

## CHAPTER VI

## WORMANBIE

THE lands of Wormanbie extending along the eastern bank of the Annan River a little north of that town were originally a £10 land. At some early date it became divided into Over and Nether Wormanbie, each amounting to a £5 land, Over Wormanbie belonging in superiority to Holmains, and Nether Wormanbie in superiority to the Lords Maxwell. It is with their respective vassals that these notes are concerned. The earliest reference to a Carruthers of Wormanbie is in two documents amongst the (Nether) Wormanbie titles, being a charter, followed by sasine, by Roger Carutheris of Wormondby to his son John Carutheris of a 16/- land of his lands of Raffellis and an annual-rent of 4/- forth of Roberthuit, dated March 1 and 7, 1472.<sup>1</sup> Roger was in all probability sprung from Holmains, but whether he was ancestor of Over or Nether Wormanbie, or of both, cannot at present be established. Amongst the same titles is an Eighteenth Century copy of a charter reproduced from an entry in the Register of the Great Seal dated July 25, 1484, whereby the Crown grants to Thomas Carruthers for his share at the battle of Arkinholme, the lands of Corrie forfeited by George Corry of that Ilk. The presence of this copy amongst these titles cannot establish legal identification, though it indicates that the Carruthers of Wormondbie in the Eighteenth Century claimed that Thomas as an ancestor. If that be allowed, then Thomas may have been ancestor of Nether Wormanbie. George Corry of that Ilk, however, soon got back his lands and Thomas Carruthers may have been compensated with the lands of Flemingraw of which no grant is known.

*Over Wormanbie* first appears in 1535 when it was possessed by Thomas Carruthers of Over Wormanbie who served on a Mouswald assize.<sup>2</sup> He was dead by 1546 when John Johnstoun of that Ilk obtained the ward of the 5-merk land.<sup>3</sup> He must have been succeeded by Esota Carruthers,

<sup>1</sup> Wormanbie Titles, Nos. 1 and 2.

<sup>2</sup> Raehills Papers, p. 18.

<sup>3</sup> Reg. Sec. Sig., January 15, 1546.

presumably his daughter, who had sasine on May 5, 1547.<sup>4</sup> The relief paid to the sheriff was £3 6s. 8d. Esota Carruthers was murdered a few years later by some members of her own clan, James Carruthers called gay George (*sic*) and his son John Carruthers, and on January 13, 1553, John Johnstone of that Ilk was given their escheat. The lands remained in the hands of the Crown for 28 years till in 1582 William Carruthers obtained sasine in Over Warmanbie.<sup>5</sup>

For the next thirty years nothing is known of Over Wormanby and its possessors. In 1611 it was possessed by James Irving of Cleuchheidis, who is described<sup>6</sup> as brother to Jaffray Irving of Coiff. Irving held of Carruthers of Holmains as superior, but not the whole £5 land—only the 5-merk land of Over Wormanby, alias Cleuchheidis. It may be conjectured that Irving acquired his interest through the marriage of George Carruthers of Holmains with Margaret Irving, perhaps a sister of Cleuchheidis. Like all his clan, James Irving could never keep his hands off other people's possessions and was convicted of theft at a Justiciary Court at Peebles at which he did not appear and so was declared fugitive. His lands were consequently escheated to the Crown. On July 8, 1613, the Crown presented to the vacant holding William Carruthers of Knox, a son of Holmains, as hereditary holder in place of Irving.<sup>7</sup> Irving's liferent escheat must have been granted to John Carruthers of Holmains who on October 8, 1614, disposed it to Knox. The disposition contains mention of a tower.<sup>8</sup> Some arrangement must have been reached between the Irvings and the Carrutherses, for soon after James Irving was in possession again. In 1621 he disappears from the picture, disposing the 5-merk land of Over Warmanbie and Garthend to William Irving, eldest son of Jaffray Irving of Robgill, but reserving his liferent.<sup>9</sup> William Irving, the new owner of Cleughheids—his two brothers, Richard and Christopher, witnessed the infertment—married Susan Irving, daughter of Jaffray Irving of Brotis and relict of Robert Charteris of Hoil.<sup>10</sup> There is no need to pursue the history of Over Wormanbie further.

<sup>4</sup> Exch. Rolls, Vol. xviii, p. 413. Some complexity is caused by another Crown Gift to John Johnstoun of that Ilk, of the ward of Over Wormanby and the marriage of William Irving, Laird thereof (Reg. Sec. Sig., January 13, 1553). From this it appears that the Carruthers owned the superiority and the Irvings were their feudal vassals.

<sup>5</sup> Ibid., Vol. xxi, p. 472.

<sup>6</sup> Annandale Peerage Case, p. 850. In 1553 the marriage of William, Laird of Over Wormanbie, was gifted by the Crown to John Johnstone of that Ilk (Reg. Sec. Sig., Vol. xxvi, p. 137).

<sup>7</sup> Cal. of Holmains Writs, No. 56.

<sup>8</sup> Ibid., No. 57.

<sup>9</sup> Dumfries Reg. Sas., Vol. viii, fo. 7.

<sup>10</sup> Ibid., Vol. iv, fo. 227.

*Nether Wormanbie* was also a £5 land and when first noticed belonged to the Hereis family. Early in the Sixteenth Century a member of the Carruthers family was in possession and seems to have taken advantage of the involved affairs of the last Lord Hereis to assume proprietorship as well as possession. That action of course had to be dealt with by Lord Hereis, the result being embodied in an instrument whereby Roger Carruthers "called Lord of the £5 land of Nether Wormanbie in the parish of Annan" confessed that he had no right to the same which belonged to William, Lord Hereis, as Lord proprietor. It is by no means clear what happened to Roger's possession which would seem to have terminated, for the same instrument records the escambion by Hereis of the £5 land of Nether Wormanbie for the £5 land of Tundergarth that belonged heritably to Lord Maxwell.<sup>11</sup> The date of these proceedings was January 21, 1537.

A month later Lord Maxwell regranted Nether Wormanbie to Thomas Carruthers, who is described as son and heir-apparent of Roger Carruthers of Flemingraw "for his help, counsel, homage and service rendered".<sup>12</sup> This is the foundation of the Nether Wormanbie titles and shows that the family had previously owned Flemingraw.

As early as 1492 a Thomas Carruthers had sasine of Flemingraw,<sup>13</sup> no other details being vouchsafed. He must have been father of the above Roger and have died in 1498, for when Roger was in turn infeft in 1501 in the 6-merk land of Flemingraw it is stated to have been in the hands of the Crown for three years.<sup>14</sup> Of Roger Carruthers the only other record is that in 1507 he suffered a 10/- land of his lands of Flemingraw to be appraised by John Carruthers of Holmains.<sup>15</sup> It is not known when he died, but by 1560 Thomas Carruthers of Wormanbie reigned in his stead. As early as 1410 James of Douglas, Lord of Dalkeith, granted to Thomas Carruthers the lands of Brandrigs in the holding of Hutton-under-the-Moor resigned by Elizabeth Cryspyne.<sup>16</sup> Just 150 years later a Carruthers was still in possession of Brandrigs and Heathquhat, extending to a 6-merk land, for on November 10, 1560, Patrick Grahame there resigned his "kyndness" of those lands to his "master" Thomas Carruthers of Wormanbie,<sup>17</sup> who seven years later resigned them into the hands of his superior, James Douglas, 4th Earl of Morton, the Regent, in favour of James Graham of Gillesbie.<sup>18</sup>

<sup>11</sup> Hereis Inventory, Nos. 47 and 49.

<sup>12</sup> Wormanbie Titles, No. 4 (February 9, 1537).

<sup>13</sup> Exch. Rolls, Vol. x, p. 766.

<sup>14</sup> *Ibid.*, Vol. xi, p. 341\*.

<sup>15</sup> Cal. of Holmains Writs, No. 8.

<sup>16</sup> Laing Charters, No. 90, February 2, 1410.

<sup>17</sup> Wormanbie Titles, No. 8.

<sup>18</sup> Gillesbie Titles, No. 2.

Thomas Carruthers married a lady named Isabella Irving. It was an irregular union as they were within the prohibited degrees of consanguinity. To regularise the union a Papal dispensation had to be obtained, an expensive luxury in those days. It was procured from the Archbishop of St. Andrews in 1555, and the document, which is still amongst the Wormanbie Titles, sets forth that they were within the third degree of consanguinity, had been married by consent and not in face of Holy Church and that, to avoid further scandal, they were absolved from ecclesiastical penalties and made free to be married in face of Church. Isabella could not write and was represented by Robert Corbet of Hardgray as her procurator, who with Thomas Carruthers on bended knees heard the dissolution of the "de praesenti" marriage and received the dispensation.<sup>19</sup> Then comes a hiatus of about 50 years in the records of the family. Thomas Carruthers, vassal of the Earl of Morton, must have been succeeded by another Thomas Carruthers in Wormanbie and Flemingraw who was dead by 1604 when Charles Carruthers, his son, was infeft on precept from John, Lord Maxwell, as his son and heir in Nether Wormanbie.<sup>20</sup> This was followed in 1608 by his service as heir to his grandfather, Thomas Carruthers of Wormanbie, in the 6-merk land of Flemingraw which had been in the hands of the Crown for forty years.<sup>21</sup> Thomas, the Earl's vassal, must therefore have died in 1574. Charles resigned Flemingraw in 1610 for a new Crown Charter in favour of himself for life and his eldest son Edward in fee.<sup>22</sup> Both Charles and Edward were engaged in a lawsuit anent Flemingraw in 1618.<sup>23</sup>

It would seem that shortly afterwards Edward Carruthers parted with Flemingraw. Edward can never have made up his titles to Wormanbie, for in 1626 his son Ludovick Carruthers was infeft as heir to his grandfather Charles in the £5 lands of Nether Wormanbie.<sup>24</sup> Ludovic married (contract dated September 28, 1625) Margaret, eldest daughter of George Irving in

<sup>19</sup> Wormanbie Titles, No. 7.

<sup>20</sup> *Ibid.*, Nos. 9 and 10. But see Acts and Decrees, Vol. 262, p. 389, where Charles is said to be heir in 1608 to his grandfather's brother.

<sup>21</sup> *Ibid.*, No. 11.

<sup>22</sup> Reg. Mag. Sig. 1608/20, No. 396. Charles had another son, Thomas, infeft in 1619 in 8 acres of land in Wormanbie under reversion for 250 merks (Dumfries Reg. Sas., vol. i, fo. 174).

<sup>23</sup> Acts and Decrees, Vol. 319, fo. 10. Flemingraw has now disappeared from the map. In 1719 James Scot of Flemingraw is mentioned in a Langholm sasine (Gen. Reg. Sas., Vol. cxiii, fo. 387). Charles Carruthers in 1605 was charged with the slaughter of the late Roger Gordon in Lochenkit (Pitcairn, ii, 475).

<sup>24</sup> Dumfries Reg. Sas., Vol. ii, fo. 203. Robert, Earl of Nithsdale, is stated to be the superior (also Wormanbie Titles, No. 12).

## RECORDS OF THE CARRUTHERS FAMILY

Bonshaw Byres,<sup>25</sup> and seems to have been of a lively disposition, for in 1637 and again in 1642 he was prosecuted as a Border outlaw.<sup>26</sup>

Ludovic Carruthers was dead by 1654 in which year his son John Carruthers was served heir to him in Nether Wormanbie, having married (contract dated October 7, 1652) Agnes Murray, daughter of James Murray, sheriff clerk.<sup>27</sup>

John Carruthers of Nether Wormanbie lived till nigh 1694, when his eldest son James was served his heir.<sup>28</sup>

He had the following issue:—

- (i) James Carruthers of Nether Wormanbie of whom hereafter,
- (ii) Ludovic,
- (iii) Alexander,
- (iv) Robert,
- (v) William,
- (vi) Margaret, spouse to Robert Johnston burgess of Annan,
- (vii) Anna, spouse to William Carlyle in Nether Middlehill, all of whom were infeft in an annual-rent of 2,150 merks as their bairn's part in 1699.<sup>29</sup>

James Carruthers married in 1679 Agnes, second daughter of William Carruthers of Butterquhat.<sup>30</sup> It was in this Laird's lifetime that the superiority of Wormanbie passed from the Earls of Nithsdale to the Queensberrys, for in 1708, James Carruthers received a charter from the Duke of the superiority (*penes* Col. Spencer of Wormanbie). He died in May 1727. The following year his son William Carruthers of Nether Wormanbie was retoured his heir.<sup>31</sup>

William Carruthers of Nether Wormanbie died in December 1741 leaving by his wife Mary Hamilton, who was perhaps of the Ellershaw family,<sup>32</sup> the following issue:

- (i) James Carruthers of Nether Wormanbie, served heir May 7, 1760.<sup>33</sup>  
He married in August 27, 1786, Mary Butter, daughter to deceast

<sup>25</sup> Dumfries Reg. Sas., Vol. ii, fo. 197. Adam Carlyle, apparent of Brydekirk, was donator of Ludovic's ward and marriage.

<sup>26</sup> Reg. Priv. Conc., 2nd Ser., Vol. vi, p. 408, and Vol. vii, p. 352.

<sup>27</sup> Dumfries Reg. Sas., Vol. v, fo. 379. Ludovic was dead before August 11, 1648, when Robert, Earl of Nithsdale, issued precepts for John's infeftment (Wormanbie Titles, No. 14).

<sup>28</sup> Wormanbie Titles, No. 17. <sup>29</sup> Dumfries Reg. Sas., 2nd Ser., Vol. vi, fo. 110.

<sup>30</sup> Gen. Reg. Sas., Vol. xlii, fo. 105. <sup>31</sup> Retours.

<sup>32</sup> Sheriff Court Deeds, bundle 1748, where the widow on behalf of her children granted a factory to Joseph Corrie, writer. The fact that her daughter Jean was buried in the Girthead tomb points to Mary Hamilton being of the Ellershaw family.

<sup>33</sup> Retours.

- BURIED AT  
DUMFRIES  
7 MAR 1783  
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Charles Butter, merchant in Edinburgh, who was infeft in liferent of Warambie under post-nuptial contract dated January 10, 1788.<sup>34</sup> She survived her husband, by whom she had no issue, and in 1820 was served heir to her sister Helen, widow of Quentin Fleming at Boathaugh.<sup>35</sup> She died at Dumfries on September 30, 1829, aged 76, having mortified £6,000 for the benefit of old lame women who were natives of Dumfries.<sup>36</sup> James died in March 1, 1798.

- (ii) Charles, who must have died young.
- (iii) Jean Carruthers, who died on February 25, 1773, and was buried at St. Michael's, Dumfries.<sup>37</sup>
- (iv) Agnes who was served heir special to her brother James in 1798 in Nether Warmanbie.
- (v) Katharine. - BURIED AT DUMFRIES 22 MARCH 1785 (PARISH REG)

By 1812 Agnes Carruthers, last of the main line of Wormanbie, was dead and the estate passed to a second cousin, James Carruthers, merchant in Liverpool, who on September 4, 1812, was infeft therein as heir special to his great-grandfather, James Carruthers of Wormanbie (d. 1727), and to his grand-uncle, William Carruthers of Wormanbie, and to the said deceased Agnes his second cousin.<sup>38</sup> The proceedings were instituted by James Carruthers, Cornet of the Scots Greys, son to the new Laird.<sup>39</sup> The connection of the new owner of Wormanbie with the former owners is thus legally established, though two generations remain undisclosed. Perhaps some faded notes on a slip of paper amongst the Wormanbie titles may supply them. These notes commence with a James Carruthers who with his wife, Margaret Carruthers of Wormanbie, is stated to have been buried in Dalton c. 1766. They are given two sons:

- (i) Captain James Carruthers, who died unmarried c. 1784.
- (ii) David Alexander Carruthers, who died probably about 1762, having married a Miss Chalmers by whom he had an only son.

From the above it is possible to trace the relationship. James Carruthers of Nether Wormanbie must have had by his wife, Agnes Carruthers, a daughter, Margaret, married to James Carruthers in Cocklicks, who was descended from John Carruthers, younger of Dormont, and his wife Katharine

<sup>34</sup> Dumfries Reg. Sas., May 19, 1798.

<sup>35</sup> Retours.

<sup>36</sup> Tomb in old Annan Churchyard.

<sup>37</sup> Adam's Douglas of Morton, p. 339.

<sup>38</sup> Dumfries Reg. Sas., Vol. xxxv, fo. 96.

<sup>39</sup> The action charging him to enter heir is recorded in Acts and Decrees, Dal., Vol. v, June 12, 1812.

## RECORDS OF THE CARRUTHERS FAMILY

Herries (see Chapter on Dormont, footnote 27). James Carruthers died in November 1751,<sup>40</sup> leaving three children : Capt. James, merchant in Liverpool, who left £100 to the Seaman's Hospital there<sup>41</sup>; David Alexander; and Margaret, married to George Howatson in Locherben whose son John was executor to Cocklicks. This John Howatson had a sister, Jean, married to Richard Rawline in Chapelhill.<sup>42</sup>

James Carruthers, merchant in Liverpool, was son of the above David Alexander Carruthers and may be identified with the merchant in Liverpool who succeeded to the estate in 1812. In 1785 as "cooper in Liverpool" he was executor to his uncle and is stated to have married about 1786 Elizabeth Thomson and had two sons and three daughters :

- (i) James Carruthers, killed at Waterloo, 1815 (the Cornet of Scots Greys in 1812).
- (ii) Alexander Carruthers, of whom hereafter.
- (iii) Cecily, dead by 1848.
- (iv) Caroline Eliza, dead by 1848.
- (v) A daughter unnamed.

Alexander Carruthers of Nether Wormanbie, who later took the name of David Alexander, on March 10, 1818, was served heir in the lands of Wormanbie to his father James Carruthers of Wormanbie, who died on July 18, 1815,<sup>43</sup> and was infeft on April 6 following.<sup>44</sup> On December 11, 1848, as David Alexander Carruthers of Wormanbie he was served as only brother and nearest heir to his sisters Cecily Carruthers and Caroline Eliza Carruthers in the lands of Northfield.<sup>45</sup>

David Alexander Carruthers had no male issue, but four daughters, the youngest of whom, Catharine, married John Salkeld of Holm Hill, Dalston, Cumberland. To provide for these daughters he sold the estate in 1858 for £38,000 to Edward MacKenzie of Newbie, Auchenskeoch and Wormanbie, who allowed the vendor to remain at Wormanbie as his tenant.<sup>46</sup> In 1877 MacKenzie entailed the estate on his third son Austin MacKenzie with remainder to his other sons. Austin, for £17,140, sold Wormanbie, i.e. the policies and one farm only, back to Louis Carruthers Salkeld, son of Catharine Carruthers and John Salkeld, in whose family it remained till 1922, when on

<sup>40</sup> See his Testament, August 26, 1752.

<sup>41</sup> This Testament was recorded at Chester, July 10, 1785. (Wormanbie Titles).

<sup>42</sup> Dumfries Reg. Sas., November 9, 1787.

<sup>43</sup> Retours.

<sup>44</sup> Dumfries Reg. Sas.

<sup>45</sup> Retours.

<sup>46</sup> This and the following facts are derived from the modern titles *penes* Messrs. MacKenzie & Robertson in Glasgow.

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the death of Catharine Carruthers, Mrs. Morton (she had married a second time and resided at Wormanbie), the Trustees of Louis Carruthers Salkeld sold the diminished estate to Colonel John James Spencer, the present proprietor, who has since added to it by purchase.

The early titles of the estate, however, remained in the hands of Major Carleton Salkeld of Holm Hill, son of Louis, to whose courtesy in giving access to them this account of the family is mainly indebted.