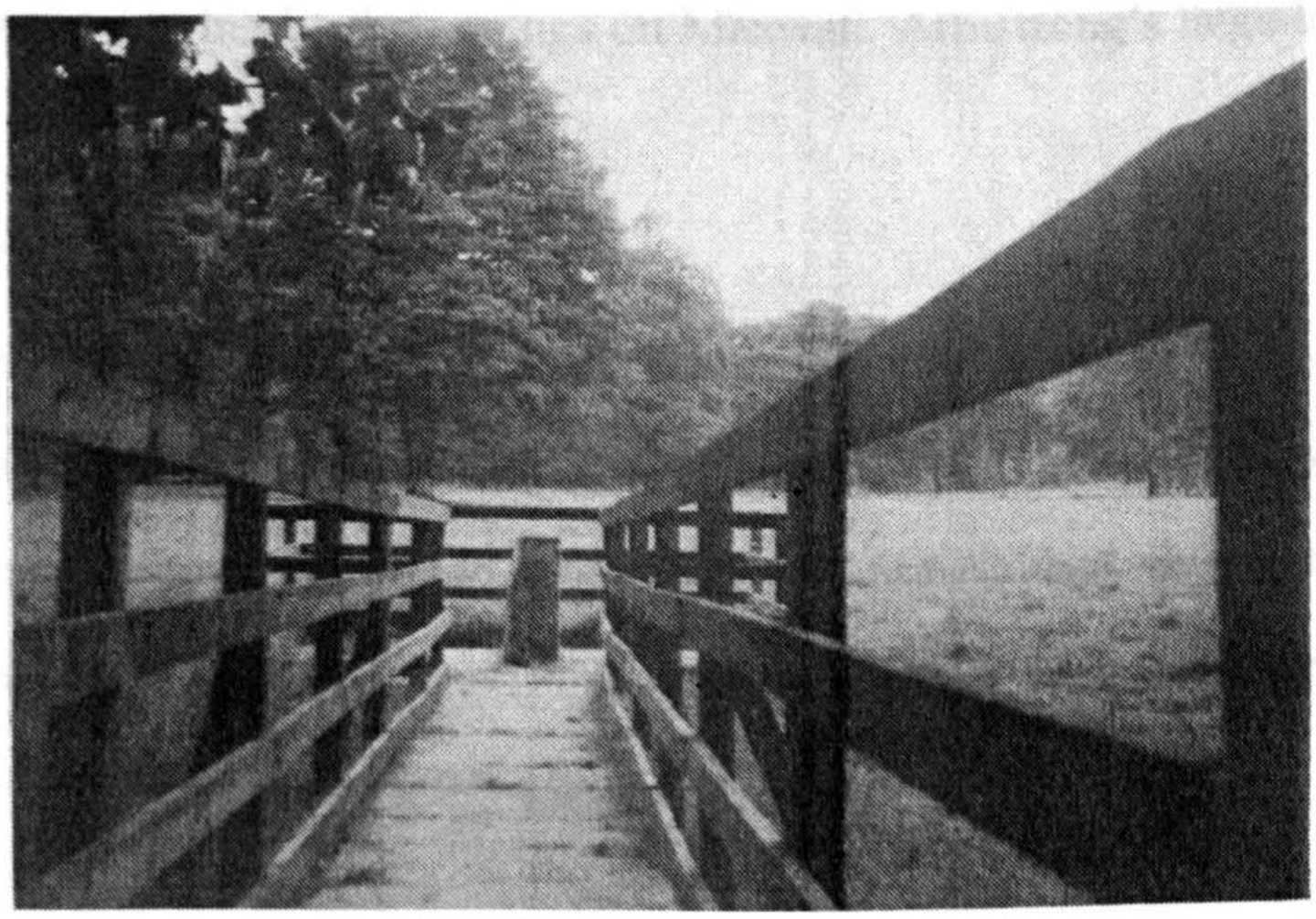

Fig. [12: 2]. The Site of the Execution, According to The Armstrong Society.

ruthlessness. The protector of the 'Scots wyfe' has been lost. The danger emanating from the English Borderers will no longer be subject to restraint as in the past:

> Because they savd their country deir
>
> Frae Englishmen; nane were sae bauld,
>
> While Johnie livd on the border-syde,
>
> Nane of them durst cum neir his hald. [C[33]]

Pitscottie's *History,* takes a similar line: 'he [James V] hanged John Armstrong laird of Kilknocky, and his complices, to the number of thirty six persons; for the which many Scottish men heavily lamented'.[14]

Capture and execution by deceit may be open to reproach, but it could be argued that James V played a reiver at a reiver's game and won.[15] King James V is known to have been at Carlanrig in July, 1530. By 8 July, Johnnie Armstrong was dead, evidenced by the letter bestowing his belongings on Maxwell, Armstrong's liege-lord:[16]

> (Priesthaughswire, Jul. 8, 1530)
>
> Ane letter maid to *Robert Lord Maxwell,* his airs and assignais, ane or ma, of þe gift of all gudis movabill and vnmovabill, dettis, takkis, obligationis, sovmes of money, ... quilk pertenit to vmquill Johnne Armestrange, bruþer to *Thomas Armstrong of Mangertoune.* and now pertenyng to our soverane lord be resoune of

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[14] Pitscottie, *History,* p. 145.

[15] For examples of slights and ambushes laid by reivers, see the next chapter.

[16] Maxwell may have been implicated in the plot against Johnnie Armstrong, envious of the power his subject enjoyed.

eschete throw Justifying of þe said umq^le^ Johnne to þe deid for Thift committit be him, &c.[17]

The Johnnie Armstrong story did not end with his execution. There is an extensive postscript, which persists into this century.

James V intended to break the influence of the reiver on the Borders and to this end he targeted men of influence throughout the Marches. Johnnie Armstrong was a man to be reckoned with within the bounds of Liddesdale, but he might have remained less well known throughout the rest of Scotland, had his execution been a public, well-documented affair. The clandestine nature of the execution ensured that a legend was established - the legend of Johnnie Armstrong, the reiver betrayed by his faithless king and condemned to die without the semblance of a trial.

The name of Johnnie Armstrong has dogged the reputation of James V, almost from the day the reiver died. The *Complaynt of Scotland* of 1549 mentions *Iohnne Ermistrangis Dance* and, although James V died in 1542, it is not inconceivable that the 'dance' or some prototype of the ballad as we know it could have galled him in the twelve years between the reiver's execution and his own death.

Added to this are the theatrical references to the reiver. The earliest is in Lindsay's *Ane Satyre of The Thrie Estatis* (1552), when the Pardoner claims to have the gallows rope, which was used on the reiver:

> Heir is ane cord baith great and lang
>
> Quilk hangit [Jonnye] Armistrang,

---

[17] Register of the Privy Seal of Scotland, edited by M. Livingstone, D. Hay Fleming, J. Beveridge and G. Donaldson, 8 vols (Edinburgh: General Register House, 1908 - 1982), II (1921), 702, p. 87.
Pitcairn, *Criminal Trials*, *I, p. 154.
See fig [12: 3] for a copy of the document. General Register House, Edinburgh, Letter bestowing John Armstrong's belongings on Maxwell, PS1 / 8fol. 195r.

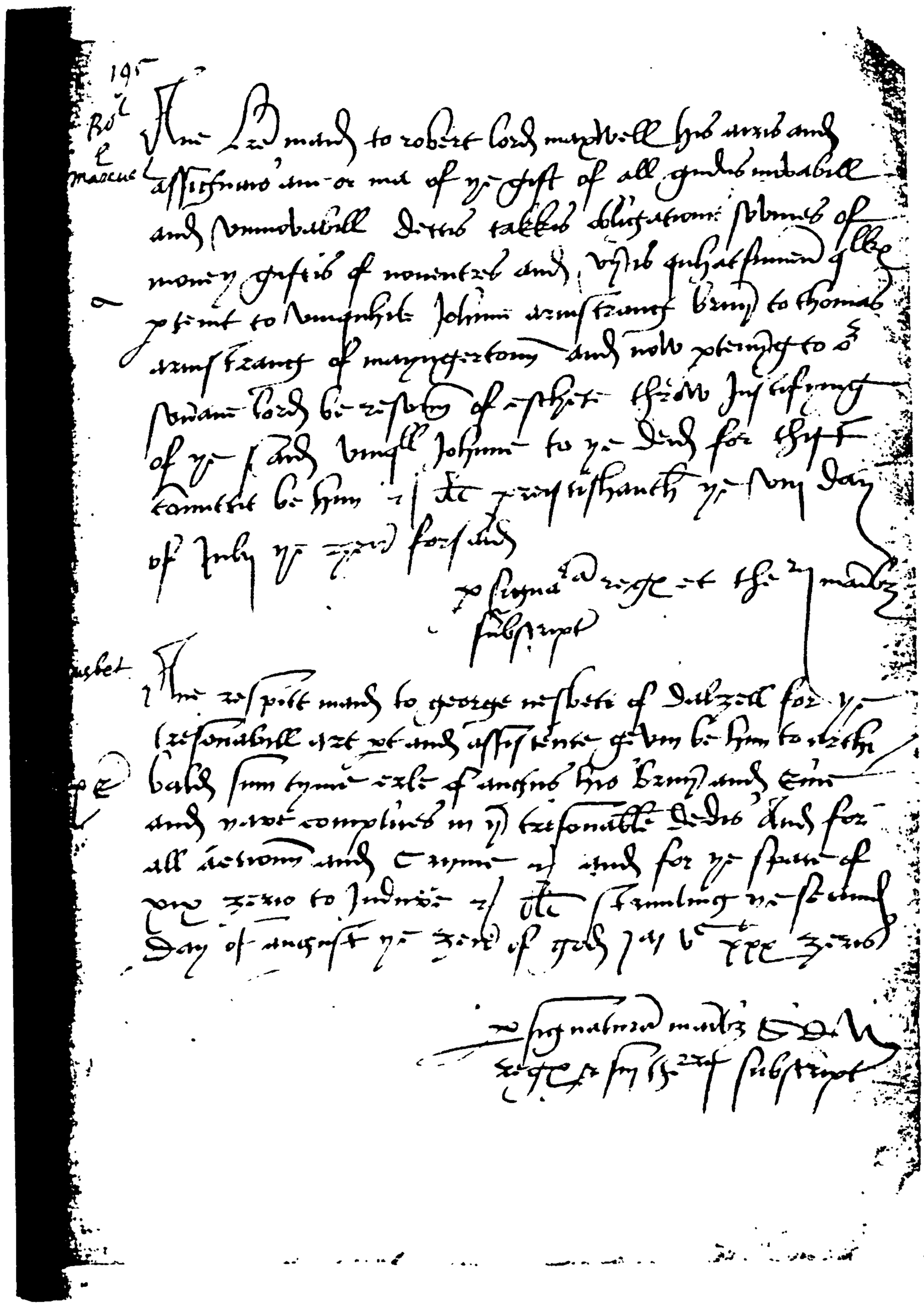

Fig [12: 3], showing the letter bestowing Johnnie Armstrong's belongings on Maxwell.

Of gude hemp soft and sound - [18]

This suggests that the name and reputation of Johnnie Armstrong were well enough known to have been incorporated into a play which was seen by commoners as well as by members of the court who might have been privy to the steps taken against the reiver.

The tale of Johnnie Armstrong has most probably been known to more people than Lindsay's play, due to oral dissemination and the printing up of accounts of Johnnie Armstrong in eighteenth- and nineteenth-century chapbooks. Both oral and popular literature have ensured that the reiver's name has not been forgotten and in chapbook tradition, which adopts the tale as it is presented in the [A] and [B] versions, Armstrong's valour is stressed once again:

> at last three thousand more coming upon the heroic Armstrong, being tried (sic) with the slaughter of his enemies, and faint with wounds and loss of blood and of calling to his men, encouraged them to fight on, for after he had bled a littel, he would arise and help them again. This made them like enraged lions, so that heaps of dead bodies buried up their way.[19]

While the name of Johnnie Armstrong lives on, so does recollection of the treachery practised against him.

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[18] Sir David Lindsay, *Ane Satyre of the Thrie Estatis*, edited by Roderick Lyall (Edinburgh: Canongate, 1989), ll. 2099 - 2101.

[19] 'The Pleasant History of Johnnie Armstrong', printed by C. Randall, Stirling, 1803, p. 24. See figs [12: 4] and [12: 5] for the frontispiece and last page of 'The Pleasant History of Johnnie Armstrong'. Other copies of 'Johnnie Armstrong' have different titles, including 'The Pleasant and delightful history of Johnny Armstrong, of Westmoreland', 80 Bow-Church-Yard, London, [n. d.], 'The History of Johnny Armstrong' printed and sold in London, [n. d.], 'History of the renouned Northern worthy Johny Armstrong, of Westmoreland [with the ballad Johnny Armstrong's Last Goodnight', printed by T. Norris, London, [1680(?)] and 'Johnie Armstrong, a Border history', printed by W. Stephens, Gateshead, [n. d.].

The pleasant and delightful

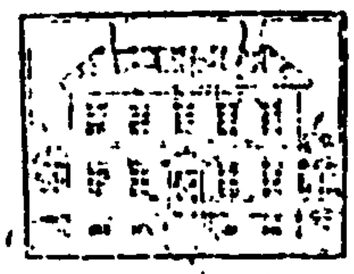
HISTORY

OF

Johnny Armstrong,

SHEWING

HIs many noble deeds in his youth, in divers countries, in arms against the Turks and Sarazens in the Holy Land: his dwelling at Guitnock-hall in Westmorland, and by his Industry, without any estate in lands or rents, kept eightscore men to attend him, richly apparell'd well mounted and armed: How he married a fair lady, a poor knight's daughter, and of the grand entertainment he made at his wedding: his lady brought him a son, and great rejoicings were made: also an account of his going to Edinburgh, upon a friendly invitation of that king: how he and his valiant men were all slain, and how his death was revenged by his sons: with many other matters of note.



STIRLING:

PRINTED AND SOLD BY C. RANDALL

1803.

fig. [12: 4]

it had been taken by storm; so that at last three thousand more coming upon the heroic Armstrong, being tried with the slaughter of his enemies, and faint with wounds and loss of blood and of calling to his men, encouraged them to fight on, for after he had bled a little, he would arise and help them again. This made them like enraged lions, so that heaps of dead bodies buried up their way; till at last, over powered by fresh numbers, and seeing no way of an honourable retreat, they all, like valiant men, died in their master's cause, leaving a bloody victory, for there fell by their hands two thousand five hundred citizens and soldiers. The king in the mean time was retiring to a strong hold for shelter; and only of Armstrong's party a little page the mourning of his wife, and all the country made for his untimely fall, is more than we can relate: However, his little son, sitting on the nurse's knee, vowed to revenge his death, which, when he came to be a man, he as gallantly performed

FINIS.

fig. [12: 5]

If James V wished to obliterate the name of Armstrong, or at least let it stand for roguery suppressed, his plan has failed spectacularly: there is the ballad; there is the mention in *The Thrie Estatis*; and there is another play, *Armstrong's Last Goodnight*, in which the main protagonists are Johnnie Armstrong and Sir David Lindsay of the Mount. Although the reiver is portrayed as an unkempt, volatile, local power-monger, with an uncouth manner and a volatile temper, he is a master of local political machinations. However, he is in ignorance of the sleights practised by the royal court.

Johnnie Armstrong is not presented as an extraordinary man in the play, for other families besides the Armstrongs - the Eliots and the Johnstones - are shown to be cast in the same uncompromising mould. Instead, what John Arden the writer would seem to be portraying is that royal authority, which had shown no great interest in the life the Borders people had to live, was rash to believe that any real heed would be paid to decisions and threats emanating from Edinburgh (or London).

Armstrong may have been 'an intolerable challenge to the authority of James because he was a laird and reiver leader who was making himself the virtual king of Liddesdale',[20] but his execution was also an intolerable insult to the Scottish Borderers, the first line of defence against the Enemy, England.

The [C] version of the ballad contains a verse which can be applied to the legacy of Armstrong's execution. Faced with impending death, Johnnie Armstrong rebukes his king, promising that, had the conditions of their meeting been different, the outcome would have been very different:

> Had I my horse, and my harness gude
>
> And ryding as I wont to be,

[20] Paul Scott, 'I have asked grace at a graceless face' in *Armstrong's Last Goodnight* programme. Royal Lyceum, 31 Aug - 17 Sept, 1994. Director, William Gaskill.

It sould haif been tauld this hundred yeir

The meeting of my king and me. [C[28]]

Time has proven well enough that the meeting has been well remembered. Johnnie Armstrong is a legend, he has a ballad of his own, he is referred to in others, and he has a play which carries his name. In short, Johnnie Armstrong has a reputation enhanced by his reiver status that is anathema to all that James V held dear.

This is all very gallant: the reiver facing his king with courage, though he recognises the treachery employed against him, but the positive propaganda surrounding Johnnie Armstrong in the ballad, in Pitscottie's *History* and more recently in John Arden's play is deceptive, for we are only presented with half the story. A letter from Ralph Eure to Cromwell, dated 26th of January 1539-40, refers to 'the nootes of the interluyde' of Sir David Lindsay's *Ane Satyre of the Thrie Estatis*: a poor man had approached 'the man that was king in the playe' and stated 'there was another king in Scotlande that hanged John Armestrang with his fellowes, and Sym the Larde and many others moo, which had pacified the countrey and stanched thift'.[21] Similarly, Anderson's MS, quoted in Armstrong's *History of Liddesdale* describes Johnnie Armstrong as 'a great theiff and oppressour' and presents the following as the way in which the reiver was captured, although it locates the site of the execution at Carlaveroke instead of Carlanrig Chapel:[22]

---

[21] State Papers, Henry VIII, v, 170.

[22] We know that Carlaveroke is the wrong location for the execution site, because of the lists relating to James V's progress through the Borders. Armstrong quotes from *Excerpta e Libris Domicilii*, Jac V, Appendix, p. 31, which lists the following as James' itinerary: 'the king was at "Peblis" on 2nd July, at "Douglas Watter" near St Mary's Loch on the 4th, at "Carlanrig" on the 5th, at "Allan Watter" in Teviotdale on the 7th, in Heusdale on the 10th, at "Stabilgorton" on the 12th, at "Peblis" on the 13th, at "Crammald" near St Mary's Loch on the 15th.' Armstrong, *History of Liddisdale*, 2 vols, 1 in print (Edinburgh: David Douglas, 1883), p. 273, f/n 3.

> But no sooner did the king persave them, and that they were cum afarre aff, when direction was given presentlie to enclose them round about, the which was done accordinglie, and were all apprehendit to the number of threttie-fyve persones, and at a place called Carlaveroke [Carlenrig] Cheapell, were committed to the gallows. One Sandie Scott, a prowd theiff, was brunt becaus it was provin that he haid brunt a pure wedowes house, togither with sum of hir children. The English people wes exceeding glade when they understood that John Armestrand wes execute, for he did great robberies and steiling in England, menteaning twenty four men in household everie day opon reiff and oppression.[23]

The lament for Armstrong, so strong in the ballad interpretation of his death, is patently absent here.

---

[23] R. B. Armstrong, *History of Liddisdale*, pp. 274 -5.
NLS, Anderson's MS, Adv. Lib. 35. 5. 3, 3 vols, I, fol. 154. Fig [13: 6] shows a copy of this document.

THE FIFTH

proclamatioy pa. cl. dame d'me y Kingy the
fuld all get their lybes, if they wold com in
and submit them selfes in y kings wice. And
upon this lord Armstrang wo. Erpit
Castle of Langame, a brother of ye laird of
Mungstone, a great theif and oppressor, and one
that keipd sic wt him fong and thentie wel
hod men came vnto y King, and anthes
all of ye wild Armstrang another stark theif,
the chiefis of ye Scots and Gallwts came doe
to ward to ye Campe where ye King was in
to get their pardones. But no sner
ye King perceiv them and yt they were
in a fazz aff, wrin direction was gibn
presentlie to encloss them round about, the
wic was done accordinglie, and were all ap=
pondit to ye number of threttie hybs pre=
sent, and at a place called Cazlabzoky
were all comitted to ye Gallowes.
Sandie Scot, a proud theiff, wes hunt,
icand it was proven that he had bynta
sure wordonis house together wt sum of his
fildzen. The Englysch people wes doeth=
glade wen they wndzstood yt sen Arme=
strang was dent: for he did great oppressiones
and stealing in England, maintaining 24 mn
and stealing in England, maintaining 24 mn
consell, yeris day, oven zeiff, and oppres=
ton, the zitt delyvered pledges for their
good behaviour, in tymes to cum. After this ex=
ecution the wholl boudzis mn were in that stand
alonge tymes, and were in that quietnes,
and so the King returned to Edinbrzgh ye 24
day of June, and remained in ye Abbay of Ho=
lyroodhous at that tymes approaching.

About this tyme there was a great assemblie
ye Lordis at Holyroodhous, at what tyme, there
came a simpler fellow (as it seemed) Sr Walt and Sr James
Hamilton sumtyme to ye Kis house / who
ye midds of a great cumpanie of people, in
ye Abbay Close, strake Sr James Hamil=
ton knyt boris de Spittlie wt a speir dagor
ye fellow 3. sondrie tymes or stryke to ye
his heart, and yit ye said Sr James did not
of

Sr James Hamilton first by a desperate person.

Fig [12: 6], Anderson's MS.

CHAPTER THIRTEEN

HOBIE NOBLE

Hobie Noble [189] is a ballad of feud and revenge. Once again, a reiver is captured by treachery and sleight, in this case carried out by another reiver and a Border official - a land sergeant - and an attempt is made to implicate him in the theft of a horse, although he professes innocence.

The importance of this ballad to this study is the way the story utilises Borders practices, illegal and legal. The presentation of the tale is also interesting. While most of the reiver ballads are subjective in their presentation of a tale, *Hobie Noble* is more subjective than most, with its use of first person plural personal pronouns and participles. The text affiliates the singer, and perhaps by inference the listener(s), with Liddesdale:

> FOUL fa the breast first treason bred in!
> That Liddisdale may safely say,
> For in it there was baith meat and drink,
> And corn unto our geldings gay.
> Fala la diddle, etc.

> We were stout-hearted men and true,
> As England it did often say;
> But now we may turn our backs and fly,
> Since brave Noble is seld away. [189[1,2]]

The self-accusatory tone of these verses are similar to the opening of *The Bonnie Earl o Moray,* where the entire country is accused for harbouring the killers of Moray (Ye heilands and ye lawlands / O where hae ye been? / They hae slain the Earl o' Moray'

[181[1]]). Here, the men of Liddesdale reproach themselves, through one singer, for allowing the betrayal of one of their own.

No absolute identification can be given to the hero of this ballad, but there are references to the Noble family in the *Calendar of Border Papers,* and to one member in particular, called 'Hobbe'. A Hobbe Noble was recorded in the list made by Thomas Musgrave, the Captain of Bewcastle, in 1583, as living with others of that name and also with the Nixons, another notable riding clan.[1] George MacDonald Fraser suggests 'he may be the famous reiver of the ballads, since he was a contemporary with Jock of the Side, and with several Simon Armstrongs'.[2] Another interesting point is that while the Nobles were recorded as being English in 1583, they were being 'leige subjects of Scotland' by March, 1596 (*C. B. P.*, II, 247).

The ballad Hobie Noble lives in Liddesdale, although he is English, due to banishment from Bewcastle, a point also emphasised in *Jock o the Side* [187] by Mangerton, who says that Hobie has ever 'been true, / Since England banished thee, to me' [187B[6]] and 'For ever since thou cam to Liddisdale / To Mengertown thou hast been true' [C[6]]. This is substantiated by the narrative of the [B] version, which contains the verse:

> Now Hobie was an English man
> In Bewcastle-dale was bred and born;
> But his misdeeds they were sae great,
> They banished him never to return. [187B[7]]

---

[1] *Calendar of Border Papers (C. B. P.)*, edited by Joseph Bain, 2 vols (Edinburgh: General Register House, 1894 - 1896) I (1894), 197.

[2] George MacDonald Fraser, *The Steel Bonnets: the Story of the Anglo-Scottish Border Reivers* (London: Collins Harvill, 1989), p. 80. in the ballad *Jock o the Side* [187], the eponymous hero is rescued by three men, The Laird's Jock, The Laird's Wat - both Armstrongs - and Hobie Noble.

This verse also appears in *Hobie Noble* verbatim as verse three and it should be noted that [187B] and *Hobie Noble* are from the same collection, *Caw's Musical Museum.*

In *Hobie Noble,* The tale begins in earnest when Sim o the Mains, that is one Simon Armstrong, asks Hobie Noble to meet with him, with the prospect of riding into Bewcastle.[2] This scene includes several aspects of cross-Border raids and aspects of feud. The Liddesdale men pretend to want a guide who can take them over the Border into England, just as the Captain of Bewcastle employs the expertise of two men, one 'high up in the Hardhaughswire' and the other 'laigh down in Borthwick Water', in *Jamie Telfer of the Fair Dodhead* [190], and although Hobie Noble is cautious of riding by day (see below), he is willing to ride by night:

'But will ye stay til the day gae down,
Until the night came oer the ground,
And I'll be guide worth ony twa
That may in Liddisdale be fund.

'Tho dark the night as pick and tar,
I'll guide ye oer yon hills fu hie,
And bring ye a' in safety back,
If you'll be true and follow me.' [189[11,12]]

The ride is discussed by Hobie Noble and Sim o the Mains at 'Kershope-foot', which was used by both English and Scottish Bordersmen as a meeting place, for official truce-days as well as for illegal activities, a fact noted in Robert Bowes' Survey of 1550:

[2] See Map [13: 1] for locations in this ballad. See also map [11: 1].

Map [13: 1], showing the locations of places mentioned in *Hobie Noble*. Locations are highlighted in green.

And both Scots and the borderers of the West marches of England, affirm that the bounds between the mid marches is at the foot of Kershope or Kershope Bridge which is a common passage as well for the thieves of Tynedale, Bewcastle and Gillsland in England, as for the thieves of Liddisdale in Scotland with their stolen goods from the one realm to the other.[3]

Hobie Noble is cautious of riding into Bewcastle by day, due to a feud situation, saying that 'The land-sergeant has me at feid ... For Peter of Whitfield his brother's dead,' [189[9]],[4] and to this he adds that two more men have been victim to his own raids, for:

> Anton Sheil, he loves not me,
>
> For I gat twa drifts of his sheep
>
> The great Earl of Whitfield loves me not,
>
> For nae gear frae me he eer coud keep. [189[10]]

The raid is revealed as a deceit, intended to get Hobie Noble over the Border on illegal business, where he can be taken by the Bewcastle land sergeant. Indeed, Whitfield musters a trod, referring to Hobie Noble as a 'deer', ready for the hunting.

Unlike the trod raised by Scott of Buccleuch in *Jamie Telfer of the Fair Dodhead,* which is instigated soon after a raid on Jamie Telfer's home and therefore can be identified as a hot trod, the land sergeant's trod is 'cold', that is lawful pursuit taken up some time after a crime has been committed, usually within six days. He sends out orders regarding who he wants to ride and where the trod's meeting point will be:

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[3] Mack, J. L., *The Border Line* (London: Oliver & Boyd, 1926), p. 38.
James Reed, *The Border Ballads* (Stocksfield: Spredden, 1991), p. 71.

[4] The death of a Whitfield is also mentioned in *Jock o the Side* [187].

'Gar warn the bows of Hartlie-burn
  See they sharp their arrows on the wa!
Warn Willeva and Spear Edom,
  And see the morn they meet me a'.

'Gar meet me on the Rodrie-haugh,
  Amd see it be by break o day. [189[16,17]]

The way in which the assembly of this trod is presented is very similar to the trod raised in versions of *Jamie Telfer of the Fair Dodhead*:

Warn Wat o Harden and his sons,
  And gar them ride Borthwick water side,
Warn Gowdilins and Allanhaugh,
  And Gilmanscleuch and Commonside.

As he passed the yett o Priesthaughswire
  Warn the Courier o the Lee;
An' as ye come doon the Hermitage Slack,
  Warn doughty Willie o Gorrinberry.[5]

Hobie Noble reflects the often tenuous associations which could exist between reivers. Where Mangerton, an Armstrong, declares Hobie Noble's faithfulness in *Jock o the Side*, it is another Armstrong who betrays Hobie Noble in this ballad. The

[5] *Jamie Telfer of the Fair Dodhead*. Willie Scott. *The Muckle Sangs*, edited by Hamish Henderson and Ailie Munro (London: Tangent Records, 1979), p. 19.
SA 1974 / 66. Collectors Fred Kent and Hamish Henderson. Edinburgh.

understanding which exists between Sim o the Mains and the land sergeant is revealed between verses 17 and 25.

The listener has already been informed that Sim o the Mains is a villain, for the narrative identifies him as a 'traitor' in [189[4]], but the accusation is confirmed by the messenger who informs Whitfield of Hobie Noble's location. I would suggest that the uncertainty of the planned ambush is suggested by the lines 'Then word is gone to the land-sergeant, / In Askirton where he lay' [189[14]]. This is not part of the rumour-formula 'Then words gane up and word's gane doon' as it is defined by Flemming Andersen,[6] for in this ballad the formula obviously has no connection with concealed pregnancy, as it does in Flemming Andersen's definition, but it does initiate confrontation and conflict, which is part of the 'Word's gane up and word's gane doon' formula function, and the news, welcome though it is in this case, is brought to the land sergeant when he is at leisure, 'In Askirton where he lay'. This is comparable to Flemming Andersen's explanation of the contexts of the rumour-formula, 'In most cases the gossip ... typically reaches the characters concerned as they are most at ease in their rooms' (p. 185). Although the 'word' is news rather than gossip, the uncertainty of capturing Hobie Noble ('Aft has he beat your slough-hounds back, / And set yourselves at little ee' [189[15]]), may have suggested the use of the line.

The use of slough-hounds, mentioned in [189[15]], seemed to have been peculiar to the English authorities on the Borders. George MacDonald Fraser suggests that they may have been the breed known as trail hounds which 'are common in Cumberland today ... They travel at surprising speeds after scent, and it seems possible that the sleuth-dogs of the sixteenth century were of this breed, rather than bloodhounds'.[7] Indeed, in *Hunting*

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[6] See Flemming Andersen, *Commonplace and Creativity* (Odense: Odense University Press, 1985), pp. 52, 185-189.

[7] Fraser, *The Steel Bonnets*, p. 99.

and Hunting Reserves in Medieval Scotland, the sleuth hound is described as 'Clever and cruel, it could follow thieves and reivers but lost the scent in water'.[8]

The scene of the ambush is Consconthart Green and Hobie Noble is captured after what seems to be a running battle between Foulbogshiel and Consconthart. As in the [A] and [B] versions of *Johnie Armstrong,* the reiver is vastly outnumbered:

Now Hobie thought the gates were clear,
  But, ever alas! it was not sae;
They were beset wi cruel men and keen,
  That away brave Noble could not gae.

...

There was heaps of men now Hobie before
  And other heaps was him behind,

That had he been as wight as Wallace was
  Away brave Noble could not win.

...

Now they have taen brave Hobie Noble,
  Wi his ain bowstring they band him sae;
And I wat his heart was neer sae sair
  As when his ain five band him on the brae. [189[21,23,25]]

[8] John M. Gilbert, *Hunting and Hunting Reserves in Medieval Scotland* (Edinburgh: John Donald, 1979), p. 65.

The actions of Hobie Noble's companions would seen to disprove Bishop Leslie's claim as to the trustworthy nature of a Borderer's word (see chapter twelve, above), but deception and ambush would seem to have been common enough, if the number of 'tip offs' is taken into account. For example, in a letter concerning the killing of one Nicholas Ridley in an ambush sprung by Armstrongs of Whithaugh, Henry Woodrington explained that the murder had occurred because the Armstrongs had 'secret intelligence' of Ridley's actions;[9] in another letter, Scrope complained about the Graham clan, writing 'no officer here can purpose anything ever so secretly against an evildoer of England or Scotland, but the Grahams hear of it and prevent it'[10]; and Richard Fenwick eloquently clarified his opinion of the reivers in 1597: 'If Jesus Christ were emongest them, they would deceave him, if he woulde heere, trust and followe theire wicked councels'.[11]

Having captured their prey, the ambush party takes Hobie Noble to Carlisle and conducts him through the town, via the Ricker Gate, the North Gate of Carlisle. The reiver gets a favourable welcome in the town from the women and there seems to be respect for him ('That's the man loosd Jock o the Side!' [189[27]]), but Hobie Noble's response to this is the first indication of his attitude towards his captors. He is not portrayed as fearful but as a man acutely aware of the humiliation of being paraded through Carlisle, for his retort seems to indicate that his anger is directed purely at his captors' disregard for a man's dignity:

> 'Fy on ye women! Why ca ye me man?
> For it's nae man that I'm used like;

---

[9] *C. B. P.*, II, 1066.
Henry Woodrington to Robert Carey, 18 May 1599.

[10] *C.B.P.*, II, 253.
Thomas Scrope to Henry Leigh, 14 March 1596.

[11] *C. B. P.*, II, 763.
Richard Fenwick to the Commissioners, c. 24 September 1597.

I'm but like a forfoughen hound

Has been fighting in a dirty syke.' [189[28]]

Hobie Noble's captors' duplicitous nature is revealed by the way that they treat him. He is not put into prison, but is 'set ... by the chimney fire' [189[29]], where they try to bribe him to admit to horse-theft: their deal would seem to be a tempting one, his life in exchange for an admission. However, Hobie Noble refuses, swearing that he is innocent:

Confess my lord's horse, Hobie, they say,

And the morn in Carlisle thou's no die;

'How shall I confess them?' Hobie says,

'For I never saw them with mine eye.'

Then Hobie has sworn a fu great aith,

By the day that he was gotten or born,

He never had onything o my lord's

That either eat him grass or corn. [189[31,32]]

Despite Hobie Noble's bravery, fighting on, while outnumbered and his subsequent refusal to evade death dishonourably, he is guilty of a capital offence, for he has admitted to reif of sheep and 'gear' and to being involved in the death of Peter of Whitfield, and because of this he could be hanged for being one of the 'great thieves', for common theft, perhaps for murder and also for breaking conditions of a banishment, if we recall that Bewcastle 'banished him never to return'. Most references to banishment threaten death if the banished individual returns:

12 September 1515

> James Wardlaw, smyth, convict be an assyse for the cruell hurting of Robert Roger in the heid and drawin of his blude ... banist this towne for all the dayis of his lyfe, and nocht to cum thairuntill vnder the payne of deid.[12]

A banished man was not something out of the ordinary on the Borders and breaking the terms of banishment must have been frequent enough. However, as in the case of Hobie Noble, discovery in the forbidden land could be brought about by sleight, as in the case of George Stephenson, 'a Scottishe banished man',[13] who was forcibly repatriated to pay for his faults:

> George Stephenson, ... abydinge in the howse of Robert Browne in a village of England called Harkley, was on the second Maye 1596 forciblie taken oute of the said Brownes howse by the Larde of Readbrayes, accompanied with 20 horsemen, caried to Dunse a market towne of the Easte Marches of Scotland, and their executed to deathe in Scotland. (*C. B. P.*, II, 263)

None of this results in a negative portrayal of Hobie Noble, for his admissions are unexceptional within the sphere of cross-Border unofficial and official politics and procedures. The tone of the ballad is condemnatory of the treacherous Sim o the Mains and the dishonourable land sergeant. The listener must accept the myth of integrity, proposed by Bishop Leslie and also by men such as the spy who was on the pay roll of Sir Ralph Sadler, who was said to have explained the psychology of the reivers thus:

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[12] *Extracts from the Records of the Burgh of Edinburgh, 1403 - 1528* (Edinburgh: Scottish Burgh Records Society, 1869), p. 157.

[13] *C. B. P.*, II, 263.
Endorsed by the word 'Scotland'. 'This Readbray is a Hume' is written on the margin of the paper.

'they would not care [i.e. hesitate] to steal, and yet they would not bewray any man that trust in them for all the gold in Scotland and France'.[14] How much darker, then, are the acts of Sim o the Mains. The myth must be accepted, in order to appreciate the accusatory, 'Foul fa the breast first treason bred in!' and to sympathise with Hobie Noble's fate.

Hobie Noble refuses to perjure himself and so dies, but he dies defiantly, naming his betrayer:

I wad betray nae lad alive,
For a' the gowd in Christentie.

'And fare ye weel now, Liddisdale,
  Baith the hie land and the law!
Keep ye weel frae traitor Mains!
  For gowd and gear he'll sell ye a'

'I'd rather be ca'd Hobie Noble
  In Carlisle, where he suffers for his faut,
Before I were ca'd traitor Mains,
  That eats and drinks of meal and maut' [189[33,34,35]]

Once the listener has affiliated his or herself with Hobie Noble, the balancing of the honourable and the dishonourable becomes evident throughout the ballad tale. Hobie Noble is 'brave', while Sim o the Mains is 'traitor': there is the ironic 'They have tane him [on] for West Carlisle; / They asked him if he knew the way', which recalls Hobie Noble's promise 'I'll bring ye a' in safety back, / If you'll be true and follow me' [189[12]]

[14] R. B. Armstrong, *History of Liddesdale*, 2 vols, 1 in print (Edinburgh: David Douglas, 1883), p. 83.

and his declaration 'And I'll be guide worth ony twa / That may in Liddisdale be fund' [189[11]]; and there are the qualifications of the initial accusations made in the opening verses. Indeed, the whole tale would seem to be framed between the first and last two verses. The initial verses condense the whole tale, while the final verses qualify the accusations made in the opening ones, repeating the geographic source of the treason - Liddesdale - and naming the precise source, Sim o the Mains. This shift from the general to the specific is continued in the line 'brave Noble is seld away'. The nature of the price is identified in the penultimate verse, 'For gowd and gear he'll sell ye a'', which is all the more effective, coming as it does soon after Hobie Noble's own declaration that he would 'betray nae lad alive, / For a' the gowd in Christentie'.

Once again, an injustice has been wrought and, here, the victim dies, not calling for pity, but damning those who dared to kill him.

CHAPTER FOURTEEN

ADAM BELL, CLIM OF THE CLOUGH AND WILLIAM OF CLOUDESLY

Although Child lists this ballad with the Robin Hood ballad set, I would rather consider the first part of this ballad as another representative of Borders outlaw ballads, even though the heroes are poachers and not reivers. There are two reasons for this. Firstly, the locations mentioned within the part of the ballad which concerns this study, Carlisle ('Carlel' [116[10]]) and Inglewood ('Englysshe-wood' [116[4]] and 'Ingleswood' [116[95]]), are in the English West March.[1] Secondly, the names of the heroes are reminiscent of Borders names; Bell was a noted name of both the Gilsland area of the English West March and the Scottish West March, 'active in raiding and feud, and particularly hostile to the Grahams'[2], while the names Clim of the Clough and William of Cloudesly recall the geographical tags given to men, where neither surname nor Christian name provide adequate identification, such as Jock (Armstrong) o the Side, Richie (Graham) of Brackenhill, Archie (Nixon) of the Steile, John (Carleton) of the Bower or Jock (Graham) of the Peartree.

As mentioned above, the crime which William of Cloudesly and his companions are guilty of is poaching and this is stated in the ballad's narrative, where William of Cloudesly, along with his companions, is 'outlawed for venyson' [116[3]]. If we accept the information of the opening verses, this crime would seem to be endemic to the area:

Mery it was in grene forest,

Amonge the leves grene,

---

[1] See map [11: 1].

[2] George MacDonald Fraser, *The Steel Bonnets: The Story of the Anglo-Scottish Border Reivers* (London: Collins Harvill, 1989), p. 57.

Where that men walke bothe east and west,
  Wyth bowes and arrowes kene,

To ryse the dere out of theyre denne
  Sache sightes as hath ofte bene sene,
As by thy[r]e yemen of the north countrey,
  By them it is as I meane. [116[1,2]]

The outlaw status may be considered in one of two ways. The men are all hunting the king's (or queen's) venison, and therefore are in breach of game-laws such as those relating to Scottish lands:

> [Hunters] sould not hunt within sax miles to the King's woddis, parkis and palaces.
> *Ja VI. P. 14. C. 210*

> Na man sould schute at deir ... undert the pane of death, and tinsel of thair movabill gudis. Mar. R. *fol 148 act 8. 29 Maij, & fol 165, act 25. 20 Junij, 1555. Ja VI fol 14 act 167. 15 Decemb. 1567*[3]

With reference to this law, it perhaps should be noted that there was an area called 'The King's Forest of Geltsdale' south of Castle Carrick, which is identified as such on the 1771 map of Cumberland (see map [13: 1]). Alternatively, the men are in breach of the Border laws concerning hunting. An English law of 1464 stated:

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[3] James Balfour, 'Hunting and Halking', *The Practicks of Sir James Balfour of Pittendreich*, edited by Peter G. McNeill, Stair Society 21 and 22, 2 vols (Edinburgh: Stair Society, 1962 - 1963), II, p. 542.

No one of either realm shall enter 'terras, boscos, nemora, forrestis, warrenas, loca dominia quaecunque' of any subject of the opposite realm for the sake of hunting, fishing, hawking ... in 1576 the Scots Council in a proclamation stated that the king's deer on the West March 'are not only daily slain by guns with Scotsmen but also by the hunting of Englishmen brought there by Scots without licence'.[4]

The nationality of the three outlaws in this ballad cannot be ascertained. All we can do is suggest that William of Cloudesly may be an English subject, since his wife lives in Carlisle and the ballad versions refer to them simply as being from the 'north countrey'. However, their nationality does not really need to be argued, since all three are guilty of breaking one of the forms of the game laws relevant to the area. With reference to the sentence passed on Wiliam of Cloudesly, execution by hanging was not applicable in the case of poaching. On both sides of the Border, fines were exacted.[5] However, poaching was dealt with in the courts and if a poacher failed to appear to answer to the crime of poaching, horning would be implemented (see part four introduction, above), which would result in the poacher being identified as an outlaw.

The game laws were constantly being broken by the king's and queen's subjects and the laws themselves were frequently re-enacted. The English 1464 law was repeated in 1486, the Scottish 1576 proclamation was repeated, almost verbatim, in 1578 and one of the frequent cross-Border hunting forays was noted by Robert Carey, Warden of the English Middle March, in a letter to Burghley dated 4 August 1598. He wrote that 'they know quite well it was unlawful ... for at the same time, others of their country made humble suit to Lord Willoughby for leave to hunt in his March. But these men, though

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[4] D. L. W. Tough, *Last Years of a Frontier* (Oxford: Oxford University Press, 1928; repr. Alnwick: Sandhill Press, 1987), p. 103.

[5] See John M. Gilbert, *Hunting and Hunting Reserves in Medieval Scotland* (Edinburgh: John Donald, 1979), pp. 99 -100.

the chiefest of them have been great offendars to this March both in blood and goods, and that lately, chose to make this bravado'.[6] Carey could see no way to halt this customary hunting.

The actions of the outlaws in *Adam Bell, Clim of the Clough and William of Cloudesly* may be seen to be as representative of Border life as the reiving and rescues of ballad heroes discussed previously and the ballad is important in the context of this study because it is one of the few which portray the official procedures connected with hanging.

The action within the part of the ballad tale which is relevant to this study is instigated by the capture of William of Cloudesly, in a manner almost exactly paralleled by the betrayal of the young lovers of *Auld Matrons* [249] by the heroine's nurse. Although the old woman of *Auld Matrons* is faithful to her master, betraying her charge, the heroine, in *Adam Bell, Clim of the Clough and William of Cloudesly*, the old woman is purely treacherous. The extent of the treachery is exemplified by the fact that, in both ballads, the old woman has not stirred herself for many years ('It's seven years, and some guid mair, / Sin her feet did file the flear' [249[7]], 'For she has not set no fote on ground / In seven yere before' [116[16]]). In both ballads, the old woman alerts an official, the sheriff of Kelso in [249[9]] and the justice in [116[18]]. As with Jonnie Armstrong in [169A] and [B] and Hobie Noble, William of Cloudesly is vastly outnumbered by his enemies, yet fights them, initially resisting arrest. However, unlike the other reivers, William of Cloudesly fights with a bow:

> Cloudesly bent a wel good bowe
>
> That was of trusty tre,

---

[6] *Calendar of Border Papers (C. B. P.)*, edited by Joseph Bain, 2 vols (Edinburgh: General Register House, 1894 - 1896), II (1896), 974. Robert Carey to Lord Burghley, 4 August 1598.

He smot the justice on the brest

That hy arrowe brest in thre. [116[26]]

Bows seem to have been common weapons of the English West March men. A muster in 1581 recorded 83 bowmen to 2000 men with steel bonnets, spears and lances in the Eskdale and Cumberland areas of the West March (*C. B. P.*, I, 90), but in the Leith ward of the same March, there were 1000 bowmen and billsmen to only 171 lancemen (*C. B. P.*, I, 94), suggesting that the bow was the favoured weapon in the more southern districts, which had less trouble from Liddesdale. In 1584, a general muster throughout the English Marches revealed a complement of 2500 archers and 2500 billmen, compared to only 1347 spearmen (*C. B. P.*, I, 255).

Once the justice's men have fired William of Cloudesly's house and 'his arrowes were all go' [116[33]], William of Cloudesly does fight with a sword and, like other ballad Borderers, he is fatally adept with this weapon, for 'whare the people were most in prece, / He smot downe mony a man.' [116[36]]. This could add 'slauchter' to the poaching charge.

The sentence passed on William of Cloudesly comes from the 'hye justice' [116[38]] ('Thou shalt be hanged in hast' [116[38]]) and the judicial nature of the sentence is emphasised when William of Cloudesly is about to be hanged. Present at the gallows site is 'the iustyce, with a quest of swerers, / That had iuged Clowdysle there hanged to be' [116c[69]]. The men who accompany the justice are 'squiers' in [116d[69]] and [116e[69]].

To carry out the sentence, the justice promises William of Cloudesly 'a newe gallowes' [116[39]]. The sheriff makes the same promise in other versions of the tale, 'A pair of new Gallows, said the Sherife / Now shall I for thee make'.[7] This promise is not

[7] *Adam Bell, Clym of the Clough, and, William of Cloudelie*, printed by Francis Orr and Sons, Glasgow, 1850.

outwith recorded procedure. Under the entries for 6 July 1555, the Burgh records of Edinburgh show that six shillings were 'gevin to Gorge Tod, Adam Purves and ane servand to mak ane gebet at the Newhevin, in haist and evill wedder'.[8]

Unlike Kinmont Willie, another ballad Borderer, who is doomed to be hanged at Hairibee, the official execution-site of Carlisle, William of Cloudesly is to be hanged in the market place, 'Besyde the pyllory' [116[42]]. This suggests a very public execution, perhaps as a warning to the people of the folly of contravening the law:

> People were summoned as spectators: they were assembled to observe public executions and *amendes honorables*; pillories, gallows and scaffolds were erected in public squares or by the roadside ... The right to be witnesses was one that they possessed.[9]

The presence of an execution crowd is a rare phenomenon within the ballads discussed in this study. There is mention of a crowd in one version of *Geordie* [209F] (see chapter sixteen, below) and in the [I] version of another reiver ballad, *Hughie Graham* [191], there is reference to a crowd which has gathered to see the execution ('The lads and lassies they all met / Cried Hughie Græme, thou art to die!' [191I[8]]), but in other versions of the ballad reference is only made to members of the reiver's family being present. Just so, although Hobie Noble makes a last farewell speech, no spectators are mentioned, bar those who captured him.

However, in *Adam Bell, Clim of the Clough and William of Cloudesly*, the 'witnesses' have assembled, for when Adam Bell and Clim of the Clough rescue their comrade and

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[8] *Extracts from the Records of the Burgh of Edinburgh, 1528 - 1557* (Edinburgh: Scottish Burgh Records Society, 1871), p. 297.

[9] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (London: Penguin, 1987), p. 58.

attack the justice, the sheriff and their men, 'All men voyded, that them stode nye' [116[79]] and when the sheriff is killed, 'All the cytezeyns fast gan fle, / They durst no lenger abyde' [116[80]].

William of Cloudesly, like other condemned criminals makes the journey to the gallows tethered in a cart:

> And Clowdysle hymself may redy in a carte
>
> Fast bounde bothe fote and hande,
>
> And a strong rope aboute his necke,
>
> All redy for to be hangde.
>
> The iustyce calld to hym a ladde;
>
> Clowdysles clothes sholde he haue,
>
> To take the mesure of that good yoman,
>
> And therafter to make his graue. [116[70,71]]

This carting of the condemned presents them to the witnesses of the death, that is the crowd. It offers the crowd an opportunity to identify the condemned as the perpetrator of a crime and is an essential part of the humiliation of display, part of the spectacle nature of execution. Carting was still part of the spectacle in the Eighteenth and Nineteenth Centuries and the process was visually recorded in engravings and paintings, such as Hogarth's 'The Idle 'prentice Executed at Tyburn' (1754) or 'Anne Hurle for Forgery and M. Spalding on their way to Execution at Newgate, 1804'.[10]

The humiliation of the prisoner could, however, be turned by the felon into a

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[10] V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770 - 1868* (Oxford: Oxford University Press, 1994), p. 49, from W. Jackon, *New and Complete Newgate Calendar* (London, 1818).

moment of glorification. To take a famous example, Dick Turpin hired 'five men at ten shillings a head to follow his cart dressed as mourners' (p. 86). This would have effectively removed the shame aspect of the spectacle, returning some of the control of the situation to the criminal. However, William of Cloudesly seems to have been denied any such control. All he can do is direct verbal scorn on the justice (see below).

As Fielding noted, however, the theory of the procedure, whether or not it was hijacked by the condemned, may not have been carried out in practice:

> I will appeal to any Man who hath seen an Execution, or a Procession to an Execution; let him tell me when he hath beheld a poor Wretch, bound in a Cart, just on the Verge of Eternity, all pale and trembling with his approaching Fate, whether the Idea of Shame hath ever intruded on his Mind? Much less will the bold daring Rogue, who glories in his present Condition, inspire the Beholder with any such Sensation.[11]

This glorification of shame, turning the felon into a figure of contempt, pity or admiration at one and the same time, was magnified by the displaying of the condemned body, alive and dead.

Binding hands was a practical measure, to ensure that the victim, in the throes of death, did not present an overtly grotesque figure. The practice appears in *Rob Stene's Dream*, when the fox demands that the ram hangs the dogs, which are actually his protectors; the fox being James VI's chancellor Maitland, the ram being the King and the dogs being the Stewart nobles, with the greyhound possibly representing Bothwell:

> Swa all the doggis at certane tymis

[11] Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers and Related Writings*, edited by Malvin R. Zirker (Oxford: Clarendon, 1988), p. 168.

War summond for thir capitall crymis
Thay all comperit and pannalit war
And stud as criminallis at the bar.
Thair dittay red and weill exemd,
The dome pronuncit and thay condemd,
The borrew band thair handis and went
And hangit thame incontinent.[12]

The ballad also presents William of Cloudesly with the noose around his neck, which clearly displays the type of execution he will suffer. This part of the spectacle was still being performed in the Nineteenth Century. For example, Eliza Fenning, convicted of attempted murder and hanged in 1815, 'appeared at the Debtor's Door [of Newgate prison] ... with the hangman's rope wound around her waist'.[13]

The fate of the body, once executed, was also a point of concern, for both the authorities and the relatives of the condemned. Once Justice and the people had their satisfaction, the body of the felon could often be left for public display, but there are also account records for the disposal of the corpses. The accounts relating to this service often follow that which gives the cost for the execution:

Item, the xj day of August 1555, for cords to bynd the man that wes heiddit for the slauchter of the sister of the Sennis man, ... iij^{d}
Item, for eirding of the saymn man, ... ij^{d}[14]

[12] *Rob Stene's Dream*, edited by David Reid (Stirling: University of Stirling Bibliographical Society, 1989), ll. 380 - 387.

[13] Gatrell, *The Hanging Tree*, p. 355.

[14] *Extracts from the Records of the Burgh of Edinburgh, 1528 - 1557* (Edinburgh: Scottish Burgh Records Society, 1871), p.298.

Item, for the expensis of the justefeing of Gospart Lauder, and the eirding of him eftir he wes heidit . . . . . v^{s} (p. 283)

The responsibility for disposing of an executed body could be that of the town or burgh which hanged the felon and this responsibility is reflected in the ballad, when 'The iustyce called to hym a ladde; / Clowdysles clothes sholde he haue, / to take the mesure of that good yoman, / And therafter to make his graue' [116[71]].

The similarity between the character of William of Cloudesly at the moment of execution and other heroes and heroines discussed previously is displayed in his lack of remorse. He exhibits only defiance and in Child [116] what would be William of Cloudesly's 'last goodnight' is, once more, a warning to his executioners:

'I haue seen as greate a merueyll,' said Clowd[esle]
'As bytwene this and pryme,
He that maketh thys graue for me,
Hymselfe may lye therein' [116[72]]

This verse may be reminiscent of the prophetic-dream verses of other ballads, but William of Cloudesly's 'merueyll' stands much more as curse or an open threat, perhaps indicative of the way in which many seem to have met their death, with words void of the penitent remorse insisted upon in broadsheets and chapbooks, something which Fielding seems to have been considering when he wrote, 'if there were annals in which the last words of the tortured and executed were scrupulously recorded, and if one had the courage to read through them ... one would be told that no one who had died ... did not ... reproach his judges for their barbarity, curse the minister of the altars who

accompanies them and blaspheme against the God whose organ he is'.[15] Within the ballad's context, it is important to the construction of a defiant hero that William of Cloudesly is not yet aware of any rescue attempt when he speaks the above, otherwise his words would be nothing but the empty bravado of a man who expects to be rescued:

> 'Thou spekest proudely'; sayd the iustyce;
> 'I shall hange the with my hande:'
> Full well that hearde his brethren two,
> There styll as they did stande.
>
> Then Clowdysle cast hys eyen asyde
> And sawe his brethren stude. [116[73,74]]

Like the ballad heroes Kinmont Willie and Jock o the Side, William of Cloudesly is rescued by his companions. His rescue is all the more dramatic, for it takes place at the gallows foot, unlike that of the two reivers, who escape the night before their execution.

Rescue attempts were not frequent, but they could occur for various reasons: as with Kinmont Willie, Jock o the Side and William of Cloudesly, friends of the condemned could stage a rescue; if the crowd sympathised with the condemned, then a rescue might be attempted; or the execution crowd might attempt to free the criminal, if they were dissatisfied with the abilities of the hangman. In any event, crowd dissatisfaction could result in confused violence, a particularly vivid example of which occurred in 1818 in Edinburgh, at the execution of Robert Johnston. Johnston, a thief, was brought out to be hanged at about half-past two on 30 December 1818. However, the hangman misjudged the drop and Johnstone only fell around eighteen inches, which left him:

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[15] Foucault, *Discipline and Punish*, p. 60.

half-standing, half-suspended, and struggling in the most dreadful manner.

It is impossible to express the horror which pervaded the immense crowd, assembled round this shocking spectacle, while one or two persons were at work with axes beneath the feet of the criminal. Mean while (sic) the cries of horror from the populace ... continued to increase with indescribable vehemence. Still the magistrates and others on the scaffold did nothing official: and it is hard to say how long this horrible scene might have lasted, had not a person near the scaffold, who was struck by a policeman, cried out Murder![16]

The crowd took this as their cue, not understanding that the person was referring to their own treatment and not Johnstone's. The magistrates and police were stoned and they fled, which left Johnstone alone on the scaffold. The crowd cut him down and tried to revive him, but:

the police ... proceeded with their bludgeons to assail the individuals who were about the half-dead man ... [the police took him to the police office] ... where he was immediately attended by a surgeon, and bled in both arms, and in the temporal vein, by which the half-suspended animation was restored. (p. 6)

Robert Johnstone was then taken back to the scaffold and hanged, half-naked and his face exposed to the crowd. The spectacle finally came to an end at about 'twenty-three minutes past four o'clock' (p. 8).[17]

In *Adam Bell, Clim of the Clough and William of Cloudesly,* the presence of the justice, the sheriff, the squires / swerers and the 'officer of the towne' [116[81]] reflects the official

[16] 'Strictures on the Execution of Robert Johnstone, 30th December, 1818', printed by Thomas Turnbull, Edinburgh, 1819.

[17] An account of this execution is also in Gatrell, *The Hanging Tree*, p. 50.

presence of the authorities at the execution. In the same way as the officials are condemned in *Hobie Noble*, it is these men who are portrayed as the 'criminals' of *Adam Bell, Clim of the Clough and William of Cloudesley*. They capture their prisoner as a result of treachery and then taunt him while he awaits his death:

> There shall no help of Glim of the Clough
>
> Nor yet of Adam Bell,
>
> Though they come with a thousand more,
>
> Nor all the de'ils in hell.[18]

Of course, as in ballads such as *Jock o the Side* and *Kinmont Willie*, the rescuers are successful, killing their enemies before they escape:

> [The one] hyt the iustyce, the other the sheryf,
>
> [That b]othe theyr sydes gan blede.
>
> [Al men] voyded, that them stode nye,
>
> [Whan] the iustyce fell to the grounde,
>
> [And the] sheryf fell nyghe hym by;
>
> [Eyther] had his dethe's wounde. [116[78,79]]

No blame is apportioned to the heroes for these killings, nor to the murder of the porter, whom they kill in order to gain entry to Carlisle ('They called the porter to a councell, / And wrunge his neck in two' [116[65]]). This action has a parallel in *Jock o the Side* ('His neck in twa I wat they hae wrung ... His life and his keys at anes they hae taen'

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[18] *The History of Adam Bell, Clim of the Clough and William of Cloudeslie*, printed by J Morren, Cowgate, Edinburgh, c. 1800, p. 11.

[187B[14]]), and in both ballads the murder is merely the means to an end, entry into the locked town. Just so, the men the outlaws kill while making their escape are nameless, bar the sheriff and justice, whose bad conduct perhaps suggests that death is satisfactory retribution. The propaganda is unashamedly positive regarding the outlaws, just as previous ballads have presented the reivers as heroes and this episode of *Adam Bell, Clim of the Clough and William of Cloudesly* ends, as does *Jock o the Side,* with the men celebrating their life and liberty:

> Thus be these good yomen gone to the wode,
>
> As lyght as lefe on lynde;
>
> They laughe and be mery in theyr mode,
>
> Theyr enemys were farre behynde. [116[94]]

CHAPTER FIFTEEN

THE GYPSY LADDIE

Another kind of outlaw was the Gypsy. The main 'crime' of the Gypsies was ethnic: being a race which lived in a manner outwith the bounds of general society. A nomad had no allegiance to one burgh, so the burghs were unwilling to welcome the nomad.

Gypsies have long been persecuted throughout Europe, and forced expulsions or flight from one country to another may have aided the dissemination of some ballad tales: Eleanor Long suggests that the *Maid Freed from the Gallows* ballad tale, discussed above, was carried by the Gypsies:

> There is but one plausible explanation for the Western distribution of these three forms of the eastern European tradition (thirst, drowning, ransom): the invasion of western Europe by Gypsies, who came to the Balkans at the beginning of the fourteenth century and fled that area to escape Turkish persecution during the fifteenth.[1]

The Fourteenth and Fifteenth Centuries saw the movement of Gypsies throughout northern Europe: they 'were first taken notice of in Germany in 1414 ... and in France in 1427' (p. 120). It can be assumed that their arrival in Britain, certainly Scotland, was not so very long after that, if the 1449 Act against 'sorners, overliers, and masterful beggars, with horse, hounds, or other goods' (p. 153) is taken into account.

The origins of these people were uncertain. Certainly, they must have come through Europe, but in Scotland they were most commonly called 'Egyptians'. An

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[1] Eleanor Long, *'The Maid' and 'The Hangman': Myth and Tradition in a Popular Ballad* (Berkeley: University of California, 1971), p. 120.

example of this comes from the Burgh Records of Edinburgh in 1540, prior to any proscriptions:

> 23 *June* 1540
>
> Forswamekill as Jhonn Auny, Egiptiane, and his complices committit art and part of the felloun and crewall slawchter of Thomas Richertsoun, sone to Dauid Richertsoun burgess of this burgh, and obtenit remissioun ... the said Jhone and all vtheris the Egiptianes in tyme cuming ar decernit banist this town, and neuir to cum thairin in ony tyme cuming, vnder the payne of scurgeing thame throw the samyn.[2]

In 1540, the same year as Edinburgh was banishing 'Egiptianes' from its burgh lands, King James V was welcoming John Faw as 'lord and Erle of Litill Egipt'[3] and had given him powers 'in execution of justice upon his company and folks, conform to the lawis of Egypt and in punishing of all of them that rebels against him'.

Whether this was done in the spirit of royal magnanimity, or whether, as Sigrid Rieuwerts suggests in her article 'The Historical Moorings of "The Gypsy Laddies": Johnny Faa and Lady Cassillis',[4] that James was attempting a manipulation of the Gypsies in Scotland, by acknowledging, and perhaps gaining trust from, their chief is not certain, but what is certain is that by June of 1541, it was a capital offence to be a Gypsy living in Scotland, and thirty days were given to the Gypsies to be clear of the country:

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[2] *Extracts from the Records of the Burgh of Edinburgh, 1528 - 1557* (Edinburgh: Scottish Burgh Records Society, 1871), p. 98.

[3] *Register of the Privy Seal of Scotland*, edited by M. Livingstone, D. Hay Fleming, J Beveridge and G. Donaldson, 8 vols (Edinburgh: General Register House, 1908 - 1982), II (1921), 1035.

[4] Sigrid Rieuwerts, 'The Historical Moorings of "The Gypsy Laddie": Johnny Faa and Lady Cassillis', *The Ballad and Oral Literature*, edited by Joseph Harris (London and Cambridge, Mass.: Harvard University Press, 1991), pp. 78 - 96.

[23 June 1541]

Item, to Johnne Patersoune, for passing to Dunkell to summond Maister Adame Otterburne, and to pas in þe Northland with Letteris to the Prelatis, and with Letteris to the Scherrifs and Burrowis, for expelling of Egiptianis . . . . . iij li.[5]

The Gypsy Laddie [200] is one of the best known ballad stories in Scotland, if not in Britain. It concerns the willing abduction of a nobleman's lady by Gypsies, generally a band containing three, seven or fifteen men. In some versions, mostly Scottish, the lord and lady are identified with the Cassillis family, while the Gypsies are often identified as being part of the Faw family.

There is a great deal of conjecture surrounding this ballad: identifications of the hero and heroine have been proposed, as has a date for the incident. With reference to this study, however, some of the points which have come under debate are of little concern. What is of interest is: what is the proposed crime; who suffers under the sentence; and whether the sentence passed is legally correct.

Child includes twelve versions of the ballad, the earliest from Ramsay's *Tea-Table Miscellany* of 1763, Bronson has 128 versions, 96 of which are American,[6] and Greig-Duncan contains 13. All of these have the same opening to the story: Gypsies come to a nobleman's / landlord's home, leave with his wife, and upon the husband's return home, he sets off to recover his lady.

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[5] *Accounts of the Lord High Treasurer of Scotland*, edited by Thomas Dickson, James Balfour Paul and Charles Thorpe McInnes, 14 vols (Edinburgh: General Register House and H. M. Stationery Office, 1877 - 1978), VII (1907), p. 457.

[6] Of Bronson's 128 versions, 57 (43 American) versions are substantial.

Taking Child's versions first, [A, B, C, D, F, and G] conclude the tale with the subsequent recovery of the lady and the death of the Gypsies; there is a reconciliation of husband and wife and a pardoning of the Gypsies in [E]; [H] is incomplete; [I] and [L] conclude with the rejection of the lord by his lady; and [K] ends with an ultimatum from the lord, but no threats are levelled at the Gypsies.

In the Greig-Duncan versions, seven of which are substantial, (G-D 278A, H, I and K) contain the execution of the Gypsies by hanging, while (G-D 278J, L and M) end with the lady's rejection of her lord, which is assertive in (J) and (L), but more regretful in (M) - a version from Bell Robertson.

None of Bronson's American versions contain a sentence of hanging on the Gypsies. However, *(200B42, 60, 85* and *86)*, which are Scottish, Irish or English do have verses relating to the judicial condemnation or hanging of the Gypsies, such as 'Seven gypsies all in a gang ... To-night they are all condemned to die' *(200B42[10])* and 'Then these gypsies were put in jail ... And next they were condemned for to die' *(200B85[13])*.

In the six Child versions which include the sentencing of the Gypsies, it is certain that the Gypsies die ('We were a' put down for ane' [A[10],F[13]], 'they lost all their lives for one' [B[18]] and 'The night we a' ly slain for one' [D[14]]). However, it is only [C] and [G], which refer to the actual form of death:

They were sixteen clever men,
Suppose they were na bonny;
They are a' to be hanged on ae tree,
For the stealing o Earl Cassilis' lady.

'We are sixteen clever men,
One woman was a' our mother;

We are a' to be hanged on ae day,

For the stealing of a wanton lady.' [200C[13,14]]

There was seven gypsies in a gang,

And they was brisk and bonny,

And they're to be hanged all on a row,

For the Earl of Castle's lady. [G[11]]

The same sentence is present in J. W. Spence's version in the Greig-Duncan collection:

There is sixteen of you gipsy men

Not one of you I can call bonnie oh!

So this nicht ye all shall hanged be

For the stealing of Lord Castle's lady oh.(G-D 278A[13])

To this may be added the lord's intentions in [E], although they are not carried out:

I'll tak ye hame, and the gypsies I'll hang,

Ay, I'll make them girn in a wuddie,

And afterwards I'll burn Jockie Faw,

Wha fashed himself wi my fair lady.[E[18]]

I would suggest that the threatened burning of the chief Gypsy is for adultery with the lady, if not rape, but this must stand as a personal threat, rather than a judicially sanctioned sentence, although the sentence for a rapist could be death:

> To the King's great court, or crown, pertenis the crime of ... burning, reif, ravissing of women, murther, and all uther sic-like trespassis, the quhilk may be punist be deith, or cutting off and wanting of any member.[7]

The description of the intended hanging of the Gypsies - 'I'll make them girn in a wuddie' - has precedents and seems to be a marriage of the literary and colloquial. In Lindsay's *Ane Satyre of the Thrie Estatis,* the vices are condemned to be hanged; Thift 'sall weave in ane widdie',[8] and Dissait says 'Sen it was said it is sevin yeir / That I sould weave into ane widdie' (ll. 4054-5). The noun 'girn' can refer to a running noose or a snarling, grimacing expression.[9] The phrase 'To girn at the luift' means to be hanged and the ballad uses the colloquialisms to good effect.

In Bronson's versions, the Gypsies are 'condemned to die' *(200B42[10], 85[13])*, 'hung in a row' *(200B86[6])* or 'will a high hangèd be' *(200B60[12])*. The absence of precise reference in the other versions may be linked to a general understanding that the sentence would be hanging, just as in *Johnie Armstrong* [169C], where the hanging sentence is not stated, but instead the word 'murdered' is used to incite emotion. We may accept, however, that in the versions which refer to condemnation and sentencing, the fate of the Gypsies is to hang.

As this study is primarily concerned with ballads which contain threats or acts of hanging or burning, I shall concentrate on those versions of the tale which refer to the execution of the Gypsies.

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[7] Balfour, 'Causis Criminal', *The Practicks of James Balfour of Pittendreich,* edited by Peter G. McNeill, Stair Society 21 and 22, 2 vols (Edinburgh: Stair Society, 1962), II, p. 503.

[8] Sir David Lindsay, *Ane Satyre of the Thrie Estaitis* (1552), edited by Roderick Lyle (Edinburgh: Canongate, 1989), l. 4003.

[9] *Scottish National Dictionary,* edited by William Grant and David D. Murison, 10 vols (Edinburgh: Scottish National Dictionary Association, 1929 - 1976) , IV (1956), p. 305.

The reason behind the execution is an important aspect of the tale and I suggest that there are three main explanations connected to legal practices - abduction, magical beguilement and being a Gypsy in Scotland at a time when that was proscribed - which may seem to provide clarification for the hanging of the Gypsies. Because each has to be considered in the context of both the ballad and historical evidence, I shall discuss each in its turn.

Abduction

The most obvious accusation which may be levelled at the Gypsies is that of abduction. In all versions of the ballads published by Child and in all the substantial versions in the Greig-Duncan collection, the lady leaves her 'wedded lord' or her 'good lord' in order to follow the Gypsies. Her departure, then, would seem to be willing, rather than being enforced, for the Gypsies do not forcibly carry the lady off, as the abductors do in *Bonny Baby Livingston* [222] or *Eppie Morrie* [223]. However, one reading of the final verses of versions of *The Gypsy Laddie* which contain executions would suggest that the Gypsies hang for abduction:

> 'We are sixteen clever men,
> One woman was a' our mother;
> We are a' to be hanged on ae day,
> For the stealing of a wanton lady.' [C[14]][10]
>
> And we were a' put down for ane,
> For the Earl o Cassilis ladie. [F[13]]

[10] See also [D[14] and G[11]].

And ye will a' high hangèd be

For stealing Lord Cassils' lady oh *(200B60*[12]*)*

There is sixteen of you gipsy men

Not one of you I can call bonnie oh!

So this night ye all shall hangèd be

For the stealing of Lord Castle's lady oh (G-D 278A[13])

The Gypsies would therefore seem to die 'for the stealing of the lady', as specifically stated in [200C], (G-D 278A, I and K) and *(200B42, 60, 85* and *86).*

However, abduction was not a capital offence. Even the abduction of an heir resulted in a maximum sentence of perpetual banishment or imprisonment, not death.[11] However, while abduction can be discounted as a capital crime, other crimes which can be associated with the lady's abandonment of her husband are capital offences.

If we approach the incident from a Scottish perspective, even if the lady leaves her husband willingly, both she and her lover could be punishable by law, as stated in Balfour's *Practicks*:

> Gif ony man's wife willinglie passis or fleis away fra hir lauchful husband, havand in hir possessioun ony of his gudis or geir, beand movit to do the samin for pleasour of hir bodie, incontinent the receiptar of the gudis may be punisht thairfoir as ane theif, and the said woman sall have na richt nor titill to hir dowrie or tierce, efter hir husband's deceis, except he befoir was reconcilit with hir. And mairover, gof ony man takis away ane uther man's wife, with ony gudis or geir

[11] See Balfour, 'Mariage of Airis', *Practicks*, I, p. 249.

pertening to hir husband, he may be callit and persewit for the said geir at the King's instance.[12]

Both the first and second parts of this law concern this study. We must decide if the Gypsies, in addition to being abductors, can be accused of being resetters.

In [200A] the lady rejects her 'gay mantile (mantle)' [A^3, F^4 (D^3) and E^4], her 'silk mantel' in [B^5], her 'silken cloak' in [C^4], or her 'high-heeld shoes, / ... made of Spanish leather'[G^4], in favour of a plaidie [A^4, B^5, C^4, D^4, E^4 and F^4] or 'highland brogues' [G^4]. The rejection of fine clothing also occurs in both the British and American versions in Bronson; for example, 'I'll take off my high-heeled shoes, / They're made of Spanish leather, / I'll put on my low-heeled shoes' *(200B11^3)*,[13] 'She pull-ed off her high heeled shoes, / Was made of Spanish leather' *(200B36^7)*[14] and 'She pulled off her high-heeled boots, / Put on her highland plaidie' *(200B42^4)*.[15]

The adjective 'Spanish' is used frequently in versions of this ballad and in this case it refers to items of the lady's clothing. In this context, the adjective is used to indicate the quality and expense of the clothing: Spanish leather - that is Cordoban leather - was considered to be a very high quality product.[16]

In other versions, all American, the lady puts on finery to go, although I would suggest that this is to emphasise the class difference between the couple, for while she

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[12] Balfour, 'Causis Criminal', *Practicks*, II, p. 528.
See also *Regiam Majestatem and Quoniam Attachiamenta*, edited by Lord Cooper, Stair Society 11 (Edinburgh: Stair Society, 1947), *Q. A.*, c. 90.

[13] See *(200B116^4, 120^5* and *122^4)* for parallel verses.

[14] See also *(200B40^4)*.

[15] See also *(200B55^1, 54, 57^2, 60^4, 71^2 and 74^2)*.

[16] *Oxford English Dictionary*, edited by James A. H. Murray, Henry Bradley, W. A. Craigie and C. T. Onions, 12 vols (Oxford: Oxford University Press, 1933; repr. 1961), X, p. 507. See entries under 'Spanish' (2)

puts on her 'Spanish leather' boots / shoes, he puts on 'old cork boots' (see *(200B4, 123, 124, 125* and *126)*).

In some cases the change of clothing may be a resort to practicalities, as in the exchange of silk for plaid or, in some of Bronson's versions, silk for leather ('She pulled down her silken gown / And put on one of leather, ho' *(200B77[2])*) or it may be a disguise attempt, but it also perhaps points to the abandonment of costly goods. The sentence for knowingly resetting stolen property was the same as that of the thief: if the thief was found guilty and hanged, so was the resetter.[17]

The [C] version, although it mentions the changing from the silken cloak to a plaidie, also contains the verse:

> They drank her cloak, so did they her goun,
> They drank her stockings and her shoon,
> And they drank the coat that was night to her smock,
> And they pawned her pearled apron [C[12]]

In the [I] version, it is the Gypsies, who effect the change in her clothing:

> 'They took off my high-heeled shoes,
> That were made of Spanish leather,
> And I have to put on coarse Lowland brogues,
> To trip it oer the heather.' [I[7]]

In these cases, the Gypsies could be in contravention of the above law regarding a fugitive wife's property, especially so in the [C] version, since the costly clothing is

[17] See Balfour 'Causis Criminal', *Practicks*, II, p. 528.

treated as moveable goods and also as currency.[18] The acknowledgement of the lady as to her position comes in [F, G, H and J] and also in many of the Bronson versions, both British and American, although the emphasis on money is frequently replaced by references to her children or baby, replacing economic considerations with emotional pleas ('Will you forsake your house and lands? / Will you forsake your baby?' *(200B93[4])*). Her lord reminds her of what she has to lose, demanding 'Would you forsake your house and your home?' [J[5]][19] or asking 'And what made you leave your houses and your land? / Or what made you leave your money? [200F[11]].[20]

The reference to money may refer to her terce: she will lose everything, including the lands and money she may have brought as tocher to the marriage. Her replies to these questions show that the lady is well aware of the situation: the fact that she has not taken money ('why did you leave your money?') perhaps shows that no intended theft occurred. Perhaps we should view the following verses as a suggestion that the lady has fulfilled the requirements for a noble marriage - she has brought land and money to her lord and provided him with heirs - and now she is pleasing herself for, as in (G-D 278A[12]), the lady now has 'all that I want / And a bonnie boy till amuse me wi''. Her admissions that she loves the Gypsy are important, for that brings the consideration of adultery into the spectrum:

> 'O what care I for houses and land?
>
> Or what care I for money?
>
> So as I have brewd, so will I return;
>
> So fare you well, my honey!' [G[10]]

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[18] The use of rings and jewellery as currency also occurs in American versions, such as *(200B22, 27* and *105)*.

[19] See also *(200B8[4])*.

[20] See also [G[9]] and *(200B42[8])*.

'Yes, I'll forsake my house and home,
Yes, I'll forsake my baby;
What care I for my true love?
I love the Gypsy Davy' [J[6]]

Where the lady may also be in contravention of law, is in the gifting of her rings to the Gypsies:

She gave to them the good wheat bread,
And they gave her the ginger;
But she gave them a far better thing,
The gold ring off her finger. [200B[3]]

They gave her o the gude sweetmeats,
The nutmeg and the ginger,
And she gied them a far better thing,
Ten gold rings aff her finger. [C[3]][21]

This action is against the laws set out in the Supplement to the *Regiam Majestatem,* which states:

Nulla femina virum habens potest sine locencia viri sui dare vel vendere aliquid de benis suis ultra valentium quatuor denariorum, excepta elemosina moderate et caritative facienda et exceptis etiam visetibus suis in robas scissus et formatus, et omnibus parafernalibus sibi datis. Tamen illa debent dair cum licencia viri aut danation nullius sic valoris.

[21] See also [E[3]].

No married woman may without her husband's consent give away or sell any part of her goods, above the value of fourpence, excepting only moderate charitable gifts, apparel cut and fitted for her wear, and her paraphernal gifts. Even these excepted articles can only be given away with the husband's consent, otherwise the gift is null.[22]

At no point does the lady seek permission to give the gifts, or to give away her clothing, and this involves her in the legal processes surrounding desertion.

Magical Beguilement

The second accusation which can be levelled at the Gypsies is that of beguilement. This is suggested in almost every version's opening verses. In 6 of Child's 12 versions and in the (M) version of Greig-Duncan, the Gypsies gain control of the lady's affection through the use of 'glamour', which we should take to mean 'by magical means'. The origin of 'glamour' is 'grammar','in the sense of occult learning; '*cf.* F. *grimoire* a sorcerer's book'.[23] This glamour may be aided through music. Music is included in most versions: in [A^1, B^1, C^1, D^1, E^1 and F^1], 'They sang sae sweet and sae (very) compleat'; in [I^1], 'they sang so sweet, and they sang so clear,' in [G^1], 'they sang most sweetly'; while in [G^1] they sing 'sweetly' and in [H^1], they sing 'merrily'. In the [J] version, it would seem to be the Gypsy's intent to beguile through music:

THERE was a gip came over the land,

He sung so sweet and gaily;

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[22] *Regiam Majestatem*, supp. no. 15, p. 291.

[23] *The Concise Scots Dictionary*, edited by Mairi Robinson (Aberdeen: Aberdeen University Press, 1987), p. 234.

He sung with glee, neath the wild wood tree,

He charmed the great lord's lady. [J[1]]

The fact that this Gypsy is singing 'neath the wild wood tree' imbues the verse with not only a beguiling but also a sexual intent.

The dominant verb used in the Greig-Duncan versions which begin with the abduction, bar (G-D 278M), is 'charmed', a verb also used in Child versions, and once again this is linked to singing ('They sang so sweet and so complete / Till they charmed the head of a lady oh.' (G-D 278A[1]), 'They sang so sweet and so complete / That they charmèd / charmed the heart o' a [the] lady, O' (G-D278B[1], D[1], [F[1]], H[1], [J], K[1] and L[1]) and 'they sang sae sweet and sae complete, / That they charmed the hearts of our ladies O' (G-D278I[1])). Here, we may assume that the use of 'charmed' indicates a magical beguilement, rather than being an indication that the lady found the singing pleasant.

The verb 'charmed' is also predominant in Bronson's versions. The Gypsy 'charmed (the heart of) the lady' in 27 versions;[24] he charmed her 'arms' in *(200B115)*, an image which has occurred, presumably, from the internal rhyme of 'charm' and 'arms'. The word 'charm' is also used, in *(200B50, 94, 122)*, ('They sang so sweet, so very, very sweet, / It would charm the heart of a lady fair' *(200B50)*. The Gypsy 'won (the heart of) the lady' in *(200B9, 104* and *106)*, stole her heart in *(200B62)* and gained it in *(200B78)*. It is only in *(200B42)*, that we find a verse reminiscent of those in Child and Greig-Duncan, for in this version 'They sang so sweet and so complete ... As soon as they saw her pretty, pretty face, / They cast their gazes over her' *(200B42[2])*.

Music was believed to be a powerful weapon: in the hands of an accomplished individual, music could work charms, causing another to perform acts such as sleeping,

[24] *(200B4, 6, 11, 12, 14, 22, 31, 49, 52, 60, 63, 79, 83, 85, 100, 101, 102, 107, 110, 112, 113, 114, 117, 120, 121, 123* and *127)*

laughing or crying at the musician's will. Such beliefs were reflected in literature and traditional song. Ballad examples of this occur in *The Outlandish Knight* [4] and *Glasgerion* [97], where one character charms all but the heroine asleep with his harping:

He's taen a harp into his hand,
  He's harped them all asleep,
Except it was the king's daughter,
  Who one wink couldna get. [4B[2]]

He harpit i the king's palace
  He harpit them a' asleep,
Unless it were Burd Bell alone
  And she stud on her feet. [97C[2]]

Spell casting and cantrips certainly made use of rhythm and music. At the 1590 North Berwick witch trials, Agnes Thompson and others were accused of dancing and using the reel *Cummer Gae Ye Afore*. The witches were accused of dancing to the accompaniment of a jew's trump (a jaw harp, or jew's harp).[25]

The accusation of magic may be levelled at the Gypsies' actions, then. Not only do they sing, but in some versions they dance. The singing or dancing continues until the lady approaches and their charm can succeed. sometimes, the singing is magic enough:

THERE came a gang o gipsies by
  And they was singing so merry, O
Till they gained the heart o my lady gay, [200H[1]]

[25] John Purser, *Scotland's Music: A History of the Traditional and Classical Music of Scotland from Earliest Times to the Present Day* (Edinburgh: Mainstream, 1992), p. 123.

THERE was a gip came over the land,

He sung so sweet and gaily;

He sung with glee, neath the wild wood tree,

He charmed the great lord's lady. [J[1]]

Three jolly gipsies all in a row

They sand high, & they sang low,

They sang so loud, so shrill, so fair

That it made the lady come down the stair. *(200B54)*

In other versions, once the lady has drawn near and the Gypsies have seen her beauty, their charm is cast:

She came trippin down the stair,

And her nine maidens afore her ;

But up and starts him Johny Fa,

And he casts the glamour oer her. [200D[2]]

And she cam tripping down the stair,

Wi her twa maids before her;

As soon as they saw her well-far'd face,

They coost their glamer oer her.[F[2]]

And when they spied her weel-faur'd face

They cast their glimery o'er her O (G-D 278K[2])

And as soon as they saw her pretty face,

They cast their gazes over her *(200B42[2])*

In Child's [B, C and E] versions, an exchange of gifts occurs directly after they charm her, as it does in *(200B49* and *86)* and (G-D 278J). The exchange also occurs in [G], the *Roxburghe Ballads* version, where glamour has been misunderstood and is presented as 'grandmother' ('They called their grandmother over' [G^2]). In all cases of exchange, the Gypsies give exotic food such as ginger and sweetmeats and the lady gives them one or several gold rings (They've gien tae her the nutmeg fine / And they've gien tae her the ginger / But she's gien them a far better thing / The gold ring aff her finger' (G-D 278J^3)). Ginger and nutmeg may be a suggestion of charmed food, but is more likely to be a suggestion of the exotic nature of the Gypsies themselves. Although ginger appears in curative remedies in England and Scotland, it is not in 'magic' potions. Both nutmeg and ginger appear frequently in mediaeval recipes.

In other versions, there is no exchange. Instead, the lady may bring out wine or brandy for the Gypsies ('Merrily down the castle stair / Came this fair lady, / In her hand so fine was a glass of wine' *(200B83^2)*), or there may be a merging of the exchange and the giving of the wine, as in *(200B42)*, where the lady gives both wine and her rings:

She gave to them a bottle of wine.
  She gave to them some money - O.
She gave to them some far finer things
  'Twas the gold rings on her fingers - O *(200B42^3)*

In the Greig-Duncan versions, and also in *(200B60)*, which is also Scottish, the settled community's mistrust of the Gypsy people may be voiced. In these versions, the lady gives the Gypsies a gift of wine, but they steal her gold ring, rather than the ring being given:

She's treated them all to a glass of red wine

Likewise a little ginger O,

And one of them steppèd her behind,

Stole the gold ring from her finger, O *(200B60³)*[26]

She treated them all, to a bottle of red wine

Likewise to a bottle o brandy oh,

Till one of them, stepped to your side

Stole the gold ring off her finger, oh. (G-D 278A³)

This may be construed either as an act of theft, or as a component of the beguiling process: magic often requires something which belongs to the object of the spell casting.

The image of the beguiling Gypsies may be attractive, but I would discount this as the main reason for their execution. The Gypsies may gain the lady by magical means, but they certainly do not hang for it. No mention of magic is made in the verses concerned with the execution.

Being Gypsies

The third explanation as to why the Gypsies are executed - proscription, of which the earliest date is 1541 - has more to do with historical fact than explicit references in the ballad versions. However, it must not be discarded, as it may have been implicitly understood to be relevant to the ballad tale. The proscription of Gypsies also provides connections between the ballad and history, due to the inclusion of the names Faw and Cassillis.

[26] See also (G-D 278H², I³ and L³).

In six of Child's versions, the principal gypsy is called 'Faa / Faw: he is 'Johny Faa' in [A] and [F],[27] 'Johnie Fa' in [D], 'Davie Faw' in [C], and Jockie Faa, Faw in [B] and [E]. The name Faa was very common amongst the Gypsies, as it was the name associated with the leading family, as can be seen from the 1540 declaration from King James V to John Faw (see above).

The name is also frequently listed on the subsequent reports concerning banishment and execution of Gypsies. This may have arisen from the Burghers using the name Faw as a blanketing title for Gypsies, for 'the non-Gypsy population, recognizing that Faw or Fall, was one of the most famous names among the Gypsies, had applied it loosely to the whole people'.[28]

The most seductive evidence connecting the name Faa with the Earl of Cassillis comes from reports of 1611, 1616 and 1624. In 1609, another Act was passed which expelled Gypsies from Scotland under pain of death. However, one Moses Faw appealed and claimed exemption and his appeal was successful. However, by 1611:

> the judges and magistrates of Selkirkshire were accused by the Privy Councillors of neglecting their duty and of pretending 'want of warrant in excuse for not apprehending' Moyses Fa, Dauid Fa, Robert Fa and Johnnie alias Willie Fa.[29]

Sigrid Rieuwerts notes that one of the Privy Counsellors was the fifth Earl of Cassillis, which provides an association between the Faws and the Cassillis family. The sentence was passed in Edinburgh, in July:

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[27] In [F], he is dually referred to as Johnnie and Geordie, but Johnnie is the first name mentioned and Geordie may be an aural mistake upon transcription.

[28] David MacRitchie, *Scottish Gypsies Under the Stewarts*, (Edinburgh: David Douglas, 1894), p. 15. A similar use of a 'blanketing term' was used within Carlisle, when all foreigners were referred to as 'Frenchmen'. (See George MacDonald Fraser, *The Steel Bonnets*, p. 70, f/n 3).

[29] Rieuwerts, 'Historical Moorings of "The Gypsy Laddie"', p. 91.

Jul 31, 1611

MOYSES FA, Dauid Fa, Robert Fa and Johnne *alias* Willie Fa, Egiptianes. Dilaittit for Abyding and remaining within this Kingdome, they being Egiptianis; contrair the tennour of the Actis of Parliament.

SENTENCE: To be tane to the Burrow-mure of Edinburgh, and thair to be hangit quhill thai be deid.[30]

What is interesting about this is that the sentence was not carried out: a stay of execution must have been granted, because in 1616, the group was condemned once again:

Jul 19 1616

Johnne Faa, Egiptiane; James Faa, his sone; Moyses Bailzie, Egiptiane; and Helene Brown, spous to William Bailzie, Egiptiane.

Dilaitit of contravening of the Act of Parliament, maid in 1609 yeiris, in thair contemptuous repairing to this countrie, being repute and halden to be Egiptianis, and abiding thairintill.

Jul 24 SENTENCE:

[the Court] Ordainit the saidis Johnne Faa, James Faa, his sone, Moyses Bailzie, and Helene Brown, Egiptianis, and sa repute and halden, tane and apprehendit, to be tane to the Burrow-Mure of Edinburgh, and thair to be HANGIT quhill thay be deid. (III, p. 397 - 99)

[30] Robert Pitcairn, *Criminal Trials In Scotland from 1488 - 1624*, 3 vols in 4 (Edinburgh: William Tait; London: Longman, Rees, Orme, Brown, Green and Longman, 1833), III, p. 201 - 202, quoting the *Denmylne MSS*.

However, a pardon was sought and by November it had been attained, on the condition that the individuals never again returned. In 1624, another group, again led by a Captain called Johnne Fa, was sentenced to hang:

> Jan 23, 1624
>
> CAPITAINE Johnne Faa, Robert Faa, Samuell Faa, Johnne Faa younger, Andro Faa, Williame Faa, Robert Brown, Gawin Trotter, all Egiptianis, Vagaboundis and commoun Thevis, &c. In contraventioun of the 1603 law demanding that all 'Vagaboundis, Soirneris, and common thevis, commonlie callit EGIPTIANES, to ... pass furth of this Kingdome, and to remane perpetuallie furth thairof.[31]
>
> Jan 24. SENTENCE. To be tane to the Burrow-Mure of Edinburgh, and thair to be HANGIT quhill thay be deid; and thair haill moveabill guidis, gif that ony haif, to be escheat to his majesteis use &c.[32]

Even then, there was a stay of execution, by Royal Warrant, which caused havoc and which resulted in the Burgh making its excuses:

> at the presenting of the quhilk warrand thair araise suche a shouting and cryeing amangs the confused multitude who come to be beholdaris of the execution ... that one of the lymmaris, callit Gawin Trotter, wes cunninglie and craftelie convoyed away and the cords whairwith he wes bundin wer cuttit.[33]

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[31] See *The Register of the Privy Council of Scotland*, edited by David Masson, 14 vols (Edinburgh: General Register House, 1879 - 1897), XII (1895), p. 408, where reference is made to the gypsies who 'sal be execute the morn'.

[32] Pitcairn, III, p. 559.

[33] Masson, *The Register of the Privy Council of Scotland*, XIII (1896), p. 410.
A facsimile of part of this document can be seen under fig. [15: 1]. General Register House, Edinburgh, Act in Favour of the Burgh of Edinburgh, PC 1 / 30 FF 170v & 171r.

The offer of the inhabitants of the Colledge of Justice

The qnynth day in presence of the Lordes of Secreat Counsell Compeared personalie, Mr Thomas Lord Maitlan of Thirlestane, Mr William Maitlan of Lethington, Mr Robert Lawmonthe and Johnne Bessie advocates, Mr Johnne Skene and Mr Alexander Gray clerkes of the Session, Adam Lauder, Thomas Maule and David Anderson, writtares to the Signet, for them selfes and in name of the remanent advocates, clerkes and writtares to the Signett and their servandes and others members of the Colledge of Justice, and declairit that qnereas for performing of their promesse made to the Estates of parliament touchyng their expedition to contribute their lawfull meanes to further and advance that guiltie and important cause for the weill the extraordinar and extraordinar rates granted to the Maiestie in the last parliament, They do found sterlit persones of their number and bonde themselfes to tryst and yeanim the aislare of their brethreane, and ferthir that were able to contribute in that service, and fand sufficient and wairthie and hispanable, in a qnie number of theme to assist that business as little or no thing were tobe exacit from theme, and yit notwithstanding their willingnes to tyste them humbler and dreadfull application to the Maiestie, and their willing disposition to further and weal royale according to their meanes power, They in name of their brethreane foresaide maid and offerit and willing offer to the saide Lordes of the sume of Ten thousand pundes money of the Kingdome in full satisfaction of their portion of the said expedition both ordinar and extraordinar for all the termes payit heirtofore and remaind desirit the saide Lordes to accept of the said offer as a pledge and tackine of their benevolence and thankfull hartes to the Maiestie, qnerin offer being maid be the saide Lordes, that they of their avone knowledge understanding that a gritt number of the members of the said Colledge are not meane persones and not able rationit their selfes to contribute in the said service, Therefore they anexpiet and anexpie the said offer and declairit that the payment of the said sume shall liberat their frieme all further payment and contribution in the said expedition for ever.

Act in favour of the Burgh of Edinburgh

Forsamuchie as a number of the Counterfeit Scotis and Lysmarie Scottis Egyptians being convert be aue assist and sentence of Barons pronunciat against them upon the 25 of this instant and they being taken fra their mates be the Baillies of the Burgh of Edinburgh and carried thairfra towardes the place of their apprehension to their Iudicature, there deserved punishment, In the meintyme qnereas they, wer in the hands of the saide and at the hour point to their undergone their punishment their came a warrand from the Maiestie Counsell to the saide Baillies to supersit their apprehension for some tyme and to leit them go againe to their mates. Act the putting of the qnerich warrand their arose ane a shouting and crying amongs the confused multitude, qho came with the apparance of the apprehension, and the

Act anent Francis Stewart

confusion and disordour were so grite amongs them that one of the Lymmaris called Gawin Trotter, sone Cuningie and Crystie Cummingie albeit and the Cordie qnerewith he were bunden were cutted and he rescued of the Lymmaris, qho have grite difficultie were preserved from the confused multitude, qho proved lyke wise to have cutt their cordes and to have set them free qn the Cow and fyrsight of the saide Baillies did not prescribed the same, And the Lordes of Secreat Counsell considering that the escaping of the Lymmar proceedit nor from the negligence and negligence of the saide Baillies nor their officie, but upon occasion of the disordourlie confusion qch arose at the putting of the said warrand, Therefore the saidis Lordes ordinis and declairit that the proceid business and counsell and the poore body of the Burgh of Edinburgh is free and innocent of the escaping of the said Gawin, and that not avie nor pane thairof, nor ane uthir hardmile and dangerie and dangerie thairof affirm pane crymes, dangers trouble and inconvenient that they or ony of them may incur thairqnto, as they may be inquitted to them for this cause in ony tyme coming.

The qnerich day, The Lordis understanding be the Kingis ma and direct to the Lordis of Secreat Counsell and pruved be the saide Lordis and red in their audience off the rolle the tenour foresaid, Mr James Gilliane Tyte tutche and noncolomite Cosine and comfoirt and tyte tutche and noncolomite comforteurs, qho gratie, qho, qho, qho plesed certane monethis ago to signe a grant of the Landis of the monistrie of Coldinghame to George Lyttlegrad in favour of Francis Stewart the sone of the sometyme Earle Bothwell, In rowme thairby intending to prevent any persone qhatsomevir in their right or title thairinne upon forder information, thinking clerlie, considerdis, that the granting of ane said signature wold not onlie produce the contrarie effectis to the intending, but likewayes be a dangerous precedent in matters of lyke nature hereafter, qn the same shall cause, qho, not to qn, any forder may thought goodis be thair putting to negotiate, qho, not to qn, any forder may thairunto, but to cause the same be cancelled and qn it shall pleis, rather nor shall stand qhairin no thing doubting of the Princes Care, qho did qho faithfulie Gabin the ane pardie of Inglegate the last day of Jan

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Fig [15: 1]. Copy of the document dated Jan 24 1624, regarding the rescue of Gawin Trotter.

The execution eventually took place on 27 January, and on the 29 January, the women and minors of the group, including 'Helene Faa, the relict of umq[le] Capitane Johnne Faa ... Elspeth Faa, brother-dochter to the Capitane'[34] were also sentenced to death, 'To be taken to the place of their execution, in some convenient pairt, and thair to be DROWNED quhill thay be deid'(III, p. 561). However, this sentence was amended to banishment, 'the haill Egiptianes aboue written ... become actit and obleist to depairt and pas away with thair children furthe of this realme; and nevir to be found thairintill, eftir the twentie-twa day of Apryle nixtocum. (III, p. 562).

It cannot be proven that any of these Johnne Faws is the Gypsy referred to in the ballad, for there are no extant records of any man of that name abducting a lady. However, the fact that a Cassillis sat in the Privy Council may provide a point of contact between history and the tradition of the ballad.

Another tradition which links the Cassillis family with Gypsies is that which claims that the lady who was abducted may have originally been a Gypsy, but had been married by Lord Cassilis, as in the [C] version, which identifies the lady as Jeanie Faw [C[7]].[35] This tradition may have grown from the fact that the Seventh Earl of Cassilis married 'for his second wife, some time before 1700, Mary Foix (a name also spelt Fawx)'.[36]

As I have said, none of the above provides evidence for the identity of the Johnnie or Davy Faa of the ballad. What it does suggest, though, is that the names were known to the general populace, who may have been sympathetic towards the Gypsies, even though it was an offence to give them any kind of support, for complaint was made

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[34] Pitcairn, III, p. 561.

[35] It is perhaps of note that this version came from Agnes Lyle, from Kilbarchan, Renfrewshire.

[36] F. J. Child, *The Popular Ballads of England and Scotland*, 5 vols in 3 (New York: Folklore Press), IV, p. 65. Child's source was *Crawfurd's Peerage* (1716), p. 76.

against the 'grite nomberis of his Majesties subjectis, of whome some outwardlie pretendis to be famous and unspotted gentlemen, hes gevin and gevis oppin and avowed protectioun, ressett ... to the saidis vagaboundis'.[37]

As has been mentioned, Gawin Trotter was rescued from the scaffold and 'the confused multitude who came to be beholdaris of the execution ... preast lykewayes to haif cutt thair [the Gypsies] cordis and to haif sett thame free yf the cair and foirsight of the baillies had not prevented the same'.[38]

Such sympathy was not confined to the crowds which attended executions. In Jan of 1615, William Auchterlany of Cairney was accused of protecting Johnny Faa, as was the Sheriff of Forfar in 1616.[39] On July 4th, 1616, officials in Dundee were reprimanded for not trying a group of Gypsies and were ordered not to delay the trial any longer:

> Lord Gray and his deputis upoun some frivolous and impertinent resonis, pretextis and excusis pretendit be thame, sua that saidis lymmaris ar putt in hoip of impunitie and favour, and the magistratis of Dundie ar troublit and weirit with the keiping and entertayning of thame.[40]

Even the group of Gypsy women, who saw all their men hanged but one in 1624, moved the Privy Council to pity:

> it wes found that some of thame were with childe, otheris had bairnis upoun thair breistis, and that divers of thame had young bairnis all within the aige of ten

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[37] Masson, *Register of the Privy Council of Scotland*, X (1887), p. 656.

[38] Masson, *Register of the Privy Council of Scotland*, XIII (1896), p. 410.

[39] See Rieuwerts, 'Historical Moorings of "The Gypsy Laddie"', p. 91.
This is the Johnny Faa who received royal pardon on 12 November 1616.

[40] Masson, *The Register of the Privy Council*, XII (1895), p. 566.

> yeiris, and it could not be weele foirseene how thir young anes could be broght up yf thair moderis wer cutt af. And with thame wes three of thame young damosellis not past the aige of saxteene yeiris, who by probable conjectour hes not bene grite offendaris in thair awne persounis. The consideration of the whilkes particularis moved the whole Counsell to inclyne rather to pitie nor to punishe thame by deathe ... and for this effect thair execution is not continewed till we be consulted and warrandit by your Majesteis royall and princelie direction what to do herein. (p. 415)

Sympathy for the Gypsies may account for the end verses of the ballad versions which contain an execution, for these verses lament that three, five, seven or fifteen should die, for the sake of a lady who went willingly enough with them.

Another link between the Cassillis family and Gypsies occurs in a document dated 21 April 1630, which concerns the sixth Earl of Cassillis' enquiries regarding a group of 'vagabound theeves callit Egiptianis',[41] which he had imprisoned. He had not executed them immediately because, as he informed the Privy Council, 'thay ar not tane with ane fang and none challenges thame for anie crymes'. The response from the Privy Council was that he should 'putt the Act of Parliament aganis thir counterfoote theeves and lymmars callit Egyptians to dew and full execution aganis so manie of thir persounis as ar men and weomen conforme to the tennour thairof in all points, or ellis exhibite thame before his Majesteis Justice to underly thair deserved punishement' (p. 533).[42]

The Earl of Cassillis did as he was instructed and hanged the Gypsies. However, his unwillingness to execute the Gypsies merely because they were Gypsies may suggest

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[41] *The Register of the Privy Council of Scotland*, 2nd series, edited by P. Hume Brown, 8 vols (Edinburgh: H M General Register House, 1899 - 1908), III (1901), p. 533.

[42] A facsimile of this document can be found under fig. [15: 2]. General Register House, Edinburgh, Letter to the Earl of Cassillis, PC 2 / 12 fol 5UR.

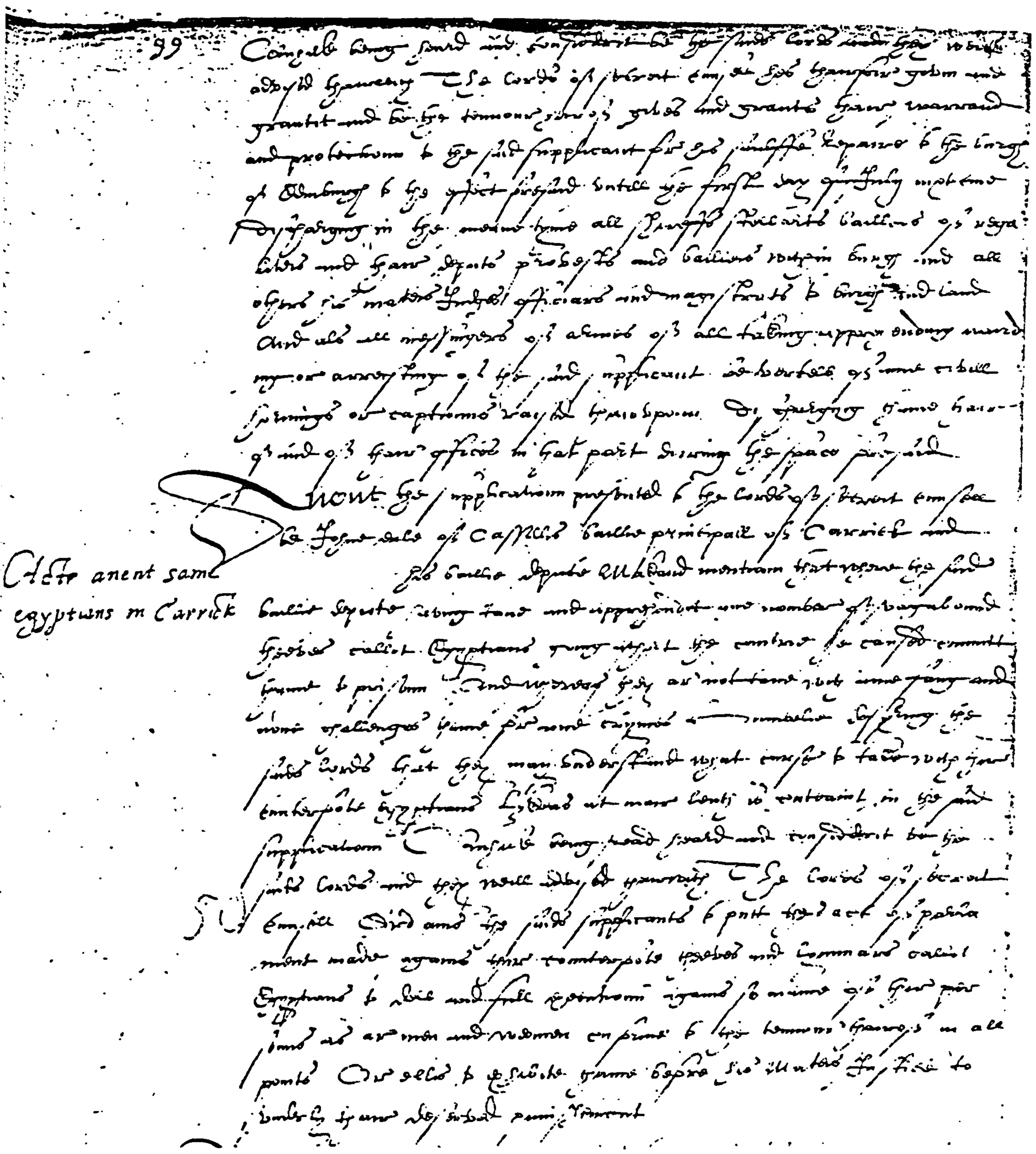

Fig [15: 2]. Copy of the document written to the Earl of Cassilis, 21 April 1630.

that, like the Sheriff of Forfar and the men in Dundee, he was loathe to put people to death for what amounts to an accident of birth.

This would give us two cases where a Cassillis is connected with judicial procedures concerning Gypsies, one in 1611 and the other in 1630 - and the 1630 hanging would be judicially sanctioned, under the 1541 and 1603 laws.

Tradition also plays a part in linking the Faw and the Cassillis names. Near to Cassillis house is a point on the River Doon, where the lady and Gypsies were said to have crossed the water, ('Now I maun set in my pretty fit and wade / A wheen blackguards waiting on me' [200C[5]], 'this night I must put in my warm feet an' wide / An the gypsies widin' before me O.'[43]); the place is called The Gypsies Steps. The Gypsies Steps is marked on map [15: 1], which was engraved in 1859, but it is also mentioned in F. H. Groome's *Ordnance Gazetteer of Scotland* (I (1884), p. 247) and Groome quotes from *The Scots Magazine* of November 1817. In addition, a tree within the grounds of the house, also marked on map [15: 1], is called The Dule Tree, and tradition has it that the tree is where the lord hanged the Gypsies ('They are a' to be hanged on ae tree / For the stealing o Earl Cassilis' lady' [C[13]]), a belief which may have arisen from the 1630 incident.[44]

The way in which the Gypsies are hanged is also of interest. In the [C] version, they are to be 'hangd on ae tree'[C[13]], while two versions state that 'they're to be hanged all on a row' ([G[11]] and *(200B86[8])*), neither of which suggest the spectacle executions, which are intended for other ballad characters such as William of Cloudesly, although the threat in *(200B60[12])* does, ('ye will a' high hangèd be'). We may speculate that this idea of swiftly hanging the Gypsies is linked to the incident in 1630, when the Earl spent no

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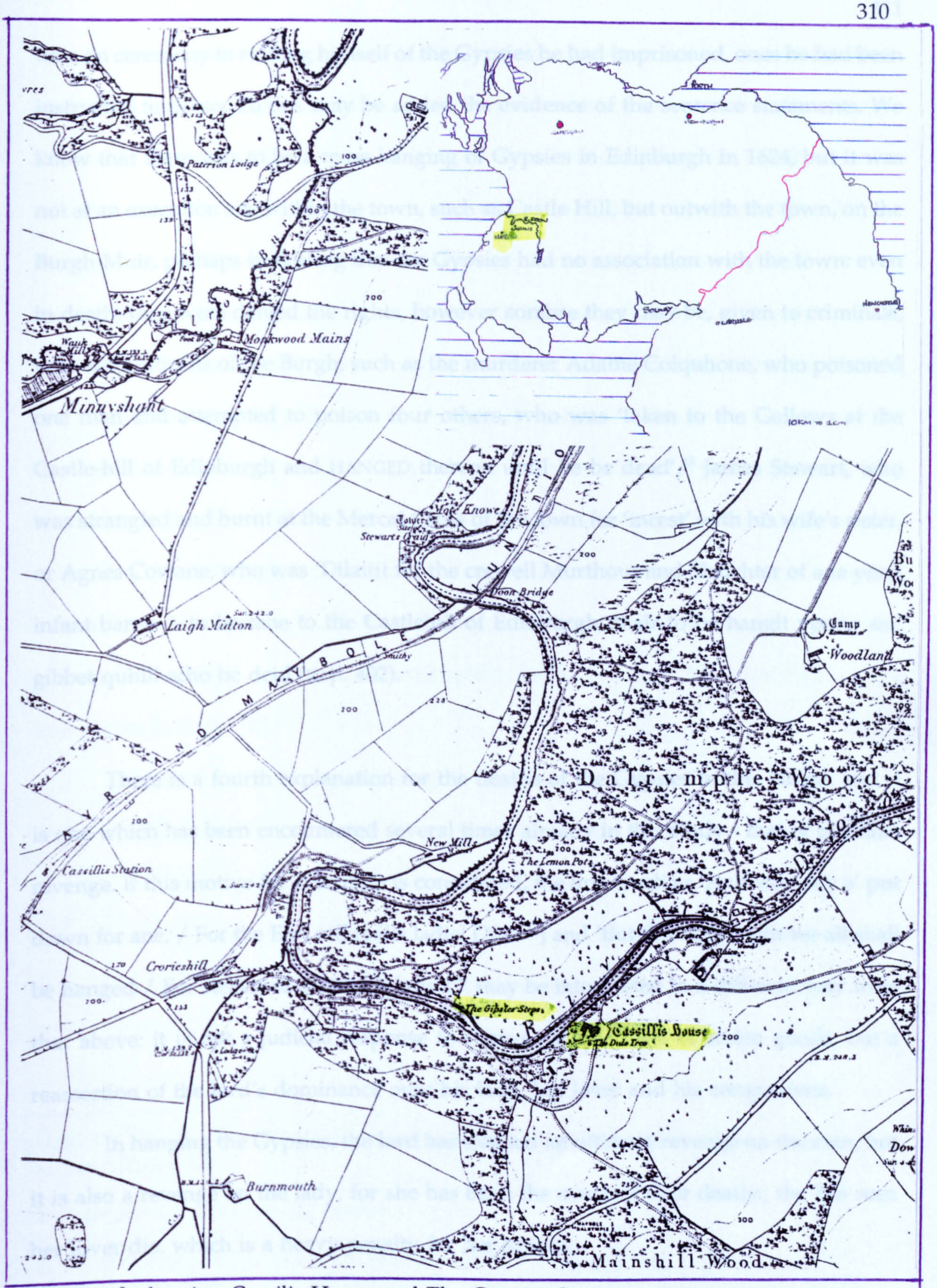
[43] *The Gypsy Laddie.* Jeannie Robertson, in *The Muckle Sangs,* edited by Hamish Henderson and Ailie Munro (London: Tangent Records, 1979), p. 4.
SA 1959 / 79. Collectors, Fred Kent and Hamish Henderson. Linburn.

[44] See Map [15: 1], engraved in 1859, surveyed 1856.



Map [15: 1], showing Cassilis House and The Gypsies Steps.

Inset shows general location.

time on ceremony in ridding himself of the Gypsies he had imprisoned, once he had been instructed to do so. To this may be added the evidence of the sentence statements. We know that there was to be a mass hanging of Gypsies in Edinburgh in 1624, but it was not at an execution site within the town, such as Castle Hill, but outwith the town, on the Burgh-Muir, perhaps indicating that the Gypsies had no association with the town: even in death, they were denied the rights, however sombre they may be, given to criminals, who were citizens of the Burgh, such as the murderer Adame Colquhone, who poisoned one man and attempted to poison four others, who was 'taken to the Gallows at the Castle-hill of Edinburgh and HANGED thereon until he be dead',[45] James Stewart, who was strangled and burnt at the Mercat Cross of the town for 'incest' with his wife's sister, or Agnes Cowane, who was 'Dilaitit for the crewell Murthour and Slauchter of ane yong infant barne ... to be tane to the Castlehill of Edinburgh, thair to be hangit vpone ane gibbet quhill scho be deid'(II, p. 402).

There is a fourth explanation for the deaths of the Gypsies in this ballad, and it is one which has been encountered several times already in this study - that of personal revenge. If this motive for execution is considered, the lines such as 'And we were a' put down for ane, / For the Earl o Cassilis ladie' [200F[13]] and 'But this very night we all shall be hanged / For stealin of the Earl's lady O' may be interpreted in a different way from that above: it is not a judicial response to crimes such as reset of stolen goods, but a reassertion of the lord's dominance over his lady, her lover and his companions.

In hanging the Gypsies, the lord has exacted an ultimate revenge on the men, but it is also a revenge on the lady, for she has been the cause of their deaths; she has seen her lover die, which is a heavy penalty for her actions.

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[45] Pitcairn, I, p. 419.

The motive of revenge connects the American versions with the earlier Scottish, Irish and English versions, although the revenge in the American versions does not take the form of execution. Tristram P. Coffin listed ten variations present in North American tradition. In half of them, the lady is no longer content with her Gypsy or she suffers for eloping with the Gypsy. The type most akin to the Scottish versions is type J, where the lord catches up with his lady and her lover and kills both of them, but in types B and D, the lord exacts his revenge in other ways: in type B, the lady writes to her husband 'a few weeks later that she is tired of her lover and wishes to come home. He writes back that he has another girl, and she can stay with her gypsy'[46] and type D where the lord remarries within six months.[47] In types A and C, the revenge is imposed by forces external to the lord: type A concludes with references to the state of poverty the lady is reduced to and in type C, the Gypsy abandons the lady. In type E, the lady repents her actions and a happy equilibrium is established, for the husband takes her back, which also occurs in Child [E].[48]

Bronson's *(200B32)* version is titled 'The Lady's Disgrace' and it is this aspect which is emphasised in the American versions, much more than in the British variants. The husband is also presented more fully in the American versions, no longer appearing simply as an Opposer to the love-union, but as a loving husband, for his grief on the loss of his lady is presented in many of the American versions ('He rode till he came to the

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[46] Tristram P. Coffin, *The British Traditional Ballad in North America* (Philadelphia: American Folklore Society, 1963), p.120.

[47] This is the plot-line in Child's [L] version.

[48] Coffin's other types are: F, where the husband follows the couple until he loses the trail; G, where the lady runs off with another girl; H, which is the type where the gypsy asks the lady's age and receives the reply that she will be '17 (16) next Sunday'. He asks her to go with him 'next Sunday', which she does and although her husband pursues the couple, he is rejected by his lady. The final type is I, the contrast between lying in a feather bed opposed to in the arms of a gypsy.

broad waters ... And there the tears ran down his cheeks' *(200B5[5])*, 'The tears were trickling down his cheeks' *(200B93[3])*[49]).

This is not to say that the lady does not lament her acts in some of the Scottish versions; in Bell Robertson's version, the lady admits 'I've browen a browst, but it's nae sealy drink, / An the black ban' they've lien near me' (G-D 278M[5]) and in (G-D 278L), the lady says that she 'cannot' go home with her lord, for she has 'made a vow and ... must prove true / For to follow the gypsy laddies' (G-D278L[8]). The admissions of the lady in these versions are similar to the fears expressed by Jean Livingstone in the *Memorial*: it was the fear of destitution which prevented her from fleeing with Robert Weir, or so the *Memorial* would have the reader believe:

> Now, if I had fled with that unhappy man at that time, what would have become of me ... what would have been mine estate? no doubt I should have been a vagabond, and drawn to harlotry.[50]

The portrayal of the lady's distress in the versions mentioned above can be contrasted with the refusal of the lady in other versions in the Greig-Duncan collection, where she says she 'winna' go home with her lord. In (G-D 278J), she rejects her lord by saying 'I winna come wi you O, / Till I drink the breist that I hae brewn my dearie / And that's in the Water o' Urie' (G-D 278J[12]), effectively informing her lord that she has no intention of ever returning to him. In (G-D 278H), she also refuses to return with the lord, even when he lists all that she will lose.

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[49] See also *(200B4, 11, 19, 35, 94, 103, 105, 106, 120, 123* and *124)*

[50] *Worthy and Notable Memorial of .... Jean Livingstone, Lady Warristoun; who was apprehendit for the vile and horrible Murder of her own husband, John Kincaid; committed on Tuesday, July 1, 1600; for which she was execute, on Saturday morning*, edited by Charles Kirkpatrick Sharpe, (Edinburgh: C. K. Sharpe, 1827), p. XXVIII.

There are obviously numerous versions of the basic tale. Some portray the deaths of the Gypsies, others concentrate on the fate of the lady, turning the tale into a moral warning for wayward wives. The tale can also be turned into a 'happy ending', by ending the story with the lady's rejection of her husband. In concluding with a 'happy ending', the ballad has been reduced - as has been the fate of several of the ballads - into a children's song, which contains romantic notions of Gypsies, ladies and milk-white steeds, but has lost the sombre passion of the ballad as it was sung by, say, Agnes Lyle or Jeannie Robertson, where it tells of love overcoming all other considerations and the penalties which have to be paid.

CHAPTER SIXTEEN

GEORDIE

Like the previous ballad, *Geordie* tells the tale of love surmounting all considerations, but it is also another example of how the ballad world is often at odds with the literary world, this time in its presentation of female characters. In literature concerning noble men and women, the female is often passive, the object of the desire of the poet-lover; the ideal to which he makes his complaint, she is his 'swete rois of vertew and of gentilnes';[1] she is *his* lady, with her hair like golden wire and a breast as white as a lily.

This is not typical of the ballad world. The female is just as likely to take the active role as the male is: she may rescue as often as she is rescued; she may be the antagonist, just as she may be the victim. The female is often presented as the dominant partner within a relationship; it is the Baron of Braikley's wife, Peggy / Kate, who goads him into riding out to face Inverey ('If I had a man, as I hae na nane, / He wudna lye in his bed and see his kye tane.' [203B[8]]), thus effecting his death.

The dominant role is ascribed to the female character in *Geordie*, as the eponymous hero is the victim and thus remains in a passive role throughout the ballad. It is the lady who saves him; it is the lady who challenges the law and the king; and it is the lady who finally sets Geordie upon a horse to ride safely home.

This ballad is well represented in Child, Greig-Duncan and Bronson,[2] and there is one version in Crawfurd (C 197). The versions fall into two categories. The first, which I call 'Geordie the Scapegoat', contains the account of a man condemned through political machinations or personal enmity; the second, which I call 'Geordie the Felon', is the tale

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[1] William Dunbar, 'Swete Rois of Vertew and of Gentilnes', l. 1.

[2] Child contains 14 versions, there are 11 in Greig-Duncan and 58 in Bronson, 44 of which are not from either of the other collections.

of a self-confessed or condemned criminal. Irrespective of the nature of the character of Geordie, that of the female character remains constant.

The first group encompasses (G-D 249E) and Child versions [A - E], which Child called 'the purer forms of the ballad'.[3] In these, Geordie, as the hero is called in all these versions, is portrayed as a man compromised by politics, for it would seem in all but the [D] version, that an individual is to take the blame for the acts of many:[4]

There was a battle in the north
  And nobles there was many,
And they hae killd Sir Charlie Hay,
  And laid the wyte on Geordie. [209A[1]][5]

There was a battle in the north,
  Among the nobles many;
The Laird of Geight he's killd a man,
  And there's none to die but Geordie [C[1]]

There was a battle in the north
 And rebels there wis many
And monie ane got broken heads
  And taken was my Geordie. (G-D 249E[1])[6]

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[3] F. J. Child,*The Popular Ballads of England and Scotland*, 5 vols in 3 (New York: Folklore Press, 1957) IV, p. 124.

[4] In [D], Geordie has killed his brother-in-law. No reason is given for the killing.

[5] See [B[1]].

[6] See also [E[1]] and *(209B38[1])*.

That Geordie is not the sole individual responsible for the death of Charles Hay [A, B], or the man of [C] or for the rebellion in (G-D 249) is implied by the statements 'And nobles there was many' [A^1], 'Among our (the) nobles many' [$B^1(C^1, D^1)$] or 'And rebels there was many' [E^1]. Before the first verse tells of Geordie's involvement, it has stated that there were many men involved.

However, blame has been laid upon Geordie and conspiracy may be suggested by 'they hae killd Sir Charlie Hay, / And laid the wyte on Geordie', 'And they have killed Sir Charles Hay' or 'And they were a' brought before the king, / And taken was my Geordie'.

The fact that only one man has been accused suggests political or court intrigues, in [A - D] certainly. This may be supported by the antagonistic lords in [B, C, and D], who wish: 'O Geordie's neck it war on a block / Gif I had his fair lady' [B^{15}]; 'Before the morn at ten o'clock, / I's hae the head o Geordie' [B^{22}]; 'I wish his head had been on the block / That I might hae got his fair lady' [C^{12}] and 'Was Geordie's head upon the block, / I am sure I would have his lady' [D^{12}]. The 'Norlan Lord' of (G-D 249E^5) says 'If ye'll stay here a little while / Ye'll see Geordie hangit shortly'. All of this suggests that Geordie is a man deliberately condemned for reasons of power, envy or lust.

The nature of the impending execution varies. In [A, C and D], he is to be beheaded, exemplified by the lines 'And first appeared the fatal block, / And syne the aix to head him' [A^6] and 'An' the head's to gae frae Geordie' [C^7]. In [D], we may presume that he is to be beheaded, from the remarks made by the envious lord (see above).

The [B] version contains references both to hanging ('The napkin's tyed oer Geordie's face, / And the gallows makin ready' [B^{10}]) and beheading ('I's hae the head o Geordie' [B^{22}]). This may be a reference to beheading after hanging, in order to display

the head of a criminal, but I would suggest that either form of execution would be judicially acceptable. In (G-D 249E), Geordie is to be hanged.

Judicial justice has certainly been employed in some versions, for in [B] and (G-D 249E), Geordie, like Mary Hamilton, finds his sentence and fate at the top of the tolbooth stairs, where a faceless form of judicial justice stands, for the lady goes up 'the Tolbooth stair' in (G-D 249E) and finds Geordie amongst the nobles 'and ilka ane stood hat on head / But hat in hand stood Geordie' (G-D 249E[4]). The spectacle greets the lady in [B] is similar ('When she gaed up the tolbooth stairs ... The napkin's tyed oer Geordie's face' [B[10]]). To this may be added [C, D and E], where there is a form of court; in [D], the lady finds him 'hat in hand' in 'the Parliament House' [D[11]]; in [C] and [E], she finds him in a hall [C[7] and E[3]] 'Amang the nobles many' [C[7]]. In [A], there is a reference to a court, but it is uncertain whether that is a judicial or royal court.

The differences in the sentences may be explained by the various methods of execution available to the Scottish judicial process:

> Beheading was usual for, *inter alios*, habitual thieves. There appears, however, to have been no settled practice ... these forms, as well as hanging were arbitrarily applied to capital crimes.[7]

[7] J. Irvine Smith, 'Criminal Procedure', *An Introduction to Scottish Legal History*, Stair Society 20 (Edinburgh: Stair Society, 1947), p. 444.

fig. [16: 1] A Seventeenth Century Woodcut Representation of a Court Room[8]

The resignation with which Geordie has accepted his fate may be exemplified by his requests to his lady in [C] and [D]. In both versions, Geordie asks for a shirt or some shirts:

> 'He bids you sew his linen shirts
> For he's sure he'll no need many' [C²]

> 'You may tell her how to sew me a gude side shirt,
> She'll no need to sew me mony;
> Tell her to bring me a gude side shirt,
> It will be the last of any.' [D⁴]

For the condemned criminal, the visual impact of their last moments before they were hanged was often important. Not only did many want to die 'game', they also wanted to look good on the scaffold; Gatrell notes that 'best clothing was worn by those

[8] *Pepys Ballad Catalogue*, edited by W. G. Day, 5 vols (Oxford: Pepys Library Catalogue, 1987), II, p. 167. 'A Wonderful Example of God's Justice', [n. d.].

who could afford it'[9] and, amongst others, he provides the example of John Rann who was hanged wearing a 'pea-green coat, a nosegay in his buttonhole, and nankeen small-clothes tied at each knee with sixteen strings' (p. 33). In 1774, James Boswell wrote of Janet Clarke's preparations for her husband John Reid's hanging. Reid told Boswell that 'his wife was resolved that he should die in white; that it was the custom in his part of the country to dress the dead body in linen, and she thought it would cost no more to do it when he was alive'[10] and on the 21st September 1774, Boswell noted that Reid's wife brought 'white linen clothes with black ribbons' (p. 345) to the prison for her husband to be hanged in. Geordie's request for a new shirt therefore might not be unconnected with his predicament. The man is perhaps requesting new clothing in order that he appear well dressed at his execution.

Geordie's lady, like so many ballad heroines, is a mixture of delicate humours and iron resolve: when she first hears of Geordie's plight, 'she wallow't like a lily' in [A^3] and 'she mourned for her Geordie' in [B^5]. However, this is replaced by a resolute activity which includes neither eating nor drinking until she reaches Edinburgh ([A^5, C^3]), and swimming her horse through the Forth ([B^7, C^5, and D^9]).

When the lady arrives in Edinburgh, she is generous to the common folk of the town, who are perhaps representative of the execution crowd:

> When she cam to the West Port
>
> There war poor folks many;

---

[9] V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770 - 1868* (Oxford: Oxford University Press, 1994), p. 35.

[10] *Boswell For the Defence, 1769 - 74* edited by W. K. Wimsatt and F. A. Pottle, The Yale Edition of the Private Papers of James Boswell (London: Heinemann, 1960), p.302.

She dealt crowns and ducatdowns

And bade them pray for Geordie [B[8]][11]

As she gid up the Tolbooth stair

The cripples they stood monie

She dealt the red gold them among

To pray for her love Geordie. (G-D 249E[3])[12]

This, then, could be more than a kind-hearted gesture: it may buy the favour of the crowd, turning any hostility to sympathy, if only for mercenary reasons.

In the court, the lady begs for pardon in [A], whilst in [B] she offers all Geordie's lands, rents and money, in exchange for his life, be he in 'his sark alone' [B[11]]. In these versions, the king is present and it is to him that the lady makes her plea:

O wad ye hae his lands or rents?

Or wad ye hae his monie?

Take a', a' frae him but his sark alone,

Leave me my true-love Geordie [B[11]]

It is judicially correct that the lady addresses the king, in order to beg a pardon, since the monarch was the only individual who could grant pardon.[13] In offering the lands and rents, the lady satisfies the 'final concord', the *concordia finatis*, which was an important reason for the monarch to grant pardons, including those cases involving a killing:

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[11] See also [C[6] and D[10]].

[12] See also [E[2]].

[13] See *A.P.S.* II, 50 and *Regiam Majestatem*, c. 56.

a series of Statutes were passed ... prohibiting the Crown from granting remissions in cases of slaughter, or forethought felony, theft, rief, and burning. In practice, however, the Crown continued to grant remissions for all crimes, having a financial interest in their encouragement. Payment of a composition to the Crown was usually a condition of such remissions and under James IV and Mary, such payments became a recognised and important element in the royal revenue.[14]

The lady's ransom, then, may stand as a final concord, and the suggestion by others in the court that payment should be made is in keeping with this:

An aged lord at the king's right hand
Says, Noble king, but hear me;
Gar her tell down five thousand pound
And gie her back her dearie. [A[12]]

'T was up then spak the royal queen,
'May the weel gae wi his body!
Tell down, tell down five hunder pound
An ye's get wi you yer Geordie.' [C[25]]

The lady's initial offer, of all Geordie's lands and rents, would satisfy the expectation of the Crown from the execution of a murderer or a rebel:

Quhen ony persoun is outlawit and denuncit rebel lauchfullie, conform to the lawis of the realme, all richt and titill of gudis, geir, actiounis, or uther thing

[14] J. Irvine Smith and Ian Macdonald, 'Criminal Law', *An Introduction to Scottish Legal History*, Stair Society 20 (Edinburgh: Stair Society, 1947), p. 298.

> pertening to him at that time instantlie ... is devolvit and transferrit to his over-lord, or to the King.[15]

The [A] version presents a more threatening and less romantic portrayal of the lady's resolve than the other versions, for there is not merely one lady standing before the king, begging for Geordie's life, but the power and force of the Gordon clan:

> The Gordons cam, the Gordons ran,
> And they were stark and steady,
> And ay the word amang them a'
> Was, Gordons, keep you ready! [A[11]]

To this we may add the lady's statement once she has recovered her true-love; she speaks lovingly to him, but her resolve is still evident:

> She blinkit blythe in her Geordie's face,
> Says, Dear I've bought thee, Geordie;
> But there sud been bluidy bouks on the green
> Or I had tint my laddie. [A[14]]

In [B], however, threats are not needed, for the Crown is sympathetic towards the lady's case; it is the King, who states, 'There's be bludie heads amang us a' / Afore ye lose your Geordie' [B[24]] and it is the Queen who offers the opportunity to ransom Geordie's life, perhaps indicating, like the Queen in versions of *The Knight and Shepherd's Daughter* [110],

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[15] James Balfour, 'Causis Criminal', *The Practicks of Sir James Balfour of Pittendreich*, edited by Peter G. McNeill, Stair Society 21 and 22, 2 vols (Edinburgh: Stair Society, 1962 - 63), II (1963), p. 557.

that in the ballads, women who are not directly involved with another's affairs often sympathise with their plight.

That the lady was attractive and eloquent may be suggested by the communal donations to the composition:

> Some gae her marks, some gae her crowns
>
> Some gae her dollars many [A[13]][16]

> Some gaed her shillings, and some her crowns,
>
> And some gaed her guineas many,
>
> And she's telld down ten hundred crowns
>
> And she's wone the life o Geordie [D[17]]

In these variations of the tale, then, Geordie appears to be a variant of the 'Maid Freed from the Gallows' type of character - condemned for an indefinable crime, for surely murder cannot be a just accusation when the victim was killed in 'a battle in the north'; opposed by antagonistic characters, who would see the character dead; but with a true-love, who would sacrifice almost anything to save their partner, for Geordie's lady would see her children 'streekit afore mine eyes / Afore I lose my Geordie' [B[17]] (see below).

The ballad verges on the tragic; it is only at the eleventh hour that the lady manages to rescue Geordie, but there is satisfaction and happiness by the end, when 'Nae bird sang sweeter in the bush / Than she did wi her Geordie' [B[28]].

The versions in the second group, that of 'Geordie the Felon', contain different reasons for Geordie's imminent execution: in [F] and [G], he is a horse thief ('I stole

[16] See also [B[26] and C[11]].

fyfteen o the king's bay horse, / And I sold them in Bohemia' [F[2]],[17] 'he stole three geldings out o yon park, / And sold them to Balleny' [G[7]]) as he is in several of Bronson's versions;[18] in [H], he is a poacher ('he was laid in prison strong, / For hunting the king's deer and rae, O' [H[2]]), as he is in (G-D 249A, B, G, H and I) and *(209B9, 11, 17, 24, 28, 39* and *45)*; in [I] and (G-D 249C and D) he is an adulterer, ('Bignet he got word of this, / That Gight lay wi his lady' [I[3]]); in *(209B23)* he is a thief; and in [J], he is an adulterer, a horse thief and a murderer. All of these crimes, bar poaching, have carried the death sentence, and, in keeping with this, the character of Geordie lies under the sentence of hanging:

> The napkin was tyed on Geordie's face,
> And the hangman was just readie: [F[16]]
>
> But he has hunted the king's deer and rae
> And he will be hangëd shortly [H[7]][19]
>
> They're going to hang your Geordie [J[11]]

To this may be added the beheading sentence of [I], ('Or has he done any other crime, / That gars you head my Geordie?' [I[12]]), and the second execution threat of [J] ('The morn we'll head your Geordie' [J[20]]).

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[17] The reference to Bohemia, along with the 'silks and cords' also mentioned in this version, [F[14]] and the opening 'last testament' verses may come from a knowledge of a broadsheet version of the tale, such as that of the 'Life and Death of George of Oxford', appendixed to [209] by Child.

[18] He is a horse-thief in *(209B13, 15, 18, 36, 39, 41, 42, 44, 47, 49,* 52 and *54)*.

[19] The poaching accusation may be linked to capital offences if we consider that, like Adam Bell, Clim of the Clough and William of Cloudesly, Geordie may been outlawed for poaching.

Child's opinion was that the versions of *Geordie* lettered [F - J][20] were inferior to those of the [A - E] group, and I would suggest that they originate from the broadsheet tradition, rather than from the oral tradition. However, since these versions published by Child were not identified as being directly from broadsheet sources, I would suggest that the broadsheet tale was being incorporated into the oral tradition - something which is evident in both British and American versions in Bronson.

The 'Geordie the Felon' group is dominant in Bronson's versions and reference to legal procedure is more common. The lady confronts a 'judge' in *(209B11[5], 20[6], 23[3], 24[7], 36[3], 45[5], 49[3] and 53[4])*. Where a judge is mentioned, the character usually looks over his left shoulder, which suggests that there may be confrontation or aggression and indeed the confrontation is between the Law and Geordie, who is hanged in almost every version which contains a judge.[21] In *(209B20, 40* and *42)*, Geordie is represented by a lawyer who is powerless to help, since Geordie's 'own confession' has condemned him, while in *(209B41)*, the lady pays for lawyers to represent Geordie.

In most of the American versions in Bronson (14 out of 19), the reprieve is not granted, for Geordie has either confessed or has been condemned by the time the lady arrives at the court ('By his own confession he must die' *(209B20[5])*, 'young woman you are too late, / For he is condemned already' *(209B11[5])*). Child's [F] version of *Geordie* is perhaps the most dramatic of all the reprieve versions, incorporating a last minute reprieve from the gallows.

In [F], as in the previous versions, the lady obtains a pardon from the king, in exchange for a composition - 'If thou'll pay me five thousand pound, / I'll gie thee hame

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[20] The other versions, [K, L, M and N], are one and two verse versions.

[21] An exception is *(209B49)*, where the judge, although he 'stood there / With his head over his left shoulder' grants a reprieve. See *Lady Maisry* (chapter five) for discussion of this formula.

thy love Geordie' [F[12]]. However, this only provides her with the pardon and she has to go to alert the executioner to the fact that her lover has been granted a reprieve.

The climax of this version is similar to the facts surrounding the royal pardon, issued on 24 January 1624, to the condemned Johnne Faa and the other Gypsies (see chapter fifteen, above).

Geordie, too, has been taken to the gallows, ('she's awa to the Gallow's Wynd, / To get her nain love Geordie' [F[13]]); the people have gathered to see the execution, ('As she came up the Gallows Wynd, / The people was standing many' [F[14]]); and the execution is about to take place, ('The napkin was tyed on Geordie's face, / And the hangman was just readie' [F[15]]). The lady, however, arrives in the nick of time, with the pardon, ('I've got a remit from the king' [F[15]]).

In [G] and [H], the process of the reprieve is the same as in the previous versions of *Geordie*: in [G], the decree comes from the king, ('pay you down five hundred pound / And tak you hame your Geordie' [G[8]]), while in [H], it comes from an English lord, ('If ye pay down ten thousand crowns, / Ye'll get the life o your Geordie' [H[12]]). While the pardon may be just in [F] and [G], in that it comes from the King, it is in contravention of the statute: 'He that is accusit and convict befoir the Justice, of commoun and opin thift, may not thairefter be redemit or borrowit with silver or uther gudis'.[22] However, given that the royal pardon-for-composition was freely used, if not legally condoned, it may be that the ballad is reflecting legal practice rather then theory.

Geordie is presented as an adulterer in [J], [I] and (G-D 249C and D). Revenge is the given reason for Geordie's imprisonment in [I] ('Bignet ... swore a vow, and kept it true, / To be revengd on's body' [I[4]]), and we may assume the same for the other versions:

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[22] Balfour's *Practicks* 'Causis Criminal', II, p. 526.
See also, *Quoniam Attachiamenta*, c. 25.

When Bignet he got word of that
  That Gight lay wi his lady,
He's casten him in prison strong,
  To ly till lords were ready' [J[5]]

Pitbegnot he got word o' this,
  That Gight lay with his lady,
  He's putten him into prison strong,
  And that was soon and shortly. (G-D 249C[3])

Adultery was made a capital offence by an Act of 1563, and was consolidated by another of 1581: 'Notour and manifest adulterie suld be punisht to the deith'.[23]

That it is 'notour' adultery is certain, for the second definition of 'notour' in the 1581 Act was 'bedding and concert open and well known'[24] and both Geordie's wife and his lover's husband know of it. The cuckolded husband, like the lord in *The Gypsy Laddie*, does not turn on his wife, but instead he vents his anger and shame upon his wife's lover. As with the lady in *The Gypsy Laddie*, perhaps the understanding should be that the lady will also suffer when she sees her lover executed.

When Geordie's lady comes to rescue him, she asks 'Has he killed? Has he slain? / Or has he ravishd any?' [G[7]], 'Has he brunt? Or has he slain? / Or has he robbëd any?' [I[12]].[25] Perhaps she is not willing to challenge the law if Geordie has been guilty of crimes more serious than those of horse theft or adultery, such as 'The breking of the king's peace or protectioun, burning, reif, ravisching of women, murther, and all uther

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[23] Balfour, *Practicks*, 'Adulterie', II, p. 521.
A.P.S., III, 213; X, 279, cc. 7, 12.

[24] J. Irvine Smith and Ian Macdonald, 'Criminal Law', *Introduction to Scottish Legal History*, p. 289 - 90.

[25] See also [J[18]].

sic-like trespassis, the quhilk may be punist be deith',[26] and therefore more deserving of a death penalty.

In [J], the Child version which differs most from the 'purer versions', Geordie initially admits to having stolen 'ane o the king's best brave steeds' [J[23]], concerning which the King is magnanimous ('That crime's nae great; for your lady's sake, / Put on your hat now, Geordie' [J[24]]). Geordie's subsequent confession is worse: not only has he stolen, but he has robbed and murdered, the very crimes which the lady wants to make sure he has not committed in other versions:

> Now since it all I must confess,
>
> My crimes baith great and mony:
>
> A woman abused, five orphan babes,
>
> I killd them for their money. [J[26]]

A confession such as this renders the previous pardon for theft void. The King states, 'Take aff your hat, now, Geordie' [J[27]], once more rendering Geordie the defendant.

As in [A], the Gordon clan come to Geordie's aid, with Lord Huntly offering to defend his kinsman - 'I here will fight doublet alane / or ony thing ails Geordie' [J[29]]. This would seem to be a reference to trial by combat. A man could demand trial by combat in order to satisfy honour,[27] as Adame Bruntsfield did, challenging James Carmichael in 1597 for the killing of Bruntsfield's brother, Stephen. This event, the last trial by combat in Scotland, resulted in Carmichael's death 'befoir fyve thowsand gentilmen'.[28] Trial by combat was still a legal possibility in 1611, when the Laird of

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[26] *Balfour's Practicks*, 'Causis Criminal', II, p. 503.

[27] A woman would have to find a champion.

[28] Pitcairn, *Criminal Trials in Scotland from 1488 - 1624*, 3 vols in 4 (Edinburgh: William Tait; London: Longman, Rees, Orme, Brown, Green and Longman, 1833), II, p. 133.

Auchdraine was summoned to answer for his part in the murder of Thomas Cullayne. Seeing that his pursuers were loathe to bring him to trial, he being an instigator and not an actual murderer and that he might be 'clenged' (that is 'acquitted') of the murder, he declared that 'if thair wer within the kingdome any man of Cullaynes kinred or friendship, who wald avou him the devyse or execution of that Murthour, he wald reddelie offer him self in that querrell *to the tryall of COMBAT* to the death'.[29] However, this offer of trial by combat cannot be viewed as just or right, for Geordie has admitted to the murders; he has not been accused of them. Therefore Huntly's declaration may be akin to that of the Laird of Auchindrane, for Auchindrane was certainly a prime mover in the murder he was accused of, but it was uncertain if he was the actual murderer, and so the prosecution were unwilling to press charges, fearing that he might be acquitted. In offering himself ready for trial by combat, Auchindrane played on the caution of his accusers; he perhaps felt that he was more likely to win his case through his own physical prowess than trial by jury. Similarly, the power and influence of the Gordons may be suggested by Huntly's declaration, but the fact that Geordie's victims were 'a woman abused and five orphan babes', would suggest that there would be no male supporter to take up their case.

To turn to the role played by the lady within the ballad version, I would suggest that the title 'Gightie's Lady', given to this ballad in the *Greig-Duncan Folk Song Collection* and also by Buchan, is a more appropriate title for this ballad than *Geordie,* for it is the lady who is the dominant character. The ballad presentation of her goes beyond that of a resolute, defiant lover. She is the active force within the partnership of lord and lady, for as soon as Geordie sends word of his peril, he relinquishes the active role to the lady: it is the lady who rides hard and fast to Edinburgh town to rescue her lover; it is the lady who speaks out against the crown for her lover's sake, while he sits silently with 'bands

[29] Pitcairn, II, p. 164

o airn upon him'; it is she who promises that 'there sud been bluidy bouks [bloodied corpses] on the green / Or I had tint my laddie'; and it is she who would have her loyalty voiced abroad ('Gar print me ballants weel, she said / That I am a worthy ladie' [B[34]], 'I may write into the north / I have wone the life o Geordie.' [D[18]]).

More telling is the manner in which the lovers quit Edinburgh town. It is the lady who 'set Geordie on a milk-white steed' or 'on the bonnie dapple gray', and the ballad versions are ambiguous as to who sits where on the horse. It is up to the listener to decide if the lovers ride in the conventional manner, with lady behind knight, or if, once again, convention is flouted, ('She was mounted on her high horse, / And on behind her Geordie', 'When she was in the saddle set / And on ahint her Geordie'). The lady remains in the dominant role. She takes him away ('an' she's taen away her Geordie'), he does not go with her - and when they go through Edinburgh town, it is the lady, who has her beloved prize ('When she cam down through Edinborough / And Geordie in her hand O').

The traditional ballad *Geordie* studied above does not stand alone but has broadsheet relations which may have influenced the traditional form, resulting in the death of the hero, a scene which is most common in the American versions. Child appendixed two broadsheets, 'A lamentable new ditty, made upon the death of a wealthy gentleman named George Stoole, dwelling sometimes on Gate-side Moore, and sometimes at New castle in Northumberland; with his penitent end' and 'The Life and Death of George of Oxford'. The greatest difference between these broadsheets and the Child versions of *Geordie* lies in their inclusion of an execution; here, George's lover does not save him.

We may ask first of all if versions of these broadsheets could have infiltrated the oral tradition early enough to provide the duality of characterisation, that of 'Geordie the Scapegoat' and 'Geordie the Felon'.

This may prove to be relatively easy: the first, 'A lamentable new ditty, made upon the death of a wealthy gentleman named George Stoole ... with his penitent end' was first printed, from extant records, between 1607 and 1641, again in 1793, and once more in 1809 when it was included in *The Roxburghe Ballads*. The second, 'The Life and Death of George of Oxford', was first printed between 1671 and 1692, for P. Brooksby.[30] This provides us with a possible earliest date of, say 1607, for the broadsheet style of the tale: a hero called George, who is a horse-thief; an imminent execution upon the gallows; a lamenting lover, who tries to save him; and his courageous end.

The traditional ballad of *Geordie* may also be dated, if we accept the historical source of the tale being that which Child cites, from the hypothesis of 'Kinloch and others',[31] which suggests Geordie was:

> George Gordon, fourth earl of Huntly, who incurred the Queen Regent's displeasure for failing to execute a commission against a Highland robber in 1554. Huntly was committed to Edinburgh Castle, and some of his many enemies urged that he should be banished to France, others that he should be put to death. The Earl of Cassilis, though a foe to Huntly, resisted these measures on grounds of patriotism, and proposed that he should be deprived of certain honors and offices and fined. A fine was exacted, and the places which had been taken from him were restored. (p. 124)

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[30] See fig [16: 2] for a facsimile of this broadsheet.

[31] Child, IV, p. 124.

The Life and Death of George of OXFORD:

To a pleasant New Tune, called, *Poor Georgy.*

As I went over London Bridge
all in a misty morning,
There did I see one weep and mourn,
lamenting for her Georgy,
His time it is past,
His life it will not last,
Alack and alas! there is no Remedy,
Which makes the heart within me
Ready to burst in three
To think on the death of poor Georgy

George of Oxford is my name,
and let where's but have known me,
Many a mad prank have I play'd
but now they're overthrown me,
My time it is past, &c.

Oh! then bespake the Lady Gray,
I'le haste me in the morning;
And to the Judge I'le make my way,
to save the life of Georgy.
His time it is past,
His life else it may cost,
Alack and alas! is there no remedy?
It makes the heart within me
Ready to burst in three
To think on the death of poor Georgy.

Go saddle me my milk-white Steed,
go saddle me my bonny,
That I may to New-Castle speed,
to save the life of Georgy.
His time it is past, &c.

But when she came the Judge before
full low her knee she bended,
For Georgy's life she did implore,
that she might be befriended.
His time may be past,
His life else it may cost,
Alack and alas! is there no Remedy?
It makes the heart within me
Ready to burst in three
To think on the death of poor Georgy

Oh rise, oh rise, fair Lady Gray,
your suit cannot be granted.
Content your self, as well you may,
for Georgy must be hanged.
His time it is past &c.

She wept she wailed she wring her hands
and ceased not her mourning;
She offer'd Gold she offer'd Lands,
to save the life of Georgy.
His time it is past, &c.

George's Confession.

I have travell'd through the Land,
and met with many a man, Sir;
But Knight or Lord I did him Band
he durst not make an answer.
But my thread it is spun,
My glass is almost run,
Alack and alas! there is no remedy;
Which makes my heart within me
Ready to burst in three,
To die like a Dog, (says poor Georgy)

The Brittain bold that durst deny
his money for to render,
Tho' he were stout as valiant Guy
I forc'd him to surrender.
But now my thread is spun, &c.

But when the money I had got,
and made him cry peccavi,
To bear his charge and pay his shot
a Mark of Noble gave I.
But my thread it is spun, &c.

The Ladies when they had me seen
would ne'r have been affrighted
To take a dance upon the Green
with Georgy they delighted.
But now my thread it is spun, &c.

When I had ended this our make
and fairly them bespoken,
Their rings and jewels would I take
to keep for a Token.
But now my thread is spun, &c.

The hue and cry for George is set,
a proper handsome fellow,
With Diamond-Eyes as black as jet,
and Locks like Gold so yellow.
His time is past, &c.

Long it was with all their art,
e're they could apprehend him,
But at the last his valiant heart
no longer could defend him.
His time it was past, &c.

I ne'r stole Horse nor Mare in my life
nor Clothes-lac of any,
But once for of the King's Wheat-Barns
and I sold them to Bohemia.
His time it was past, &c.

Georgy he went up the hill,
and after followed many,
Georgy was hanged in silken string,
the like was never any.
His time it was past,
His life will not last,
Alack and alas! there is no remedy, &c.

Printed for P. *Brooksby* at the Sign of the *Golden Ball*, near the *Bear* Tavern in *Pye Corner*.

Fig [16: 2]. A facsimile of the broadsheet 'The Life and Death of George of Oxford', from *Pepys Ballad Catalogue*, II, p. 150.

If this incident, recorded in the Haddington MSS,[32] is indeed the source, this gives a time period of 238 years for a ballad to be created and disseminated, based upon the incident, before Child's earliest version - Johnson's 1792 version - was recorded, and 53 years for a prototype of the traditional ballad to be established before the earliest possible known printing of 'George Stoole' (1607).

Taking all fourteen Child versions of the ballad, a dissection of the texts (see table [16: 1] below) shows the presence of binary groupings and formulas which indicate a close relationship with the oral tradition and which may prove that the 'felon' tale was transposed on to the 'scapegoat' tale by singers and printers. I shall discuss these features in turn beginning with some comment on the binary pairings.

The rosy-pale and laughing-crying juxtapositions are reflective of emotions, but the help-opposition juxtaposition is displayed through the presence of malevolent and sympathetic characters. For example, there is a series of such characters in the [B] version, with English lords showing malevolence and Scottish lords showing sympathy:

Then out an spak an English lord,
  The ill gae wi his bodie!
'It's I gard hang Sir Francis Grey,
  And I'll soon gar hang your Geordie.'

It's oot an spak than a Scottish lord,
  May the weel gae wi his body!
'It's I'll cast of my coat and fecht
  Afore ye lose your Geordie.'

[32] The decreet against George Gordon can be found in the National Library of Scotland, Haddington MSS, Haddington Excerpts, fol 123, b.

Version	A	B	C	D	E	F	G	H	I	J	K	L	M	N
No. of verses	15	30	14	18	5	17	10	18	28	41	2	2	1	1
rosy - pale	✓												✓	
laugh - cry						✓	✓	✓	✓					
help- oppose		✓	✓	✓						✓				
Saddling Formula	✓	✓	✓	✓						✓				
Running Formula		✓		✓		✓		✓	✓	✓				
I'd Gie Them A'	✓	✓	✓	✓							✓			✓

Table [16: 1], Showing Use of Formulas and Structures in Child's Versions of *Geordie*

It's out then spak an English lord,
  May the ill gae wi his bodie!
'Before the morn at ten o'clock,
  I's hae the head o Geordie.'

Out then spak the Scottish lord
  May the weel gae wi his bodie!
I'll fight i bluid up to the knees
  Afore ye lose your Geordie.' [B[20-23]]

Similarly, in the [D] version, an English lord opposes, while 'the gude Argyll' supports Geordie and his lady. The balance of lords is also present in (G-D 249D[12,14] and E[5,6]), but it is absent in Bronson's versions, bar those which are also in Greig-Duncan and Child. Instead, the emphasis is placed on the courage and determination of the girl:

If I was a-standing on yonders hill
  Where kisses I've had many
Bright swords and pistols by my side,
  I would fight for the life of my Georgie. *(209B54[3])*[33]

The formulas require more extended discussion. The presence of traditional formulas indicates connection with an oral tradition - predominantly a Scottish one - and can extend the emotional content of a ballad tale, transcending the particular into the universal, while a non-formulaic rendering of information is often context-bound, relevant

[33] See also *(209B17, 40* and *42)*.

to a particular event and often presents information in a sensational manner.[34] Of the formulas used in the Child versions, the most common is the Saddling formula, followed by the Running formula and the 'I'd gie them a' formula.

The first two formulas can be dealt with fairly briefly since they are identified and discussed by Flemming Andersen but the third will have to be treated at greater length since it is being identified for the first time in the context of formula theory.

The use of the Saddling formula follows the traditional pattern, discussed in chapter five.[35] The [A] version has a reduced version of the formula, the single line form 'Gar get to me my gude grey steed' [A^4]; the [C] version has a call for three horses, ('Go saddle the black, go saddle the brown, / Go saddle to me the bonny' [C^3]); while the [G] text confuses the phrasing of the formula, rejecting the best, that is the bonniest horse, for the first named ('Gar saddle to me the black, black horse; / The brown is twice as bonnie' [G^3]).

The Saddling formula, then, is relatively functional, as is the initial part of the Running Formula, where one character calls for a boy to take a message.

However, in all but [C] and [J], which treat the process of the messenger boy in the traditional manner,[36] the messenger merely carries a letter which contains the essential information. On the messenger's arrival, the lady reads the letter; she does not receive notice of her lover's danger from the boy himself.[37]

The process of one character mounting a horse and being accompanied by another rider, which is different from the Saddling formula, is also present in *Geordie* and it is

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[34] For a full account of non-formulaic diction and the broadside song 'The Grazier's Dochter', see Flemming Andersen, *Commonplace and Creativity* (Odense: Odense University Press, 1985), pp. 366 - 370.

[35] See [$209B^4$, D^8, F^1 and H^8].

[36] See *Lady Maisry* (chapter five) for the use of the 'Where will I get a bonny boy' formula.

[37] See [209A, D and I].

used in other ballads such as *Lady Isabel and the Elf Knight* [4], where the heroine and villain ride ('He's luppen on his berry-brown steed, / Taen 'er on behind himsell' [4B[3]], 'She mountit on her milk-white steed, / He on the dapple grey' [E[4]]). This formula is used in two versions of *Geordie*, [C] and [F], one of which falls within Child's 'purer forms' definition and one which falls in the group which he terms 'corrupted by admixture'.[38] However, Child's [F] version was taken down by Motherwell from Agnes Lyle, who provided versions of other traditional, 'purer' if we may call them so, ballads, and the presence of the formula lines in her version of *Geordie* would seem to be indicative of traditional formula structuring, where the formula indicates travel without the desperation inherent in the Saddling formula, and also indicates a relationship, usually sexual, between the two characters who ride.[39] However, the sexual nature may be open confirmation of a loving relationship, as it is with *Geordie*, or it may be more covert, as in the case of *Lady Isabel and the Elf-Knight*, where the ride is an elopement / abduction. This may be exemplified by the fact that the formula does not appear in any ballads where the riders are comrades, such as in *Jock o the Side* [187].

Another ballad formula which exists in versions of *Geordie* is that which I have called 'I'd gie them a'. Since it does not appear in Flemming Andersen's work on the supra-narrative function of the ballad formulas and his classification of the formulas into introductory formulas, situation formulas, transitional formulas and conclusion formulas, it has to be defined here. I would associate it with Andersen's situation formula type, for it occurs at moment of confrontation or intention to act.[40]

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[38] Child, IV, p. 124.

[39] It is not a hard and fast rule, however. For example, the formula is used in *The Baffled Knight* [121], but the ballad states that they rode 'like sister and brother'.

[40] For categorisation of other ballad formulas, see Andersen, *Commonplace and Creativity*, Part 3.

The formula is used as a response mechanism after the receipt of unwelcome information, such as a death threat. The information may be directed at the character who utters the response, or it may be directed at another character, who is emotionally linked with the utterer, such as a husband, wife, lover or family member.

The response may take the form of a direct verbal rebuke to an antagonist, or it may indicate the intent to act upon received information and therefore it may then be associated with others of Flemming Andersen's situational formulas, such as 'She's lookit over her father's castle wa', in which 'disaster is foreboded' (p. 138); 'He looked over his left shoulder', which indicates aggressive confrontation or despair; or 'Go Saddle me the black, the black',[41] which indicates an imminent desperate or urgent journey.

At the heart of 'I'd gie them a' is some sort of self-sacrifice, whether that be emotional or material. The stipulation of the form of this self-sacrifice is partially gender dependent, with male characters usually offering to sacrifice only material possessions,[42] while females may offer material possessions, lives of children, or state that they themselves would be willing to bear all their children over again. Bearing children over again may be a variant of the loss of the children, without the direct statement of willing sacrifice of their lives, or it may be an indication of willingness to undergo a trial of endurance.

On the surface level, the formula does not have a fixed structure, but tends to take the form of a three or four line unit, which includes the following: a declaration of the objects the character is prepared to sacrifice, such as 'I hae four and twenty milk-white kye', or 'I hae borne seven bonny sons'; a statement of willing sacrifice, such as 'I'd lose them a', or 'I'd gie them a'; and an identification of the reason for sacrifice, such as

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[41] Identified here as the Saddling formula.

[42] An exception to this can be found in the [C] version of *The Laird o Warriston*, when the father declares 'Seven daughters I hae left at hame ... But I wad gie them ane by ane, / O bonny Jean, to borrow thee' [194C[20]].

'before I'd lose my Geordie' or 'before my son Jonny dies'. The declaration may come before or after the identification of the object for sacrifice and the declaration and the statement may even be separated from the identification, as in the [A] version of *Geordie*:

> *'I hae born seven sons to my Geordie dear*
> *The seventh neer saw his daddie;*
> [O pardon, pardon, noble king,
> Pity a waefu lady!'
>
> 'Gar bid the headin-man mak haste,'
> Our noble king reply'd fu lordly:]
> *'O noble king, tak a' that's mine,*
> *But gie me back my Geordie.'* [A[9,10]][43]

I would suggest that there are three main variants of this formula. Two may be aligned with the 'He looked over his left shoulder' formula family. These two versions of 'I'd gie them a' may indicate either defiance or despair, dependent on the dominance of the character it is attributed to and the context in which it is used. The defiant form appears in ballads such as *The Bonnie House o Airlie* [199]. In this ballad, the lady's retort to the 'fause' Argyll's sexual attack or his intended destruction of her house takes the form of her bearing more children. In this context, the formula is used as a defiant reply to Argyll and serves to polarise the political tendencies of the lady against Argyll within the ballad:

[43] Italics indicate the formula.

Ten bonny sons I have born unto him

The eleventh nee saw his daddy;

But though I had a hundred mair

I'd gie them a to King Charlie. [199A[10]]

For I have borne him seven bonnie sons

But the eighth yin has never seen his daddy,

But had I jist as mony owre again

They wid aa be men for Chairlie.[44]

In versions of *Captain Car / Edom o Gordon* [178] and *Johnie Armstrong* [169], the formula is used at moments of despair. In the former, which concerns the burning of a castle and its inhabitants, the character of the lady, representative of the historical Lady Forbes, would give her belongings or her gold to keep the fire and its smoke away from her children or herself. For example:

'I've four and twenty kye

Going upo the muir;

I'd gie em for a blast of wind

The reek it blaws sae sour'

...

'I've twenty four ships

A sailing on the sea;

[44] *The Bonnie House o Airlie*, Belle Stewart, in *Scottish Ballads*, edited by Emily Lyle (Edinburgh: Canongate, 1994), p. 60, no. 9.

I'll gie em for a blast of southern wind

To blaw the reek frae thee. [178C[6,8]][45]

In the [G] version, the lady's statement follows related lines, where she would give up the black and brown steeds, if her son could ride safely away from the burning tower. This is not strictly part of the formula family, although it is obviously related. I would suggest that it is a confusion of the Saddling and the 'I'd gie them a" formulas.

In *Captain Car / Edom o Gordon,* the formula is used after the 'As she lookit over her father's castle wa' (The ladie she lend on her castle-walle, / She looked upp and doune [A[4]], 'The lady stood on her castle-wall, / She looked vpp and downe [B[3]], 'The lady sat on her castle-wa, / Beheld both dale and down' [E[3]]) and the aggressive component of 'He's looked over his left shoulder' in [C[3]] ('He's turned round about his back'), both of which forewarn a sympathetic listener of impending disaster and so the 'I'd gie them a' formula is aligned with the negative encodings of the other formulas.

In *Johnie Armstrong,* the formula also has a negative connotation, for it follows the king's declaration, 'I grantit never a traytor's lyfe, / And now I'll not begin with thee' [169C[8,11,16,18]]. In this ballad the formula falls between two stanzas as the ballad is printed in Child. However, it was positioned in the middle of a stanza in Ramsay's *Ever Green,* for there it was printed in eight-line stanzas:

Grant me my lyfe, my liege, my king,

And a bonny gift I will give to thee;

Full four and twenty milk-whyte steids,

Were a foaled in a yeir to me.

---

[45] See also [178A[12] and G[34]].

I'll gie thee all these milk whyte steids. [169C[9,10]]

The linking factor within the various presentations of the formula is the value the character places on the life s/he wishes to save. Obviously, an individual would value their own life ('Grant me my lyfe' [169C[9]]), but the lives of others are given equal importance and the use of the formula highlights the despair which is attached to losing that life, or the determination and will within a character to sustain or save it.

The third main variant of the formula signifies a positive, active response to bad news and the formula indicates the extent of a character's determination, as in ballads such as *Jock o the Side* [187] and *Geordie*. In the former, the formula is ascribed to the character of Mangerton. This is a male character and so we should expect a material sacrifice, which we receive, and, because the news brought to him is the capture of his nephew / son, we expect a dynamic reaction. Mangerton's affection for the captive and resolution in effecting a rescue is expressed through the formula:

'I hae yokes of oxen four and twentie,
My barns, my byres, and my faulds a' weel filld
And I'll part wi them ere Johnie shall die. [187B[4]]

Up speaks Lord Mengerton and says, I have
four and twenty yoke of oxen,
And four and twenty good milk-ky,
And three times as many sheep
And I'll gie them a' before my son Jonny die. [C[4]]

Similarly, the lady's resolution in *Geordie* is expressed through the formula. In *Geordie*, the listener / reader has already encountered one formula sequence: the 'where

will I get a bonnie boy' formula; the receipt of a letter, using 'the firstan line she looked upon'; and the Saddling formula. All of these indicate either bad news or serious intent, and 'I'd gie them a' substantiates the intentions indicated by the Saddling formula. In *Geordie*, the lady would sacrifice her children ([B^{17}, C^{9}]) and her land ([B^{16}, C^{8}, D^{14}]), and would bear her children over again in [C^{8}] and [D^{15}]. There are vestigial recollections of the formula in [A^{9}, K^{1}] and [N], where the object for sacrifice is stated, but the willing offer of the object - in all cases children - is not presented:

'I have land into the north,
  And I have white rigs many
And I could gie them a to you
  To save the life o Geordie.

'I have seven children in the north,
  And they seem very bonnie,
And I could bear them a' over again
  For to win the life o Geordie. [$C^{7,8}$]

I have eleven babes into the north
  And the twelfth is in my body, O
And the youngest o them's in the nurse's arms
  He neer yet saw his daddy, O. [K^{1}]

I have nine children in the west,
  The tenth ane's in my bodie;
The eldest o them she never knew a man,
  And she knows not wha's her daddy. [N]

It may be that these vestigial verses imperfectly recall eight-line verse forms of the formula: for example, if [B[17]] and [B[18]] were reversed, the formula would still function, and would be augmented by the quantitative repetition in the two verses:

I hae ele'en bairns in the wast
  I wait the're a to Geordie;
I'd see them streekit afore mine eyes
  Afore I lose my Geordie

I hae ele'en bairns in the wast
  The twalt bears up my body;
The youngest's on his nurse's knee,
  An he never saw his dadie. [B[17,18]]

The formula is extended, to no great effect, in [B[19]], to include uncles. Again, the assurance is a willingness to see them die, rather than lose the lover / husband:

I hae se'en uncles in the north
  They gang baith proud and lordly;
I'd see them a tread down afore my eyes
  Afore I lose my Geordie. [B[19]]

There is a sizable 'family' associated with 'I'd gie them a', including 'I'd lose them a', 'I'd see them a [killed]', and 'had I jist as mony owre again'. What is important is that the declaration, the statement of willing sacrifice and the identification all come from one individual. The form of the sacrifice, whether that be land, livestock or children, is secondary to the presentation of personal love and / or resolution. I would therefore

suggest that [B[11]], although it is related to the intent behind the formula, is not part of the formula family because it involves the giving of the lover's lands and possessions away and therefore involves no self-sacrifice. This verse is context-bound:

> 'O wad ye hae his lands or rents?
>
> Or wad ye hae his monie?
>
> Take a', a' frae him but his sark alane,
>
> Leave me my true-love Geordie. [B[11]]

The depth of love is certainly present here, for the lady will take her lover, even if he is left with nothing, but the direction of the statement does not conform to the other examples given. Similarly, in the [A] version of *Jock o the Side*, the intention of rescuing Jock is present, but it is not presented in a formulaic manner. Firstly, the declaration comes from an unidentified group of people, 'wee'le goe sell'; secondly, they will not lose or give up any belongings, but sell them; and the concluding statement form, that all will be lost, killed or borne again, 'before I lose my ****' is absent:

> But wee'le goe sell our droues of kine,
>
> And after them our oxen sell,
>
> And after them our troopes of sheepe,
>
> But we will loose him out of the Newcastle [187A[5]]

The supra-narrative structure of this ballad formula is the establishment of an emotional bond between two characters, through a stylised response to danger, stated or implied, which may be indicative of action or admission of despair. Thus, it is patently obvious that 'I hae borne him seven, eight, eleven bonnie sons' should not be taken literally as a sign of the lady's fertility, but attention should be focussed on her

willingness to part with or bear the same number of sons again, out of love for Geordie. I would also suggest that the use of this formula in a functioning form is indicative of the ballad's oral origins. This would extend to the argument that the tale of 'Geordie the Scapegoat' was the original version of the tale in oral tradition, for the formula does not appear in either the appendixed broadsheets or the 'horse-thief' or 'adulterer' versions, it is absent in the American versions published in Bronson, and it is infrequently used in the twentieth-century English versions, also in Bronson (*(209B24, 25,* and *53)*, all of which containing the hanging of Geordie.[46]

The boom of broadsheet and chap markets in Scotland (c. 1780 - 1830) certainly coincides with the learning years of Child's version's singers, bar that of Johnson of 1792, which is one of the 'pure versions' at any rate, and so any or all of those people who provided versions to Scott, Motherwell and so on may well have encountered broadsheets such as 'George Stoole', 'Geordie's Disaster' or 'George of Oxford', and they would have almost certainly come into contact with execution and news sheets.

While the vocabulary of the broadsheet may appear to be of a higher tenor than that of the oral tradition, it is used in a much less effective manner for there are no structured formula verses or devices. Each broadsheet, then, tends to spend many more lines and verses describing emotions or feelings, taking the reader out of the immediate climax of the tale. For example, in *Hughie Graham* [191], when the hero is led to his death, his courage is conveyed in two lines, 'And never did colour leave his cheek / Nor even did he blink his ee'. The same type of information is required in 'George Stoole', but the way it is imparted is far from the concise nature of the traditional ballad. The character of George Stoole is an example of the hero-victim type of condemned who is determined

[46] Flemming Andersen proposes that formulaic diction is dominant in Scottish ballad versions, as opposed to the predominance of non-formulaic language in English versions.

to die well, but the power of the image of the condemned man's controlled emotion has been lost:

> And coming to the place of death
>
> He never changëd colour.
>
> The more they thought he would look pale,
>
> The more his veines were fuller [209app1][47]

It is in the language of the Child versions that broadsheet 'infection' is most apparent, permeating both the 'purer' and the 'corrupted' versions. For example, the 'fatal block' is in view in [A[6]], when the lady first sees Geordie in Edinburgh. The use of the word 'fatal' is not common in the traditional ballad's vocabulary. It is, however, frequently used in printed execution ballads: the 'Pirat's Doom' has the alternative title 'Captain Kidd's Fatall Farewell' and in the text, the gallows is described as 'the fatal tree'.[48] Similarly, in the 'Execution of Five Pirates at Newgate on Monday, Feb 22nd', the gallows is the 'fatal tree' and the men died on 'the fatal morn'.[49]

There is also a misappropriation of the formula which denotes the end of day and oncoming night, 'When bells were rung and mass was sung', in this ballad's [F] version, although I would suggest that the singer, Agnes Lyle, was utilising what she knew and 'traditionalising' a version of a ballad - in this case a version which perhaps had origins in the 'George of Oxford' tale. The line in the ballad is presented thus, 'The psalms were sung, and the bells was rung, / And silks and cords hung bonnie' [F[14]]. The line formula has been altered in its association, as well as in its word order, although not in its rhyme

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[47] See also *(209B44[18])*.

[48] See fig [17: 4].

[49] See Leslie Shepherd, *The History of Street Literature* (Newton Abbot: David and Charles, 1973), p. 199

scheme and now, rather than indicating oncoming night, it suggests the onset of the execution - everlasting night for Geordie. Psalms were sung prior to the actual execution, while the silks and cords of the following line may be a reminiscence of the silken cords, which are used to hang George of Oxford, 'Georgy was hanged in silken string' [app209[16]]. These silken strings may also be the source for the golden chains which are used to hang Geordie in almost all of Bronson's versions. However, in both the English and American versions, a reason for such extravagance is given. He is hanged with chains of gold because 'he is one of the royal blood / And he courted a royal lady' *(209B10[7])* or 'George he came from a noble race / And his mother was an honorable lady' *(209B47[7])*.[50] In *(209B43)*, it is his coffin which will be made 'of the chains of gold ... We know that he came from a real good sort / And courted a French young lady'.

Although *Geordie* may have its roots in tradition, broadsheets such as 'George of Oxford' and 'George Stoole' seem to have influenced those singers who seem to have known the way a ballad tale 'should' have been presented - in effect, how the oral tradition functioned. Indeed, taking the evidence of Bronson's English and American versions, the tale of the condemned man being hanged despite his lady's attempts to save him became dominant and therefore can be now said to be as much of the oral tradition of the ballad as the reprieve versions were from Child's time of collection. Irrespective of whether Geordie hangs or is reprieved, the versions discussed above are all 'real' ballad versions and the tale told is functional as a ballad story: not only does it have confrontation and resolution, but it also has an antagonistic king and an active, resolute heroine.

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[50] See also *(209B13, 16, 18, 23, 24, 25, 27, 30, 36, 40, 42, 47* and *57)*

CHAPTER SEVENTEEN

CONCLUSION

The discussion of these ballads opened with tragedy - the burning / beheading of the lady of *The Laird o Warriston* [194] - and although it has ended on a happier note, in terms of oral tradition at least, with the lady taking Geordie home to safety, we have encountered a gruesome catalogue of death, revenge and judicial murder and now we must address the question of whether any patterns can be identified within this group of ballads. I would suggest that there are two main patterns. The first relates to how the characters are executed, in relation to historical, emotional and structural considerations; the second is the question of gender.

Despite the ballad world being an aesthetically constructed phenomenon, it nevertheless draws heavily on the real world and, in terms of this study, the connections with Scottish legal processes in the sentences passed on the characters are an excellent example of an art form being influenced by human experience. In this respect, these ballads record aspects of judicial sentencing and execution which are now obsolete and which now function within the realms of artistically created worlds. This is equally true of hanging and burning. The threat or the punishment of burning contained in ballads such as *Lady Maisry* [65] and *Young Hunting* [68] may have been retained through knowledge of the singers that women were burned - experiences of witch trials or criminal executions of women such as Mary Norwood and Lady Glamis may have served to substantiate this - but the crime which Lady Maisry is condemned for is primarily sexual and the precedent for including the punishment of burning for sexual infidelity in the ballad tradition may have arisen from the romances.[1] Thus, historical fact may

[1] *Sir Aldingar* [59] is another ballad where a lady is threatened with burning as a punishment for essentially a sexual crime. Unfortunately, due to the strictures of word-counts and thesis length, it was impossible to discuss this ballad in this study.

have influenced fiction and, in its turn, created another fiction, that of the ballad world, where women are threatened with burning or are burned within an early modern framework, although the source for the execution may be an all but forgotten recollection of the practices of previous ages, some form of propaganda, or may have never been anything but fictional, as in *Orlando Furioso,* which tells of 'l'aspra legge di Scozia, empia e severa'.[2]

The visual representation of the executions is important. Characters are generally hanged or burned 'high'. This may be represented geographically or stated directly. For example, in the [D] version of *Lamkin,* the nurse is burnt on the 'mountain hill-head' [93D[26]], Lady Warriston dies on 'yon heading hill' [194[26]], while in an American version of *The Two Sisters,* 'The miller was hung on a limb so high' *(10B66).*

Execution by hanging obviously requires an elevated position, in order to ensure that the condemned is suspended with no recourse to a means of balance or support,[3] which may account for some of the incidences of hanging 'hie', but we should also recall the spectacle nature of execution. We should consider the fate of the malevolent miller in *The Two Sisters* ('The miller was hung at his high-gate' [10R[13]], 'The miller was hung at his mill-gate' [S[5]]) and Lamkin in some versions of his ballad ('He hanged Balankin / out over the gate' [93B[27]], for in these instances the executioners would seem to be making the same type of social statement.

Displaying the body of the criminal is a continuation of the spectacle of shame; although the criminal is dead, punishment continues to be exacted from the body - the source of the wickedness - as a warning to others, both to those who live in the community and those who are outsiders, and as confirmation of a just society. Thus,

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[2] *Orlando Furioso,* edited by Pietro Papini, (Florence: Sansoni, 1946),IV, 59, p. 36.

[3] As the cases of Robert Johnstone and other unfortunate men show, this was not always effected in practice.

traitors' heads were displayed at town gates and bodies of felons were gibbeted after execution.

To display the body of a criminal at or near the site of his or her crime serves to further impose the dominion of the law on to the offender *post mortem;* it is a way of continuing the humiliation of the body, while reminding spectators of the actual crime. The case of Robert Weir is particularly relevant here, if we recall that he was to be first broken on the wheel, then left on the wheel for 24 hours at Edinburgh Cross, before his body, still on the wheel, was to be moved 'and set up, in ane publick place, betwix the place of Warestoun and the toun of Leyth; and to remane thairupon, ay and quhill command be gevin for the buriall thairof'.[4] In this example, basic burial rites were denied the corpse until the burgh exacted what was deemed to be full punishment.

In the same way, the miller's wickedness is recalled in *The Two Sisters,* for he is hanged at the mill where he robbed and abandoned the girl, just as Lamkin suffers where his victims suffered.

In the ballads, as in reality, the process of execution is as much concerned with the spectacle of death as it is with effecting the death.[5] Those characters who are not put to death on a hill are still taken to a prominent place: Mary Hamilton is to die in 'Edinburgh toon', just as the servant woman of Mary, Queen of Scots, with whom the ballad has been linked in ballad scholarship, was executed 'in the public street of

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[4] General Register House, Trial Records of Robert Weir, JC 2 / 3. A - D, (D).
Pitcairn, *Criminal Trials in Scotland from 1488 - 1624* (Edinburgh: William Tait; London: Longman, Rees, Orme, Brown, Green and Longman, 1833), II, p. 450.

[5] For a discussion on the spectacle aspects of death within a European context, see Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: from a Preindustrial Metropolis to the European Experience,* (Cambridge: Cambridge University Press, 1984).

Edinburgh',[6] while Hobie Noble is to die in Carlisle and William of Cloudesly is brought to be hanged in Carlisle's market place 'besyde the pyllory' [116[42]].

Public exhibition of the condemned is suggested in the ballads: Maisry is to be dragged 'frae town to town' in [65H[16]] and Hobie Noble is paraded through the town of Carlisle as the land sergeant's prize. Where the character is 'innocent', sympathy and empathy can be elicited from the audience by such accounts of exhibition and humiliation, but such emotions can also be excited by the use of emotive words. Versions of *Johnie Armstrong* and *The Gypsy Laddie* are particularly effective in presenting the death in a sympathetic light: Johnnie Armstrong is not executed, he is 'murdered', while the impending execution of the gypsies is made all the more poignant in those versions where the information comes from one of the condemned Gypsies:

> For there are seven brothers of us all
>
> We all are wondrous bonnie O.
>
> But this very night, we all shall be hanged
>
> For the stealin of the Earl's lady O.[7]

Characters who are presented as intrinsically good in the ballad tales do their utmost to avoid shameful actions, so it is all the more effective that the executions which are imposed in the ballads are intended to be shameful, something which is emphasised strongly in *Mary Hamilton* [173I] and *Johnie Armstrong* [B and C]. In the [I] version of *Mary Hamilton*, the lady declares that the type of execution she is to suffer is a 'dog's death' [I[23]], while Johnnie Armstrong declares 'It never shall be said we were hung like doggs'

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[6] John Knox, *The History of the Reformation in Scotland*, edited by W. Croft Dickinson, 2 vols (Edinburgh, 1949), II, p. 102.

[7] *The Gypsy Laddie*, Jeannie Robertson, *The Muckle Sangs*, edited by Hamish Henderson and Ailie Monro (London: Tangent Records, 1979), p. 4.
SA 1959 / 79. Collectors, Fred Kent and Hamish Henderson. Linburn.

[B[15]], and in another reiver ballads, *Archie o Cawfield* [188], a rescue-from-execution ballad, the jailor curses the liberation of Archie by his rescuers and vows 'like dogs I'll gar them die' [188C[18]]. This is familiar to a contemporary reader, for we still use sayings such as 'die like a dog' and 'give a dog a bad name and hang him', but the origin of the references is in the actual executions of dogs which had attacked livestock or humans. These executions were carried out 'partly out of revenge, but also because the animals were, in effect, personified as servants of a household and carried the same legal responsibility for their conducts as other members'.[8] This was not purely an English practice, for Manning reports that 'hanging felonious animals was quite widespread in England as well as Europe' (p. 72) and that the practice was known in Scotland may be evidenced in those literary examples in *Rob Stene's Dream* (see chapter fourteen, above) and from references in the poetry of Blind Hary ('As bestiall houndis hangit owre a tre'[9]) and Montgomerie, who, in his flyting against Polwart, talks of a suitable death for the 'fowmard face'[10] Polwart; 'by throwing of the throt / Like a tyke over ane tree' (ll. 377).

The practice of hanging dogs was still being carried out in the Eighteenth Century, for as Gatrell notes:

> Woodforde recorded in his diary in ... 1974: 'One of my Greyhounds Fly, got to Betty Cary's this morning and ran away with a shoulder of Mutton undressed & eat it all up ... I had the greyhound hanged in the Evening.' The Berkshire parson George Woodward recorded in 1759: 'Our parish ... has lately been in great

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[8] R. B. Manning, *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England 1455 - 1640* (Oxford: Clarendon, 1993), p. 72.

[9] Blind Hary, *The Wallace*, VII, 270.

[10] *The Flyting Betwixt Montgomerie and Polwart*, l. 367.

confusion, on account of a mad dog, who passed through and bit several [dogs]; but they have hanged them all'.[11]

This is important for the purpose of this argument insofar as the sight of a hanged dog may have been within eighteenth and perhaps nineteenth-century ballad singers' and ballad audiences' experience. However, the practice can also be linked with the norm of hanging within a society, for, as Gatrell notes 'Hanging is not an obvious or convenient way of killing domestic animals. Is the practice ever to be met with *after* the era of public hanging?'(p. 283).[12]

To associate oneself with a dog is to demean oneself, to deny dignity, 'why ca ye me man? / I'm but like a forfoughten hound' [187[28]] is Hobie Noble's retort to the women who recall his past exploits ('That's the man loosd Jock o the Side!' [189[27]]).

The demeanour of the ballad characters when death is imminent is also interesting. To provide comparisons and contrasts for the characters' words and actions, I have not only looked at academic accounts of felons' deaths and newspaper reports of executions, but I have turned to execution broadsheets and chapbooks, some of which are prose compositions that purport to be accurate accounts of the last words of particular criminals while others are broadsheet ballads. Such a comparison may prove rewarding, for we may consider the chapbook and the broadsheet as the literary equivalent to the ballad due to their accessibility, owing to their relatively cheap price when compared to newspapers and books, and their undoubted popularity.

What the ballads contained in this study portray are characters who are accused of capital crimes, yet who display accusatory disdain towards the judicial processes which

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[11] V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770 - 1868* (Oxford: Oxford University Press, 1994), p. 283.

[12] Gatrell is surely referring to the practise being carried out by 'respectable' individuals in order to dispose of dangerous or sick animals.

condemn them. Within the traditional ballad, the character is often given a voice to make his or her own claims, claims which are frequently supported by the voice of the narrator, directly or subtly. This is in marked contrast to those chapbooks and broadsheet ballads purporting to record the lives and last moments of condemned criminals.

Comparison with printed street ballads and chapbooks may serve to emphasise certain aspects of the presentation of the processes of execution in the ballads considered in this study. The style and intention of the portrayal of executions, or the moments prior to execution, in the printed material may help to establish whether the oral ballads contain similar emotional triggers, or whether the agenda behind the presentation of an execution varies within the two traditions.

I have referred to two execution pieces, in order to present typical examples of the execution sheet genre, including a brief consideration of the style and language used, but any number of these pieces will display the same kinds of sentiments and language style. The pieces are: an account of the hanging of Moses Macdonald in Greenock, on 5 June 1812;[13] and the printed ballad, 'The Pirat's Doom; or, Captain Kidd's Fatall Farewell', concerning the execution of Captain Kidd in 1701.

In the chapbook, a factual event is used as an instructive device. While the account of the hanging is rendered in a relatively detailed manner, the author is primarily concerned with the moral value of the event as is indicated by the following passage relating to the execution of Moses Macdonald:

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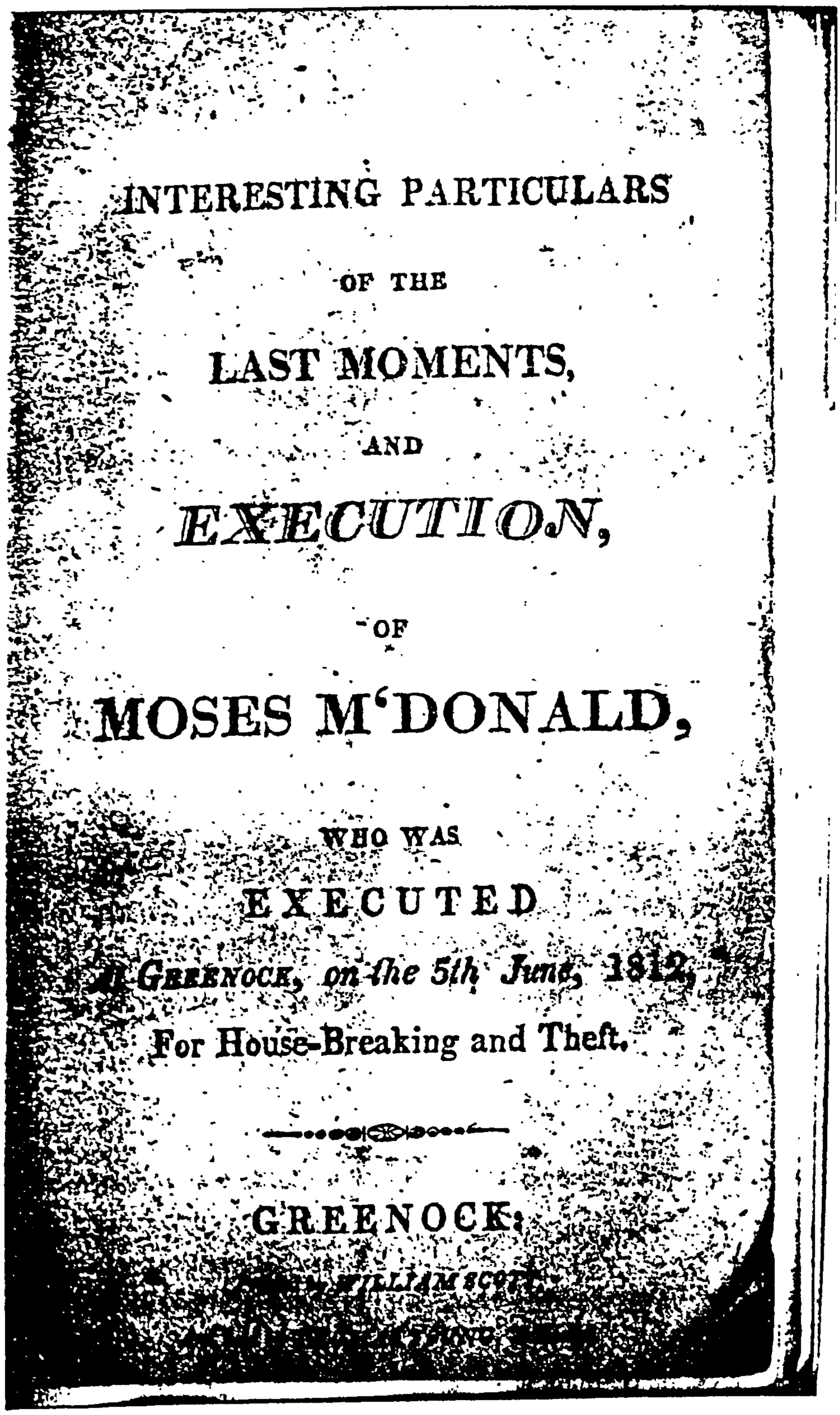
[13] I will be referring to two chapbooks which present the tract: the 1812 Greenock imprint and the 1812 Edinburgh imprint, which includes the Moses Macdonald piece after another tract on the hanging of the forger William Bird, also in 1812. See figs [17: 1] and [17: 2] for the frontispieces of the chapbooks. Moses Macdonald's execution is interesting on two counts: firstly, he was the first man to be hanged in Greenock; and secondly, the first attempt to hang him failed.



INTERESTING PARTICULARS

OF THE

LAST MOMENTS,

AND

EXECUTION,

OF

MOSES M'DONALD,

WHO WAS

EXECUTED

AT GREENOCK, on the 5th June, 1812,

For House-Breaking and Theft.

GREENOCK:

WILLIAM SCOTT

Fig [17: 1], showing the frontispiece of the 'Interesting Particulars of the Last Moments and Execution of Moses M'Donald', (Greenock, 1812).

> As this was the first execution that ever took place in Greenock, we sincerely hope it may be the last, and that the recollection of the source that produced such an awful spectacle to the crowd assembled, and painful task to those more immediately charged with having the law put into execution, may serve as a warning and admonition to that part of the community, who by their heedless or determined course of life, render such dreadful examples necessary.[14]

To this effect, the author presents the protagonist as a repentant man, who accepts his fate calmly, finding solace in religion, and admitting that his life of crime arose because he 'had not the fear of God [before me]'.[15]

The Edinburgh imprint provides more information about the condemned man than the Greenock one, for it has a short biography of Moses Macdonald, which is similar to the account of the execution contained in the *Glasgow Herald* of 8 June 1812 (see fig. [17: 3]):

> Moses Macdonald was a native of Ireland, a stout robust-looking man, about 35 years of age. He and his wife, whom he left with six children, had resided several years in Greenock ... it appears he had lived a very irregular and ungodly life, and most of all blamed associating with evil company, and the neglect of the Sabbath day, for bringing him to his untimely end.
> (Edinburgh, p. 40)

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[14] *The Life and Character of William Bird, who was Executed at Cambridge for forgery, on the 20th of March 1812 ... To which is added Some Accounts and Reflections of Moses Macdonald who was executed at Greenock, for Robbery, on the 5th of June, 1812,* printed by George Ramsay and Co. for James Taylor Smith, Edinburgh 1812, p. 44.

[15] *Interesting Particulars of the last Moments and Execution of Moses M'Donald, who was executed at Greenock, on the 5th June, 1812, for Housebreaking and theft,* printed by William Scott, and Sold by Thomas Young, Bookseller, Greenock 1812, p. 8, ([Edinburgh, p. 48]).

SOME

ACCOUNT AND REFLECTIONS

OF

MOSES MACDONALD,

WHO WAS EXECUTED AT GREENOCK, ON THE 5TH OF JUNE 1812.

The following narrative of the execution of *Moses Macdonald*, is calculated to prove an impressive and permanent lesson to the thoughtless and indifferent. It is authenticated by the clergymen who attended the unfortunate man in his last moments, and who have given a number of the prisoner's own reflections; which may tend to convince those who disregard the same truths when promulgated from the pulpit.

Moses Macdonald was a native of Ireland, a stout robust-looking man, about 35 years of age. He and his wife, whom he has left with six children, had resided for several years in Greenock, and wrought as a jobber about the quays, and furnished ships with ballast; and it appears he had lived a very irregular and ungodly life, and most of all blamed associating with evil company, and the neglect of the Sabbath day, for bringing him to his untimely end.

Those even who view the Sabbath as a political institution, must admit the danger of not keeping it holy. Our forefathers have handed down several le-

Fig [17: 2], showing the frontispiece of 'Some Account and reflections of Moses Macdonald, who was Executed at Greenock, on the 5th of June 1812', (Edinburgh, 1812).

This brief description may be effective in two ways. It may serve to elicit sympathy, for the man is relatively young and healthy with a wife and children, yet he is also an alien to the society which hanged him and the emphasis on his immoral behaviour sets the tone of the chapbook piece before the main text is presented.

This duality of presentation continues throughout the piece. The character of Moses Macdonald is presented as penitent, and sympathy is extended towards the condemned by the narrator, who describes him as 'this poor man' (Greenock, p. 7, Edinburgh, p. 47) and attributes to him near-heroic qualities in the face of death. Moses Macdonald is presented as being calm and resolute ('he took farewell of his friends, and ascended the scaffold, accompanied by the Rev. Mr Bryan, with a degree of firmness we have never seen surpassed.' (Greenock, p. 3, Edinburgh, p. 43)). The 'well-behaved' prisoner is typical of the broadsheet and chapbook tradition and the character of Moses Macdonald within this piece conforms to this. Not only is he resolute in the face of death, but he is appreciative of those who must preside at his execution:

> Mr Hercus, Dr Gilchrist, and Mr Steel, prayed with him in succession. He then deliberately thanked them for their instructions and prayers and acknowledged his obligations to humanity and kindness of the magistrates. (Edinburgh, p. 45)

What is even more pervasive than Moses Macdonald's repentance is presentation of a man who had forsaken moral and religious instruction ('it appears he had lived a very irregular and ungodly life' (Edinburgh, p. 40)), and who must suffer for this transgression. He has committed a crime, judicially and religiously, for he was 'brought to an untimely end, for robbery committed on *a sabbath morning* in December 1811' (Edinburgh, p. 42): he stole and he broke the Sabbath, both of which, the author

EXECUTION OF MOSES M'DONALD.

GREENOCK, JUNE 6.

Yesterday, in pursuance of his sentence, at the last Circuit Court of Justiciary held at Glasgow, *Moses M'Donald* was executed here, for the robbery of the shop of James Jelly, grocer, Leagh Street, in December last. In addition to the detachment of the Ayrshire militia, which has been stationed here for some time, four companies arrived from Paisley, on Thursday, of the same regiment, at present quartered in that town. The gibbet was erected early yesterday morning, on the square, about 5 yards from the front of the church. At 12 o'clock the military were drawn out round the scaffold; at a quarter past two, the Sheriff, the two Magistrates with their white staves, the Town Council, Town Clerk, Rev. Mr. Steel, Dr. Gilchrist, Rev. Messrs. Hercus and Bryan, the criminal's father and sister, all dressed in black, together with the town officers, the executioner from Edinburgh, and the criminal himself, attended by a party of soldiers, came down from the Bridewell, and walked up under the pillars at the Church; the criminal then received some wine from the hands of his sister. They continued in prayer and singing psalms until 10 minutes past 3 o'clock, when he took farewell of the Magistrates and Clergy, and ascended the scaffold with a firm step, by a stage erected out from the Church railing; the executioner then put the rope round his neck, drew a white cap over his face, then withdrew, and at a quarter past three, he gave the signal by dropping a handkerchief, and the drop fell; when, dreadful to relate, the rope broke and he fell to the ground; his sister, who was near, instantly assisted him in rising, (his arms being tied,) he immediately got up and walked steadily, without the least attempt to escape, to the church door; he was taken into the church, and turned faint; the back of his head was a little bruised by the fall—another rope was procured, the drop was supported underneath by a plank, he again mounted the scaffold with a firm and quick pace; the executioner put the rope round his neck, tied the other end on the hook above, and drew the cap over his face. He then went below, and, on the signal being given, knocked the prop away; when the drop fell, and he was launched into eternity at 20 minutes before 4 o'clock. He made three or four feeble convulsive throes, and was apparently dead in three minutes. The body was taken down at 30 minutes past 4 o'clock, put into a coffin and given to his relations, who carried it up to the Bridewell. M'Donald was [illegible] about 35 years of age, [illegible] has resided here for a [illegible] wrought as a jobber about the [illegible] ships with ballast. He [illegible] his common clothes, viz. [illegible] blue vest, white trowsers, and [illegible] He seemed very penitent, and [illegible] with his awful situation. He [illegible] and five children.—There was a [illegible] of spectators, but no accident happened.

Fig. [17: 3], showing the report of Moses Macdonald' execution in the *Glasgow Herald*, 8 June 1812.

intimates, can be traced to one failing in Moses Macdonald's character, which the character is left to explain:

> I may blame, said Macdonald, my neglect of the Sabbath, I may blame my excess in drinking, and I may blame the bad company which I kept; but this would be to begin at the wrong end; for all the things I have to blame, as procuring my ruin, proceeded from this one cause - I had not the Fear of God [before me]. (Greenock, p. 8, [Edinburgh, p. 48.])

Despite this bitterness over past actions, the character must remain guilty and not be elevated into a positive role for the reader and so, alongside the references to his calm and controlled behaviour, there are reminders of Moses Macdonald's moral and social failings:

> he appeared to lament with bitterness of heart his folly and wickedness; but yet, when he thought of the opportunities of instruction, which he had neglected, and of the warnings which he had despised, he could not venture, either in prayer to God, or in conversation with his fellow-creatures, to say that, were his days to be prolonged, he would avoid in future the sins which he thought the grace of God had taught him to detest. (Greenock, p. 7, Edinburgh, p. 47)

In contrast to the details given about Moses Macdonald's repentant nature and his acceptance of the execution, the description of the actual execution is less detailed. The reader is not treated to a extensive account of how Moses Macdonald died. Rather, the whole procedure is sanitised. Moses Macdonald is not 'hanged', rather he is:

> turned off at about twenty minutes before four o'clock, cut down about twenty minutes after four o'clock, and deposited in a coffin by his father, brother and sister, and buried on the following evening. (Edinburgh, p. 44)

This is all very efficient. Nothing is said about the man's final moments. The reader can never be sure the sobriety the narrator attributes to Moses Macdonald was true, or whether it was a necessary component for the moral lecture.

Even the failure of the first attempt to hang the man is quite unemotional - 'from the insufficiency of the rope, or too much of it being left slack, we cannot determine, the jerk it received, broke it and he fell to the ground' (Edinburgh, p. 43). No written thought considers Moses Macdonald. Everything is restrained and in keeping with the solemnity of the affair. The author merely records that the breaking of the rope moved the spectators, although what they were moved to is unclear, for 'the effect of feeling it then produced in the spectators, cannot be described' (Edinburgh, p. 43). The account of the execution in the *Glasgow Herald* is only slightly more dramatic:

> the executioner then put the rope round his neck, drew a white cap over his face, then withdrew, and at a quarter past three ... the drop fell; when, dreadful to relate, the rope broke and he fell to the ground.[16]

The response of the crowd is perhaps the nearest indicator that the process was not as calmly restrained as the author would have the reader believe. There was evidently some concern that the hanging would cause a civil disturbance, for:

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[16] The *Glasgow Herald*, 8 June 1812.

> four companies of the Ayrshire militia, which had arrived from Paisley the day previous (to preserve order) were stationed round the square, and, by stopping the different avenues, effectually prevented a union of the spectators.
>
> (Greenock, p. 3)

We can assume that one of two emotions was presented by the crowd: anger or sympathy. If we take the view adopted by men such as Foucault and substantiated by those reports which Gatrell quotes in *The Hanging Tree,* the crowd wants an execution. Foucault's view is anticipated by the author of *The Philosophy of the Gallows,* an anti-hanging tract of 1852, in which a crowd congregates, 'laughing, talking - as to a merry making or holiday',[17] in order to view a mass hanging. Six men are expected to hang and there is disappointment when only four appear:

> 'Vy, there's only four! cries a spectator, in a tone of disappointment.
>
> 'There must be six! cries another; six was the number.
>
> 'No; d - d if there's only four! exclaims a third. (p. 12)

In the case of a notorious murderer, the crowd could reject the spectacle solemnity of an execution, wanting only the death of the condemned who represents an icon of evil and a prime example of this was the execution of William Burke in Edinburgh in 1829. However, if the condemned did not have a notorious reputation and their crime had not been that of brutal murder, the crowd's reaction was often very different. If the process was not efficient, the crowd could become sympathetic to the condemned - who became the victim - and less tolerant of the executioner. In the case of Moses Macdonald, there is no record that there was any attempt to rescue the condemned man while he waited

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[17] *The Philosophy of the Gallows,* printed for the booksellers, 1852.

for a second rope to be fetched - although the heavy militia presence would ahve discouraged this - for the *Glasgow Herald* reported that 'there was a great number of spectators, but no accident happened',[18] so it may be that the indescribable response of the crowd was vocal sympathy, for execution crowds in the Eighteenth and Nineteenth Centuries tended to be vocal rather than physical, although there were always exceptions, such as the crowd which attended Robert Johnstone's execution (see chapter fourteen, above):

> At every execution during the three years he was in Newgate Wakefield [Edward Gibbon Wakefield, the author] claimed, 'the assembled crowd sympathised with the criminal and expressed feelings of compassion'. Our best example concerns the south London bricklayer Samuel Wright, condemned in 1863-4 for killing his violent mistress ... A thousand policemen were drafted to keep order, but the crowd was orderly and small: most locals kept away, and shops were shut. There were hoots of protest from the crowd - 'Shame!' - 'Judicial murder!'.[19]

The account of the hanging of Moses Macdonald is important in that it is a third person narrative account of an execution, written by a man who had no direct relationship with the condemned. The primary intent behind the account is not to record the name of Moses Macdonald, but rather to use him as an example in an essay for moral edification: a factual event has been manipulated into a educational tool. The condemned man confesses that his actions were wrong and he waits the execution of his sentence quietly. No distress is reported, even after the failure of the first hanging attempt. In short, neither the character of the condemned man nor the author suggests that the

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[18] The *Glasgow Herald*, Monday, 8 June 1812.

[19] V. A. C. Gatrell, *The Hanging Tree* (Oxford: Oxford University Press, 1994), p. 102 - 3.

sentence passed is wrong or unjust - that it is terrible is conceded; that it is disturbing is conceded; but it is never wrong.

The report of Moses Macdonald's death is not the type of sheet which would have been sold to the crowd at the time of a felon's execution. It is simply not dramatic enough. The crowd is in expectation, so the kind of sheet which would sell is one which contains vivid language, rather than a consideration of the moral lesson behind a hanging such as Moses Macdonald's, and 'The Pirat's Doom: or, Captain Kidd's Fatall Farewell' is of this style of sheet - something purporting to be the condemned's last words.[20] However, if the execution-sheet's presentation of the character of the condemned is compared to the chapbooks' account, it will be noted that the two are very similar in tone.

Like the chapbooks, the execution-sheet is contemporary with the subject,[21] and it also presents the condemned as being repentant and offering instruction to others to avoid the type of life he led ('You Sea-Men now take warning all, ... Least that same Fate doth you befal, / as has been my undoing' (verse seven).

The tone is less religious, but the moral instruction is still present; Kidd is 'dismal', 'wretched' and repentant. Kidd's ballad, like the account of Moses Macdonald's hanging, makes no declaration against the system which has condemned the man. It cannot, for the condemned must be seen as guilty, and more importantly, the moral instruction would fail if excess sympathy were extended to the condemned man. The motive for a crime is not important, unless it can be traced to a moral failing, such as Kidd's 'thoughts of Gold'. This, of course, is avarice.

In the world of the execution ballad, the condemned is guilty and while pity may be elicited, the ballad or chapbook always reminds the reader that the crime was

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[20] See fig [17: 4].

[21] Kidd was hanged on 23 May 1701.

THE PIRAT'S DOOM:

OR,

Captain KIDD's Fatall Farewell;

Being Executed at *Execution Dock*, for *Murder*, Piracy and Robbery, on *Friday* the 23d of *May*, 1701.

MOST dismal is my wretched Fate,
which I have brought upon me,
By being False unto the *State*;
these Actions have undone me;
And now I am Condemn'd to Die,
for Theft upon the Ocean,
The Truth of which I can't deny,
now Hanging is my portion.

My Golden Treasure won't retrive
me, from this sad Condition,
Nor all my Friends can't me relieve,
with any grand Commission,
All hopes of Pardon, now are past,
since I receiv'd my Sentence,
No Comfort's left for me at last
but hearty true Repentance.

I Rob'd and Plundred on the Seas,
all Ships that did come near me,
Both *English*, *Dutch* and *Portuguese*,
I made them all to fear me,
The *Moors*, *Armenians*, *Greeks* or *Turks*,
Mogul, or any other,
If they were Rich we fell to work,
some scarce would spare his Brother.

My Gunner I did basely kill,
without just Provocation,
And barbarously his Blood did spill,
which doubles my Vexation,
The thoughts of which doth pierce my Heart,
it was so foul an Action,
That grief and terror cause such Smart,
as brings on sad Distraction

As in the Cart I pass'd along,
quite through the crowded City,
Some Thousands who were in the Throng,
did say it was great Pitty,
That such a Man should guilty be,
of such sad vile Offences,
As Robbing on the *English* Sea,
which hanging Recompences.

When at the fatal Journy's end,
I did Lament my Station,
And there confess'd unto a Friend,
how I had gull'd the Nation,
By Robbing of their Merchant-Men,
of mighty Wealth and Treasure,
And own'd my self the worst of Men,
I've sinned out of measure.

You Sea-Men now take warning all,
by this my fatal Ruin,
Least that same Fate doth you befal,
as has been my undoing,
The thoughts of Gold it tempted me;
but did of Life bereave me
Now Death has pass'd it's black Decree,
my Money will not save me.

Farewel to Wife and Children too,
farewell my hopes of Glory,
I've brought my self to dismal woe,
thus ends my Life and Story.
Let Young and Old forsake their Sins,
and God will bless their Stations,
If every one this work begins,
'T will be a happy Nation.

EDINBURGH, Re-Printed in the Year, 1701.

Fig [17: 4], showing 'The Pirat's Doom, or Captain Kidd's Fatall Farewell', (Edinburgh, 1701). From the Mavor Collection, University of Stirling.

pernicious and that the sentence is just. This is a world away from the accusatory tone of 'John murdered was at Carlinrigg / And all his gallant cumpany', or Hughie Graham's declaration, 'You may tell my kith and kin / I never did disgrace their blood' [191B[14]], where the vehicle of justice is questioned and condemned.

An example of how the two styles differ may be seen in the songs 'MacPherson's Rant' and 'MacPherson's Farewell'. The songs are based on an actual incident: the capture, trial and subsequent execution of James MacPherson in Moray, in 1700.

Accounts of the trial survive, as do various literary accounts accounts of MacPherson's life and what is evident, from the literary evidence, is the hero status afforded to James MacPherson. For example, James Dick describes him as:

> a tall, handsome, powerful man, the son of a gentleman and a gipsy mother ... He wore an enormous sword, which at the time was almost out of date, and which in his hands was a formidable weapon of offence and defence.[22]

The presentation of James MacPherson in popular history and in song is romantic and is forever associated one act:

> McPherson spent his last hours writing verses and composing a tune for them, and as he walked from prison to the place of execution, he played his tune on the violin. At the gallows he offered his instrument to any one who would accept it but upon every one declining it, he broke it over his knee and threw the pieces into the crowd. (p. 476)

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[22] *The Songs of Robert Burns*, edited by James C. Dick (London, 1903), p. 476.

Such descriptions, written years after the execution, inevitably add to the hero mystique surrounding the character and present the individual in a very positive way to the listener or reader. However, the songs may not always promote the same style of character presentation.

There are two variants of 'MacPherson's Farewell'. One is that composed by Robert Burns and the other is the earlier broadsheet form. The broadsheet form is known in two versions, one published by David Herd in his *Ancient and Modern Scottish Songs* under the title 'MacPherson's Rant' (from which I take the quotations in my text) and the other appearing on the broadsheet 'The Last Words of James Mackpherson, Murderer' (included here as fig. [17: 5]).[23] The broadsheet form is in a similar style to 'The Pirat's Doom', and claims to be the verses written by MacPherson prior to his execution. The protagonist's character carries the defiantly futile image of the playing and subsequent destruction of the fiddle as an inherent part of his structure is included, but the drama of this image is reduced by the fact that the character admits to his crimes - those which the court found both James MacPherson and James Gordon guilty of - which were:

> to be known, holden, and repute to be Egiptians and vagabonds, and oppressors of his Majesties frie lieges in and bangstrie manner, and going up and doune that country armed, and keeping mercats in ane hostile manner, and that you are thieves, and receptors of thieves and that you are of pessimae formae.[24]

Most of these crimes - and others - are referred to in the broadsheet form:

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[23] The broadsheet can be found under the mark Ry III. a. 10, in the National Library of Scotland. This broadsheet is not mentioned by James Kinsley in his study of the song in *The Songs and Poems of Robert Burns*, so I believe that it is included here for the first time as a point of comparison for Burns' song.

[24] The Spalding Club, *Miscellany*, 5 vols (Aberdeen: Spalding Club, 1841 - 1852), III (1846), p. 190. 9 November 1700, Banff. The trial of James McPherson.

The Last Words of *James Mackpherson* Murderer.

I spent my time in rioting;
debauch'd my health and strength,
I pillag'd, plundred, murdered,
but now alas! at length;
I'm brought to punishment condign;
pale Death draws near to me,
The end *I* ever did prejeſt
to hang upon a Tree.
To hang upon a Tree a Tree
that curs'd unhappy Death;
Like to a Wolf to worried be
and chocked in the breath;
It makes my very heart to break
when this *I* think upon,
Did not my Courage ſingular
bid penſive thoughts begone.
No man on earth that draweth breath;
more Courage had than I,
dar'd my Foes into their Face,
knew not what 'twas to Fly;
A Grander ſtout *I* did keep out;
like *Hector* manfully.
Then wonder all that ſuch a ſpark
ſhould hang upon a tree.
The *Egiptian* Band I did command
with greater ſway by far,
Than ever did a General
his Soldiers in the War;
Being feat'd be all and ſpar'd be all;
I liv'd moſt joyfullie
But ay pox take this fate of mine;
moſt hang upon a Tree.
No Grief at all I would take up,
if Juſtice would take place,
And bring my Fellow-plunderers
unto the ſame Diſgrace.
For *Peter Brown* that notar lown
eſcap'd and was made free,
But ay pox take this Fate of mine;
muſt hang upon a Tree.
Ah! Laws and Juſtice buried are,
Force, Fraud and Guile ſucceed;
The Guilty paſs unpuniſhed;
if Money intercede;
The Laird of *Grant* that highland Saint
that mightie Majeſty,
Did plead the Cauſe for *Peter Brown*
and let *Mackpherſon* dye.
The Deſtinies my Death contriv'd
Men whom I did oblige
Reward me much ill for good;
and left me no Refuge;
For *Brake Duff* in rage enuff
at length laid Hands on me;
The which if Death do not prevent;
revenged I ſhall be.
As for pale Death I do not care,
more courage nev'r had none,
But yet Hells-Torments *I* do not fear;
when once my life is gone:
Therefore, good people all take heed;
this warning take by me,
According to the Life ye lead;
rewarded ye ſhall be
As for my Death *I'll* not lament;
ſuch things I do abhorre,
To part with life I'm well content;
as any heretofore;
Therefore my Council to you all
is to Repent, and Turn,
Leaſt afterwards it may befall
you in Hells fire ſhall burn.
For neither Death nor Divels pow'rs
this rage of mine ſhall break,
For in the place to which I go
ſome Office *I* expect;
Then be content and not relent
my ſilly Soul until
The time may come wherein thou mayſt
perform thy Latter-will.
In hopes whereof I poured forth
this with a dying Breath,
As joyfully as man could do
who hath in ſight his Death?
Than wontonly and rantingly
I am reſolv'd to die
And with undaunted Courage *I*
ſhall mount this fatall Tree.

FINIS.

Fig. [17: 5], showing 'The Last Words of James Mackpherson Murderer'.

I've pillag'd, plunder'd, murdered,
  But now, alas! at length,
I'm brought to punishment direct,
  Pale death draws near to me;
This end I never did project
  To hang upon a tree.

...

The Egiptian band I did command,
  With courage more by far
Than ever did a general
  His soldiers in a war.
Being fear'd by all, both great and small,
  I liv'd most joyfully;[25]

In keeping with the broadsheet and chapbook tracts, the condemned man uses his own death in an educational manner:

Therefore, good people all, take heed.
  This warning take by me,
According to the lives you lead,
  Rewarded you shall be. (v. 8)

However, what isolates this piece from the Moses Macdonald chapbooks and the Captain Kidd sheet is the presence of the accusation against the Lord of Grant, who interceded

[25] David Herd, *Ancient and Modern Scottish Songs, Heroic Ballads, etc.*, reprinted from the 1776 edition, 2 volumes, I (Glasgow: Kerr and Richardson, 1869), p. 99, verses 1 and 4.

on behalf of MacPherson and Gordon's co-accused, Patrick and Donald Brown, and also against the judicial system:

> As for my life, I do not care
>
> If justice would take place
>
> And bring my fellow plunderers
>
> Unto this same disgrace.
>
> For PETER BROWN, that notar loon,
>
> Escap'd, and was made free,
>
> O! curse upon this fate of mine,
>
> To hang upon a tree.
>
> ...
>
> The Laird of Grant, that Highland saint,
>
> his mightie majestie,
>
> Did plead the cause of Peter Brown
>
> And let Macpherson die. (Herd, v. 5 & 8)

Shame is an emotion which is present in both strands of the ballad tradition. Familial shame drives Maisry's brother in the [A] version of *Lady Maisry* ('That ye've drawn up wi an English dog / To bring this shame on me'), but it is the personal shame of dying a felon's death which is foremost in the words of the character of Mary Hamilton in the ballad of that name [173] ('let na wit to my father nor mother / The death that I must die' [173B[15]]).

MacPherson's shame is not primarily his execution, although that is a 'disgrace', but in the fact that he will die shamefully ('Like to a wolf to worried be, / And choaked in the breath'), without the opportunity to right what he views as a miscarriage of justice.

This character is a transitional hero. He is not the repentant type of the execution broadsheets and chapbooks, for he accuses and has pride in his actions. However, MacPherson's admission of his guilt and the moral warnings to others distances the character from the ballad type of hero.

The character of James MacPherson which is presented in Robert Burns' song, 'MacPherson Farewell', is much closer to the ballad heroes. There is no admission of guilt and there is no warning to the listener. Instead, the accusatory tone is heightened, as is the disdain. The character does not claim to be blameless ('I've lived a life of sturt and strife'(v. 4)), but the focus of the song is the injustice played out against the protagonist. MacPherson is not frightened of death ('O what is death but parting breath?' (v. 2)), but he cannot die easily, for while he dies, another, equally undeserving of life, will live.

Neither Brown is mentioned in Burns' song. The antagonist is not graced with a name, but remains anonymous, identified only through MacPherson's scathing accusation, 'I've dared his face, and in this place / I scorn him yet again'

(v. 2).

Burns' MacPherson would seem to suffer no shame - he only wishes shame upon another - and his only regret is that he cannot avenge himself:

> I've lived a life of sturt and strife;
>
> I die by treacherie:
>
> It burns my heart that I must depart,
>
> And not avengèd be.
>
> Sae rantingly, sae wantonly
>
> Sae dauntonly gaed he;
>
> He played a spring, and danced it round
>
> Below the gallows tree. (v. 4)

This resolute disdain of the character, playing his own death-tune before his execution is the most powerful image within the song and it aligns this MacPherson with the ballad heroes, as does the image contained in verse three of the song:

> Untie these bands from off my hands,
>
> And bring to me my sword;
>
> And there's no a man in all Scotland,
>
> But I'll brave him at a word.

This should be compared to the version of *Hughie Graham* which Burns provided for Thomson.

> 'O lowse my right hand free,' he says,
>
> And put my braid sword in the same,
>
> He's no in Stirling town this day
>
> Daur tell the tale to Hughie Graham. [191B[2]]

Robert Burns has elevated his character of MacPherson to the type of character which exists in the traditional ballads. Like Hobie Noble or Lady Maisry, MacPherson does not flinch from the possibility of death and craves vengeance for unjust acts.

In the traditional ballad, there are no religious intonations, so those characters present at the time of an execution do not include a minister of religion but are the victim, members of the victim's family, and those involved with the sentencing and execution, most usually the antagonists. The character rarely repents, displays guilt or prays to God for forgiveness. Instead s/he may accuse the individuals responsible for the execution, call on family or friends to avenge the death, or profess innocence or defiance.

The emphasis, then, would seem to be on 'dying well' in the ballads. However, this presentation is not in concordance with the judicial authorities' desires for the last moments of the condemned felon. What we have, then, are two forms of 'dying well': that presented time and again in the ballads and which is also seen in Burns' 'Macpherson's Farewell', and that presented in the execution broadsheets which is a reflection of the type of condemned felons Officialdom wanted - composed, repentant criminals. Sometimes this was what the authorities got, but time and again there are references to those who did not satisfy their executioners' wishes and died 'rantingly' and 'dauntonly':

> Ann Bodenham, executed at Salisbury ... refused to confess, and ... then tried to turn herself off on the gallows, but was restrained by the executioner, who asked her forgiveness, as was the custom. 'She replyed forgive thee? A pox on thee, turn me off, which were the last words she spoke'.[26]

> When the highway robber Norton died in 1827 he refused religious consolations. When a schoolmaster ... sought to persuade a condemned man that there was a future life, the reply got to the truth of it: 'why you too gammon on as well as the parson! They take your life and then they think to make amends by telling you of another and a better world; for my part I am very well satisfied with this, if they will let me stay in it.'[27]

Although Gatrell does note that 'the man who did contrive to conduct himself bravely was often drunk out of his mind' (p. 37), bravery was not always the result of

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[26] Jim Sharpe, 'Women, Witchcraft and the Legal Process' in *Women, Crime and the Courts in Early Modern England*, edited by Jenny Kermode and Garthine Walker (London: UCL Press, 1994), pp. 106 - 124 (p. 117).

[27] V. A. C. Gatrell, *The Hanging Tree*, p. 35.

alcoholic fortification. If we turn once more to the cases of Lady Glamis and Lady Warriston, the descriptions of these women concentrate on their resolute demeanour. Lady Glamis heard her sentence 'without the least signe of terrour or concern'[28] and went to her death 'with a masculine courage'.[29] In the *Memorial,* Jean Livingstone, in concordance with printed ballad tradition, is repentant and confesses to 'that vile sin, which I committed, in murdering mine husband',[30] but she also faces impending death calmly, for, 'as she went to the place of Execution, she behaved herself very chearfully, as if she had been going to her wedding and not to her death!' (p. XXXI). However, this may have roots in fact, for Birrel did record that she 'diet very patiently'.[31]

If we believe the *Memorial,* then Jean Livingstone went to the 'Maiden' still in the euphoria of her conversion, but Lady Glamis had no such religious revelation and it may be that she, like the highwaymen mentioned by Gatrell, retained composure to spite her executioners and to focus energy which might otherwise have fuelled paroxysms of terror, for Gatrell also notes that an 'eighteen-year-old girl had to be dragged to the scaffold at Bristol by half a dozen men in 1849, the clergyman vainly asking her to walk quietly'[32] and William Corder 'was so weak as to be unable to stand without support'.[33]

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[28] Pitcairn, *Criminal Trials,* *I, 194, quoting from D. Scott, *History of Scotland.*

[29] Pitcairn, *I, p. 197, quoting from *The Genealogy of the House of Drummond.*

[30] *Worthy and Notable Memorial of the Conversion of Jean Livingstone, Lady Warristoun; who was Apprehendit for the Vile and Horrible Murder of her own Husband, John Kincaid; Committed on Tuesday, July 1, 1600; for which she was Execute, on Saturday Morning,* edited by Charles Kirkpatrick Sharpe (Edinburgh: C. K. Sharpe, 1827), p. XXVIII.
Pitcairn, II, p. 447.

[31] Robert Birrel, *Diarey,* in *Fragments of Scottish History,* edited by J. G. Dalyell (Edinburgh: Archibald Constable, 1798), p. 49.

[32] Gatrell, *The Hanging Tree,* p.39, quoting from J. Bright, *Parliamentary Details,* PD3 civ (1849), c. 1076.

[33] Gatrell, *The Hanging Tree,* p. 39, quoting from Hindley, *Broadside Curiosities of Street Literature* (1871; facsimile edn, 2 vols, 1966), I, 189.

Where the broadsheets present one end of the 'dying well' spectrum, that which the authorities would have preferred to have happened every time, the characters in ballads which have been discussed can be placed at the opposite end of this spectrum: they do 'die well', but emphasis is placed on their courage, their resolution and very often their defiance ('Mend up the fire to me, brother ... For I see him comin hard and fast, / Will soon men't up to thee' [65A[27,28]]). There is no mention of the religious solemnities which accompanied the condemned felon's journey to the gallows and there is precious little reference to repentance. I would suggest, then, that neither the ballads nor the broadsheets present the way in which the majority of criminals must have met their deaths. There are several reasons which may explain this difference. For example, it would have been foolish for the execution sheets to berate the cruelty and frequent mismanagement of public execution, for that may have served to alienate some of the audience from the spectacle and therefore reduce the interest in the broadsheets themselves. In the ballads, the explanation may lie in a sense of emotional continuity: having established a character's depth of resolve or steely cruelty, the emotional impact of this would be lost if the final scenes included the same characters reduced to a terrified wreck, although the tears Lamkin and the nurse shed prior to their execution may be one last piece in their presentation: not only have they treacherously murdered a mother and baby, but they do not have courage to face death resolutely.

This 'emotional impact' of the characters is important in all the ballads discussed above. Where an 'innocent' character dies, the listener / audience is given hints of revenge ('I'll gar burn for you, Maisry / Your father and your mother' [65A[30]]), or is satisfied by retributive justice ('What'll you leave to your sweetheart Lord Ronald my son? / Yon tow and yon halter that hangs on yon tree / And that's what she shall get for the poisoning o' me. (G-D 209I[10])). Where a 'guilty' character is executed, order and

justice are restored to the ballad world ('O they hae brunt that gay ladie, / And blawn her in the air' [68H^9]).

This identification of 'hero/ine' and 'villain' within a ballad tale and the emotional content related to the death he or she dies is doubly important in the presentation of the reivers and outlaws.

In the outlaw ballads the equilibrium of the law and the criminal is inverted. The audience is presented with a series of heroes who cannot be termed heroic: they are thieves, murderers, poachers and banished men. However, even though these crimes are stated or implied ('The land sergeant has me at feud ... For Peter of Whitfield his brother's dead' [189^9]), the heroes remain positive forces within their ballad tales.

The reivers' 'heroic villainy', as James Reed describes it,[34] is created out of a sense of affiliation involving character, singer and audience. It exists within the highly localised locations, in the names of the characters, and, most importantly, in the inclusion of determiners and pronouns within the narration, such as the opening verses of *Hobie Noble* [189] (see chapter thirteen, above).

In former times, the people of the districts which the ballads grew out of could identify with the natures and actions of the characters, and also with the injustices they suffer, 'it was not one ballad-maker alone, but the whole cut-throat population who felt this magnanimous sorrow'[35], claimed G. M Trevelyan, which is perhaps slightly harsh, but the writer continues, putting an unerring finger on the fact that, 'if the people had not loved the songs, many of the best would have perished'. It was an Armstrong, who sang about Johnnie Armstrong to Allan Ramsay, and it was Kitty Hall, who gave a version of *The Death of Parcy Reed* [193] to James Telfer, although 'she never liked to sing

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[34] James Reed, *The Border Ballads* (Stocksfield: Spredden, 1991), p. 86

[35] G. M. Trevelyan, 'The Border Ballads', *A Layman's Love of Letters*, (London, 1954), p. 25.

the verses, as she knew them to be perfectly true, and consequently couldn't bear to think there had been, of her own surname, such wretches as the betrayer of Parcy Reed'.[36]

There is another link which exists between the characters of these ballads and a prospective audience. None of the men are noble in the way of, say Maisry's Lord William, although several may be dominant within their own hierarchy and are titled ('Of a gentleman I sing a sang, / Sumtyme calld Laird of Gilnockie' [169C[1]]), and as such, they do not enjoy the same privileges as a man of the court would. What occurs time and again, then, is an abuse of justice and law by these men's social superiors: treason and betrayal are played out by the men of official rank and position. For example, while the King may call Johnnie Armstrong 'thou traitor strang', it is the monarch who is duplicitous and the narration condemns the king's actions entirely, for 'John murdered was at Carlinrigg'.

In the reiver ballads, as with others, the heroes keep to their words and oaths and do not compromise themselves, not even in the shadow of the gallows. The last words of characters such as Hobie Noble and Johnnie Armstrong display a lack of self-pity and this may help to endear them to an audience; the characters are not content to die, but they do not lament their own passing. Rather, they rail against the injustices practised upon them and call on others to take revenge for their deaths.

Sympathetic allegiance is elicited in *The Gypsy Laddie* for different reasons. Despite the initial spell-casting, the abduction of the lady seems to be welcome enough and, again, there is the sense that the lord abuses his power in hanging the Gypsies, for although Parliamentary Acts demanded this action, the actions of the crowd who rescued Gawin Trotter on Edinburgh's Burgh Muir on 23 January 1624, should be recalled.

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[36] James Reed, *The Border Ballads*, quoting from M. A. Richardson, *Borderer's Table Book*, 8 vols (London, 1846), VII, p. 363.

A manipulation of 'expected opposites' is obviously at work - and not only in the outlaw ballads. The antagonism between those in power and those without it appears again and again, whether that power be family-based, kin-based or national. In his study of the repertoire of Agnes Lyle, William B. McCarthy argues that:

> the controlling oppositions in the songs ... correspond to political realities, or at least to political perceptions, in the region and era. The king in the repertoire is the king of England, hates Scots, and can't be trusted - not a bad summing up of the way radical subjects north of the border viewed the Hanoverians. The pervasive opposition of commoner to gentry ... reflects the upper class embrace of Toryism within Scotland itself ... in reaction to the various forms of nationalism embraced by the working class. In short, Agnes Lyle, in her ballads, offers a biting assessment of social and political realities.[37]

Taking a wider view, I would suggest that although McCarthy's arguments refer to the study of one repertoire, they are also relevant to the tradition as a whole and, as such, need refining in parts. Antagonism towards the monarch is not reserved for the English king: in *Johnie Armstrong* the king (James V) is as untrustworthy as those monarch's encountered in Agnes Lyle's repertoire, just as Queen Mary is hard-hearted towards her maid, Mary Hamilton. Thanks to the *Johnie Armstrong* texts, we can date the monarchal treachery by 100 years and more before the time Agnes Lyle was singing her ballads: Child's [A] text of *Johnie Armstrong* is dated 1682, his [B] text is from 1724 and the [C] text is from 1723.[38] We might even add the English king in the [A] version of *Sir Alsingar* [59A], who is prepared to have his own wife put to death. That there is a

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[37] William B. McCarthy, *The Ballad Matrix* (Bloomington; Indiana University Press, 1990), pp. 143-4.

[38] The King is also callous in *Sir Patrick Spens* [58], sending the hero out on a wild sea. Child's earliest text of this ballad is from Percy's *Reliques* (1765).

mistrust of the monarch is beyond argument, but I would suggest that it is part of a wider mistrust of authority in general; the antagonism is not between the commoner and the noble (Radical v. Tory, as McCarthy would have it), but rather the individual against any form of authority.

While the ballads in this study do offer 'a biting assessment of social and political realities',[39] what should be noted is that McCarthy's argument regarding the noble and the commoner works in the other direction: if the king cannot be trusted, then neither can the servant. The nurse, a trusted member within the household, is also frequently 'cruel' or 'false', seen to best effect in *Lamkin*, but also in the ballad description of the nurse in *The Laird o Warriston* ('The nurse she was hard of heart' [194C[14]]). Lamkin, the malevolent miller in *The Two Sisters* [10], along with those characters mentioned above, all go to disprove McCarthy's theory. If the common man cannot trust his king, then neither can the lord and lady trust their servants: the social antagonism bites both ways. Jealous or murderous servants are as common as treacherous kings.

The comparison of the fiction of the broadsheets and chapbooks and that of the ballads is interesting, for while the former suggests the solemnity and spectacle of the law, with the condemned man as the cypher for justice having been done, the ballads present the representatives of the law as unjust or the law itself as impersonal, judging the crime and not the cause of the crime. The truth, we may argue, lies somewhere between the two presentations and it is relevant to the popular conception of the law even today: sometimes justice *is* done, but miscarriages of justice occur and when the law gets it wrong, by accident or design, it often gets it spectacularly wrong.

In terms of emotional effect, then, the characters in the ballads discussed die bravely, sometimes in anger and very often as a result of treachery. However, the aesthetic nature of the executions is also important and of interest: how and where do the

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[39] McCarthy, *The Ballad Matrix*, p. 144.

characters die in relation to the structure of their respective ballads? The blanket answer is 'differently'.

In some of the ballads considered in this study, the execution scene is brief, taking at the most four lines to relate or demand the execution of a character, although is can take as little as one ('John murdered was at Carlinrigg' [169C[32]]). Where the execution is presented in a manner as it is in *The Two Sisters, Johnie Armstrong, Lord Randal* and most versions of *Lamkin,* the death may be viewed as the conclusion of the tale. This is equally relevant to those which contain a narrative conclusion as it is to those containing a final verse of dialogue. In the former case, the execution is presented as a re-establishment of order and justice. In the latter case, although the order has not been restored at the point where the ballad ends, the wishes or demands of the dying ('let her hang there for the poisonin' o me'[40]) foretell a time when restoration will be made: just as we may join a ballad 'in the fifth act', so we may leave before the final act. In ballads such as *Lord Randal,* we are safe in the knowledge that the murderer will die, just as we are reassured of the execution of justice in other ballads.

However, the presentation of the execution may be more than a conclusion to the tale. In versions of *The Gypsy Laddie*[41] and *Lamkin,* the executions do not provide the climax to the tale - that is provided by the lady's confrontation with her lord in the former and the lord's discovery of his blood-soaked house in the latter. Instead, the execution scenes become part of the frame for the whole ballad tale. For example, here are the opening and final verses of three versions of *The Gypsy Laddie*:

There cam singers to Earl Cassillis' gates
And oh, but they sang bonnie!

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[40] *Lord Ronald* in *Scottish Ballads,* edited by Emily Lyle (Edinburgh, 1994), pp. 257 - 258, no. 78.

[41] The following is only relevant to those versions of this ballad which contain the execution scene.

They sang sae sweet and sae complete,

Till down cam the earl's lady.

...

We are sixteen clever men

One woman was a' our mother;

We are a' to be hanged on ae day

For the stealing of a wanton lady [200C[1,14]]

Three gypsy laddies sung all in a row

And oh, but they sang bonnie O

They sang sae sweet and sae complete

That they charmed the hert o' a lady O.

...

He's sent for a hangman oot o' Fife

And anither one oot o' Kirkcaldy O,

And one by one he's laid them doon

For the stealing o' his lady O. (G-D 278K[1,11])

Three gypsies come tae oor hall door

An' O but they sang bonnie O,

They sang so sweet and too complete

That they stole the heart of our lady O.

...

For there are seven brothers of us all

We all are wondrous bonnie O,

But this very night we all shall be hanged

For the stealin' of the Earl's lady O.[42]

This is the story, in its barest bones. The main characters are all mentioned, but what is of most interest is the presentation of the gypsies. They are the linking factor in the scenes. They are the first characters mentioned in the ballad. They are active, dominating the scene with their beguiling singing. In contrast, by the last verse, although they are the last characters referred to, they have become passive victims and end the ballad hanged. Jeannie Robertson's version is particularly effective, due to the use of the verb 'to steal' in both verses.

In some versions of *Lamkin*, the framing works in a similar way. Information regarding the opening of the ballad is recalled in the last verse. For example, in [93C], the first verse reports that Lamkin is excluded from the lord's castle. The final verse, [C[24]], plays with audience expectation, for the verse begins 'He sent for Lammerlinkin / to give him his hire', which recalls the beginning of the tale, where the mason is denied payment. However, the 'hire' is measured in terms of revenge ('All the hire that he gave him / was to burn him in the fire').

If the execution concerns an 'innocent' character, the execution scene is presented over several verses.[43] In ballads such as these, the execution scene provides the climax,

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[42] *The Gypsie Laddie*, Jeannie Robertson, in *The Muckle Sangs*, edited by Hamish Henderson and Ailie Munro (London: Tangent Records, 1979), p. 4.

[43] This includes *Young Hunting* (where the lady is guilty), as the execution is extended because of the attempted execution of the lady's accomplice.

emotional and structural, to the ballad tale. One of the most dramatic of all of those considered in this study is the burning scene in *Lady Maisry*. It is the culmination of the threats, fears and reports of burning which precede the actual scene and it therefore a scene of high emotional tension. This emotional tension is further heightened by the fact that this scene provides the only point of physical contact between the lovers in the entire ballad. The enormity of the form of execution imposed on Maisry and the references to her distress and pain ('O mother, mother, quench the fire! / The smoke will smother me' [65G^3]) ensure that the meeting of the lovers in the fire does not fall into bathos. The burning scene is also the conclusion to the other strands of the tale, for it provides the unhappy ending which has been implied throughout the ballads by the use of the 'what news, what news' and the 'he looked over his left shoulder' formulas and proves that the 'O saddle me the black' formula has been used in a proper context.

In *Lady Maisry* and in the other ballads where an 'innocent' character is put to death, all aspects of justice - judicial and natural - seem to be absent: Maisry is condemned by a member or by members of her family; her lover cannot prevent her death; and the fire, unlike that in *Young Hunting*, does not function as *justicia dei* - it is simply a method of execution.

However, the lover's threats of retribution provide a balance to the cruelty of the parents or brother. There is no happiness to counter the sadness and cruelty, but the promise of revenge - a cold comfort indeed. Kindness, in the ballad world, is a futile virtue in such cases.

The entire ballad of *The Maid Freed from the Gallows* [95] is set at the execution site. Structurally, it is made up of repetitive blocks of dialogue and contains no formulas, so the outcome of the tale cannot be inferred through formulaic diction. However, once the character of the lover is introduced towards the end, a sympathetic listener should expect

a happy ending, taking into account the binary oppositional nature of a lover and a family.

Mary Hamilton also contains an extended executionscene. While the ballad contains the execution of a 'guilty' character, she is presented sympathetically and a reason for the crime is presented. However, the demeanour of the condemned character is very different to that of, say, Maisry. She admits that her execution is shameful, for she does not want her parents to know her fate, although in [I] this is to avoid future bloodshed:

> For if my father and mother got wit
>
> And my bold bretheren three,
>
> O mickle wad be the gude red blude
>
> This day wad be spilt for me! [173I[24]]

More commonly, Mary Hamilton's request that her parents should not be informed of her death can be associated with her shame. It is the form of death she is to die, rather than her crime that distresses her ('O little did my mother think ... what death I was to dee' [A[15]]),[44] just as thoughts of her brothers send her into despair:

> O what will my three brothers say,
>
> When they come hame frae see,
>
> When they see three locks o my yellow hair
>
> Hinging under a gallows-tree! [173K[9]]

[44] See also [173B[15], C[15], D[19], G[15], H[21], I[23], J[9], L[7], M[8], N[9] and R[1]].

The visual impact of this image is one of the most powerful in all these ballads I have discussed. It contains the shame of the condemned and suggests the shame of the family. The execution reference focusses on the symbol of death - the gallows. All that is left as identification is the lady's hair, a reminder of both her beauty and also the fact that the shame of the death - and of the crime - can be imposed upon the body or its component parts after the actual act of execution.

This image provides the conclusion to a cumulative climax. In the same way that Lady Maisry's burning is threatened, repeated and finally carried out, in the [K] version of *Mary Hamilton* the fact that the lady is to die is stated in every scene, but it is the final verse which brings home the tragedy of the affair.

Thus, the emotional impact of the placement of the execution in relation to the rest of a ballad tale can be put into better perspective when the ballads containing a rescue from execution are concerned.

Rescues do not occur at the very end of the tale. Instead, the rescue-from-execution verse is usually somewhere in the middle of the presentation of the story, as in *Adam Bell, Clim of the Clough and William of Cloudeslie* and others not discussed extensively in this study, such as *Kinmont Willie* [186], *Jock o the Side* [187] and the rescues in some Robin Hood ballads and also that in *Lang Johnnie More* [251]. In these ballads, the rescue-from-execution scene is a pivotal point in the tale. There may have been a gradual increase of tension previously: for example, Jock o' the Side informs his would-be rescuers 'The morn is the day that I must die' [187C[14]] and William of Cloudesly is actually in his cart with the noose around his neck. In the same way, Johnnie More of [251] is about to be hanged, for he implores his uncle to 'loose the knot, and slack the rope, / And set me frae the tree' [251[30]] and Will Stutley, in *Robin Hood rescuing Will Stutley* [141], is 'to the gallows come, / And ready to bid adiew' [141[20]], when help arrives.

Suddenly, the tone of these ballads lightens. There may be an injection of wit or audacity on the part of the rescuers or the rescued character. In *Jock o the Side,* once the rescuers have taken Jock, chains and all, out of Newcastle, they are full of quips ('Ilk ane jokes fu wantonlie' [187B[24]]) and the joviality continues, with one of the number making light of Jock's fettered condition:

> O Jock, sae winsomly's ye ride,
>
> Wi baith your feet upo ae side!
>
> Sae weel's ye're harnessed, and sae trig!
>
> In troth ye sit like ony bride!' [187B[25]]

In the [A] version, it is Hobie Noble, who 'smiled and laughed ... Iohn, thou rydes like a bride' [187A[35]]. When the party arrive home, they drink to their success, 'And if they be not given over, / They are all drinking on yet' [187C[32]]. This is in stark contrast to the urgent, tense opening of the ballad, with its report of a failed raid, a death, a capture and Jock's mother's distress.

> Now Liddesdale has ridden a raid,
>
> But I wat they had better staid at hame,
>
> For Mitchel o Winfield he is dead
>
> And my son Johnie is prisner tane. [187B[1]]

All sense of tension and menace is removed once a rescue occurs, whether it is a rescue by means of physical force or by reprieve. In the case of the reiver rescue ballads, the tale picks up pace once the rescue has been effected. Once the victim has been rescued, there are no scene shifts, such as those in *Lady Maisry,* where the action leaps between the lover's desperate ride and the lady's burning, or in *Lamkin,* where the scene

may shift between the bloodbath and the lord's sorrowful ride home. In ballads which contain no rescue, tension is maintained: the sympathetic listener may hope against hope that Lord William will save Maisry, but s/he knows it is in vain, just as s/he knows that the portents of doom the lord receives in *Lamkin* foretell the tragedy waiting him at home.

By contrast, to take *Jock o the Side* as an example of the rescue ballads once more, the scene never shifts from the rescuers back to Jock's mother, waiting, anxiously we may suppose, for the return of the rescue party. Even pursuers are only mentioned once they inhabit the same scene as the rescuers.

Both the execution scene and the rescue scene provide important foci in the ballads. However, they function in different ways. An execution either reasserts justice or provides the emotional and aesthetic climax, while a rescue relieves tension - and it should be noted that once a rescue is effected, pursuers are never successful in recapturing their erstwhile prisoner.

The characters of the ballads discussed above, as I have said, rarely behave in a manner akin to the condemned felons in the execution sheets or the purported demeanour of those characters mentioned in the chapbook accounts. What is also apparent in these ballads is that the female characters behave no differently from the males. Female characters are no less inclined to violence than the males, and they are as adept at plotting murder, illustrated by the lady in *Young Hunting* or the murderous sister in *The Two Sisters*. Yet, in the face of the apparent parity of appropriating blame or innocence between male and female, there is still a differentiation in the emotional presentation of the characters. The lady in Young Hunting and the nurse in *Lamkin* do not simply murder, they murder treacherously and brutally. The lady does not always simply stab Young Hunting, sometimes she entreats him to stay the night, then intoxicates him, before stabbing him and disposing of the corpse in a river, with the chilling words 'lie there ... Till the flesh runs off your bones' *(68B7[13])*.The lady is

defeminised by her crime, as is the nurse in *Lamkin*, who places envy above duty, allows her charge to be cruelly killed - or kills the child herself - and incites her companion to another murder. However, it is easier to view the acts of the male characters, such as Maisry's brother, as a reaffirmation of their personal honour, albeit brutal or cruel.

There are, of course, exceptions. Lamkin may have suffered at the hands of the lord at the outset of the ballad, but while personal revenge may be a virtue in the ballad-world, the murder of the lady and the baby - and the way in which the murders are presented - renders any idea of revenge impotent. Still, Lamkin is motivated by the nurse's insistence, he does not act alone.

More powerful than the negative images of the females are the dynamic roles inhabited by female characters. The lady in *Geordie* is primary to the action. She is the active force within the ballad, while her lover remains passive, waiting or, we may infer, hoping, for rescue, just as Maisry does.

In these ballads of execution, then, the roles of passive and active are not gender defined. Strong female characters, protagonists and antagonists, exist alongside males, which may hint at a 'female tradition' more successfully than some previous claims, such as David Buchan who suggested in *The Ballad and the Folk* that the lack of martial ballads in many female singers' repertoires - and, I deduce, the lack of martial bloodshed - may be an indication of a female singing tradition ('This imbalance presumably resulted from her [Mrs Brown's] sources of all being women, and therefore constitutionally more inclined to the marvellous than the martial'):[45] Mrs Brown, admittedly, provided no martial ballads, but she did know *Lamkin*, which is gorier by far than ballads such as *The Battle of Philiphaugh* [202] or *The Battle of Harlaw* [163].

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[45] David Buchan, *The Ballad and the Folk* (London: Routledge and Kegan Paul, 1972), p. 76.

The presentation of dubious justice, the dependence on the Law of Revenge, the acknowledgement that happy endings do not always happen, even when they are deserved, may seem to be a far cry from 'a beautiful romantic dream of something that never was ... a land no one can define, or remember, only desire',[46] yet the beauty is there, whether it is the material beauty of the lady's silver mantles in *Lamkin* or the physical beauty of heroines such as Maisry or the murdered sister in *The Two Sisters*, and, I would argue, the ballad world is desirable, for at least the characters strive to improve their lot, whether they be successful or unsuccessful: there is no apathy in these ballads and this may be another aspect which makes the ballad world attractive. The saddest of endings, such as the lovers' vain embrace in the flames in *Lady Maisry* and the lord's subsequent vow to wreak revenge, is preferable to an over-sentimentalising her death or a critical indifference. Ballads such as these demand emotional response and part of that response may come from the fact that we can identify with justice or injustice meted out upon an individual: all emotion is focussed on a character who does not deviate from a recognisable set of emotions, be they positive or negatively driven. Our response may also arise from the fact that even though we may consider our society more advanced, socially and culturally, than those which originated the ballads, retribution and revenge are still held to be positive forces within society, irrespective of - or because of dissatisfaction with - the law.

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[46] Bill Waters and Martin Harrison, *Edward Burne-Jones*, 2nd edition (London: Barrie & Jenkins, 1989), p. 157.

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