

THE FAMILIES OF BUTTERQUHAT

At the same time Agnes disposed the 36/- lands of Brumblebank to William and Sarah.⁶

William and Sarah must have been married about 1667, in which October he infeft her in an annual-rent of £120 furth of Butterquhat, whilst Agnes Maxwell, Lady Tinwald, infeft Sarah in another annual-rent of 180 merks furth of Brumblebank.⁷

The superior of Butterquhat was of course the Laird of Holmains who, being in financial straits owing to the adjudication of his estate by Robert Fergusson of Craigdarroch, borrowed 4,000 merks from his uncles, the above William Carruthers of Butterquhat and Major Thomas of Brigmuir and infeft them in an annual-rent of 240 merks furth of Kirkhill, Ruthweltoun and Butterquhat.⁸ In 1670 William had a dispute with the Laird of Holmains, his nephew, as to the marches of Butterquhat which was submitted to the arbitration of Roger Grierson, uncle to Lag, acting for Holmains, and George Maxwell of Munsches for William.⁹

By his wife Sarah Maxwell William Carruthers had the following issue :

- (i) John Carruthers of Butterquhat, of whom hereafter.
- (ii) James Carruthers of Over Halleaths, named as second son, was Chamberlain to the Duke of Queensberry and married on March 3, 1693, Katherine, second daughter of Rev. Andrew Hamilton, minister at Middlebie. In 1697 he had sasine from William Bell of Scotsbrig in an annual-rent of £180 from the lands of Woolcoats and Ecclefechan.¹⁰ In 1699 as James Carruthers in Butterquhat he secured his first hold on the lands of Over Halleaths, being infeft in an annual-rent of £12 Scots therefrom.¹¹ This was followed the same year by infeftment under decret of adjudication in some lands in Colvend that belonged in wadsett to James Tailfair of Haircleuch.¹² In 1700 he acquired from John Kennedy of Over Halleaths and Mary Johnstone, spouses, the 5-merk land of Over Halleaths.¹³ He could not pay for it all in cash so he infeft Alexander Thomson

⁶ Gen. Reg. Sas., Vol. xx, fo. 217.

⁷ Ibid., Vol. xviii, fos. 18 and 77.

⁸ Cal. of Holmains Writs, Nos. 106 and 107. In 1664 William had been infeft by John Carruthers of Holmains in an annual-rent of 60 merks Scots furth of Hetlandhill (Gen. Reg. Sas., Vol. viii, fo. 152).

⁹ Ibid., No. 132.

¹⁰ Dumfries Reg. Sas., 2nd Ser., Vol. v, fo. 465. On change of ownership it was confirmed by John Maxwell of Middlebie in 1711 (ibid., Vol. viii, fo. 16).

¹¹ Ibid., Vol. vi, fo. 86.

¹² Ibid., fo. 150.

¹³ Ibid., Vol. vi, fo. 226. There were two families of Kennedy, near kinsmen, of Halleaths and of Over Halleaths.

CHAPTER XIII

THE FAMILIES OF BUTTERQUHAT

THE lands of Butterquhat lying quite close to Holmains Tower were once a separate holding that gave its designation to several younger sons of Carruthers of Holmains. It is now part of the large farm of Kirkhill, and its name only survives in a piece of high heathery ground known as Butterquhat Moor.

The first mention of a cadet of Holmains in possession of Butterquhat occurs in 1558 when John Carruthers of Butterquhat is named as bailie in a precept.¹ The lands were only a 30/- land. It has not been possible to establish the identity of this John, but he was probably a son of John Carruthers of Holmains and Janet Jardine. He was succeeded by his son George Carruthers of Butterwhat who was dead by 1654, though survived by his wife Gelis Wilson.² On March 11 of that year their son George Carruthers of Butterwhat disposed his 30/- land to William Carruthers, second son of John Carruthers of Holmains, subject to the liferent to his mother. Janet Carruthers, wife of George, was a consenting party.³ To complete the new owner's title George was infeft in 1655 heir to his grandfather.⁴ This was not the first transaction between the parties, for in 1645 George of Butterquhat had infeft William Carruthers in those 30/- lands under reversion.⁵ It was a wadsett or mortgage and may have been paid back before the disposition by George to William. If not, the equity of Butterquhat was disposed in 1654 as a complement to the 1645 wadsett. William Carruthers of Butterwhat (1654) married Sarah Maxwell, daughter of Agnes Maxwell and James Maxwell of Tinwald, spouses. Agnes was heiress of the 40-merk land of Dunwoodie, which she entailed upon her son Robert Maxwell of Tinwald and his heirs, whom failing on George Maxwell, apparent of Munsches and his heirs, whom failing on John Carruthers, eldest son of William Carruthers of Butterquhat and therefore grandson of the entailer.

¹ Cal. of Holmains Writs, No. 27.

² Ibid., No. 93.

³ Ibid., No. 92.

⁴ Ibid., Nos. 93 and 94.

⁵ Dumfries Reg. Sas., Vol. v, fo. 126.

RECORDS OF THE CARRUTHERS FAMILY

in Brigmuir in an annual-rent of £100 Scots therefrom in 1701¹⁴ and granted the vendors a wadsett for 1,200 merks—the remainder of the price—upon Over Halleaths.¹⁵

James Carruthers never cleared Over Halleaths of debt. In 1703 he had to infest John Forsyth and William Johnstone, both in Carthat in the lands of Over Halleaths,¹⁶ receiving renunciation of Thomson's wadsett the following year.¹⁷ In 1708 he was the recipient of a Crown Charter of the lands of Roberthill¹⁸ and in 1711 acquired an annual-rent furth of Scotsbrig.¹⁹ This seems to have been his last deal in landed estate. He was certainly dead by 1726 when his widow and only son are mentioned.²⁰

His widow, Katherine Hamilton, survived him for over twenty years, dying in October 1747²¹ with the following issue:

- (a) William Carruthers, an only son and still a minor in 1726.²² As a youth he was apprenticed on December 2, 1724, to George Cunyngham, chirurgion apothecary and burges of Edinburgh.²³ His father had disposed his annual-rent from Scotsbridge before his death to John Carruthers of Butterquhat who by some family arrangement transferred it back to William and his widowed mother.²⁴ The qualifying period of a medical practitioner in those days was not very prolonged, so on January 10, 1729, William entered into a curious contract to take up a practice in Annandale. It was a contract²⁵ between the practitioner and his principal patients who guaranteed him a minimum income if he lived

¹⁴ Gen. Reg. Sas., Vol. lxxix, fo. 64 (May 4, 1701). It was paid off in 1703 (Dumfries Reg. Sas., 2nd Ser., Vol. vi, fo. 404).

¹⁵ Ibid., Vol. lxxxii, fo. 283.

¹⁶ Dumfries Reg. Sas., 2nd Ser., Vol. vi, fo. 390. In 1712 Forsyth and Johnstone disposed Over Halleaths to George Kennedy of Halleaths subject to all the encumbrances placed on it by James Carruthers and his liferent tack thereof to John Kennedy of Over Halleaths and Mary Johnston, spouses (ibid., Vol. viii, fo. 105).

¹⁷ Ibid., fo. 404.

¹⁸ Ibid., Vol. vii, fo. 317.

¹⁹ Ibid., Vol. viii, fo. 16.

²⁰ Ibid., Vol. x, fo. 253. He appears to have died in September 1721 (Dumfries Tests., Vol. vii).

²¹ Dumfries Testaments, Vol. xiii, fo. 172. She is described as relict of James Carruthers in Roberthill.

²² Dumfries Reg. Sas., 2nd Ser., Vol. x, fo. 253.

²³ Edinburgh Apprentice Register.

²⁴ Dumfries Reg. Sas., 2nd Ser., Vol. x, fo. 253.

²⁵ Penes R. C. Reid.

THE FAMILIES OF BUTTERQUHAT

in their district and physiced their families. The prospective patients were James Douglas of Dornock, Francis Maxwell of Tinwald, Gavin Johnstone of Elshieshields, Robert Johnstone of Wamphray, George Kennedy of Halleaths and George Maxwell of Munsches, who "having sufficient experience and assurance of the knowledge, skill and abilities of the said William Carruthers chirurgion and burges of Edinburgh," agreed to pay him a yearly pension as expressed in promissory notes lodged by them with the Stewart Clerk of Annandale (Mr. John Henderson). Drugs and medicines were to be charged by William at current prices of Edinburgh druggists. He was to live within 20 miles of Lochmaben, and was only to be absent when buying drugs at Edinburgh or Carlisle, in no circumstances longer than 3 weeks away. He was to take no other patients save the subscribers or those elected by a majority of the original subscribers, not by poll, but by the value of their annual subscriptions. Unfortunately the amount of the subscriptions is not recorded. He died in March 1735,²⁶ being then in Lockerbie and described as son of decaest James Carruthers at Roberthill. There is no mention of a wife or family.

- (b) Henrietta Carruthers, wife of Mungo Johnstone, vintner (or merchant) in Lockerbie. In 1753 she was served heir portioner to her uncle John Carruthers of Butterquhat.²⁷
- (c) Another, or other heir portioners, also daughters, must have been alive in 1753. Margaret and Anna, daughters to late James Carruthers, Stewart Depute, are mentioned with Hendretta in a bond of relief dated 1702.²⁸ One of these two daughters must have married a man named Halliday, for in 1793 David Halliday in Righheids was served heir to his granduncle John Carruthers of Butterquhat.²⁹
- (iii) Robert Carruthers, apprenticed to Robert Liddell, merchant in Edinburgh, on March 5, 1673.³⁰
- (iv) Janet, the eldest daughter, married (contract dated August 26, 1674)

²⁶ Dumfries Testaments, Vol. x, fo. 272.

²⁷ Retours.

²⁸ Reg. of Deeds (Dalrymple), Vol. xciv (January 15, 1708).

²⁹ Retours. Prior to 1730 Margaret was spouse to Archibald Robson in Roberthill and Anna spouse to William Halliday, merchant traveller in England (Sheriff Court Deeds, Bundle 1735).

³⁰ Reg. of Edinburgh Apprentices.

RECORDS OF THE CARRUTHERS FAMILY

James Scot of Johnstone, being infeft in an annual-rent of £240 Scots furth of Craikhous in the parish of Westerkirk in 1675.³¹

- (v) Helen, who was infeft under bond of provision in an annual-rent of £40 Scots furth of Milberry in parish of Kirkpatrick Fleming by her husband James Irving in Hollie in 1695.³²
- (vi) Agnes, married in 1679 James Carruthers, apparent of Nether Wormanbie.³³

John Carruthers, last Laird of Butterquhat, in 1698 was infeft heir to his father William in those 30/- lands on precept from George Carruthers of Holmains.³⁴ The same year he was infeft in the half of the annual-rent of 240 merks which had been his father's security in the loan to John Carruthers of Holmains in 1664.³⁵ On the same day (November 7, 1698) he resigned Butterquhat into the hands of his superior, George Carruthers of Holmains, and Butterquhat was thereafter swallowed up in that estate.³⁶

John Carruthers married Jean Riddell, apparently daughter of Andrew Riddell of Hayning, the spouses being infeft in 1702 by Sir James Scot of Gala in an annual-rent of £100 Scots furth of Faldounsyde.³⁷ He was a curator of Sir Alexander Jardine of Applegarth³⁸ and till 1714 held his father's wadset over Butterquhat which he that year renounced in favour of George Carruthers of Holmains.³⁹

³¹ Dumfries Reg. Sas., 2nd Ser., Vol. i, fo. 369.

³² Ibid., Vol. v, fo. 276. She is described as sister of James Carruthers in ("of" deleted) Butterquhat.

³³ Gen. Reg. Sas., April 24, 1679.

³⁴ Cal. of Holmains Writs, No. 161.

³⁵ Ibid., No. 164.

³⁶ Ibid., No. 165.

³⁷ Gen. Reg. Sas., Vol. lxxx, fo. 434.

³⁸ Dumfries Reg. Sas., 2nd Ser., Vol. v, fo. 423.

³⁹ Ibid., Vol. viii, fo. 215.

CHAPTER XIV

THE FAMILIES OF OVER DENBIE

THE modern estate of Denbie is a compact and distinct property. It was not always such. When first met with in records there were two distinct estates, Over and Nether Denbie, whose origins were totally dissimilar. Nether Denbie originally belonged to the Lindsays and was a 4-merk land and must have been derived from the Griersons of Meikle Dalton. From the Lindsays it passed to the Carruthers of Dormont, becoming the appendage of a cadet of that house.

Over Denbie belonged to Holmains. As early as 1510 John Carruthers of Holmains was infeft therein along with Little Dalton, &c., and Ecclefechan.¹ In the Crown Charter of 1542 it is described as a 3-merk land,² which was the equivalent of a 40/- land. In 1575 these 40/- lands were occupied by John Carruthers, Rolland Lyndsay, Robert Carruthers and John Carruthers.³ Three of these were tenants, but one of them, John Carruthers, had been infeft by the Laird in a 10/- land of Denbie in 1571. The other John was son and heir of the deceased William Carruthers.⁴

At some unknown date John Carruthers of Holmains, eighth Laird, infeft his brother George in this 40/- land. George was thereafter known as of Denbie or of Over Denbie. In addition to that 40/- land George also acquired by charter in 1613 from John Jardine of Applegarth another 40/- land of Over Denbie which had never been divided off from the 40/- land he held of Holmains.⁵ There can be little doubt that he got this Jardine land through the influence of his mother, Nicolas Jardine. In all he owned a £4 land of Over Denbie.⁶

In 1618 he infeft John Carruthers, younger of Rammerskales, in the

¹ Cal. of Holmains Writs, No. 2.

² Ibid., No. 16.

³ Ibid., No. 33.

⁴ Ibid., No. 30.

⁵ Ibid., No. 64, where is mentioned a decret arbitral between George and his tenants dated November 11, 1613, and other writs.

⁶ Ibid., No. 91, where he gives a tack of a "£3 land of my £4 land of Denbie-Over".