

## RECORDS OF THE CARRUTHERS FAMILY

upheld a series of penal enactments against all who did not attend at Kirk. The minister put these into operation, which aroused in them "deadly hatred" towards him. In the autumn of 1625 the minister was engaged transporting corn from Dalton to Mouswald—probably teind sheaves extracted from Holmains and his tenants. The Carrutherses decided "to lay in wait for him by the way". They were substantially the same *dramatis personæ* as in the previous affrays. Somewhere on the moor, near Deadman's Gill, they must have lain concealed, but the minister was providentially detained at Mouswald Manse and in their rage at their disappointment they set upon his servants, "threw thame to the ground, breisted and punsed thame with thair hands and feete, and after a barbarous maner strake and wounded my horses, whilks wer caring my cornes, brake the sleddes<sup>158</sup> and uthers instruments quhilks served for careing of the cornes and caused thair awin bestiall eate and destroy the same". The minister at once went into Dumfries and obtained a summons against Holmains in the Commissary Court. The Officer of the Court, one John Neilson, went forth to execute the summons on Holmains, but was met by an angry Laird with a drawn sword who gave him a deep wound in the shoulder and then turned loose and set on him "ane great mastisk dog" which threw him to the ground and bit him through the "ball of my leg so that I was unable to stirre for a long spaiice thairafter". That was followed by a further attempt by Holmains and his brothers to waylay the minister. Hearing that he was at Butterquhat they went there, but missing him had to content themselves with attacking his servants at Hoile who escaped just in time; later in the day they ran the minister to ground at Kirkhill, besieged him in the house and tried to burn it down; failing in that effort, they slew a horse which they thought was his.<sup>159</sup>

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

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

<sup>159</sup> Reg. Priv. Conc., 2nd Ser., Vol. ii, pp. 587-8.

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

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

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

(i) James Carruthers, younger of Holmains, described as the eldest son of the first marriage, so there may have been others. His marriage to Margaret Lockhart has already been described. He died during the lifetime of his father, survived by:

- (a) John Carruthers of Holmains, ninth Laird, of whom hereafter.
- (b) William Carruthers of Over Denbie, second son, for whom see Chapter XIV on "The Families of Over Denbie".
- (c) Mary, married prior to 1660 to Robert Carruthers of Rammerskales.<sup>163</sup>
- (d) Helen, married to John Carruthers of Dormont.

<sup>160</sup> Reg. Priv. Conc., Vol. xiii, pp. 6-7.

<sup>161</sup> Dumfries Commissariat Testaments, Vol. ii.

<sup>162</sup> Cal. of Holmains Writs, No. 98.

<sup>163</sup> Ibid.

84, 4<sup>th</sup> B

94, 5<sup>th</sup> B

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(ii) William Carruthers of Butterquhat. (See Chapter XIII on Families of Butterquhat.) With his brother Thomas he advanced 4,000 merks to his nephew John Carruthers of Holmains. He was eldest son of Janet Douglas.<sup>164</sup>

(iii) Thomas, first mentioned in 1636, who afterwards became Major Thomas Carruthers of Brigmuir. For his half of the 4,000 merks loan he was infert in security in 1664.<sup>165</sup> He was admitted burghess of Dumfries on October 8, 1660, and at once made himself unpopular with the magistrates in what was a close corporation with vested interests. At the November election for the Town Council he protested that he could not find out the names of the voters, and when the magistrates tried to ride rough-shod over him he promptly cited the Council to appear in Court in Edinburgh whereat a voters' roll was produced.<sup>166</sup> He was appointed Steward Depute as early as . . . and married Elizabeth Hairstanes, relict of John Sharp, baillie of Dumfries<sup>167</sup> and was dead by September 20, 1683, when Elizabeth, then described as spouse of Thomas Charteris of Amisfield, secured a decret against John Carruthers of Holmains relating to the above wadsett for 4,000 merks.<sup>168</sup> By Major Thomas Carruthers she had a daughter, Janet Carruthers, whom she had to cause enter heir to her late husband for the purposes of her decret. Janet was dead by November 1684.<sup>169</sup> The decret she assigned to John Sharp, Sheriff Clerk of Dumfries, who obtained a heritable bond from Holmains.<sup>170</sup> The loan was probably repaid in 1714 when the Butterquhat portion was redeemed.<sup>171</sup> George.

(iv) Margaret, mentioned in the summons of 1636. With her sister Janet she was infert in 1633 in a 40/- land of Over Dormont by her father and brother James in security for £1,000 and 1,000 merks Scots respectively under bond of provision.<sup>172</sup> Margaret was to get her provision on marriage.<sup>173</sup>

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

<sup>165</sup> *Ibid.*, Nos. 106, 107 and 108.

<sup>167</sup> Cal. of Holmains Writs, No. 143.

<sup>169</sup> *Ibid.*, No. 143.

<sup>171</sup> *Ibid.*, No. 176.

<sup>172</sup> Cal. of Holmains Writs, No. 68. She was only to marry with consent of William Douglas of Kelhead, James Douglas of Mouswald, Francis Carruthers of Dormont and John Carruthers of Rammerskales.

<sup>166</sup> Town Council Minutes.

<sup>168</sup> *Ibid.*, No. 140.

<sup>170</sup> *Ibid.*, No. 145.

<sup>173</sup> Dumfries Reg. Sas., Vol. iv, fo. 1.

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

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

In spite of the financial reconstruction effected by Mr. John Lockhart of Heids the estate was still embarrassed. So when James Carruthers died Samuel Lockhart, merchant in Edinburgh, and brother to Mr. John Lockhart, obtained from the Lord Protector a gift of the ward and non-entry duties of the estate on August 7, 1657,<sup>176</sup> which gift he assigned to Robert Fergusson of Craigdarroch on January 23, 1662.<sup>177</sup> Fergusson secured adjudication in his favour, followed on October 2, 1662, by a charter under the Great Seal which set forth that John Carruthers had renounced his right to be served heir.<sup>178</sup> It was not till May 1673 that Carruthers was infett under a Great Seal charter proceeding on Craigdarroch's resignation.<sup>179</sup>

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

<sup>174</sup> Reg. Priv. Conc., Vol. xi, p. 244.

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

<sup>176</sup> Ibid.

<sup>177</sup> Holmains Inventory.

<sup>178</sup> Cal. of Holmains Writs, Nos. 101 and 102.

<sup>180</sup> Cal. of Holmains Writs, No. 105 (August 11, 1663).

<sup>181</sup> Acts Parl., Vol. vii, p. 505, and Vol. viii, pp. 225 and 465.

<sup>182</sup> Reg. Priv. Conc., 3rd Ser., Vol. ii, pp. 369 and 387.

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

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

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

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

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

<sup>185</sup> Ibid., pp. 467 and 474.

<sup>186</sup> Ibid., Vol. vi, p. 646.

<sup>187</sup> Ibid., Vol. viii, p. 639.

<sup>188</sup> Acts Parl., Vol. viii, p. 652.

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

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

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

As previously mentioned, John Carruthers married in April 1659<sup>193</sup> Helen, daughter of Sir Robert Grierson of Lag by Margaret, eldest daughter of Sir James Murray of Cockpool.<sup>194</sup> She was infert in the liferent of the £10 lands of Kirkwood, Meikle Dalton and others in 1663.<sup>195</sup> Helen Grierson predeceased her husband who married, secondly, Helen Callendar. From an instrument in bad condition amongst the Holmains Writs that lady would appear to have been dead by February 10, 1690.<sup>196</sup> It is not known if she had any issue by her husband. The Laird himself died in September 1694, his second surviving son, George, being his executor.<sup>197</sup>

<sup>190</sup> Scott's Fasti, Vol. ii, p. 620.

<sup>192</sup> Ibid., Nos. 149 and 152.

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

<sup>195</sup> Gen. Reg. of Sasines, Vol. vi, fo. 427.

<sup>196</sup> Cal. of Holmains Writs, No. 151.

<sup>197</sup> Dumfries Commissariat Testaments, Vol. vii, No. 290.

<sup>191</sup> Cal. of Holmains Writs, No. 142.

<sup>193</sup> Holmains Inventory.

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By his first wife, Helen Grierson,<sup>198</sup> John Carruthers had the following issue :

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

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

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

<sup>198</sup> In the document quoted she is called "Helen Greir".

<sup>199</sup> Cal. of Holmains Writs, Nos. 155 and 156.

<sup>200</sup> Ibid., No. 154.

<sup>201</sup> Ibid., No. 178.

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

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

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

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

<sup>202</sup> Acts Parl., Vol. x, pp. 316-18, and Appx., p. 103.

<sup>203</sup> Hist. Mon. (Scot.) Comm.—Dumfriesshire, No. 96.



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

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

George Carruthers married clandestinely his cousin Mary, daughter of William Carruthers of Denbie. This was an irregularity which the Kirk could not tolerate. Offenders whether high or low were sternly called to account. On December 7, 1705, he was prosecuted in the Stewart Court of Annandale, the Procurator-fiscal claiming 1,000 merks penalty under an old Act of Parliament in 1661.<sup>207</sup> It is not recorded how much he had to pay, but as on appeal to the Court of Session it was held that whereas the fine was to be shared between the fiscal and the poor of the parish "the

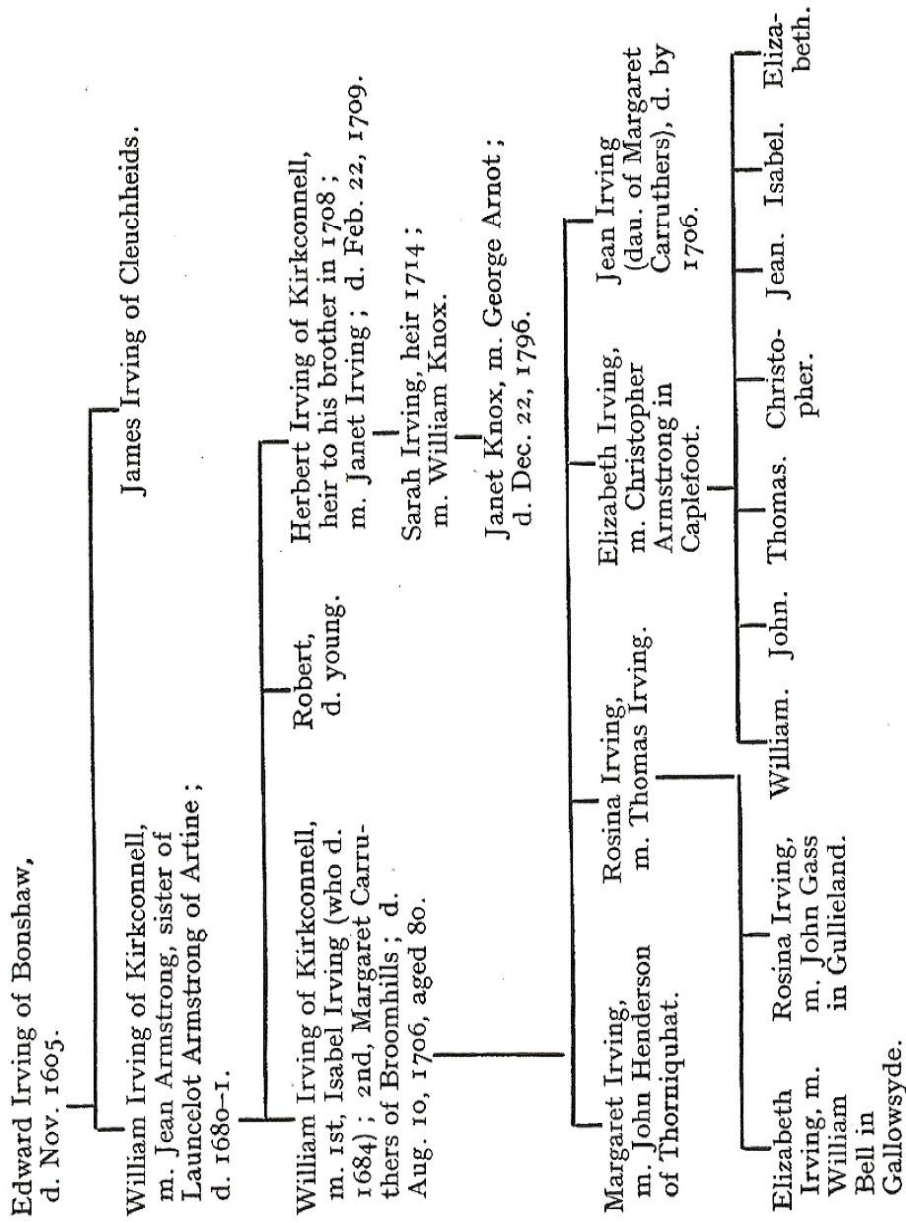
<sup>204</sup> Cal. of Holmains Writs, No. 181.

<sup>205</sup> Decisions of the Court of Session, Vols. xxxv and xxxvi, 15195.

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

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

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

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

<sup>208</sup> Decisions of the Court of Session, Vol. vi, 2251.

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

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(vi) Helen, born July 7, 1705.

(vii) Margaret, born October 9, 1713; died October 17, 1713.

(viii) Ann, born September 24, 1716; married on October 2, 1749, to John Martin, Dumfries.

John Carruthers, eleventh Laird of Holmains, was born on December 20, 1706, and was little more than of age when he succeeded his father, being served heir on October 2, 1729.<sup>210</sup> In April 1729 he married Rachel, daughter of James Douglas of Dornock, by whom he had only two children.<sup>211</sup> He died on January 5, 1734, having nominated Sir James Johnstone of Westerhall, Bart., James Douglas of Dornock, Mr. John Henderson of Broadholm and John Carruthers of Denbie as tutors to his children.<sup>212</sup> His only daughter Philadelphia, born in February 1730, was provided for by her father in £500 sterling on marriage or majority,<sup>213</sup> which sum she took to Adam Carlyle of Lymekilns whom she married on December 21, 1753.<sup>214</sup>

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

<sup>210</sup> Cal. of Holmains Writs, No. 179.

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

<sup>212</sup> Dumfries Commissariat Testaments, Vol. x, No. 465.

<sup>213</sup> Cal. of Holmains Writs, No. 180, dated November 10, 1732.

<sup>214</sup> Marriage Contract in Holmains Charter Chest.

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

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

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

<sup>215</sup> Hist. MSS. Comm., 6th Rept., Appx., p. 709.



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heavie burden of debt quhilk will overthrow and undoe him if with the advyce of his friends he take not some solide course to prevent the wrack and overthrow wherewith he is threatened with these burdens . . . he is resolved by God's grace so to governe his affaires as be tyme he sall exoner him selfe of a great part of the same, partlie by sale and disposition of some part and portion of his lands and partlie by governing the rest with sic oversight as may best conduce to the furtherance of this his honest resolution."<sup>144</sup> This plaintive supplication was granted and the legal advice taken. His affairs certainly were in need of financial reconstruction. The Lockharts, whose daughter his son was about to marry, no doubt saw to that. So in September 1635, Mr. John Lockhart, fiar of Heides,<sup>145</sup> brother to Margaret Lockhart, came to the rescue and arranged the financial reconstruction. He advanced a large sum of money unspecified and received a disposition from Holmains irredeemably of all his lands, representing the third of Castlemilk and also the £10 lands of Blawat.<sup>146</sup> Further, he agreed to dispose to him all his other lands subject to a back bond by Lockhart and a general settlement with his son, James Carruthers.<sup>147</sup> That settlement included a liferent for Holmains in part only of his lands, on his undertaking to lay aside the yearly sum of 1,000 merks from the rents till the sum of 13,000 merks was accumulated to take the place of a bond of provision for that amount which had been given by James Carruthers to his father's children by his second wife, Janet Douglas. James was to act as Chamberlain, collect the maills and accumulate the provision. John undertook to assign at death to his wife and bairns all his movable goods and plenishings, and to give to James and Margaret a certain amount of farm stock and to put the house of Kirkwood in repair for them. He was also to pay Mr. Alexander Johnstone, advocate, 500 merks for his escheat<sup>148</sup> which was to be assigned to James and to pay off a number of other named debts, and finally to ratify the marriage contract of James

<sup>144</sup> Reg. Priv. Conc., 2nd Ser., Vol. vi, p. 18.

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

<sup>146</sup> Cal. of Holmains Writs, No. 75.

<sup>147</sup> *Ibid.*, Nos. 72 and 73.

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

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and Margaret. Such were the main headings of this comprehensive settlement.<sup>149</sup>

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

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

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

<sup>149</sup> Cal. of Holmains Writs, No. 73.

<sup>150</sup> *Ibid.*, No. 76.

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

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

<sup>153</sup> *Ibid.*, No. 78. <sup>154</sup> *Ibid.*, No. 96.

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

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

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

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

<sup>155</sup> Reg. Priv. Conc., Vol. x, p. 588.

<sup>156</sup> Ibid., Vol. x, p. 668.

<sup>157</sup> Ibid., Vol. xi, p. 51.