

RECORDS OF THE CARRUTHERS FAMILY

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

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

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

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

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

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

³³ Gen. Reg. Sas., April 24, 1679.

³⁴ Cal. of Holmains Writs, No. 161.

³⁵ Ibid., No. 164.

³⁶ Ibid., No. 165.

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

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

³⁹ Ibid., Vol. viii, fo. 215.

CHAPTER XIV

THE FAMILIES OF OVER DENBIE

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

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

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

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

¹ Cal. of Holmains Writs, No. 2.

² Ibid., No. 16.

³ Ibid., No. 33.

⁴ Ibid., No. 30.

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

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

Jardine 40/- land under reversion for 300 merks⁷ which was renounced on repayment shortly afterwards.⁸

That same year he obtained letters of inhibition against his brother of Holmains, preventing him disposing or intromitting with the £5 land of Ecclefechan, the 6/8 land of Raffles and the 6/8 lands of Howthat in which John should have infeft him.⁹ He took an active part with his brother, William Carruthers of Knocks, in the series of assaults on the minister of Mouswald. These two brothers, George and William, seem to have taken their mother's part against their eldest brother.¹⁰ Indeed, shortly before her death Nicolas Jardine assigned in 1631 to George, "her second lawful son", all her effects and sums due to her.¹¹ In 1639 he gave a charter of a 20/- land of his 40/- land of Over Denby to his nephew, James Carruthers, apparent of Holmains, under reversion for 300 merks.¹²

George Carruthers of Over Denby was dead about 1660 when his sons, Christopher and George, gave a discharge to John Carruthers of Holmains for all sums, legacies, &c., due to them through the death of their father.¹³ The dealings with and disposal of these two 40/- lands of Over Denbie by these two brothers led to much confusion which was not clarified till Holmains had prepared for himself an "Information" dated 1671 which explains the position.¹⁴ In 1665 Christopher, the eldest brother, disposed the 40/- land of Over Denbie to his brother George, "youngest lawful son to deacest George Carruthers of Denbie". The following year, February 24, 1666, George disposed this 40/- land together with the £5 land of Ecclefechan,¹⁵ the ½-merk land of Raffles and the ½-merk land of Howthat to one James Carruthers, servitor to James Johnstone, Earl of Annandale.¹⁶ It is obvious that the 40/- land here conveyed was that portion held of Holmains, the other lands disposed being also in that barony.

In 1668 John Carruthers of Holmains took steps to acquire in property the 40/- lands of Over Denbie which his forebears had long held in

⁷ Cal. of Holmains Writs, No. 61, and Dumfries Reg. Sas., Vol. i, fos. 87 and 92.

⁸ Ibid., No. 63. ⁹ Ibid., No. 62.

¹⁰ Reg. Priv. Conc., Vol. xi, pp. 180-1 and 244.

¹¹ Cal. of Holmains Writs, No. 67. ¹² Ibid., Nos. 88 and 89.

¹³ Ibid., No. 97. There was also another son, Francis (Reg. Priv. Conc., Vol. xi, p. 244).

¹⁴ Ibid., No. 133.

¹⁵ "possest by William Irvings, elder and younger" (Gen. Reg. Sas., Vol. xv, fo. 432).

¹⁶ James Carruthers has not been identified. He is referred to in the 1671 "Information" as "a certain James Carruthers having pretendit disposition". See chapter on the Chamberlain to the Earl of Annandale.

superiority. George, the youngest brother, had some right to this land held of Holmains. He contracted to assign that right to his brother Christopher who was to dispose the combined rights to Holmains. In return Holmains was to give to Christopher and his heirs, or to his two brethren, a tack of the land for periods of nineteen years in all time coming, the tacksman to pay a rent of £40 Scots and £40 Scots as grassum, rendering personal service on horseback, &c. The lands are described as the 40/- lands of Over Denbie "that lie undividit from the other 40/- lands of Over Denbie whereof Alex Jardine of Applegarth is superior".¹⁷ In other words, both Holmains and James Carruthers were sold the same property. Christopher and George at once found themselves in trouble. James Carruthers could claim the prior disposition, but Holmains could most easily apply pressure. This he did by means of Letters of Horning to make Christopher pay the tack duty of £40.¹⁸ The solution of the impasse was obvious and it was adopted. In July 1669 Christopher and George renounced in favour of Holmains the 40/- land of Over Denbie (held of Holmains) without prejudice to the rights of George to the other 40/- lands,¹⁹ whilst in February 1669 James Carruthers was infeft in the 40/- lands held of Jardine.²⁰ With the progress of the latter we are not concerned here, but from a dilapidated instrument of July 13, 1669, it would seem to have been acquired from James Carruthers by Holmains.²¹ George Carruthers did not surrender Over Denbie without compensation. He entered into a minute of excambion with Holmains whereby in return for his renunciation he was to be infeft in the lands of Castlebank and Crossdails.²² For some reason, though the excambion was effected, it was never legally completed, so that as late as 1694 Holmains in burdening Over Denbie with a wadset had to specify warrandice for that reason.²³ George, however, certainly took possession of and was known as of Castlebank, though as late as 1680 he was protesting against Holmains prejudicing his rights to Over Denbie.²⁴

¹⁷ Cal. of Holmains Writs, Nos. 122, 123 and 124.

¹⁸ Ibid., Nos. 127, 128 and 129.

¹⁹ Ibid., No. 130.

²⁰ Gen. Reg. Sas., Vol. xxi, fo. 201.

²¹ Cal. of Holmains Writs, No. 131.

²² Ibid., No. 159.

²³ Castlebank was part of the £10 land of Ecclefechan. In 1630 the £3 lands of Castlebank and the 10/- land called Tibbies Johnies had been set in tack by Holmains to John Bell called Castlebank (Cal. of Holmains Writs, No. 111), who had subtacked part of it to a son of George Bell called Provost (ibid., No. 110). In 1665 under decret arbitral Holmains resumed possession (ibid., No. 111) under payment of compensation (ibid., No. 114).

²⁴ Cal. of Holmains Writs, No. 136. In 1684 Margaret Rouet is described as spouse of George Carruthers of Castlebank (Reg. Priv. Conc., 3rd Ser., Vol. ix, p. 597).

RECORDS OF THE CARRUTHERS FAMILY

It is not clear what these rights were, but his descendants certainly possessed the 40/- lands held of Jardine, for he himself was infeft therein in 1681,²⁵ and his son, George Carruthers, was infeft therein in 1697 as heir to his father.²⁶ The latter was dead by 1720 when his relict, Mary Menzies, then spouse to William Angus in Crosdales, was infeft in a liferent from Over Denbie under bond of provision by her first husband.²⁷ His son, John Carruthers, was that November infeft heir to his father in Over Denbie.²⁸ He was a merchant traveller in England and in 1719 burdened Castlebank and Denbie with a wadset.²⁹

It is now necessary to return to the 40/- lands of Over Denbie held of Holmains. After their surrender by George Carruthers in 1669 Holmains disposed the lands to his brother, William Carruthers of Denbie. The latter, then described as of Kirkwood, had married Blanch Irving, daughter of Francis Irving of Braes, by Catherine Irving, his wife. In 1675 the bride's parents infeft the young couple in the 33/4 lands of Braes, Kirtilbrig and Priestclose with reservation of liferent.³⁰ On her death William Carruthers married secondly, as her third husband, Isabel Weir, daughter of Archibald Weir of Edinburgh and Elizabeth Hamilton.³¹

By his first wife William Carruthers had :

- (i) John Carruthers, of whom hereafter.
- (ii) Thomas Carruthers, apprenticed on March 12, 1690, to Andrew Chalmers, stationer in Edinburgh.³² Thomas became a stationer and burgher of Edinburgh on March 27, 1695.³³ He married on April 6, 1699, Anna, daughter of Albert Kennedy, Professor of Philosophy at Edinburgh,³⁴ who survived him and married secondly William Wood, surgeon in Edinburgh. They had the following issue :

- (a) John,
- (b) Halbert,

²⁵ Dumfries Reg. Sas., 2nd Ser., Vol. iii, fo. 145.

²⁶ Ibid., Vol. v, fo. 423. He had been served heir November 28, 1695 (Retours).

²⁷ Ibid., Vol. ix, fo. 269.

²⁸ Ibid., fo. 292. John was served heir general to George on April 8, 1710 (Retours).

²⁹ Gen. Reg. Sas., Vol. cxiv, fo. 88.

³⁰ Dumfries Reg. Sas., 2nd Ser., Vol. i, fos. 355 and 356.

³¹ She had married (i) George Johnstone of Knockhill, and (ii) John Stark of Kilmont (Acts and Deceets (Mack), December 3, 1692).

³² Edinburgh Apprentice Register, ³³ Edinburgh Burgess Roll.

³⁴ Edinburgh Marriages.

THE FAMILIES OF OVER DENBIE

- (c) Mary,
- (d) Thomina,—
all dead by 1733 when their Testament was given up,
- (e) Anna, spouse of Hugh Hunter, druggist in Edinburgh, their executor.³⁵

The Hunters had a son Andrew Hunter, surgeon at Dalkieth, who in 1770 was served heir general to his uncle John Carruthers, son of Thomas the bookseller.³⁶

- (iii) Francis, who inherited Braes and therefore may have been a second son. He was infeft heir to his grandfather, Francis Irving, in that 33/4 land in 1709.³⁷ For an account of his descendants see Chapter entitled "Braes".
- (iv) Mary, born January 31, 1680, married on July 3, 1704, to George Carruthers of Holmains.
- (v) Henrietta Carruthers, who married on August 17, 1721, Andrew Barclay, writer in Edinburgh, was probably another daughter as Barclay figures frequently in Denbie Sasines.³⁸

By his second wife, Isabel Weir, William Carruthers had :

- (vi) William Carruthers, described as mariner on board the "Lennox", man-of-war; he was dead by 1757 when his relict Esther Douglas, only daughter of the first marriage of the late Col. James Douglas of 1st Battalion Scots Guards, assigned to her brother Archibald Douglas, surgeon in Moniaive, a process against the children of her late sister-in-law, Agnes Carruthers.³⁹
- (vii) Jean.⁴⁰
- (viii) Agnes, married to Mr. James Murray, "son of Murray of Murraythwaite", minister of St. Mungo, who died in March 1735,⁴¹ survived by his wife and John, James, and George, their children.⁴² She appears to have married secondly James Johnstone of Lockerbie.⁴³

John Carruthers, second Laird of Denbie, was a University graduate and a writer in Edinburgh. He married Margaret, daughter of John

³⁵ Edinburgh Testaments, Vol. vc.

³⁶ Retours. ³⁷ Dumfries Reg. Sas., 2nd Ser., Vol. vii, fo. 434.

³⁸ Edinburgh Marriage Register. ³⁹ Dumfries Sheriff Court Deeds, 1760.

⁴⁰ Gen. Reg. Sas., Vol. lxix, fo. 396. In 1695 these three children were infeft in an annual-rent furth of Knockhill.

⁴¹ Scots Fasti.

⁴² Sheriff Court Deeds, 1760.

⁴³ Reg. of Deeds (Mack), Vol. clxvii, April 20, 1742.

RECORDS OF THE CARRUTHERS FAMILY

Carruthers of Holmains, and was made a burghess of Edinburgh "gratis, for good service" on August 30, 1714.⁴⁴ He was a member of Parliament in 1705-07 and voted against the Union. It is interesting to note that the Rev. W. S. Crockett in his Scott Originals records that when Isabel Walker, sister of "Jeanie Deans", was tried at Dumfries in 1736 for child murder, four of the fifteen members of the assize were members of the Carruthers family, viz. John of Denbie, who was chosen "chancellor", and with John Irving, the clerk, signed the verdict against Isabel, William of Braes, Francis of Whitecroft and William of Hardriggs.

Mr. John Carruthers of Denbie died on December 18, 1730, and particulars of his descendants will be found in the Chart of the Families of Over Denbie.

⁴⁴ Edinburgh Burgess Roll.

CHAPTER XV

BRAES

THE Braes estate came into the possession of the Carruthers family through the marriage, about the year 1675, of William Carruthers of Kirkwood (late of Over Denbie) with Blanch, daughter and heiress of Francis Irving of Braes¹ by his wife Catherine Irving. The lands were valued at 33/4¹ and consisted of Braes, Kirtilbrig, Whitehill, and Priestclose, and William Carruthers and his wife were infeft therein by the bride's parents, with reservation of liferent.²

On June 18, 1709, Francis Carruthers, probably second son of William Carruthers and Blanch Irving, was infeft heir to his grandfather, Francis Irving of Braes.³ Nothing further is known of Francis Carruthers, apart from the fact that he died on November 11, 1720. He was succeeded in the estate by his son, William Carruthers,⁴ who according to a manuscript chart married Margaret, daughter of John Irving of Whitehill, by whom he had the following children:

- (i) Francis, killed at the taking of Louisburg from the French.⁵

¹ The Irvings of Braes were an offshoot from the Bonshaw stock. George Irving, first of Braes, had been a tenant in Braes for some time before 1642 when his brother William Irving of Bonshaw infeft George and his wife Blanche Armstrong in the small estate of Braes, their son Christopher acting as an attorney for his mother (Dumfries Reg. Sas., Vol. v, fo. 31). Their daughter Agnes married c. 1640 James Irving of Kirkconnel (ibid., Vol. iv, fo. 375).

² Dumfries Reg. Sas., 2nd Ser., Vol. i, fos. 355 and 356.

³ Ibid., Vol. vii, fo. 434.

⁴ On June 11, 1762, there is recorded a sasine in favour of William Carruthers of Braes as heir to his father Francis Carruthers of Braes, in those lands on precept of Clare Constat (Dumfries Reg. Sas.).

⁵ MS. Chart. He was alive in 1746, when he witnessed a sasine in favour of James Johnstone in Dykestoun and Mary Carruthers spouses (Dumfries Reg. Sas., 2nd Ser., Vol. xv, fo. 98). His father, William, acted as bailie for John Irving of Bonshaw who gave sasine.