

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 marks of land in Holmains and a 40/- land in Fourteenakerbank.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 Fourteenakerbank 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 infest 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.

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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.

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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 Turmmure" to his brother, Thomas Crichton of Brunston.¹³ In 1470 John Crichton, "lawful and natural son" of John Crichton of Brunston, was infelt 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.

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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.

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.)

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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 infert 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 infert 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.

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son, James, who entered the Church and prior to 1515 became rector of Wamphray, being infert 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 rouped 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 jointly.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 infert

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. 1, 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 infert 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).

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heir to his grandfather in the lands of Daltonheuk, Blaberryward, called Bengallhill 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 appraised the lands of the defaulters for whom he had been surety, assigning some of the lands to the Crown, but refraining from being infest 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 infestment. 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 Hennesland 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 infest 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.

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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.

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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 Kilpatrick's, 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 Kirkpatrick's 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 Reg. Priv. Conc., Vol. xiv, p. 156.

⁵⁹ Cal. of Holmains Writs, No. 25.

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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 wherat Closeburn, who had amicably settled his differences with Holmains, successfully petitioned the Crown to discharge the surety and not enforce the penalty.⁶⁰ Man-slaughter 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 Barcloy. 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 Castlemaaddy 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 Com-petitor 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 vills 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).

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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 marks.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.

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

⁷⁰ Scots Peerage, Vol. i, p. 223.

⁶⁸ Reg. Priv. Conc., Vol. xiv, p. 66.

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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 Workmanbie and John Carruthers of Robyflat.

⁸⁷ Cal. of Holmains Writs, No. 41.

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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 McBrair, and the marriage of his son, Robert McBrair.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 infest in 1563 in the 10-merk land of Rammerscales and Harthwat 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 McBrair, 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.

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Applegirth, being infest 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 McBrair 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 McBrair had been infest, 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 McBrair, 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 infest 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 infest 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.

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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 infetment 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 decret 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 law-burrows 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 country armed with jackis, steelbonnets, swords, lances and uther weaponis" went to Meikle Dalton, Dyk, Knox, Twaquhattis and Over Dormont and "be oppin reif and bangastrie, dang up the said complainers barne duris, kaist down thair hail coirne stalkis, caryit and awaytuke the same". For this violent dispossession the tenants, complaining that they were "alluterlie wraikit, being bot puir 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.

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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.

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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 Decrets is full of his proceedings and the consequent bonds recorded in the Register of Deeds. He brought an action against Holmains for enforcement, 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.

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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 malefectour", 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 haill 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.

¹²⁴ Ibid., p. 317, and Vol. x, p. 8.

¹²³ Ibid., p. 397.

¹²⁵ Ibid., Vol. xi, pp. 180-1.

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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 beat 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.

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notary, burgess 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, burgess of Edinburgh. Ten years later (June 6, 1563) William alienated his interest in the £5 land of Hoddam (no mention of Knoks, &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.

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