

RECORDS OF THE CARRUTHERS FAMILY

October, 1735, when his son James Carruthers in Know was infeft in an annualrent forth of the family estate.⁴ JAMES HAD A SON JOHN, BAPTISED 1714/1762 WHO ON 2 AUG 1746 MARRIED MARY CARRUTHERS (DRYFESDALE PARISH REGISTER) SHE CAME FROM ST. MUNGU AND WAS PROBABLY DAUGHTER OF WILLIAM CARRUTHERS OF BRECANSYDE AND HIS WIFE MARGARET CHALMERS JOHN C OF GUILLEBURN.

William Carruthers of Brecansyde and his wife Margaret Chalmers succeeded to an estate already encumbered with Johnstone debts and our knowledge of them is almost entirely derived from this unhappy source. In 1696 they had to infeft John Jardine, merchant traveller in England, in an annualrent of 300 merks out of part of the estate,⁵ and in 1699 they were forced to borrow 6,000 merks from his brothers James and John "now merchant travellers in England".⁶ From Mr. James Short, minister of Dryfesdale, £1,000 was borrowed.⁷ The same embarrassments continued after William's death, Mr. David Wightman, minister of Applegarth, being the lender.⁸

William Carruthers died in February, 1720,⁹ but was survived by his wife Margaret till January, 1749,¹⁰ by whom he had—

- (i) Andrew Carruthers, was served heir to his uncle James in 1743 and died before his mother without issue.
- (ii) John Carruthers of Brecansyde, Shipmaster in London, usually designated Captain John, was served heir to his mother in 1756, and owing to the accumulated encumbrances assigned the estates in 1769 to the same George Muir, W.S., who had been instrumental in the sale of Rammarskales a few years before.¹¹
- (iii) Francis Carruthers in Brecansyde, died in February, 1737, without surviving issue.¹²
- (iv) James Carruthers, described as fourth son, died abroad in August 1732.¹³
- (v) A daughter unascertained.
- (vi) Jean Carruthers, second daughter, spouse to James Wilson, doctor of the Grammar School at Moffat. She died prior to July 12, 1738.¹⁴

⁴ Brecansyde Inventory.

⁵ Dumfries Reg. Sas., 2nd Ser., Vol. v, fo. 365. His nephew John Dobie, merchant in Newport Pagnell, was infeft in the annualrent in 1727 (*Ibid.*, Vol. x, fo. 288).

⁶ *Ibid.*, Vol. vi, fo. 164.

⁷ *Ibid.*, Vol. ix, fo. 106.

⁸ *Ibid.*, Vol. x, fo. 151.

⁹ Dumfries Testaments, Vol. 7, fo. 101.

¹⁰ Brecansyde Inventory.

¹¹ *Ibid.*

¹² Dumfries Testaments, Vol. 14, fo. 247; but John was served heir to Francis on July 28, 1736, and the Retour states that Francis died in September 1734.

¹³ Edinburgh Testaments, Vol. 98.

¹⁴ Dumfries Testaments, Vol. 10.

CHAPTER V

HOLMAINS

NO direct light can be shed on the origin of the Holmains branch of the Carruthers family. The undoubted progenitor was Roger de Carutheris who in 1375 received from George of Dunbar, Earl of March, the then Lord of Annandale, a £4 land in the vill of Little Dalton, 8 merks of land in Holmains and a 40/- land in Fourteenaikerbank.¹ There are no means of knowing who Roger was, though this branch of the family is generally assumed to be descended from Mouswald. It seems probable, however, that Roger was a son of John de Carrutheris who in 1361 was granted by King David, as Lord of Annandale, a half of the lands (unnamed, but probably Raffols) that had formerly belonged to John of Raffols within the tenement of Mouswald, amounting to 50/- sterling,² for in the next charter reference (1425) to a Carruthers in Holmains that occurs, this half of Raffols there belonged to the owner of Holmains. The John Carruthers of 1361 must therefore have been either father to Roger or an uncle who died without issue.³

These lands in Little Dalton, Holmains and Fourteenaikerbank first acquired in 1375 by Roger de Carruthers were the kernel of what was to extend in time into the substantial barony of Holmains and were to remain in the hands of the family till the break up and sale of their patrimonial estate. The lands had previously belonged to Sir Robert Lawder of Urqu-

¹ Hist. MSS. Comm., 6th Rept., Appx., p. 710.

² Hist. MSS. Comm., 6th Rept., Appx., p. 709. This may be the same John Carruthers who was granted a wadset over the 2½-merk land called Glengepp and Gerardgille within the tenement of Wamphray on April 22, 1372, by Duncan of Kirkpatrick (*Hist. MSS. Comm.*, 15th Rept., Appx. viii, p. 51). Even if there be no justification it would be pleasant to identify him with the King's Chancellor of Annandale.

³ He cannot be identified with John Carruthers of Mouswald who did not own Raffols, though his son Archibald in 1484 was infeft in the 20/- land of *Raffulgill* resigned by Herbert Grymme (Drumlanrig MSS., p. 59). The ownership of the other half of Raffols has not been elucidated. John of Raffols had forfeited his half.

hart and, along with a 40/- land in Little Dalton, the property of Hugo the Larde (Laird), also included in the 1375 grant, had been forfeited by the previous owners. The grant also included the patronage of Little Dalton Church.⁴ Roger was thus firmly established, but this is all that is known of him. He must have been dead by 1425/6 when John de Carruthers was in possession of these lands and many others, all of which are included in another Douglas grant to him of that date. How they were acquired, by marriage or in return for services, is not known, but they were widely scattered and substantial. They consisted of the £10 lands of Ecclefechan—which may denote a Carlyle marriage, as the Lords Carlyle were the superiors—Plewlands, Copwood, half of Bengalhill, Auldtoun (in Moffat), 2 merks of lands in Crefe (Tundergarth), 1 merk in Glaisters, Newlands, 2 husbandlands and a saltcoat in Ruthwell, half of the vill of Perisbie (Tundergarth) and others.⁵ Beyond this further extension of property little is known about John de Carruthers. To his wife there is no reference. He served on a jury that retoured George of Moffat as heir to his grandfather, Thomas Moffat, in 1457.⁶ He was dead by 1471 when his son was infeft as his heir in the lands of Blawat which were perambulated in his favour in 1476.⁷ Blawat was held of the Lords Crichton who were superiors of Dryfesdale and Carruthers, and after being again perambulated in favour of Holmains in 1504 was included, as a £10 land, with other Dryfesdale lands in a precept dated January 11, 1531, in favour of the great-grandson of this Laird.⁸

It must be obvious that John Carruthers, the second Laird, must have been a very old man if he lived to 1471, for his grandson was placed in possession of the fee of the estate only five years later. The aged Laird had a daughter Elizabeth, married c. 1449 to Gilbert Corry of Torduff and Dailbank.⁹

John Carruthers, the third Laird of Holmains, only figures once in record with certainty. In 1476 he resigned into the hands of Alexander,

⁴ Hist. MSS. Comm., 6th Rept., Appx., p. 710. Sir Robert Lauder was Justiciary North of the Forth, and in 1363 received confirmation of a pension of £20 from the fines levied (Reg. Mag. Sig., 1306-1424, No. 163).

⁵ Ibid., 6th Rept., Appx., p. 711.

⁶ Ibid., 15th Rept., Appx. ix, p. 11.

⁷ Holmains Inventory. The writs are missing. The later history of Blawat is unknown, save that John Carruthers of Holmains was infeft on June 4, 1490, on precept from the Earl of Bothwell, who had succeeded the Crichtons in the superiority.

⁸ Holmains Inventory.

⁹ Hist. MSS. Comm., 15th Rept., Appx. viii, p. 43, and Reg. Mag. Sig., 1424-1513, No. 319.

Duke of Albany and Lord of Annandale, his lands of Holmains, Little Dalton and Fourteenacres in favour of his son, John Carruthers, reserving liferent to the resigner and terce for his widow.¹⁰ His wife, then alive, is not named, nor is it known when the third Laird died. In addition to John, his heir, the third Laird may have had another son, Thomas Carruthers, who for his services at the battle of Arkinholme was granted the lands of Corry, forfeited from George Corry for implication in the Albany-Douglas invasion.¹¹

John Carruthers, the fourth Laird of Holmains, became fiar of Holmains in 1476, as narrated above. In 1492 he added yet a further holding in the Barony of Dryfesdale to the Holmains estate. Blawat had been granted him in 1471 by William, Lord Crichton; John's sister had married a feudal vassal of the same Lord. The reason for these special favours shown to Carruthers may perhaps be sought in some unrecorded marriage with a daughter of the house of Crichton. The new acquisition consisted of the lands of Daltonheuk, Blaeberrieward and Isle in the Water of Annan. As early as the year 1410 these lands belonged to Sir John Crichton of that ilk whose father had acquired the Barony of Dryfesdale prior to 1361.¹² On May 20, 1410, Sir John Crichton gave a charter of "the lands of Daltonheuk and of the Isle lying within the water of Annan, commonly called Blaeberrieward, within the tenement of Drysdale with common pasturage in Bengal and Turnmure" to his brother, Thomas Crichton of Brunston.¹³ In 1470 John Crichton, "lawful and natural son" of John Crichton of Brunston, was infeft therein, the baillie being John Carruthers of Holmains.¹⁴ In February, 1483/4 William Lord Crichton the Superior was forfeited, and in October, 1488, the Barony of Dryfesdale was granted by the Crown to Patrick Hepburn, Earl of Bothwell, as superior thereof.¹⁵ Into the hands of this new superior John Crichton of Daltonheuk resigned these lands in favour of John Carruthers of Holmains who, on January 30, 1492, obtained a charter from the superior.¹⁶ Seven years later Carruthers

¹⁰ Hist. MSS. Comm., 6th Rept., Appx., p. 711.

¹¹ Reg. Mag. Sig., 1424-1513, No. 1590. Nisbet's Heraldry, Vol. i, p. 170, boldly asserts without a vestige of proof that he was "Thomas Carruthers of Howmains".

¹² Scots Peerage, Vol. iii, p. 56. Probably by marriage from the Boyis family, Lords of Dryfesdale, i.e. de Bosco, whose arms were by 1449 incorporated in the Crichton Shield.

¹³ Holmains Inventory.

¹⁴ Cal. of Holmains Writs, No. 1.

¹⁵ Reg. Mag. Sig. 1424-1513, No. 1784. Perhaps it was in view of this impending change of superiors that "John Crichton son of the Laird of Brunston" obtained another sasine on July 7, 1487 (Holmains Inventory).

¹⁶ Holmains Inventory.

took instruments at a Court held by the Earl at Drysdale Dyke concerning his rights to the fishings in the Annan.¹⁷

A word of warning might well be inserted here. In all there were over ten Lairds of Holmains bearing the Christian name of John. The later ones can easily be distinguished from each other, but the first three present many difficulties. In the enumeration followed in this account of the family there is a strict adherence to the few available historical data. Roger the first Laird, has charter authority in 1375, John, the second Laird (presumably his son), in 1425/6, and John, the third Laird, in 1471 when he was served heir, but it is quite possible that the John Carruthers to whom he was served heir was not the second Laird, but a third Laird of whom we have no record. In any other family it would be safe to assume that there was a generation missing, but no such assumption can be made in the case of Holmains which was noted for its longevity, one member of its Dormont cadet being a centenarian. The only safe course to adopt is to adhere strictly to the known facts until clear evidence to the contrary is forthcoming from other sources. Several other references occur that apply either to the third or fourth Laird of Holmains. In 1471 John Carruthers of Holmains was engaged in litigation with Esplane Craufurd,¹⁸ and in 1479 was in dispute with John Glencors of that Ilk concerning a tak of the lands of Stronschelauch.¹⁹ In 1470 he acted as baillie for John Crichton of Burnstoun, infesting Crichton's natural son in the lands of Daltonheuk and Blaberywerd.²⁰ But by 1485 when John Carruthers of Holmains witnessed several documents²¹ it may be safely assumed that he was the fourth Laird. In 1493 he had some oxen stolen from him by Gilbert Wilson in Glenken,²² and in 1500 was ordered to enter ward within eight days in the castle of Dumbarton along with the Lairds of "Dunwedy" and "Cokpule" whilst other Dumfriesshire Lairds were sent to Kildrummie, Blackness and Edinburgh Castles.²³ The nature of his offence is not stated. In 1502 he was fined 550 merks in the Court of the Steward of Annandale and as he did not, or could not, pay some of his lands were appraised from

¹⁷ Holmains Inventory. All these missing charters, which might throw considerable light on the obscurities of the early generations of Holmains, were produced in an action before the Sheriff of Dumfries on December 13, 1750.

¹⁸ Acta Auditorum, p. 13.

¹⁹ Ibid., p. 80.

²⁰ Cal. of Holmains Writs, No. 1.

²¹ Hist. MSS. Comm., 15th Rept., Appx. viii, p. 59, and Appx. ix, p. 13; and Book of Carlaverock, p. 442.

²² Reg. Sec. Sig., Vol. i, No. 27.

²³ Acta Dominorum, Vol. ii, p. 453. That same year he figured as tutor to Robert Boile, son and heir to deceased John Boile of Ardach. (Ibid., Vol. ii, p. 463.)

him to the Crown. That action had the desired effect and in 1506/7 he made part payment to the Treasurer of the sum of £26 13s. 4d.,²⁴ whereat in February 1507, he received a charter on Crown precept of re-entry of his lands.²⁵ Sasine was not taken till October 12, 1510.²⁶ The full explanation of this obscure transaction comes to light in a document of date March 20, 1538/9, which shows that Carruthers had become surety for the appearance of Roger Carruthers of Warmanbie, William Graham in Moskeswray, Thomas Bell of Kirkconnel, Richard Latimer in Ecclefechan, and others at the Justice Ayre of Dumfries. They failed to put in an appearance so Carruthers was amerced in the fine of 550 merks. Carruthers, to recoup himself, appraised sufficient lands from all of them to meet the fine, but was never infeft in the appraised lands, an omission that was to give trouble to his successor. Instead he assigned some of the lands to the Crown, thereby completing payment of the fine²⁷ and the Crown under a Signet Letter dated November 10, 1515, gave them to Sir Alexander Jardine of Applegarth till such time as they were redeemed by their owners.²⁸

The later years of this Laird's life were occupied by a recrudescence of Border warfare, in which he took an active part. He was one of a strong party of Scottish horse, 400 in all, who burnt the village of Arthuret in 1515 according to a complaint by Lord Dacre,²⁹ and two years later participated in the well-known raid that lifted 700 English cattle from the Debatable Lands, an episode that kept busy the Chancelleries of the respective Governments for quite a number of years.³⁰

At some date prior to May 1523, John Carruthers, the fourth Laird, must have died. His eldest son, John, was alive in 1512,³¹ but must have predeceased him, for on May 21, 1523, his grandson, John Carruthers,³² was infeft as his heir in Holmains and other lands, and on the following day, in a 2½-merk land in Ruthwell. The date of the fourth Laird's death and his wife's name are alike unknown.

In addition to his eldest son John, who predeceased him, he had another

²⁴ Accounts of the Lord High Treasurer of Scotland, Vol. iii, p. 244.

²⁵ Hist. MSS. Comm., 6th Rept., Appx., p. 712, and Reg. Mag. Sig. 1424-1513, No. 3192.

²⁶ Cal. of Holmains Writs, No. 2.

²⁷ Ibid., No. 8.

²⁸ Reg. Sec. Sig., Vol. i, No. 2660.

²⁹ Historical Families of Dumfriesshire and the Border Wars, p. 81.

³⁰ Hist. Mon. (Scot.) Comm., Dumfriesshire, p. xxxiv.

³¹ Hist. MSS. Comm., 15th Rept., Appx. viii, p. 60. He was actually alive in February 1516 (Castlemaddy Charters, No. 2).

³² Ibid., 6th Rept., Appx., p. 712; see also Cal. of Holmains Writs, No. 4.

son, James, who entered the Church and prior to 1515 became rector of Wamphray, being infeft by his father in May 1518, in the liferent of the 5-merk land of Auldtoun, a $\frac{1}{2}$ -merk land in Moffat and the Mote thereof.³³ The name of Schir James Carruthers constantly occurs in documents of the period as a notary and cleric. He probably resigned his life interest in the Moffat lands which are stated to have been gifted in 1546 to the Johnstones of Wamphray,³⁴ perhaps as a marriage portion, contenting himself with the church lands of Moffat. Even in that possession he was not to remain unmolested.³⁵ At the Reformation he adhered to the Old Faith and suffered in consequence. Aged and broken and fallen on evil days, he died in 1563. His effects were publicly roused in Dumfries, perhaps owing to dispute amongst his heirs. His whole effects consisted of:

“ Feddir bed wt bowster and cod and coüering, arress werk, 1 pair of sheits, £5 5/-. Pair of quhite hose, 5/8; Blak coit, 10/-; a chandler, 4/-; twa cushions, 20/-; a kist, 30/-.

Officer and clerk 8/-; Restis £8 11/-; £4 13/- for debtis; Thomas Turner for hors hire auld debt 5/-; a gray gown sold to him by William Maxwell of Ile comprised at 50/-; Reid braid kirtill laid into waa be umquhile Sir James Carrutheris comprised at 53/- twa pennies less.”³⁶

In June 1525 John Carruthers, the fifth Laird, resigned some of his lands, clearly by way of jointure and obtained a new Crown Charter in favour of himself and his wife conjointly.³⁷ The lady, whom he must have married some years prior to this date, was Blanch, daughter of Sir John Murray of Cockpool, but little else is known of her.³⁸ In 1532 he made an addition to the family estate, purchasing from Richard Carsop of Birkmyre, his cousin (consanguinus), the 5-merk land of Birkmyre in the town of Cummertrees.³⁹

In 1532 he took steps to rectify an omission in his titles and was infeft

³³ Castlemaddy Charters, Nos. 1 and 2.

³⁴ Douglas Baronage of Scotland, p. 232.

³⁵ Dumfriesshire and Galloway Nat. Hist. and Ant. Soc., Proceedings, 1923-4, p. 170.

³⁶ Dumfries Burgh Court Book, April 28, 1563, and August 14, 1562. These references are kindly supplied by Mr. G. W. Shirley, Ewart Libraries, Dumfries.

³⁷ Reg. Mag. Sig. 1513-46, No. 320.

³⁸ Scots Peerage, Vol. i, p. 222.

³⁹ Reg. Mag. Sig. 1513-46, No. 1198. The precept was dated August 28, 1527, but sasine waited on the Crown Charter (Cal. of Holmains Writs, No. 7). Richard Carsop had been infeft heir to his father, John Carsop, in 1519 in Birkmyre and also in the 5-merk land of Creif, Glaisters and Persbiehall (Holmains Writs, No. 3).

heir to his grandfather in the lands of Daltonheuk, Blaberryward, called Bengalhill and the Isle in the Water of Annan together with the £10 land of Blawat on precept from the Earl of Bothwell.⁴⁰

Early in 1539 the Laird was called on to deal with a problem that had been ignored by his grandfather.⁴¹ It has been recounted how, to recoup himself for a Royal fine in 1502, his grandfather had apprised the lands of the defaulters for whom he had been surety, assigning some of the lands to the Crown, but refraining from being infeft in the rest. His grandson tried to repair the omission, but the Clerk of the Signet declined to issue the brief on the ground that the defaulters were all dead, so the grandson had to obtain a decret of the Lords of Council for infeftment. In this way the lands of at least four of the defaulters came into the hands of Holmains, until such time as they were redeemed—some were never redeemed. These lands were 3 merks of the lands of Thornick and a 10/- land of Murthwate belonging to Robert Graham and a 10/- land of Hennel-land belonging to Thomas Moffat of which Holmains obtained a Crown Charter on March 20, 1538/9;⁴² a 2-merk land of Ecclefechan belonging to Richard Latimer,⁴³ and a 20/- land of Pennersax, belonging to David Bell.⁴⁴

Though he had been infeft in 1523 it was not until 1541 that he completed his feudal dues when £20 was paid to the Treasurer for the ward, relief, &c., of his lands granted to John Carruthers of Holmains.⁴⁵

The fifth Laird inherited a goodly estate and was able to put one hundred armed followers in the field whereas both Wamphray and Mouswald could only muster eighty.⁴⁶ Both Mouswald and Wamphray were baronies, and Holmains may well have desired a similar status. Accordingly, in 1542, he obtained a new Crown Charter that recited at length all his lands and erected them on his resignation into the Barony of Holmains, in favour of himself and his heirs male in tail.⁴⁷ The Charter gives the names of no less than seven of his sons. Amongst the lands recited in this charter

⁴⁰ Holmains Inventory.

⁴¹ There can be no doubt that John Carruthers, fifth Laird, was grandson of the fourth Laird, as these proceedings clearly indicate; yet the Protocol Book of Marc Carruthers records on January 31, 1531, the sasine of John Carruthers of Holmains, son and heir of the late John Carruthers of Holmains, in some tenements in Lochmaben.

⁴² Cal. of Holmains Writs, No. 8.

⁴³ Ibid., No. 10. Held of Michael, Lord Carlyle as superior.

⁴⁴ Ibid., No. 11. Held of Simon Carruthers of Mouswald as superior.

⁴⁵ Accounts of the Lord High Treasurer of Scotland, Vol. vii, p. 372.

⁴⁶ Hist. MSS. Comm., 15th Rept., Appx. viii, p. 66.

⁴⁷ Cal. of Holmains Writs, No. 15, and Reg. Mag. Sig. 1513-46, No. 2633.

are the 40/- lands of Rammerscales and Greenlands. This charter illustrates the dangers to which all early titles are liable, namely, misdescription of the lands conveyed, for it can be demonstrated that Greenlands did not at that date belong to Carruthers, and that Rammerscales instead of being a 40/- land was a 5-merk land. Rammerscales, Greenlands and Harthwat were all granted in 1419 by Archibald, Earl of Douglas, to Michael Ramsay of Sipland, a property on the outskirts of Kirkcudbright.⁴⁸ His descendant John Ramsay, on December 16, 1541, sold the 5-merk lands of Rammerscales to John Carruthers, retaining Greenlands and Harthwat.⁴⁹ In 1546, four years after the creation of the Barony of Holmains, John Ramsay gave a thirty-eight year tack of the 2-merk lands of Greenlands to Carruthers.⁵⁰ In November of that same year Ramsay granted to Carruthers the 7-merk lands of Harthwat, Boddome and Pottisaker.⁵¹ All these lands were held by Carruthers from Ramsay whose immediate superior was the Crown, and it was not till 1562 that William Ramsay resigned the superiority which was granted to John Carruthers, grandson of the Laird of Holmains. The grant included Rammerscales and amounted to a 10-merk land.⁵²

In 1542 occurred the disastrous rout of Solway Moss. It is difficult to believe that Holmains was not in that fight at which his eldest son may well have perished, for many of the local Lairds fell or were taken prisoner that day.

Two years later he is referred to as in residence at Holmains. The English were carrying on a series of raids on a practically defenceless Border. They had things all their own way for the most part, but every now and then the defenceless Scot hit back hard. It was a curious position, for the two countries were not at war and the respective Wardens were in regular official correspondence. Nevertheless, a state of active warfare prevailed. John Musgrave of Bewcastle had been stationed in that Castle with an armed force, "the nearest strength to Scotland".⁵³ He had indeed only just been appointed Constable.⁵⁴ He had probably entered Scotland on a light-hearted raid which misfired, for he was taken prisoner by a band of Irvings and Bells. The actual captor was David Irving of Trailtrow,

⁴⁸ Reg. Mag. Sig. 1424-1513, No. 71.

⁴⁹ Cal. of Holmains Writs, No. 13.

⁵⁰ Ibid., No. 18.

⁵¹ Ibid., Nos. 19 and 20.

⁵² Ibid., Nos. 28 and 29. William Ramsay was infert heir to his father John in the 13-merk lands of Rammerscales, Harthwat and Greenlands on May 15, 1553. His father had been dead for 5½ years (ibid., No. 25).

⁵³ Cal. of Border Papers, 1595-1603, p. 572.

⁵⁴ Cal. of State Papers, Henry viii, Vol. xix, Part 2, p. 418.

servant of Holmains, in company of Robert Irving, brother of Jenkyn and William Bell. David Irving at once brought him back in triumph to Holmains. The Constable of Bewcastle was an important person and at once the machinery of diplomacy was set in motion. On May 28, 1544, Lord Wharton, the English Warden, wrote to Robert Maxwell, eldest son of the fifth Lord Maxwell and then Scottish Warden, to arrange for Musgrave's release. Maxwell as Warden was Keeper of Lochmaben Castle and at once made enquiries. He found Musgrave at Holmains and removed him to Lochmaben where he was allowed some freedom. Maxwell promised to send him to Carlisle, but seems to have procrastinated.⁵⁵ Perhaps the ransom offered was insufficient. David Irving must have received a windfall.

For many a long year after Solway Moss there was chaos on the Border. Most men made haste to make their peace with England and only Drumlanrig remained staunch. Most of the surviving Scots changed sides with a remarkable facility as opportunity offered. John Carruthers of Holmains seems to have held out until the battle of Pinkie must have extinguished all further hope. The renegade Lennox and his ally Wharton, the English Warden, captured Annan (September 1547), whereat "the country . . . was stricken in such fear that the next day all the Kilpatrickes, and the Jardines, the Lairds of Kirkmichael, Aplegirth, Closeburn, Howmendes (and) Nuby . . . came and received an oath of obeisance as subjects to the King of England".⁵⁶ For this he was declared a traitor by Parliament the following year,⁵⁷ but such were the kaleidoscopic conditions that by 1553 Holmains was completely restored to favour and figured as Steward Depute of Annandale for Sir John Maxwell of Terregles.⁵⁸ Two years later he had his lands burnt by the Grahams of Esk, "the pure inhabitantis of the toun of Annand" also suffering at their hands.⁵⁹ In 1563 a feud broke out between the Carruthers and the Kirkpatrickes of Closeburn. The circumstances in which it arose are not recorded, but a fight ensued in which Roger Kirkpatrick of Closeburn was wounded and several of his relatives and retainers slain. For this Holmains and his followers were summoned to appear before the Justice Ayre, Sir James Hamilton of Crawfordjohn being surety for the execution and indorsation of the Letters. The surety, however, failed to execute, not of malice prepense, but deliberately on

⁵⁵ Hamilton Papers, Vol. ii, p. 727.

⁵⁶ Historical Families of Dumfriesshire and the Border Wars, p. 95 (quoting Holinshed).

⁵⁷ Acts Parl., Vol. ii, p. 481.

⁵⁸ Cal. of Holmains Writs, No. 25.

⁵⁹ Reg. Priv. Conc., Vol. xiv, p. 156.

the advice of Sir John Maxwell of Terregles, the Warden, in the hope of coming to an agreement betwixt the parties. The Justice Ayre, however, amerced the surety in 1,000 merks for his failure whereat Closeburn, who had amicably settled his differences with Holmains, successfully petitioned the Crown to discharge the surety and not enforce the penalty.⁶⁰ Manslaughter was not considered a very serious offence in those days and amicable settlement could readily be secured by a cash compensation of which in this case no record survives.

It was in the lifetime of this fifth Laird that for the first time reference occurs to the lands of Mekill Daltoun. Little Daltoun had been Holmains property since the earliest of that Carruthers branch. Mekill Daltoun,⁶¹ however, had been Grierson property since 1409/12 when it was granted to Gilbert Grierson by Archibald, Earl of Douglas.⁶² In 1552 Gilbert Grierson of Dalton granted the £20 land of Meikill Dalton to John Lindsay of Barclay. The grant included Kirkwood and Dormont and the advocacy of Mekill Dalton Kirk, and it was subject to a wadset dated October 2, 1544, in favour of John Carruthers of Holmains.⁶³ Pending redemption Holmains was in possession, for the Griersons were resident at Castlemaddy in Carsphairn, and the Lindsays were well-to-do burgesses of Edinburgh. The Lindsays attempted to oust the Carruthers, who at once appealed to the Privy Council, claiming to have been "kindly tenants" of Meikle Dalton past memory of man, and to have held a tack of that kirk for forty years.

⁶⁰ Pitcairn's Criminal Trials, Vol. i, pp. 430/1*, and Reg. Priv. Conc., Vol. i, p. 307.

⁶¹ Considerable obscurity envelops the early history of Meikle Dalton. It was, of course, included in the first grant of Annandale to Brus circa, 1124. He divided Annandale into knights' fees for his followers. The first-known feudal vassal was Adam de Gessemūth, who flourished 1240-70, though no one of that name is recorded earlier in Annandale; he certainly held the fee of Magna Dalton and the right of presentation to the Church. In July, 1270, he set out with Prince Edward, Sir Eustace de Baliol and eighty others on a Crusade to the Holy Land and seems to have died there. He married Christina, daughter of Odard de Hodelm (Hoddam), relict of Thomas de Lascells who, after his death, married Robert de Brus the Competitor as his second wife. In 1296 she came to an arrangement with her stepson as to her dowry from Dalton and elsewhere. She surrendered her rents from Annan and Lochmaben in return for the villis of Rainpatrick and Gretna, reserved her dower from Dalton, but gave up the right of presentation to Dalton (Bain, Vol. ii, p. 826). Adam de Gessemūth also had land in Northumberland with a fortified house at Heton (Ibid., Vol. i, p. 2463). The earliest reference to the church is c. 1215/45, when is mentioned Master Adam, rector of the Church of Magna Daltun (Ibid., Vol. i, p. 1680).

⁶² Hist. MSS. Comm., 6th Rept., Appx., p. 710.

⁶³ Cal. of Holmains Writs, Nos. 22, 23 and 24. There had been a previous disposition by Grierson to Lindsay dated August 8, 1515, the details of which are not known (Holmains Inventory).

Holmains, who was represented by his son George, pleaded that if they were evicted the tenure of all kindly tenants on the Border would be imperilled, which would be contrary to public policy. With picturesque licence it was stated that Dalton was within 6 miles of England, and that Carruthers was subject to continual military service and liable to maintain horses and warlike gear for the defence of the realm, a heavy obligation not imposed on those farther inland. It was further declared that within the last few years Holmains had lost a son and no less than twenty-eight friends and relatives in defence of the realm. The Privy Council decided to set up a "Court of Kyndnes" to investigate the claim of Holmains, and if it were well founded he was to be allowed to continue his possession.⁶⁴

It is evident that Holmains substantiated his claim and in 1605 the Lindsays were quite willing to sell their interest to Holmains for 2,400 merks.⁶⁵ In this manner a substantial area of land, approximately the bulk of the now extinct parish of Mekill Dalton, was added to the Holmains Estate.

John Carruthers of Holmains was now well on in years, and his position was such that in 1567 he was summoned to Edinburgh with other leading Border Lairds to advise the Regent anent "the establissing of universall justice and quietness within the boundis of the said West Marche."⁶⁶ He was still not too old, however, to participate in a fight and was in the affray at Cockpool with Scrope's raiders in 1570.⁶⁷ The same year he signed the Band of Dumfries promising allegiance to James VI.⁶⁸ He died on August 19, 1580, at a great age, for he must have been born in the latter part of the Fifteenth Century. His testament directed that he be buried at Little Dalton Kirk.⁶⁹ The aged Laird was twice married. By his first wife, Blanche Murray, he had seven sons and perhaps some daughters. The name of his second wife, Janet Jardine, is only preserved in his Testament as she was one of his executors, but a document amongst the Holmains Charters indicates who she was. She may be identified with Janet Jardine, relict of Cuthbert Murray of Cockpool, his own brother-in-law.⁷⁰ Cuthbert died in January, 1541, and in the following June, Janet Jardine called on

⁶⁴ Reg. Priv. Conc., Vol. i, p. 432, and Clan Lindsay Society, Vol. ii, p. 192.

⁶⁵ Cal. of Holmains Writs, Nos. 47 and 48. It was not until as late as 1616 that the transfer took place (Ibid., No. 60), whilst the legal completion was not effected until as late as 1667 when the superiority was acquired from the Lindsay family (Ibid., No. 119).

⁶⁶ Reg. Priv. Conc., Vol. i, p. 570.

⁶⁷ Scots Peerage, Vol. i, p. 224.

⁶⁸ Reg. Priv. Conc., Vol. xiv, p. 66.

⁶⁹ Edinburgh Commissariat Testaments, Vol. viii. Confirmed January 16, 1580/1.

⁷⁰ Scots Peerage, Vol. i, p. 223.

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the sheriff to divide as between herself and her young son, Charles Murray, her late husband's lands so as to ascertain her lesser (secunda) terce of those lands. This document, reposing amongst the Holmains Charters, clearly establishes her identity.⁷¹ The following issue by his two wives is recorded :

- (i) John Carruthers, who did not succeed his father, being dead by 1558⁷² without issue.
- (ii) George Carruthers of Holmains of whom hereafter.
- (iii) William, who witnesses several Holmains deeds. In 1552 he received from his father a charter of Corsopeland and was the progenitor of Dormont, q.v.
- (iv) Archibald.
- (v) Patrick.
- (vi) Robert.
- (vii) Simon.

All the above sons are mentioned in the entail of the Charter of 1542.

- (viii) John, mentioned in his father's Testament, perhaps a son of Janet Jardine. In 1568 he was presented by his father to the parsonage of Little Dalton.⁷³
- (ix) John, a natural son, to whom he left in his Testament the crop and dewties of Over Dormont. He may, however, be identical with No. 8. In 1581 he was associated with David, Earl of Crawford, and others in setting fire to the House of Ruthven, and releasing Adam Creichton, who had been incarcerated there.⁷⁴
- (x) Marion, married to John Johnstone of Newbie, who died February 10, 1577, leaving Marion as tutrix to his grandson, John Johnston, described as "oy and apparent heir to the Laird of Holmendis".⁷⁵
- (xi) A daughter, married to Robert Graham of the Fald.⁷⁶
- (xii) Margaret Carruthers, Lady Morequhat, who as a legatee may also have been a daughter.

⁷¹ Cal. of Holmains Writs, No. 12.

⁷² *Ibid.*, No. 26.

⁷³ Herbert Anderson's Protocol Book, Vol. ii, p. 81.

⁷⁴ Reg. Priv. Conc., Vol. iii, p. 573.

⁷⁵ Edinburgh Commissariat Testaments, March 18, 1578.

⁷⁶ Cal. of Border Papers, Vol. i, p. 126. If this is correct, Robert Graham must have been son of George Graham of the Fald and grandson of "Long Will" (Scots Peerage, Vol. viii, p. 98). Robert (or perhaps a son of that name) must have married secondly Lucrece, natural daughter of John, fifth Lord Fleming, in 1593 (*ibid.*, Vol. viii, p. 545).

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- (xiii) An unnamed daughter is stated, without any evidence though in all probability, to have married Gilbert Johnstone of Wamphray.⁷⁷
- (xiv) Mariota Carruthers, wife of Gilbert McClellane of Barmagachane, may have been another daughter. In 1546 John Carruthers of Holmains acted as cautioner for her.⁷⁸

George Carruthers of Holmains on succeeding his father took no steps to be served heir. He does not figure much in record. Along with Edward Maxwell of the Isle he was put to the horn in 1585 for not appearing before the Privy Council and undertaking to underlie the Law.⁷⁹ This may have been in relation to Lord Maxwell's forcible deposition of the favourite Arran with a strong force from the Borders, including a troop of cavalry furnished by George Carruthers and his son Charles.⁸⁰ So close was the connection between the Earl and the Laird of Holmains that George is described as Captain of Threave Castle,⁸¹ and elsewhere his son Charles figures as a Cornet in that mounted garrison.⁸² All through the feud between the Maxwells and the Johnstones the Holmains family played a considerable part in support of the Maxwells, though there is no evidence that they fought at Dryfesands. For their support of Maxwell in 1585 they obtained a remission by Act of Parliament under what was known as the Pacification of Perth,⁸³ and when Lord Maxwell and Sir James Johnstone of that Ilk entered a mutual bond of amity, George Carruthers of Holmains was one of the attesting witnesses.⁸⁴ In 1585 he evicted the aged Provost of Lincluden from his steading of Ernesbie and not appearing to answer the charge was denounced rebel.⁸⁵ In 1590 he figures in a Roll of Landit Men and was ordered to find sureties for all lawlessness done by those members of the family for whom he was responsible.⁸⁶

By April 1591, he must have been failing and made provision for his family, "being now aged and myndfull and parposit, God willing, to provide my bairnis and ilk ane of thame till a resonabill lyiff".⁸⁷ So to one of his

⁷⁷ Douglas Baronage of Scotland, p. 232.

⁷⁸ Herbert Anderson's Protocol Book, Vol. i, p. 45.

⁷⁹ Reg. Priv. Conc., Vol. iii, p. 735.

⁸⁰ Hist. Fam. of Dumfriesshire and the Border Wars, p. 118.

⁸¹ Annandale Book, Vol. i, p. xcvi.

⁸² Acts Parl., Vol. iii, p. 395.

⁸³ *Ibid.*, Vol. iii, pp. 408-9.

⁸⁴ Hist. MSS. Comm., 15th Rept., Appx. ix, p. 33, and Annandale Book, Vol. i, p. 59.

⁸⁵ Reg. Priv. Conc., Vol. iv, p. 101.

⁸⁶ *Ibid.*, pp. 781-2-6 and 789-90. The other members of his family who also had to find caution were John Carruthers of Kirkwood, Thomas Carruthers of Wormanbie and John Carruthers of Robyflat.

⁸⁷ Cal. of Holmains Writs, No. 41.

sons, George, he gave a charter of his half of the lands of Almagill and 6 acres in the Ile lying in the lands of Hietae, subject to the liferent of himself and his wife.⁸⁸ He seems to have died by May 22, 1592.⁸⁹

George Carruthers may have been twice married, though the name of the first wife is not recorded. His widow, Margaret Irving, survived him for some years. He had the following known issue :

- (i) John Carruthers of Holmains, perhaps a son of the first marriage, of whom hereafter.
- (ii) George, who as servitor to Sir Lewis Bellenden, Justice Clerk, received a Crown gift of the ward and non-entry of the 40/- lands of Almagill and others belonging to the late Archibald McBair, and the marriage of his son, Robert McBair.⁹⁰ He and his eldest brother obtained an assignment in 1588 of this ward from John Carruthers of Rammerscales.⁹¹
- (iii) Thomas in Trailtrow (1602).
- (iv) James.
- (v) Symon, in the Ile (1602),⁹² for whose family see Chapter XI on Carruthers of Ile.
- (vi) Charles, Cornet in the mounted garrison at Threave Castle, mentioned 1585.
- (vii) Janet, who in 1578 was relict and executor to John Johnston in Lochmaben. Her father, mother and grandfather are mentioned as owing part of her tocher.⁹³

John Carruthers, seventh Laird of Holmains, prior to succession was known as John Carruthers of Harthwat, having been infeft in 1563 in the 10-merk land of Ramerscales and Harthuat resigned by William Ramsay of Sipland.⁹⁴ In 1573 he received from his grandfather the 6-merk land of Little Dalton and the £4 land of Ecclefechan called Castlebank.⁹⁵ Two years later he married Nicolas Jardine, sister to Alexander Jardine of

⁸⁸ Cal. of Holmains Writs, Nos. 26 and 41. George had received from John McBair, Provost of Dumfries, a charter of these 40/- lands in 1558 (*ibid.*, No. 26).

⁸⁹ *Ibid.*, No. 43. He was certainly dead by 1597 (*Reg. Priv. Conc.*, Vol. v, p. 379).

⁹⁰ *Ibid.*, No. 39, February 21, 1587. ⁹¹ *Ibid.*, No. 40.

⁹² *Reg. Priv. Conc.*, Vol. v, p. 379, where these three younger sons are mentioned.

⁹³ John Johnstone's Testament (Edinburgh Commissariat Testaments, August 26, 1581). There was also a John Johnston elder in Lochmaben, executor to his wife Elizabeth Carruthers, who died March 14, 1575 (*Edin. Comm. Tests.*, February 27, 1577). Elizabeth may have been an unrecorded aunt of Janet.

⁹⁴ Cal. of Holmains Writs, Nos. 28 and 29. ⁹⁵ *Ibid.*, No. 31.

Applegirth, being infeft under that contract by his grandfather in many lands amounting to a 28-merk 40*d.* land in the parishes of Little and Meikle Daltoun and Dryfesdale.⁹⁶ In 1579 this grant was extended to cover the whole Barony of Holmains, a new Crown Charter being procured on December 22, but not recorded in that Register.⁹⁷ It certainly seems strange that in obtaining this Crown confirmation the grandfather should have benefited the grandson and omitted all reference to his son and successor, George.

It was during the Lairdship of George that John Carruthers of Harthuat obtained by apprising the lands of Holmheid and others extending to a 16½-merk land and known as the third of Castlemylk.

It was this same John Carruthers of Harthuat that absorbed from the McBair family the lands of Almagill and Hallidayhill. As early as 1542 the transfer had begun when Roger Macbrair gave a charter of a 2-merk land of his lands of Hallidayhill to Archibald Carruthers, who in turn was succeeded by his son, John Carruthers, in 1558.⁹⁸ In 1574 Archibald McBair had been infeft, became Provost of Dumfries and was executed at Edinburgh for murder. John Carruthers of Rammerscales became donator to the ward and non-entry of the lands of Hallidayhill and assigned the gift on April 16, 1588, to John and George, sons to George Carruthers of Holmains.⁹⁹ The gift included the marriage of Robert McBair, the heir and a minor, who was called on in 1590 by the Crown to find caution for all lawlessness committed by the dwellers on Almagill. He appealed to the Privy Council on the grounds that he was a minor and that the proper cautioner was the donator of the ward and was absolved from the duty which was imposed on John Carruthers, younger of Holmains.¹⁰⁰

By April, 1597, John Carruthers of Harthuat had succeeded his father George and is thereafter described as "of Holmains". On the 5th of that month he complained to the Privy Council that though he had been heritably infeft in that barony by his grandfather, without any reservation of liferent to his grandfather or father, the latter of whom the complainant had suffered to possess the house of Holmains during his lifetime, yet at his father's death his relict and her four sons had refused to deliver up the house to him. Only his stepmother appeared to answer the charge

⁹⁶ Cal. of Holmains Writs, Nos. 32, 33, 34, 42 and 43. The marriage contract was dated at Spedding, April 16, 1575.

⁹⁷ *Ibid.*, No. 35. Similarly the grandson was infeft in an annual rent forth of a tenement in the Lochmabengait of Dumfries in 1580 (*ibid.*, No. 36).

⁹⁸ *Ibid.*, No. 14. Sasine did not follow till 1550 (*ibid.*, Nos. 21 and 27).

⁹⁹ *Ibid.*, Nos. 39 and 40.

¹⁰⁰ *Reg. Priv. Conc.*, Vol. iv, p. 795.

and she was ordained to deliver up the house of Holmains and receive instead the house of Kirkwoode for life on condition that her sons did not intrude themselves into Holmains, but submitted their differences with the young Laird to the arbitration of impartial friends.¹⁰¹

The following month John Carruthers, now of Holmains, received Crown infestment in the lands of Murthiswat and Hennelland as heir to his grandfather.¹⁰² He at once took his place as head of his powerful clan in local affairs. In the innumerable bonds of mutual caution of the period he is to be found acting surety for Sir John Gordon of Lochinvar and the Laird of Applegirth, the latter of whom had to acquit himself of the slaughter of John Johnstone of Fingland.¹⁰³ When his brothers Simon and Thomas refused to obey a decreet of removing from Almagill and Hallidayhill he was called on to produce them in Court.¹⁰⁴ In 1602 along with other Border Lairds he received a Bond for the good behaviour of his clan and tenants,¹⁰⁵ being rewarded with appointment to a committee of Lairds whose duty it was to advise the Warden in maintaining quietness on the Border.¹⁰⁶ If his advice in any way helped to maintain the desired quietness on the Border it certainly was unable to prevent disturbances within his own clan. In 1602 Christopher Carruthers of Dormont and his sons,¹⁰⁷ laying claim to the teind sheaves of Meikle Dalton, proceeded to take into their own hands what they were pleased to think was the law. They collected the teind sheaves from the tenants who obtained letters of lawburrows against them, to which Holmains was cited as a party having the real right thereto. This infuriated the Dormont family who with "uthir brokin men of the countrey armed with jackis, steelbonnets, swords, lances and uther weaponis" went to Meikle Dalton, Dyk, Knox, Twaquhatts and Over Dormont and "be oppin reif and bangastrie, dang up the said complainers barne duris, kaist down thair haill coirne stalkis, caryit and awaytuke the same". For this violent dispossession the tenants, complaining that they were "alluterlie wraikit, being bot pur creaturis, unable to resist his violence", had the satisfaction of seeing Dormont denounced rebel by the Privy Council.

The following year James VI ascended the throne of England and at once turned his attention to the pacification of the Borders—"the heart

¹⁰¹ Reg. Priv. Conc., Vol. v, p. 379.

¹⁰² Exch. Rolls, Vol. xxiii, p. 398.

¹⁰³ Reg. Priv. Conc., Vol. v, p. 743, and Annandale Book, Vol. i, pp. 69-70.

¹⁰⁴ Reg. Priv. Conc., Vol. vi, p. 356.

¹⁰⁵ Ibid., Vol. xi, pp. 218 and 226.

¹⁰⁶ Ibid., Vol. vi, pp. 828-9.

¹⁰⁷ Ibid., Vol. vi, pp. 482-3. His named sons were Christie and Francis, and George Carruthers his brother.

of his royal empire". New commissioners were appointed, new gaols built in the Burghs and as prisoners could not maintain themselves and the burgesses declined to do so, "justice was administered to them as soon as possible". Indeed, justice did not always wait for the arrival of the evidence. The method proved most efficacious, for with it was combined the removal of a great number of Border Lairds to suffer temporary detention in the North, nor were they released till tranquillity had been established. John Carruthers of Holmains was amongst the deported Lairds. On November 26, 1607, he was ordered to enter himself in ward in the town of St. Andrews and remain there till relieved by George, Earl of Dunbar, to whom the charge of the Borders had been committed,¹⁰⁸ and James Douglas of Torthorwald became surety in 1,000 merks that he would conform to that order.¹⁰⁹ The following March the same surety was forthcoming that he would keep ward in the Burgh of Edinburgh.¹¹⁰ With him in Edinburgh was Thomas Kirkpatrick, younger of Closeburn.¹¹¹ Whilst warded in Edinburgh (which merely confined him within the radius of the town walls) he served on the assize, acting as Chancellor to the court that sentenced Ninian and William Elliot to be hanged for resisting arrest by His Majesty's Guard and slaying William Baillie, a member of that force.¹¹² So though Holmains was under detention whilst the Borders were being pacified, his services were requisitioned to deal with its disturbers. He was at freedom again in September, acting as Steward Depute of Annandale. Some three and a half years before this, in March 1605, Holmains was conjoined to the Lairds of Drumlanrig, Amisfield, Lag and Applegarth to deal with the disturbances at Newbie.¹¹³ That tower of which only some foundations now remain had been in the possession of a cadet branch of the Johnstone family. A place of some strength, which a century later was to be one of the principal residences of the Johnstones, Earls of Hartfell, it was no doubt desired by the Maxwells, then still at deadly feud with the Johnstones. So at the instigation of John Maxwell, Lord Hereis, a party of Maxwells under John Jardine, younger of Birnok, surprised the tower, took it and held it in force, ejecting the Johnstones and grievously wounding Edward Johnstone, brother of the late John Johnstone of Newbie. The Privy Council ordered Holmains and the other Lairds to turn out and assist Robert Hepburne, Lieutenant of the Guard, to retake the tower and

¹⁰⁸ Reg. Priv. Conc., Vol. viii, p. 8.

¹⁰⁹ Ibid., p. 641.

¹¹⁰ Ibid., p. 646.

¹¹¹ Ibid., p. 658. At a later date (July 1608), along with Sir Alexander Jardine of Applegarth, he was warded in the Shire of Fife (ibid., p. 662).

¹¹² Pitcairn's Criminal Trials, Vol. ii, p. 559.

¹¹³ Reg. Priv. Conc., Vol. vii, p. 25.

to hold it, and all Johnstones and Maxwells alike were charged not to go near Newbie "because thair is greit appeirance of trubill and inconvenientis lyk to fall out . . . for the richtes of the said landis" . . . One of his first actions as Steward Depute was to prepare "ane perfyte taxt roll". Lord Maxwell the Steward was in hiding, having slain Sir James Johnstone of Dunskeillie in April, 1608, and the taxt roll could not be found, so Holmains had to convene a court at Lochmaben to prepare another which was to be lodged with Sir Archibald Primrose, to be kept with the rest of His Majesty's Taxt Rolls.¹¹⁴ It is to be regretted that the interesting document has not survived.¹¹⁵

Holmains probably acted as Steward Depute till his death. He certainly held that office in 1610 and 1613, and he was also one of the first Justices of the Peace for Dumfriesshire.¹¹⁶ But his tenure of the Stewardship was interrupted. By June, 1611, charged with "negligence and sleuthe", he was supplanted by Mr. John Johnstone, advocate, who received rigorous instructions to collect "the bigane taxatiounis". These were owing as far back as 1597. At that period there was no definite system of taxation and mankind could look forward to a cheerful Christmas unmarred by the demands of the income-tax collector. When the Crown was in need of funds—a chronic condition—it prevailed on Parliament to grant it a definite taxation such as £1 on every pound land or merk land. This was a definite assessment and once paid the landowner was not troubled again till Parliament once more enacted a taxation. In 1597 a taxation of £2 on every pound land had been enacted, followed by £1 per pound land in 1601, £4 in 1606, followed by 5/- per pound land "supporte of the Burgh of Dunbare". In all, £7 5s. per pound land had to be collected, especially in lawless Eskdale, Ewesdale and Wauchopdale "through want of ane officiar within the bounds thereof".¹¹⁷ Tax collectors are never popular and there could have been no competition for the vacancy in the Border parishes. The advocate at once got busy and the Register of Acts and Decrees is full of his proceedings and the consequent bonds recorded in the Register of Deeds. He brought an action against Holmains for deforcement, particulars of which are not given, but was worsted on the technical ground that the Lord Advocate had not been cited as a party.¹¹⁸ Whereupon he obtained letters of horning against Holmains for his share of the unpaid taxation.¹¹⁹

¹¹⁴ Reg. Priv. Conc., Vol. viii, pp. 163-4.

¹¹⁵ The earliest published Roll is dated 1647.

¹¹⁶ Reg. Priv. Conc., Vol. ix, p. 77, and Vol. x, p. 162.

¹¹⁷ Ibid., Vol. ix, p. 206. ¹¹⁸ Ibid., Vol. xiv, p. 623. ¹¹⁹ Ibid., Vol. ix, p. 318.

Perhaps Holmains was glad to be relieved of his Deputy Stewardship. With the only gaol at Dumfries he must have been pressed at times to know what to do with his prisoners. The vaulted basement of his Tower at Holmains had at times to be used as such. For some reason he apprehended James Wichtman in Over Dormont and put him "in strait prisone within the pitt in [the] place of [? Holmains]". Thus detained "in grite miserie as yf I wer a notorious malefector", Wichtman craved the Privy Council for letters charging the Steward Depute to put him at liberty on the ground that there had been no lawful sentence and no decret stood against him.¹²⁰ The victim seems to have been successful, for Holmains had to find surety in 500 merks not to harm him.¹²¹

The last few years of this Laird's life were clouded with trouble. Symon Scot of Bonytoun in 1611 successfully sued him for the yearly duty of 1,000 merks as assignee of Mathew Baillie of Littlegill.¹²² Holmains had been cautioner for William Carruthers of Knock, his son, who had contracted the debt in 1608.¹²³ He was also sued in 1612 by John Skougall, writer in Edinburgh, for the sum of £1,000, his eldest son, John, and Robert Johnstone of Raecleuch being parties thereto.¹²⁴

He must have died early in 1616, being survived by his wife, Nicolas Jardine, who at once had trouble with her eldest son. On July 10, 1617, she complained to the Privy Council that John Carruthers, now of Holmains, who "has divers times attempted to procure her wreck and overthrow" in company with William Carruthers apparent of (Nether) Denbie, John, his son, John Carruthers called "Bastard Jok" and others, had gone to the place of Holmains "and to that chalmer of the said place quhair . . . [she] remanit and dwelt as pertening to hir and quhair of she wes in possession and thair efter a most insolent maner brak the dure of the said chalmer, enterit thairintill, brak up the haille kistis being within the same, and maisterfullie and perforce pat the said complenair forth of hir said chalmer and will not suffer hir to returne againe within the same". In other words, he ejected his mother from the house and collected and disposed of the rents at his pleasure. All parties appeared to the summons; the charge of putting his mother violently out of the house was denied on oath and found not proven, but the charge of misapplying the rents was remitted to the Court of Session and meantime Holmains had to find caution in £1,000 and remain in Edinburgh.¹²⁵

¹²⁰ Reg. Priv. Conc., 2nd Series, Vol. viii, p. 322.

¹²¹ Reg. Priv. Conc., Vol. ix, p. 673.

¹²² Ibid., p. 158.

¹²³ Ibid., p. 397.

¹²⁴ Ibid., p. 317, and Vol. x, p. 8.

¹²⁵ Ibid., Vol. xi, pp. 180-1.

In the following September Holmains had to go to Edinburgh to appear before the Council. As soon as he was safely out of the way his two brothers, George and William, who sympathised with their mother, having "conceived a great hatred against him, and . . . tried to bring about his 'hurte, wraike or inconvenient'" went to his lands of Almagill accompanied by Francis, son of the said George, and George Carruthers, son of Jok Carruthers, called "Quhyte Jok in Little Datoun" and assaulted the Laird's tenants there, namely James Nicolson and David Bell and struck their wives—Isobel Hauch and Janet Beck with "staulfis and treis". Two of Holmains's children happened to be at Almagill, James and Elspeth. The former, William Carruthers struck with his "fauldit nevis" (clenched fist) upon the face to the effusion of blood; whilst the latter was harled by the hair of her head along the ground. The assailants then made off with 24 nolt and 84 sheep. They were denounced rebels.¹²⁶

Nicolas Jardine's next appearance is in association with another son in the illegal imprisonment of Richard Nicolson in Clois in Little Dalton. Perhaps Richard had failed to pay his rent; at any rate, in May 1626, Nicolas herself, supported by her son George and George Carruthers of Butterwhat, suddenly invaded his house, pursued him with a great baton with which they gave him many "bloodie strakes" on the head and other parts of the body and left him lying for dead. They turned his wife and children out of the house, broke up his plenishings, locked the house, removed the keys and carried poor Richard away to the "place of Kirkhill" like a malefactor, threatening to put him in the stocks. There they held him in detention whilst they intromitted with his goods and cattle.¹²⁷ Such were the methods adopted to effect evictions in the Barony of Holmains by the widowed Nicolas.

By his wife, Nicolas Jardine, who may have died in 1631, John Carruthers of Holmains had the following issue:

- (i) John Carruthers, eighth Laird of Holmains, of whom hereafter.
- (ii) George Carruthers of (Over) Denbie, who witnessed a precept by his father in 1611.¹²⁸ (See account of the Families of Over Denbie.)
- (iii) William Carruthers of Knox is definitely described in 1627 as third son of the deceased John Carruthers of Holmains. It is not known when or how he obtained the lands of Knocks in Little Dalton, but he must have received Knocks and Twaquhattis from his father, for on July 4, 1624, he disposed these lands to William Carlyle,

¹²⁶ Reg. Priv. Conc. Vol. xi, p. 244.

¹²⁷ Ibid., 2nd Ser., Vol. ii, p. 588.

¹²⁸ Cal. of Holmains Writs, No: 54.

notary, burges of Dumfries, who was infest in 1627.¹²⁹ William Carruthers married Mariot Porteous, who consented to the disposition. Knocks and Twaquhattis amounted to a £5 land and was possessed by William Carruthers in 1616, when his mother, Nicolas Jardine, obtained summons of removal against him and all the other tenants of her liferent lands.¹³⁰ They had probably not paid her the rents.

- (iv) Thomas Carruthers, who in 1604 witnessed his eldest brother's sasine in the Barony of Holmains.¹³¹
- (v) Charles Carruthers, a witness in 1604.¹³²

John Carruthers, the eighth Laird of Holmains, married in 1600 Agnes Douglas, daughter of George Douglas of Parkhead and Marion Douglas, spouses, and was infest in that barony in 1604 reserving liferent to his father and the usual terce to his mother. The contract, dated December 21, 1600, though very dilapidated, is still in existence; it provides that if there were no heirs male £1,600 were to be paid to the issue of the marriage.¹³³ Perhaps owing to his father's financial status the young couple were for long unable to enforce the terms of their marriage contract. In 1607 he obtained letters inhibiting his father from disposing of certain lands in contravention of his marriage contract with Agnes Douglas.

This difficulty was overcome by the son paying an unstated sum of money and receiving assignment from his father of the £20 land of Meikle Dalton, recently acquired by his father from the Lindsays;¹³⁴ but it was not till 1611 that the father resigned into the hands of the Crown the Barony in favour of himself in liferent and to his son John and Agnes Douglas, spouses, in fee and their heirs male, whom failing to James their second son.¹³⁵ With these family difficulties to overcome it is not surprising that John Carruthers did not make up his titles to the estate till nineteen years

¹²⁹ Dumfries Reg. Sas., Vol. ii, p. 228.

¹³⁰ Cal. of Holmains Writs, No. 59. There is an earlier reference to these lands. In 1553 Cristine Carruthers who had a liferent of the £5 lands of Hoddam, and also of Knokkis and Tuethchettis, assigned her interest therein on August 14 to William Carruthers, son to deceased George Carruthers, burges of Edinburgh. Ten years later (June 6, 1563) William alienated his interest in the £5 land of Hoddam (no mention of Knocks, &c.) to Sir John Maxwell of Terreglis for £90 who a few months later secured the lands in ownership from James Lindsay of Barclay (Herries Inventory, Nos. 110, 158, 163 and 166).

¹³¹ Ibid., No. 46.

¹³² Ibid., No. 46.

¹³³ Ibid., Nos. 44, 46 and 50.

¹³⁴ Ibid., Nos. 51 and 52.

¹³⁵ Ibid., No. 54. The eldest son, whose name is unknown, must have died quite young.

after succession. Indeed, his father had omitted to do the same, an oversight not expected from a Steward Depute. So in March 1635, Holmains was served heir both to his father John and his grandfather George.¹³⁶ The reason for the repair of this omission is clear. His wife, Agnes Douglas, had died and he had married a second time, a lady named Janet Douglas who, by 1630, had already a family by him.¹³⁷ By his first wife he had a son and heir, James, who in 1635 was contemplating matrimony with Margaret Lockhart, daughter of Sir James Lockhart of Ley.¹³⁸ Provision had to be made for her by way of marriage contract and the estate was already heavily burdened. Nicolas Jardine, the mother of Holmains, may have been still alive and drawing her terce—she was certainly alive on July 30, 1631.¹³⁹ Provision too had been made by him for the children of his marriages out of the estate.¹⁴⁰ Further, two at least of his brothers had been given by their father interests in the estate. Furthermore, he was in debt and had inherited an encumbered estate. He was at the horn in 1631 for a debt of 500 merks to John Fluiker, burgess of Edinburgh, who had obtained letters of caption against him,¹⁴¹ whilst the Earl of Annandale (John Murray) had secured a decret of improbation against him concerning his titles to the Barony which prevented him from easing the situation by means of sale of part of his estate. That nobleman had been created Earl of Annandale in 1624 and the following year obtained a Great Seal Charter of an enormous number of lands in Annandale and elsewhere.¹⁴² It was in the nature of an "omnibus" grant and a great number of lands were included which were held by others direct of the Crown. These also the Earl claimed in property under his Charter. Those who resisted were treated to a summons of improbation and had to produce their titles to show that they held of the Crown. Amongst them ^{was} ~~were~~ Holmains, who was successful in repelling the claim. John Murray must certainly have been the most unpopular man of his generation in the county.

Such was Holmains's position that he was forced to supplicate the Privy Council for protection for going to Edinburgh to consult his lawyers—in other words, suspension of the letters of caption which had been issued at the instance of his creditors.¹⁴³ "Left by his late father with a great and

¹³⁶ Cal. of Holmains Writs, Nos. 69 and 70A.

¹³⁷ Ibid., No. 66. She was a natural sister of William Douglas of Drumlanrig, created first Earl of Queensberry. The marriage contract is dated July 30, 1616 (Drumlanrig Inventory).

¹³⁸ Ibid., No. 76.

¹³⁹ Ibid., No. 67.

¹⁴⁰ Ibid., No. 68.

¹⁴¹ Reg. Priv. Conc., 2nd Ser., Vol. iv, p. 233.

¹⁴² Reg. Mag. Sig. 1620/33, No. 826.

¹⁴³ Reg. Priv. Conc., 2nd Ser., Vol. v, pp. 205-6.

heavie burden of debt quhillk will overthrow and undoe him if with the advyce of his friends he take not some solide course to prevent the wrack and overthrow wherewith he is threatened with these burdens . . . he is resolved by God's grace so to governe his affaires as be tyme he sall exoner him selfe of a great part of the same, partlie by sale and disposition of some part and portion of his lands and partlie by governing the rest with sic oversight as may best conduce to the furtherance of this his honest resolution."¹⁴⁴ This plaintive supplication was granted and the legal advice taken. His affairs certainly were in need of financial reconstruction. The Lockharts, whose daughter his son was about to marry, no doubt saw to that. So in September 1635, Mr. John Lockhart, fiar of Heides,¹⁴⁵ brother to Margaret Lockhart, came to the rescue and arranged the financial reconstruction. He advanced a large sum of money unspecified and received a disposition from Holmains irredeemably of all his lands, representing the third of Castlemilk and also the £10 lands of Blawat.¹⁴⁶ Further, he agreed to dispose to him all his other lands subject to a back bond by Lockhart and a general settlement with his son, James Carruthers.¹⁴⁷ That settlement included a liferent for Holmains in part only of his lands, on his undertaking to lay aside the yearly sum of 1,000 merks from the rents till the sum of 13,000 merks was accumulated to take the place of a bond of provision for that amount which had been given by James Carruthers to his father's children by his second wife, Janet Douglas. James was to act as Chamberlain, collect the maills and accumulate the provision. John undertook to assign at death to his wife and bairns all his movable goods and plenishings, and to give to James and Margaret a certain amount of farm stock and to put the house of Kirkwood in repair for them. He was also to pay Mr. Alexander Johnstone, advocate, 500 merks for his escheat¹⁴⁸ which was to be assigned to James and to pay off a number of other named debts, and finally to ratify the marriage contract of James

¹⁴⁴ Reg. Priv. Conc., 2nd Ser., Vol. vi, p. 18.

¹⁴⁵ He is described as a son of Sir James Lockhart of Ley (Cal. of Holmains Writs, No. 81). Sir James had by his wife Jean Auchinleck a third son, John, to whom he gave the lands of Kirkbank in 1622 (Reg. Mag. Sig. 1620-33, No. 336). There was a George Lockhart of Heides in 1631 (ibid., No. 1918).

¹⁴⁶ Cal. of Holmains Writs, No. 75.

¹⁴⁷ Ibid., Nos. 72 and 73.

¹⁴⁸ Holmains had owed 500 merks to Johnstone and been put to the horn, yet had gone about uplifting rents as if he were a free subject. Not appearing when summoned, he was charged to render up the house of Holmains and enter into ward in Blackness Castle (Reg. Priv. Conc., 2nd Ser., Vol. vii, p. 311). He must have ignored the order and suffered escheat.

and Margaret. Such were the main headings of this comprehensive settlement.¹⁴⁹

It was followed in October by the marriage contract of James and Margaret who was infeft in the £5 lands of Kirkwood and others.¹⁵⁰ Finally, in July 1637, Lockhart assigned in favour of James the non-entry maills of all the lands other than the third of Castlemilk, which thus was finally dissevered from the Holmains estate.¹⁵¹ This settlement was not carried through in the following years without some friction. In January 1636, James had to raise letters of inhibition against his father to prevent him disposing of the lands of Kirkwood and Mr. John Lockhart had to take the same steps,¹⁵² whilst the financial side of the settlement was found too onerous and James had to obtain a summons for production and reduction of the bond for 13,000 merks provision for his half-brothers and sisters.¹⁵³

One of the results of this settlement was that whilst John Carruthers, the father, was still called "of Holmains", he was also called "elder, sometime of Holmains"; whilst his son James occurs as "apparent of Holmains" and "of Holmains" (the strictly correct legal designation).¹⁵⁴

In matters affecting the Kirk John Carruthers of Holmains must have been a thorn in the flesh to his minister at Dalton. Owing to the poverty of the people, the collapse of the Roman Catholic Church and the lack of ministers of the Reformed Faith, it had been found necessary to unite the kirks of Meikle Dalton, Little Dalton and Mouswald in 1609. Services were held at Little Dalton as a convenient centre. Mr. William Hamilton acted as minister there till 1615 when the centre was removed from Little Dalton to Mouswald. In 1633 the two Daltons were again dissevered from Mouswald. Mr. William Hamilton as early as 1615 had had trouble with Holmains about the teinds of Wodlands and had kept a tryst on September 19, 1615, with the seventh Laird to settle amicably the collection by the minister of his teind. The Laird's two sons, William Carruthers of Knockes and George Carruthers of Denbie, held other views, however, and with others proceeded to menace the minister, bidding him "tak his decritis and dicht his ears with thame, and farder disdanefullie saying 'Pack yow away soone with these dastartis that are with yow; your craig youkis; we vow to God to lay oure swerdis upoun it'." So, drawing their swords,

¹⁴⁹ Cal. of Holmains Writs, No. 73.

¹⁵⁰ Ibid., No. 76.

¹⁵¹ Ibid., No. 83. Lockhart had received the gift of the non-entry on July 28, 1635 (ibid., No. 81), and obtained summons of Special Declaration against all the tenants.

¹⁵² Ibid., Nos. 77, 79 and 80. As late as 1656 Lockhart had to supplicate for inhibition against John (ibid., No. 96).

¹⁵³ Ibid., No. 78.

¹⁵⁴ Ibid., No. 96.

they prevented the teind collection. The minister, however, was not to be deterred. He must have got further legal powers and in July 1616 distrained for his teind. By that time Holmains was dead. On July 13 the minister and John Blak, messenger, distrained some cattle and drove them off towards Dumfries, to apprise them formally at the Market Cross, when William Carruthers of Knockes, Archibald Carruthers called Mungo's Archie and others attacked them with staffs and swords. The minister must have beaten them off, probably with the assistance of James Hamilton and John Dickson, burgesses. The apprising took place and the cattle were taken to some fields outside Dumfries by James Hamilton and Dickson, who were cruelly assaulted there by the Carrutherses who removed the cattle. The minister at once appealed to the Privy Council and the assailants not appearing were denounced rebels.¹⁵⁵

When the next harvest came round the minister again went to Wodlands to collect his teinds. The same scenes were enacted, but this time the Carruthers family turned out in force. William Carruthers of Knockes was accompanied by his brothers, John, the new Laird of Holmains, and George of Denbie, George Carruthers of Butterquhat, John Carruthers in Dyke, Herbert Carruthers in Midelraw, Andrew and George Carruthers in Over Dormont and Alexander Carruthers, brother to John Carruthers of Ramerskales and others to the number of forty or fifty, who again threatened him. Indeed, had it not been for the help "of some good people" he feared he might have been slain. That happened on September 20, 1616. The minister collected his teind sheaves and carefully stacked it in the ground of Wodlands. On September 23 the same disturbers of his peace went again to Wodlands, expecting him to cart his stacks to his manse, and lay in wait for him, but the minister got wind of what was intended and changed his plans. In the evening his enemies, disappointed, had to content themselves with casting his stacks to the ground. Again the Court denounced them as rebels and put them to the horn.¹⁵⁶

For two months the Carrutherses ignored this horning, then on February 27, 1617, the minister again complained to the Privy Council that they had remained unreleased from the horning. Again they did not appear so this time the Privy Council ordered them to be apprehended.¹⁵⁷

As might have been expected, these lively episodes did not make Mr. William Hamilton a popular pastor in the eyes of Holmains and his family. They declined to attend Kirk on the Sabbath and thereby gave him a chance to persecute them, for the Kirk, supported by the Law, vigorously

¹⁵⁵ Reg. Priv. Conc., Vol. x, p. 588.

¹⁵⁶ Ibid., Vol. x, p. 668.

¹⁵⁷ Ibid., Vol. xi, p. 51.

upheld a series of penal enactments against all who did not attend at Kirk. The minister put these into operation, which aroused in them "deadly hatred" towards him. In the autumn of 1625 the minister was engaged transporting corn from Dalton to Mouswald—probably teind sheaves extracted from Holmains and his tenants. The Carrutherses decided "to lay in wait for him by the way". They were substantially the same *dramatis personæ* as in the previous affrays. Somewhere on the moor, near Deadman's Gill, they must have lain concealed, but the minister was providentially detained at Mouswald Manse and in their rage at their disappointment they set upon his servants, "threw thame to the ground, breisted and punsed thame with thair hands and feete, and after a barbarous maner strake and wounded my horses, whilks wer careing my cornes, brake the sleddes¹⁵⁸ and uthers instruments quhilks served for careing of the cornes and caused thair awin bestiall eate and destroy the same". The minister at once went into Dumfries and obtained a summons against Holmains in the Commissary Court. The Officer of the Court, one John Neilson, went forth to execute the summons on Holmains, but was met by an angry Laird with a drawn sword who gave him a deep wound in the shoulder and then turned loose and set on him "ane great mastisk dog" which threw him to the ground and bit him through the "ball of my leg so that I was unable to stirre for a long spaice thairafter". That was followed by a further attempt by Holmains and his brothers to waylay the minister. Hearing that he was at Butterquhat they went there, but missing him had to content themselves with attacking his servants at Hoile who escaped just in time; later in the day they ran the minister to ground at Kirkhill, besieged him in the house and tried to burn it down; failing in that effort, they slew a horse which they thought was his.¹⁵⁹

These high-handed proceedings ill became a son of a Steward Depute. It was a lawless age, for so cumbersome, remote and impotent was the Law that everyone, being brought up in violence, took the Law into his own hands. Relatively simple disputes arising from rights to land usually flared up into a pitched fight. They were apt to strike first and argue afterwards, though frequently it ended with there being no one left to argue with. An episode of this character occurred in 1622. Some dispute arose between Andrew Murray of Moryquhat and John Carruthers of Holmains as to some land heritably belonging to Moryquhat. In December, in the ploughing season, Holmains with a crowd of relations and followers

¹⁵⁸ A sort of sledge still used on the moors to bring in peats. Wheeled carts were not then in use for agriculture.

¹⁵⁹ Reg. Priv. Conc., 2nd Ser., Vol. ii, pp. 587-8.

numbering about sixty and fully armed entered the disputed land on Moryquhat and began to plough it up. Andrew arrived on the scene and tried to meet the situation diplomatically, "and in a verrie modest and calme maner asked quhat moved thame to proceed after suche a lawles maner againis him". Holmains, however, had not gone there to argue calmly and they set on Andrew with drawn swords and lances, chased him to his own house and would have killed him had he not got there first and locked the door. "Frome the sonne riseing to ane hour befoir the sonne setting they besieged him" with full resolve to kill him if he came forth. The following February the same crowd again went to the lands of Moryquhat and started ploughing operations. Andrew again calmly desired them to leave his land in peace, whereupon one of them "keast a whinger at him" and the others went for him with swords, but being on horseback he escaped. Andrew's complaint to the Privy Council was heard in July 1622. Some of the assailants were dismissed for lack of proof, but Holmains and his relatives being found guilty were charged to enter ward in Edinburgh Tolbooth under pain of horning.¹⁶⁰

John Carruthers of Holmains died on June 27, 1659,¹⁶¹ being survived by his second wife, Janet Douglas. The plenishings left in the house of Holmains were inventoried by his successor on May 30, 1660. They did not consist of a luxurious equipment—four old bedds, ane meikle chist, ane ambrie, two gunnes, ane uthir old little chist, ane brewing leid, ane maskinfatt and ane garner—all of which he bound himself to make forthcoming to the heirs at law.¹⁶²

The following issue of John's two marriages are recorded, though it is not known by which wife:

- (i) James Carruthers, younger of Holmains, described as the eldest son of the first marriage, so there may have been others. His marriage to Margaret Lockhart has already been described. He died during the lifetime of his father, survived by:
 - (a) John Carruthers of Holmains, ninth Laird, of whom hereafter.
 - (b) William Carruthers of Over Denbie, second son, for whom see Chapter XIV on "The Families of Over Denbie".
 - (c) Mary, married prior to 1660 to Robert Carruthers of Rammerskales.¹⁶³
 - (d) Helen, married to John Carruthers of Dormont.

¹⁶⁰ Reg. Priv. Conc., Vol. xiii, pp. 6-7.

¹⁶¹ Dumfries Commissariat Testaments, Vol. ii.

¹⁶² Cal. of Holmains Writs, No. 98.

¹⁶³ Ibid.

- (ii) William Carruthers of Butterquhat. (See Chapter XIII on Families of Butterquhat.) With his brother Thomas he advanced 4,000 merks to his nephew John Carruthers of Holmains. He was eldest son of Janet Douglas.¹⁶⁴
- (iii) Thomas, first mentioned in 1636, who afterwards became Major Thomas Carruthers of Brigmuir. For his half of the 4,000 merks loan he was infest in security in 1664.¹⁶⁵ He was admitted burgess of Dumfries on October 8, 1660, and at once made himself unpopular with the magistrates in what was a close corporation with vested interests. At the November election for the Town Council he protested that he could not find out the names of the voters, and when the magistrates tried to ride rough-shod over him he promptly cited the Council to appear in Court in Edinburgh whereat a voters' roll was produced.¹⁶⁶ He was appointed Steward Depute as early as . . . and married Elizabeth Hairstanes, relict of John Sharp, baillie of Dumfries¹⁶⁷ and was dead by September 20, 1683, when Elizabeth, then described as spouse of Thomas Charteris of Amisfield, secured a decret against John Carruthers of Holmains relating to the above wadsett for 4,000 merks.¹⁶⁸ By Major Thomas Carruthers she had a daughter, Janet Carruthers, whom she had to cause enter heir to her late husband for the purposes of her decret. Janet was dead by November 1684.¹⁶⁹ The decret she assigned to John Sharp, Sheriff Clerk of Dumfries, who obtained a heritable bond from Holmains.¹⁷⁰ The loan was probably repaid in 1714 when the Butterquhat portion was redeemed.¹⁷¹
- (iv) George.
- (v) Margaret, mentioned in the summons of 1636. With her sister Janet she was infest in 1633 in a 40/- land of Over Dormont by her father and brother James in security for £1,000 and 1,000 merks Scots respectively under bond of provision.¹⁷² Margaret was to get her provision on marriage.¹⁷³

¹⁶⁴ Cal. of Holmains Writs, No. 66. William and the younger children are named in a Summons of Reduction of their bond of provision on February 17, 1636 (ibid., No. 78).

¹⁶⁵ Ibid., Nos. 106, 107 and 108.

¹⁶⁷ Cal. of Holmains Writs, No. 143.

¹⁶⁹ Ibid., No. 143.

¹⁷¹ Ibid., No. 176.

¹⁷³ Cal. of Holmains Writs, No. 68. She was only to marry with consent of William Douglas of Kelhead, James Douglas of Mouswald, Francis Carruthers of Dormont and John Carruthers of Rammerskales.

¹⁶⁶ Town Council Minutes.

¹⁶⁸ Ibid., No. 140.

¹⁷⁰ Ibid., No. 145.

¹⁷² Dumfries Reg. Sas., Vol. iv, fo. 1.

- (vi) Janet, married in 1645 to James Carlyle of Boytath.
- (vii) Elspeth, assaulted in 1617 with her brother James by George and William Carruthers, their uncles.¹⁷⁴

John Carruthers, ninth Laird of Holmains, succeeded his grandfather in the Barony in 1659. He had already had some trouble with his uncle, William Carruthers, afterwards of Butterquhat, but then a landless younger son. At the death of James Carruthers, father of John, his children (including apparently John) were minors and the grandfather was probably too old to act as tutor to them. So William Carruthers purchased a brieve to be served tutor to them. This was opposed by John Carruthers, with the support of his Lockhart uncles, on the ground that William was "a man of no means or estate either lands or goods", and that, if he be so served, responsible cautioners be found for his intromissions.¹⁷⁵

In spite of the financial reconstruction effected by Mr. John Lockhart of Heids the estate was still embarrassed. So when James Carruthers died Samuel Lockhart, merchant in Edinburgh, and brother to Mr. John Lockhart, obtained from the Lord Protector a gift of the ward and non-entry duties of the estate on August 7, 1657,¹⁷⁶ which gift he assigned to Robert Fergusson of Craigdarroch on January 23, 1662.¹⁷⁷ Fergusson secured adjudication in his favour, followed on October 2, 1662, by a charter under the Great Seal which set forth that John Carruthers had renounced his right to be served heir.¹⁷⁸ It was not till May 1673 that Carruthers was infest under a Great Seal charter proceeding on Craigdarroch's resignation.¹⁷⁹

In April 1659, John Carruthers married as his first wife Helen, daughter of Sir Robert Grierson of Lag, who was infest by Craigdarroch in the liferent of Kirkwood and other lands, a proviso being that if she had heirs male she was to resign in favour of such heir the lands of Over Dormont estimated at £200 Scots yearly.¹⁸⁰ In 1663 John Carruthers was appointed a Justice of the Peace and in 1678 and again in 1685, was appointed by Parliament as one of the Commissioners of Supply for his shire; ¹⁸¹ whilst in 1667 he was appointed, with others, to enquire into the conduct of Sir James Turner during his command in the sheriffdom.¹⁸² In 1668 he is

¹⁷⁴ Reg. Priv. Conc., Vol. xi, p. 244.

¹⁷⁵ Cal. of Holmains Writs, No. 90. The document is undated, but the endorsement bears April 21, 1643, which is probably a wrong date.

¹⁷⁶ Holmains Inventory.

¹⁷⁷ Ibid.

¹⁷⁸ Cal. of Holmains Writs, Nos. 101 and 102.

¹⁷⁹ Holmains Inventory.

¹⁸⁰ Cal. of Holmains Writs, No. 105 (August 11, 1663).

¹⁸¹ Acts Parl., Vol. vii, p. 505, and Vol. viii, pp. 225 and 465.

¹⁸² Reg. Priv. Conc., 3rd Ser., Vol. ii, pp. 369 and 387.

named as a "captaine of foot" in the "list of the officers of the militia of the shyre of Dumfreice."¹⁸³

In 1675 he was in conflict with John Carruthers of Ile, who had to find caution not to molest Holmains or John Carruthers, his son.¹⁸⁴ That same year David, Viscount Stormont, supplicated the Privy Council to the effect that Holmains, with Craighdarroch, Closeburn, Sir Robert Dalzell of Glenae and other leading landowners, had laid an imposition on him of 50/- Scots for every 100 merks of valued rent, which was illegal.¹⁸⁵

In Church matters Holmains had distinct leanings towards the Covenanted cause. Although he never seems to have taken a leading part, yet he was called on to find a cautioner that he himself, his wife and children in family should frequent their own parish church and refrain from Conventicles under penalty of 1,000 merks.¹⁸⁶ Holmains bowed to the storm and on December 27, 1683, subscribed the Test.¹⁸⁷ Three years later he secured an Act of Parliament in his favour establishing the right of holding three yearly Fairs at Meikle Dalton—on April 23, August 15 and the first Tuesday after Martinmas. The fairs contemplated were substantial affairs as each of them was allowed to continue for three days. Further, he was granted the right to hold a weekly mercat on Tuesdays and to uplift the usual tolls derived therefrom.¹⁸⁸ This was an obvious source of revenue, but it is not known what use was made of these rights. A mercat cross certainly was erected and still stands, but the scheme if started must have been shortlived and premature.¹⁸⁹

In 1684 Holmains took steps to enforce his right of presentation to the church of Ecclefechan, "now called Hoddam". The ancient parishes of Luce, Ecclefechan and Hoddam had been conjoined. Ecclefechan had long belonged to the Holmains family, being mentioned in most of their Great Seal charters. The three parishes were combined in 1609 when after the Reformation there was a great scarcity of persons fit or qualified for the ministry. The combination must have entailed some scheme of which there is no record now whereby those who possessed the right of presentation to the separate parishes still preserved a reduced right of presentation to the combined parish of Hoddam. As in similar known cases the right after 1609 may have been exercised in turn. Holmains at least had not

¹⁸³ Reg. Priv. Conc., 3rd Ser., Vol. ii, p. 542. ¹⁸⁴ Ibid., Vol. iv, p. 619.

¹⁸⁵ Ibid., pp. 467 and 474. ¹⁸⁶ Ibid., Vol. vi, p. 646.

¹⁸⁷ Ibid., Vol. viii, p. 639. ¹⁸⁸ Acts Parl., Vol. viii, p. 652.

¹⁸⁹ The Hist. Mon. Comm. inventories it as a standing stone (No. 100). It is little else, having no pretensions to ornate mason work.

exercised his right of presentation as "heretor of the £10 land of Ecclefechan" since the time of the Troubles had begun. In 1681 the Rev. William Carnegie, minister of Careston, had been translated to Hoddam.¹⁹⁰ It is not recorded who made the presentation, but clearly Holmains felt that his right had been overlooked. Accordingly he commenced an action against the other parties with equal rights—viz. the Earls of Southesk, Queensberry and Annandale and Douglas of Kelhead, and also against Arthur, Archbishop of Glasgow, whose duty it was to induct the presentee.¹⁹¹

It was in the life of this Laird that the old tower of Holmains perched high on the hill was forsaken and Kirkwood, which previously had been used as a dower house or residence for the eldest son, was turned into the family mansion. A good deal of building must have been necessary to adapt Kirkwood to the more luxurious age that was spreading in Scotland at that time. Two contracts still survive to show the type of structure. In June 1689, James Selkirk (who signs Selkirk) undertook the mason work which was finished by the following September—not an excessive period seeing that the mason had to do his own quarrying and dressing—whilst Hugh Cunninghame undertook the slating work. Selkirk received £150 Scots and Holmains supplied stone, lime, sand and tools. Cunninghame received £104 Scots, half a boll of meal and a morning drink, and had to hew all the slates from Holmains's slateheuch.¹⁹²

As previously mentioned, John Carruthers married in April 1659¹⁹³ Helen, daughter of Sir Robert Grierson of Lag by Margaret, eldest daughter of Sir James Murray of Cockpool.¹⁹⁴ She was infeft in the liferent of the £10 lands of Kirkwood, Meikle Dalton and others in 1663.¹⁹⁵ Helen Grierson predeceased her husband who married, secondly, Helen Callendar. From an instrument in bad condition amongst the Holmains Writs that lady would appear to have been dead by February 10, 1690.¹⁹⁶ It is not known if she had any issue by her husband. The Laird himself died in September 1694, his second surviving son, George, being his executor.¹⁹⁷

¹⁹⁰ Scott's Fasti, Vol. ii, p. 620.

¹⁹¹ Cal. of Holmains Writs, No. 142.

¹⁹² Ibid., Nos. 149 and 152.

¹⁹³ Holmains Inventory.

¹⁹⁴ MS. Hist. of Grierson Family by Sir P. Hamilton Grierson where the date of Sir Robert and Margaret's contract is given as May 23, 1622. Their eldest son John was knighted in November 1641, having the previous month married (1) Lady Jean Fleming, daughter of John, Earl of Wigtown, and (2) in October 1646, Isabel, daughter of Lord Boyd.

¹⁹⁵ Gen. Reg. of Sasines, Vol. vi, fo. 427.

¹⁹⁶ Cal. of Holmains Writs, No. 151.

¹⁹⁷ Dumfries Commissariat Testaments, Vol. vii, No. 290.

By his first wife, Helen Grierson,¹⁹⁸ John Carruthers had the following issue :

- (i) John Carruthers, who, though alive in 1675, was dead unmarried and without issue by 1684.
- (ii) George Carruthers of Holmains, of whom hereafter.
- (iii) Margaret, married firstly on June 8, 1688, James Johnstone of Poldean, who died in 1690; secondly, John Carruthers of Over Denbie. She died on April 7, 1742.
- (iv) Mary, married to William Carruthers, eldest son of Walter Carruthers of Nether Denbie. In 1690 her father gave her a heritable bond for 3,000 merks with infeftment for the £120 Scots annual-rent thereof in the lands of Little Dalton.¹⁹⁹ In 1692 she ratified her husband's discharge to her father for £1,000 Scots as her bairn's part.²⁰⁰

Though George Carruthers, tenth Laird of Holmains, succeeded on his father's death in 1694, it was not till 1723 that he made up his titles by having himself served heir to his father,²⁰¹ a procrastination peculiar to the Holmains family, which led to many difficulties to themselves and the inevitable puzzlement of the writer of this account. Born on April 4, 1677, he lived just for fifty years, dying on May 28, 1727. On July 3, 1704, he married Mary, daughter of William Carruthers of Denbie.

In 1699 he took a definite step to improve the status of his Barony and to stabilize the dues payable to the Crown. As will have been noticed from this account, the unusual longevity of several of the Lairds of Holmains had been accompanied frequently by the lengthy minority of their grandsons and heirs. The minorities were, under the feudal practice prevailing at the time, a very costly business to the family estate. If a minor succeeded, the gift of his ward was in the hands of the Crown. For this the estate was "in non-entry" on the death of the owner until his heir was legally infeft therein. Until the successor was entered as heir (on or after majority) the non-entry, i.e. the administration of the estate, and the disposal of the rents and profits, belonged to the Crown who could gift it at pleasure. The Crown suffered from chronic financial stringency and was of course ill equipped to administer estates in non-entry at a great distance from Edinburgh. So the practice had been long established for the Crown to gift the non-entry to the highest bidder who had to recoup himself for his investment out of the profits of the estate. The effect on the estate was frequently disastrous and a long minority was always dreaded.

¹⁹⁸ In the document quoted she is called "Helen Greir".

¹⁹⁹ Cal. of Holmains Writs, Nos. 155 and 156. ²⁰⁰ Ibid., No. 154. ²⁰¹ Ibid., No. 178.

The family of the minor, therefore, made great efforts to secure to itself the gift of the non-entry, for if the gift was given to an enemy there was frequently no estate left to inherit at the end of the minority. The greater the effort of the family, the better pleased was the Crown, for it meant higher and more determined bidding, and the higher the bidding went, the more the estate had to be bled by the successful bidder. It was a vicious system.

The marriage of the heir was also an asset of the Crown in minorities which was freely gifted. From all of these feudal exactions the Estate of Holmains had suffered heavily in the past, and it was George Carruthers who in 1699 took steps to modify and stabilise them for the future. Accordingly on May 13 he was given a Great Seal charter in favour of himself and his heirs male, whom failing, his heirs or assignees whatsoever, of the whole Barony with this provision that, whenever the lands should fall into the hands of the Crown by reason of ward, non-entry, relief or marriage, or any of them, the heir should peacefully enjoy them on payment of 250 merks Scots per annum during the time of the ward or non-entry, or for relief, and 520 merks Scots for the marriage of the heir. By this means the estate could not be plundered by anyone having the gift of these dues and the heirs knew exactly how much their feudal liabilities were. As a further precaution this grant was ratified by Act of Parliament.²⁰²

George Carruthers was a Commissioner to Parliament for Dumfriesshire in 1704. He presented a bell to the parish church of Dalton. It is described as a clean good casting by John Meikle of Edinburgh with the inscription bands close together and separated by very small rims. The strawberry-leaf frieze above, often used by Meikle, is copied from the work of Peter Osmens of Rotterdam. The coat of arms on the waist is very carefully done and the heraldic tinctures are indicated. Diameter 21½ inches, height 14¾ inches. The inscription is as follows: "George Carruthers of Holdmains, patron of the united parishes of Meikle and Little Daltouns. Edinburgh 1704." On the waist repeated on opposite sides is a shield with Carruthers arms surmounted by helm and crest with mantling and above the motto—"Promptus et Fidelis".²⁰³

In 1715 George Carruthers brought to an unsuccessful conclusion some litigation of old standing. In 1680 his father had granted a tack of a £5 land of his £10 land of Ecclefechan to William Irving of Kirkconnel, which tack contained this clause,—“perpetually and continually as long as the grass groweth up and the water runneth down”. In due course William Irving died, a number of grandchildren and others succeeding to the tack.

²⁰² Acts Parl., Vol. x, pp. 316-18, and Appx., p. 103.

²⁰³ Hist. Mon. (Scot.) Comm.—Dumfriesshire, No. 96.

RECORDS OF THE CARRUTHERS FAMILY

For some reason unknown to us George Carruthers wished to terminate the tack and on January 27, 1715, failed in obtaining a Decree of Reduction.²⁰⁴ His case, in law, was that the tack as wanting an "ish", i.e. having no definite date of expiry, was null and void. The other parties maintained that a proprietor has it in his power to grant such an obligation to his tenant that shall be good against himself and his heirs for ever. The Court held that by the meaning of the parties the contract was intended to be a perpetual right to the tenant and his successors, and so George Carruthers lost his case.²⁰⁵

So many members of the Irving family are mentioned in the Decree that it is of interest to record them in the accompanying chart (p. 113),²⁰⁶ especially as the action occurred at a time when male heirs were failing and the property of Kirkconnell changing hands.

George Carruthers married clandestinely his cousin Mary, daughter of William Carruthers of Denbie. This was an irregularity which the Kirk could not tolerate. Offenders whether high or low were sternly called to account. On December 7, 1705, he was prosecuted in the Stewart Court of Annandale, the Procurator-fiscal claiming 1,000 merks penalty under an old Act of Parliament in 1661.²⁰⁷ It is not recorded how much he had to pay, but as on appeal to the Court of Session it was held that whereas the fine was to be shared between the fiscal and the poor of the parish "the

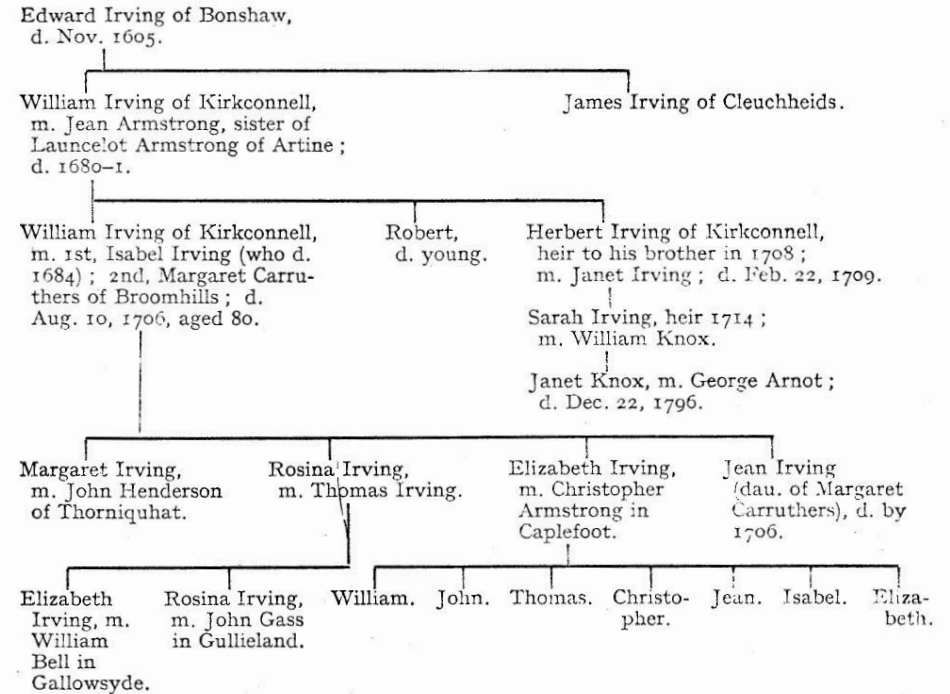
²⁰⁴ Cal. of Holmains Writs, No. 181.

²⁰⁵ Decisions of the Court of Session, Vols. xxxv and xxxvi, 15195.

²⁰⁶ This chart is compiled from the Process of 1715 (Cal. of Holmains Writs, No. 181) with additions from "History of the Irvings", p. 57, the "House of Arnot", by Lieut.-Col. J. Arnot, MS. Calendar of Kirkconnell Writs *penes* R. C. Reid and Dumfriesshire and Galloway Natural History and Antiquarian Society Transactions, 1898-9, pp. 16 and 80. It must be pointed out that in all probability at least two generations of William Irvings have been omitted in the above after Edward Irving of Bonshaw.

²⁰⁷ A similar case is recorded in 1740. "Indictment of David Cumming, Wig-maker in Dumfries, for ignoring the 34 Act of Parliament of Charles II which ordains that whosoever marry in a clandestine unorderly way or is married by persons not authorised by Kirk shall be imprisoned for three months and also pay, if a nobleman £1,000, if a gentleman or burgher £500, and everyone else 100 merks and remain in prison till the fine is paid and applied to pious uses in the parish where they dwell, the celebrator to be banished, never to return under pain of death." Nevertheless, the said David Cumming did go through a form of marriage with Helen Brown, daughter of John Brown, Dean in Dumfries, on October 22, 1740, being married by John Thomas, Vicar of Brampton, Cumberland, without proclamation of banns in Scotland as appears by the Register of Marriages of Brampton. On October 28 Defender appeared in Court and was fined 100 merks Scots payable to Mr. Archibald Malcolm, Procurator-fiscal, to be disposed of in terms of law (Sheriff Court Processes).

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poor of the parish only have the right to the fine for clandestine marriage; but in order to encourage to prosecute, the Procurator-fiscal will be allowed his full expenses out of the first of the fine". Apparently the fine levied was a small one which barely met the costs of prosecution. The poor, as usual, got nothing.²⁰⁸ George Carruthers had the following known issue:—

- (i) John Carruthers of Holmains, of whom hereafter.
- (ii) William, born January 5, 1708; died June 4, 1711.
- (iii) Thomas Carruthers, M.D., physician in Cockermonth, born April 22, 1709; married to Jean Gordon on September 21, 1732, and died in 1748, having been lost at sea on his passage to Carolina, leaving issue three sons—James,²⁰⁹ born October 1733; George, born December 1734 and died January 20, 1738; and John, born December 4, 1736; died February 15, 1737.
- (iv) James, born June 24, 1712; died July 8, 1712.
- (v) George, born February 21, 1719; died May 22, 1731.

²⁰⁸ Decisions of the Court of Session, Vol. vi, 2251.

²⁰⁹ His eldest son was confirmed his executor in 1750, being still under the curatorship of George Gordon, merchant in Dumfries (Edinburgh Testaments, Vol. 113, Part i).

RECORDS OF THE CARRUTHERS FAMILY

- (vi) Helen, born July 7, 1705.
- (vii) Margaret, born October 9, 1713; died October 17, 1713.
- (viii) Ann, born September 24, 1716; married on October 2, 1749, to John Martin, Dumfries.

John Carruthers, eleventh Laird of Holmains, was born on December 20, 1706, and was little more than of age when he succeeded his father, being served heir on October 2, 1729.²¹⁰ In April 1729 he married Rachel, daughter of James Douglas of Dornock, by whom he had only two children.²¹¹ He died on January 5, 1734, having nominated Sir James Johnstone of Westerhall, Bart., James Douglas of Dornock, Mr. John Henderson of Broadholm and John Carruthers of Denbie as tutors to his children.²¹² His only daughter Philadelphia, born in February 1730, was provided for by her father in £500 sterling on marriage or majority,²¹³ which sum she took to Adam Carlyle of Lymekilns whom she married on December 21, 1753.²¹⁴

John Carruthers, twelfth and last Laird of Holmains, like so many of his forebears, must have had a long minority. Born on September 1, 1731, he survived to the close of 1809. He married in 1762 (contract dated August 19, in which the lady is described as "now his wife") Charlotte,^{BAPT 10 JAN 1743 (PARISH REG)} second daughter of Sir Robert Laurie, Bart., of Maxwelton, who was nephew of Annie Laurie immortalised in song. By his wife John Carruthers had two sons and seven daughters, for whom see pedigree chart. Both sons died in the lifetime of the Laird who had no male heir to succeed, and financial disaster overwhelmed him so that there was no estate left to succeed to. He had invested £500 in the Douglas Heron Bank at Ayr when it was floated in 1769. His uncle, William Douglas of Kelhead, put in £1,000 and many other gentry in the county followed suit with like sums. The shares carried unlimited liability and the affairs of the Bank were grossly mismanaged. In 1772 the storm broke. The capital of £150,000 melted as if by magic. Call after call was made on the luckless proprietors, the last call made and extracted being no less than £1,400 per share on such as were still solvent. In the end the balance against the Bank was £366,000, representing a loss of £2,600 on each share. In the crash John Carruthers was overwhelmed and the estate passed into other hands. Only the Charter Chest of Holmains remained. He died on October 20, 1809.

²¹⁰ Cal. of Holmains Writs, No. 179.

²¹¹ The Marriage Contract is dated at Castlemylk, September 29, 1729 (Holmains Charter Chest). She died January 26, 1790 (Gentleman's Magazine).

²¹² Dumfries Commissariat Testaments, Vol. x, No. 465.

²¹³ Cal. of Holmains Writs, No. 180, dated November 10, 1732.

²¹⁴ Marriage Contract in Holmains Charter Chest.

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His eldest daughter, Christian, married John Erskine of Aberdona, who was the great-grandfather of Mr. Erskine Murray. To the last named was left, as senior representative of the Holmains family, the Holmains Charter Chest by Major J. P. Carruthers Wade, a son of a younger sister of Mrs. Christina Erskine. Mr. Erskine Murray allowed the Historical Manuscripts Commission to have access to the Chest, with the result that a selection of the earliest writs were published by that Commission.²¹⁵ Mr. Erskine Murray at a later date presented the Charter Chest to the Rev. W. Mitchell-Carruthers, grandson of Susan Carruthers, the third daughter of the last Carruthers, Laird of Holmains. That gentleman, hearing that a History of the Carruthers family was in contemplation, most generously placed the contents of the Charter Chest at the disposal of the writer of this account. A careful Calendar of its contents, other than the documents printed by the Historical Manuscripts Commission, has been prepared which will ultimately be deposited in a Public Library.

The return of the Holmains Charters were acknowledged by Mr. Mitchell-Carruthers on September 3, 1931. A few days later he passed away. His passing was wonderful and just what he would have wished. As so often was his habit, he was preaching in a neighbouring parish church morning and evening, and resting between times at the house of a friend at Burford. He lunched and was left to rest and later was taken for a walk round the garden till tea. During tea he collapsed, gave a few sighs and died in a few seconds, perfectly painlessly and peacefully. He was working hard and full of plans up to the very last. He had retired for some years from active work as an incumbent and had become Governor and Chaplain of Kingham School, Oxon. His diary was written up to the Saturday night. "My 78th birthday. Inexpressible gratitude to the merciful God for all the way in which He has led and preserved me. Up to the Office, I saw K . . ., on to the school and saw S . . . on many matters. Then to Daylesford and home at noon. Rest after lunch. Motored to the W . . . as I heard his suffering wife had died. Looked through sermon notes for to-morrow, and then a quiet time for meditation and intercession. 'Waiting upon God for renewed strength.'" Such was his passing.

The Arms of Carruthers of Holmains were matriculated in the Lyon Register c. 1672. Arms: Gules, two chevronels engrailed between three fleurs-de-lis or. Mantling gules, doubled argent. Crest: On a wreath of the liveries, a cherub's head proper. Motto: "Promptus et fidelis."

²¹⁵ Hist. MSS. Comm., 6th Rept., Appx., p. 709.