

CHAPTER VII

DORMONT

WILLIAM CARRUTHERS, first of the Dormont family, was the third son of John Carruthers and Blanche Murray, his wife. He received from his father, in 1552, a charter of Corsopeland and later of Nether Dormont. He had three sons, Christopher and George, both mentioned on November 23, 1602 (see Holmains Chapter), and Hobie, mentioned December 24, 1594. Christopher, the eldest, who married Margaret Johnnestoun, succeeded to the family estates on his father's death and in 1592 obtained a tack of Hardgrave from Sir James Johnstone. During the feud between the Maxwells and the Johnstones the Dormont family undoubtedly favoured the cause of the Johnstones, for in a Respite granted December 24, 1594, by King James VI to Sir James Johnstoun and eight score others, for the slaughter of John, Lord Maxwell, the Warden, in December 1593, "Christie Carrutheris of Dormont" and "Hobie Carrutheris his brother" are mentioned.¹ Christopher Carruthers of Dormont was witness to a Holmains Sasine on December 2, 1584.²

Christopher Carruthers is known to have had three sons:

- (i) John Carruthers "called of Dormont" was probably the eldest. On January 2, 1619, he was slaughtered in the house of John Mundell in Torthorwald, the assailants being Habbie Rae in Mouswald, Pait McKeg, servitor to the Laird of Lag, and twenty others.³ He must have been succeeded by
- (ii) Francis Carruthers, of whom hereafter,
- (iii) William Carruthers of Nutholm who is definitely described as brother to Francis. In 1647 he was infeft by Francis in the 20-merk land of Meddilshaw and again in 1658.⁴ These infeftments represented wadsetts for 3,200 merks. In addition he had been infeft by John Maxwell of Castlemilk in a wadsett for 500 merks furth of the 3-merk land of Nutholm. All these wadsetts he trans-

ferred in 1659 to his natural son Herbert Carruthers⁵ who succeeded William in due course. Herbert married a lady named Helen Wilson and was dead by 1705.⁶ In 1710 his son William Carruthers was infeft in the £2 land of Haldykes being "a fifth part of a £10 land of the £20 land of Hutton Common."⁷ He was served heir to his father Herbert on November 15, 1711, and in 1713 renounced a wadsett held by his grandfather and father since 1641 for 600 merks secured on John Maxwell of Castlemilk's 40/- lands of Nutholm.⁸ At the same time he effected an excambion with William Douglas of Dornock whereby he secured the other two-thirds of the 6-merk land of Nutholm of which he and his father had held the other third—thus consolidating his property.⁹

William Carruthers of Nutholm ^{died 18 MAY 1731 (ST MUNGOPARISH REG.)} was dead by 1731 when his brother Andrew, who had succeeded to the property, entered into an agreement with Agnes Carruthers, widow of William, and with Margaret, his own sister, as to the division of William's estate.¹⁰ Andrew married Mary Bell, whose family has not been ascertained, and in 1746 executed a bond of provision in her favour thereby leaving Nutholm to his eldest daughter Helen, and 700 merks to his only other daughter Agnes.¹¹

Andrew Carruthers of Nutholm was dead by 1761 when his two daughters were infeft as his heirs. Helen was then married to Christopher Carruthers in Nutholm, brother to John Carruthers of Breconhill;¹² Agnes being wife of Alexander Robertson in Dykestoun. The property at that date consisted of the 2-merk land of Nutholm and Kilnpotlees, a merk land of Shawhead, 1½-merk land of Townfoot of Castlemilk, ½-merk land of Broatshaw, ½-merk land of Middleshaw and ½-merk land of Holmfoot.¹³ By 1803 Helen was dead, her son William Carruthers of Nutholm being infeft heir to her and to John Carruthers of Breconhill, his uncle,¹⁴

⁵ Dumfries Reg. Sas., Vol. vii, fo. 132. There was a John Carruthers in Netholme (*sic*) charged with the slaughter of Andro Lindsay of Rascarrel in 1611 (Pitcairn's Criminal Trials, Vol. iii, p. 115) at the West end of the Brig of Dumfries.

⁶ Reg. Priv. Conc., 3rd Ser., Vol. ix, pp. 606 and 628.

⁷ Gen. Reg. Sas., Vol. xxviii, fo. 434.

⁸ Dumfries Reg. Sas., 2nd Ser., Vol. viii, fo. 131. In the interval Maxwell had sold the lands to William Douglas of Dornock in whose favour the renunciation was made.

⁹ *Ibid.*, Vol. viii, fo. 146.

¹⁰ Sheriff Court Deeds, Bundle 1750 and 1757.

¹¹ *Ibid.*, Bundle 1754.

¹² Dumfries Reg. Sas., June 26, 1790.

¹³ *Ibid.*, Vol. xix, fo. 19.

¹⁴ *Ibid.*, May 24, 1803.

¹ Book of Carloverock, p. 498.

² Cal. of Holmains Writs, No. 38.

³ Pitcairn's Criminal Trials, Vol. iii, p. 472.

⁴ Dumfries Reg. Sas., Vol. v, fo. 198, and Vol. vii, fo. 70.

and in 1814 heir to his father Christopher.¹⁵ William left two sons, James and Andrew, concerning whom a deed of settlement was made in 1841 whereby they were infeft in that part of Nutholm resigned by James Carruthers, brother of William, in return for an annuity to James and lump sums to his three sons, John, William and Thomas, the last two of whom were then abroad and whose share if unclaimed in three years was to go to the children of William Smith, merchant in Leith, and Mary Carruthers, sister of William,¹⁶ and therefore their aunt.

Francis Carruthers, third Laird of Dormont, was infeft heir to his grandfather William on January 7, 1619, in the 5-merk lands of Corsopelands,¹⁷ but not till 1634 was he infeft in the 5-merk lands of Nether Dormont and the mill thereof as heir to his father Christopher.¹⁸ These two infeftments taken in conjunction would seem to indicate that the ancestral estate originated in Carsopelands and that Nether Dormont did not come into the possession of the family till acquired by Christopher Carruthers. Indeed in a backbond dated June 1, 1667, by John Carruthers of Holmains to John Lindsay of Waucope it is specifically stated that Lindsay's predecessors had disposed the £5 land of Little (Nether) Dormont to John Carruthers of Dormont, which can only be read as a clerical error for Christopher, unless Christopher had died before 1619 when his son John was murdered.¹⁹ A number of other infeftments of Francis are recorded:—in 1643 in an annual-rent of 320 merks furth of the lands of Netherefield of Benga in Dryfesdale, for his life and in fee to James, George and Walter, his younger sons.²⁰ Again, he was infeft by the Earl of Annandale in 1647 in the 20-merk land of Medilshaw called the Thrid of Castlemilk²¹ on a wadsett amounting to 8,000 merks.²² These were followed by his first rights to Nether Denbie being a reversionary interest in a 40/- land thereof.²³ This last in 1663 was converted into a definite grant from John Lindsay of Waucope in the 4-merk land of Nether Denbie to himself for life and then to his son Walter.²⁴

Francis Carruthers had the following issue:

- (i) John Carruthers, who married in 1639 Katharine, daughter of Mr. Robert Herries, minister of Dryfesdale.²⁵ She died in December 1656, and her Testament²⁶ shows that she had five children: John

¹⁵ Dumfries Reg. Sas., November 30, 1814.

¹⁶ Ibid., Vol. xl (May 4, 1847).

¹⁸ Ibid., Vol. iv, fo. 75.

²⁰ Gen. Reg. Sas., Vol. liii, fo. 296.

²² Ibid., Vol. vii, fo. 125.

²⁴ Gen. Reg. Sas., Vol. vi, fo. 401.

²⁶ Dumfries Testaments, March 26, 1657.

¹⁷ Ibid., Vol. i, fo. 180.

¹⁹ Cal. of Holmains Writs, No. 120.

²¹ Dumfries Reg. Sas., Vol. v, fo. 190.

²³ Ibid., fo. 123.

²⁵ Dumfries Reg. Sas., Vol. iv, fo. 362.

Carruthers, fourth Laird of Dormont, Robert,²⁷ Janet, Marion and Jean.²⁸ To these may be added a natural son, John, mentioned in 1676.²⁹ Jean in 1670 married William Henderson of Broadholm.³⁰ Her father died in 1670³¹ having, in 1654 and again in 1659, in partnership with Mark Loch, Provost of Annan, been infeft in annual-rents in Applegarth parish.³²

- (ii) James Carruthers infeft by his father in 1659 in a wadsett of 3,000 merks out of the lands of Medilshaw.³³ He was known as of Breconhill, though it is not clear how he acquired it. In 1706

²⁷ In the Petition of Colonel Francis Carruthers of Dormont for Arms this Robert Carruthers is given four sons, though no evidence is adduced.

- (i) John Carruthers of Mossie, who had Robert Carruthers in Hyndwood, who had John Carruthers, wright in Dumfries. Marion Edgar, spouse of a John Carruthers in Mossyde, died in September 1682, her husband being executor (Dumfries Testaments).

- (ii) James Carruthers of Cocklicks, who married a sister of Wormanbie and had James Carruthers in Cocklicks, who had James Carruthers, captain in Liverpool, and David Carruthers. [The Testament of James Carruthers in Cocklicks, who died in November 1751, was given up by his grandson and executor James Howatson, son of George Howatson in Locherben.]

- (iii) Francis Carruthers in Harthuat. [The Testament of Francis Carruthers in Hartwood, who died in February 1721, the second son of Robert Carruthers in Gateside, was given up by his daughters, Catharine, wife of Philip Forsyth in Carthat, Jean, wife of Francis Johnstone in Kirkwood, Helen, wife of John Nicolson in Little Dalton, Nicolas, wife of John Dawnie in Waulkmill of Dryff, and Mary, Margaret, Violet and Agnes. Francis had married on March 5, 1685, Janet, daughter of William Carruthers in Hurkledale. The tocher was 700 merks, to which his father added 1,000 merks as Francis' bairns part, and the witnesses were John Carruthers of Dormont and William Carruthers, younger of Whitecroft (Commissary Court Deeds, Bundle 1732).]
- (iv) William Carruthers in Mouswald, who had William, d.s.p., and Robert, who had Walter Carruthers in Dumfries. This William Carruthers married in 1695 Bessie, daughter of William Fergusson in Woodbarnes, and to them his father, Robert Carruthers in Gateside, gave as patrimony 700 merks, the bond being witnessed by John Carruthers, eldest brother of the bridegroom, and William Carruthers in Hurkledale (Sheriff Court Deeds, Bundle 1735).

²⁸ All the data contained in this Petition must be accepted with caution. According to the above Petition Janet married John Henderson in Thorniquhat and Margaret (*sic*) married James Harper.

²⁹ Dumfries Reg. Sas., 2nd Ser., Vol. ii, fo. 65.

³⁰ Reg. of Deeds (Durie), Vol. xxxi, fo. 460.

³¹ MS. Hist. of Dormont Titles.

³² Dumfries Reg. Sas., Vol. vi, fo. 2, and Vol. vii, fo. 145.

³³ Ibid., Vol. vii, fo. 126.

RECORDS OF THE CARRUTHERS FAMILY

James Carruthers of Breconhill who must be his son was infeft by Viscount Stormont in $\frac{1}{4}$ -merk lands of Breconhill and other lands in St. Mungo's parish, subject to the above wadset.³⁴ The younger James had a brother Walter, who was infeft in half the 6-merk land of Earshag called Wester Earshag in 1724 equally with William Blacklock in Gummenbie.³⁵ For an account of his descendants see Chart of Breckonhill.

- (iii) Walter Carruthers, infeft by his father in a wadset of 1,000 merks from the lands of Medilshaw in 1659,³⁶—ancestor of Nether Denbie or Whitecroft (q.v).
- (iv) George Carruthers, infeft by his father in a wadset of 800 merks from the lands of Medilshaw.³⁷ He must have had some interest in the lands of Braidgill by which he was designated. He died before 1680,³⁸ but it was not until 1705 that his son John Carruthers was infeft in the Medilshaw wadset as heir to his father George "called of Braidgill".³⁹ On August 21, 1737, William Carruthers of Braidgill was served heir general to his father John.⁴⁰ Accompanying the Petition of Lieut.-Col. Francis Carruthers of Dormont for a grant of Arms (Lyon Office Register) is a pedigree which whilst open to some criticism, supplies further details. It gives George of Braidgill another son, James, who had a ~~unnamed son~~ married to Janet Bell by whom he had a son—(William Carruthers in Ecclefechan. It gives John Carruthers of Brydegill another son, John Carruthers of Gyleburn, who had James, John and George.⁴¹

³⁴ Dumfries Reg. Sas., 2nd Ser., Vol. vii, fo. 122.

³⁵ Ibid., 2nd Ser., Vol. x, fo. 142.

³⁶ Ibid., Vol. vii, fo. 125.

³⁷ Ibid., fo. 125.

³⁸ Dumfries Testaments, Vol. v.

³⁹ Dumfries Reg. Sas., 2nd Ser., Vol. vii, fo. 75. In 1684 Mary Carruthers, John's spouse, is mentioned (Reg. Priv. Conc., 3rd Ser., Vol. ix).

⁴⁰ Retours.

⁴¹ The Dumfries Register of Sasines, Vol. xiv, fo. 354, however, supplies an account of the origin of the Guileburn family, where, under date September 19, 1744, is recorded sasine to William Carruthers, now of Guileburn, eldest son and heir of deceased John Carruthers called of Brydegill and thereafter of Guileburn, in a merk land of Sorysyke and a $\frac{1}{4}$ -merk land of Guileburn. It was to his father, William Carruthers of Guileburn,* that John Carruthers of Guileburn was infeft heir in the lands of

* William Carruthers of Guileburn had two other sons besides John, his heir, the third son being named William (the name of the second is unknown), also three daughters, Elizabeth, Mary and Jean, all mentioned in February 1768. Four grandchildren (presumably children of his son William) are also mentioned, viz. Joseph, Mary, Elizabeth and Jean (Dumfries Reg. Sas., Vol. xx, fo. 120).

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- (v) Francis Carruthers, mentioned as a witness in 1634.⁴²

John Carruthers, fourth Laird of Dormont, married probably in 1668/9 firstly Susanna, only daughter and heir of the deceased John Maxwell of Collignaw and relict of Robert Maxwell, eldest son to John Maxwell of Castlemilk. She must have been a considerable heiress, for on January 18, 1669, as heir to her grandfather, John Maxwell of Collignaw, she infeft John Carruthers, then younger of Dormont, apparently in marriage (though he is not described as her husband), in a number of lands in the Stewartry.⁴³ Susanna died in 1677,⁴⁴ leaving an only daughter Janet Carruthers, who was served heir general to her mother in 1705.⁴⁵ Her father gave a discharge for a wadset on the lands of Collignaw in 1699 under decret at instance of Lady Mary Maxwell.⁴⁶ Janet married firstly Alexander Johnstone of Elshieshields, as his second wife,⁴⁷ and secondly at some date prior to 1706 James Maxwell, younger of Barncleuch.⁴⁸

Like the Laird of Holmains, John Carruthers of Dormont favoured Conventicles. He was thrown into prison in the Edinburgh Tolbooth, but was offered and accepted his liberty on February 19, 1679, on condition that he undertook to frequent Dalton Kirk under a heavy penalty for which John Cavert in Bayliehill became surety.⁴⁹

In 1687 his kinsman by marriage, John Maxwell of Castlemilk, had so far forgotten himself as to assault Mr. James Alexander, the Sheriff Depute, at a meeting of the Commissioners of the Borders held at Dornock on June 9. This gross insult to one of their number could not be overlooked by that Commission. Dormont undertook to produce Maxwell before Sir Patrick Maxwell and the other Commissioners, and on October 4 Castlemilk appeared

Sorysyke, on December 11, 1797 (Dumfries Reg. Sas.). John Carruthers of Guileburn was alive in 1798 when he disposed to his son James a merk land of Sorysyke and the $\frac{1}{4}$ -merk land of Guileburn in which James was infeft in 1818 (Dumfries Reg. Sas.), having as "younger of Guileburn" been infeft in part of Middleshaw in 1791 (ibid.). James was dead by March 24, 1824, when his son Walter Carruthers, now of Guileburn, was infeft heir to his father James in Sorysyke, &c. (ibid.). The name of Walter's mother must have been Mary Carlyle, referred to in a sasine dated January 29, 1825, as "relict of James Carruthers of Guileburn" (ibid.).

⁴² Dumfries Reg. Sas., Vol. iv, fo. 75A.

⁴³ Gen. Reg. Sas., Vol. xxi, fo. 184. The lands were Meikle and Little Kirklands, Breochis, Brounehillis, Keltonhill, Threifmains, Halmyre and Collignaw.

⁴⁴ Dumfries Testaments, Vol. iv. ⁴⁵ Retours.

⁴⁶ Nithsdale Muniments, Nos. 192 and 197.

⁴⁷ See account of Elshieshields in Edgar's History of Dumfries, p. 97.

⁴⁸ Nithsdale Muniments, No. 250.

⁴⁹ Reg. Priv. Conc., 3rd Ser., Vol. vi, p. 645.

and apologised. His apology and repentance were recorded in the Sheriff Court Books of that date and in addition he found surety in 5,000 merks Scots.

He married secondly Helen, daughter of James Carruthers of Holmains, by whom he had an only son, John, married to Mary, daughter and co-heiress of William Bell of Winterhopehead,⁵⁰ and also a daughter Helen Carruthers in Brae of Knok, who held an annual-rent out of Kirkbank in St. Mungo's parish.⁵¹ *SHE DIED MARCH 1771 AGED 76 - DALTON PARISH REG.*

In the year 1708 John Carruthers, younger of Dormont, married Mary Bell, heir portioner to the Winterhopehead estate, which thus became part of the Dormont estates. His father settled Dormont on the young couple with succession, failing sons, to any daughter of the marriage, whom failing to the heirs female of the settler. William Bell, the bride's father, conveyed Winterhopehead to the heir male of the marriage, failing whom to Mary Bell's heirs. The bridegroom died in 1723, his son Francis, fifth Laird, succeeding his grandfather in 1725 and in 1731 married Margaret, daughter of Sir Alexander Maxwell of Monreith. In 1735 he made a post-nuptial contract of marriage to himself and his heirs male, whom failing the heirs male of any other marriage, whom failing to any daughter he might have by Margaret Maxwell. A clause stipulated that if a daughter was excluded from the estate by any term in the deed she should get £1,000 sterling.

On May 28, 1741, after having been ten years married without issue, Margaret had a daughter Elizabeth whom Francis refused to acknowledge as his daughter. The parents were divorced in January 1742. Francis refused to see the infant Elizabeth and arranged for her to be brought up in humble obscurity in Northumberland with a farmer who in his cups let out to her the secret of her birth. In 1758 she ran off with a man named Rutledge, who later died in Carlisle gaol. That year she brought an action against Francis claiming the provision to which she was entitled under her mother's marriage contract. Francis denied she was his child, but she established her identity and was held to be in law his daughter.^{51a} Under the marriage contract she could not claim the estate whilst her father Francis was alive, but she badly needed money. So an arrangement was come to whereby instead of the £1,000 sterling which might have been hers if she was excluded from the estates she was to receive £650. She gave a full discharge of all claims against Francis or his estate. Francis at once on December 8, 1759, settled the estate on his heirs male, whom failing on his brother

⁵⁰ Mary Bell, widow of John Carruthers, junior of Dormont, was served heir general to her sister Jean in 1751 (Retours). Her mother's name was Jean Armstrong (Dumfries Reg. Sas., 2nd Ser., Vol. x, fo. 92).

⁵¹ Ibid., Vol. xi, fo. 15.

^{51a} The child was held to be the husband's because she was born in wedlock, but as

William.⁵² Elizabeth died in 1768, leaving a son John Rutledge, then in India, and a daughter Ann, Mrs. Majendie, wife of the Bishop of Bangor. She was followed to the grave by Francis in October 1773.

In the year 1806 John Rutledge returned from India. He had prospered, and whilst visiting Cumberland is believed to have crossed to Dumfriesshire and stopped at an inn nigh to Dormont, where he learnt quite by chance of his mother's connection with the Carruthers family. He at once raised an action to set aside the settlement of the estate made in 1759 by Francis. The two main questions were (1) was the deed of 1759 valid seeing that it had not been challenged for over forty years; (2) did the discharge given by Elizabeth on receipt of the £650 exclude her heir's rights to the estate under his grandmother's marriage contract in 1735. It took exactly fourteen years to reach an ultimate decision. By that time John Rutledge was dead, but his sister Mrs. Majendie continued to maintain the lawsuit. The case was heard in every court in the land, being twice argued at length before the House of Lords, judgment finally being given in favour of William Thomas Carruthers of Dormont, grand-nephew of Francis.⁵³

It was on this interminable litigation that Sir Walter Scott founded the plot of Guy Mannering.⁵⁴

For further particulars of the family see Chart of Dormont.

The Arms of the Carruthers of Dormont are—Gules, two chevrons engrailed between three fleurs-de-lys or, a bordure of the last for difference. Crest: A seraphim volant proper. Motto: "Promptus et fidelis".

APPENDIX

Some years ago whilst in correspondence with Lieut.-Col. F. J. Carruthers of Dormont mention was made of a "History of the Dormont Titles" prepared by J. and F. Anderson, W.S., and with his kind permission it is possible to reproduce a substantial portion of this history.

On November 5, 1552, John Carruthers of Holmendis, with consent of his son George, granted a Charter of the . . . lands of Kirkmuire therein named Carsopland to his second son William and the heirs male of his body to be held blench.

Carruthers of Holmendis appears afterwards to have granted to this William

he was able to prove that he had not cohabited with his wife for nearly ten months before the birth he was justified in refusing to recognise his paternity.

⁵² William Carruthers, younger of Dormont, was apprenticed to Alexander Hunter, merchant in Edinburgh, on April 21, 1731 (Edinburgh Apprentice Register); as Mr. William Carruthers, merchant in Dumfries, he married on June 19, 1743, Henrietta Aikman, daughter to late Mr. William Aikman, "limner" (portrait painter) (Edinburgh Marriages).

⁵³ See Scottish Law Review, February 1931.

⁵⁴ Cf. Sir Walter Scott's letter to Lady Abercorn, May 21, 1813.

Carrutheris a Fue Charter of the Lands of Nether or Little Dormont part of the £20 land of Meikle Daltoune and he conveyed the Superiority of these lands to John Lyndsay of Wauchope.

The said William Carruthers of Dormont was succeeded by his son Christopher who again was succeeded by his son Francis (i).

On November 1, 1617, this Francis of Dormont expedie a Retour of Special Service to the said William Carruthers his grandfather in the foresaid lands of Carsopland and he made up a title to the said lands in that character.

Carruthers of Holmendis on March 12, 1636, granted a Charter of the Lands of Know and Twathets comprehending Knockrig Runninglees and Potties Closs, lying in the Parish of Dalton to William Carlisle, Burgess of Dumfries, to be held of the Earl of Dumfries as Superior, and on July 5, 1641, this Carlisle disposed these lands to John Carrutheris (i), the eldest son and heir apparent of the said Francis Carruthers of Dormont, and on February 24, 1659, the said John Carruthers acquired the Superiority by Disposition from James Crichton.

The said John Carruthers (i) in 1670 predeceased his father who died in 1679 aged 104 years.

The said John Carruthers had left a son also named John (ii). He entered into possession of the Estates, but he never made up any titles to the lands which had belonged to his grandfather Francis (i) or to the lands which had been acquired by his father John (i). He married Helen Carruthers a daughter of Holmains by whom he had an only son named John (iii) who married Mary Bell, eldest daughter of William Bell of Winterhopehead.

A Contract of Marriage dated August 10, 1708, was entered into whereby John Carruthers (ii) of Dormont conveyed to his said son John (iii) and the heirs male to be procreated of the marriage, &c., the five merk lands of Dormont, the five pound lands of Knox and Twathet, and the five merk land of Kirkmuire of Carsopland, on the other hand the said William Bell disposed to the said John Carruthers younger, in liferent, and the heirs male of the marriage, in fee, the six merk land of Winterhopehead.

John Carruthers (ii) died between 1720 and 1730, John (iii) died in 1722. He was succeeded by his eldest son Francis (ii).

In 1731 this Francis Carruthers (ii) of Dormont married Margaret Maxwell, daughter of Sir Alexander Maxwell of Monreith, Baronet.

In 1735 they executed a Post Nuptial Contract of Marriage whereby the said Francis Carruthers resigned the said lands of Dormont and others in favour of himself and the heirs male of the marriage whom failing the heirs male of his body in any subsequent marriage, &c.

On November 27, 1735, the said Francis Carruthers was served nearest and lawful heir male of Provision of the said marriage. He was also served Heir in General to John Carruthers (i) of Dormont his Greatgrandfather; and heir in special to Francis Carruthers (i) his Greatgreatgrandfather.

He obtained a Precept from Chancery for infefting him in the Lands of Nether Dormont as heir in special to his said Greatgreatgrandfather (his Superior Lindsay

though thrice charged having failed to infeft him) and he was infeft on this precept on July 1, 1736.

On July 12, 1736, he obtained a Crown Charter of Resignation and Confirmation of the Lands of Knox and Twathet and of the Lands of Winterhopehead; the first on the Procuratory of Resignation in the Disposition by James Crichton to John Carruthers his greatgrandfather July 24, 1659, and his General Service to him; and the second on the Procuratory of Resignation in the foresaid Contract of Marriage and his General Service as heir of Provision and in virtue of this Charter he was duly infeft in the said lands.

The said Francis Carruthers also completed his title to Kirkmuir or Carsopland by obtaining from the Tutor of John Carruthers of Holmains a Precept of Clare Constat in his favour as heir of the said Francis (i) his Greatgreatgrandfather on which he was duly infeft.

The said Francis Carruthers separated from his wife in August 1740, and soon after obtained a Decreet of Divorce from her.

In 1751 the said Francis Carruthers and Sir John Douglas agreed for their mutual convenience and advantage to excamb the foresaid lands of Kirkmuir or Carsop lying in the Parish of Cummertrees for the lands of Hardgrave lying in the Parish of Daltoun. This was settled by a Submission to Referees who gave out a Decreet Arbitral in which they found that Carsopland exceeded Hardgrave in value by £100, stg. A Contract of Excambion was executed in terms of this Decreet. Sir John Douglas with consent of his eldest son William sold and disposed to the said Francis Carruthers the said lands of Hardgrave and Knox to be held of him in feu farm for payment of a penny Scots; and the said Francis Carruthers sold and disposed to the said Sir John Douglas his heirs and assignees the said lands of Carsopland now called Gateside and Mossie with the lands under the real burden of the said £100 for which a Bond was granted to be held in feu farm of the said Francis Carruthers for payment of one penny Scots.

The Contract of Excambion contains a clause whereby in regard Sir John was not yet entered infeft in Hardgrave he bound himself to complete his titles as heir in special to the deceased Sir William Douglas his father or other predecessor and he granted a Procuratory for that purpose and bound himself thereafter to infeft and seize the said Francis Carruthers and his heirs absolutely and irredeemably.

The said lands of Hardgrave were contained in an Entail executed by Sir William Douglas of Kelhead Sir John's father. The said Sir John therefore by Disposition dated November 11, 1752, in terms of an Agreement forming part of the transaction sold and disposed with consent of his said eldest son to the said Francis Carruthers his heirs or assignees "heritably and in real security of the said lands of Hardgrave and Knox and in further corroboration of the Contract of Excambion All and Whole the lands of Kelhead commonly called the Mains of Kelhead", &c., as then in his natural possession lying within the Parish of Cummertrees, to be held in feu farm for payment of one penny Scots Providing Always that as soon as Sir John or his heirs should obtain a reduction of said Entail this Disposi-

tion should become void and extinct and the said Francis Carruthers should be obliged to redispone the said lands of Kelhead to him or his heirs or to discharge said Security.

The said Francis Carruthers was duly infeft in the said lands of Kelhead on this Disposition and his Sasine recorded in the Particular Register for the County of Dumfries on December 15, 1752.

The whole of the Deeds were recorded in the Court Books of the Commissariat of Dumfries on December 13, 1752.

It does not appear that any Decree of Reduction of said Entail was obtained and the real warrandice lands reconveyed. The Excambion was never disturbed and the lands of Hardgrave and Knox have ever since been in the possession of the Dormont Family, but no titles have been made up since either to these lands or to the warrandice lands. It is not known whether any title was made up to Carsopland by the Douglas family but it is supposed not as they must have applied to Carruthers as Superior for an entry.

Hardgrave and Knox have been mixed up with the Dormont Estate and been occupied as part and portion thereof and perhaps it may now be held that they are covered by the Dormont titles and that no further title is now required. The same may be the case with Carsopland, which has been mixed up with the Queensberry Estate and now forms part of the Policies. It is not known whether the £100 stg. was ever paid.

The lands of Winterhopehead and of Little Dormont, Knox and Twathets were valued by Decree dated July 17, 1745; on June 13, 1753, John Carruthers of Holmains disposed to the said Francis Carruthers of Dormont the Teinds of the lands of Dormont, Brae, Knox, Knoxrig, Twathets and Edge alias Runninglees, Potties Closs, Hardgraves, and Knox and on October 9, 1755, the Duke of Queensberry disposed to him the Teinds of the lands of Winterhopehead.

On December 8, 1759, the said Francis Carruthers executed a Disposition and Settlement whereby he disposed to himself and the heirs male of his body whom failing to William Carruthers, Merchant in Dumfries, his brother german, &c., &c. All and Hail the five merk land of Dormont, the five pound land of Twathet and Knox, the five merk land of Hardgrave and Knox, " which lands were acquired by me from Sir John Douglas of Kelhead, Baronet, in exchange for the lands of Kirkmuir or Carsop, and in case of eviction of the said lands of Hardgrave or Knox All and Hail the said five merk land of Kirkmuir or Carsop " All and Hail the lands of Winterhopehead and the teinds of the said hail lands. This Deed contains obligations to infeft a me vel de me Procuratory of resignation and precept of sasine.

A Crown Charter of Resignation of the whole foresaid lands and teinds with the exception of Hardgrave and Knox and Carsopland was expedite on the Procuratory of Resignation and the said Francis Carruthers was infeft on said Charter on May 8, 1761.

Francis Carruthers died in 1773 and was succeeded by his brother the said William Carruthers, Merchant in Dumfries.

William Carruthers made up Titles as heir male of Provision to his said brother in the foresaid Crown lands by Precept from Chancery and Sasine.

On January 1, 1781, the said William Carruthers executed a Deed of Entail, whereby he disposed to himself whom failing to William Aikman Carruthers, his eldest son, and the heirs male of his body, whom failing to Francis, his second son and the heirs male of his body, whom failing to the heirs female of their bodies, whom failing to John Murray and Francis Murray, Sons of Helen Carruthers, the Entailer's Sister, and of William Murray, Merchant in Glasgow, and the heirs male of their bodies, whom failing to John Bell, Jane Bell, and Mary Bell, in their order of seniority, children of Mary Carruthers, the Entailer's Sister, and of Richard Bell of Between-the-Waters and the heirs of their bodies, whom failing to any heirs to be afterwards named by him, All and Whole the lands of Nether or Little Dormont " All and Whole the lands of Hardgraves Knox and Twathets comprehending the lands of Knockrig the lands of Runninglees and lands of Pottiescloss as proper parts and portions of the said lands " All and Whole the lands of Winterhopehead and the Teinds of the said lands.

Sasine was given in the whole of said lands conform to Clause of union and dispensation contained in his Retour of Special Service as heir to Francis Carruthers of Dormont his brother german. There is no clause of union in this Retour. There is such Clause in the Precept of Chancery 1774 following on it, but then Hardgrave being held of Douglas of Kelhead is not contained in this Precept. The Sasine therefore so far as regards Hardgraves appears to be null and void.

John Carruthers of Holmains fell into difficulties. He in consequence conveyed his whole Estate to a Trustee for his creditors. The lands were the whole lands contained in the Charter 1699 excepting the lands in the Parish of St. Mungo and the Patronage of Ecclefechan, which must have been sold prior to 1728 for these are not contained in the Special Service expedite that year by John Carruthers as heir to his father George Carruthers of Holmains, nor the lands of Kirkmuir, Ruthwelltown, Alstown, Archbank, Moffat and Mole, Warmbie, Almagill, Hallidayhill and Murriewhat, which may have been omitted or merely base superiorities or from having been sold as they were omitted in the title made up by John Carruthers of Holmains in 1755. The lands of Kirkmuir, or Corsopland, are contained in the Disposition to the said Trustee, but this would carry merely the Superiority with Carruthers of Dormont as Vassal he again having subfeued to Douglas of Kelhead. By a subsequent Supplementary Disposition in 1783 the said John Carruthers disposed Almagill and Hallidayhill to said Trustee.

The Trustee exposed the whole lands to public sale in Edinburgh on December 15, 1779, at the Upset price of £21,000 but there were no offers. He therefore exposed them in four lots. The fourth lot contained the lands in the Parish of Daltoun with the Patronage and thirty acres of the outby commony in the Parish of Lochmaben. It was exposed at the upset price of £16,000, but still there being no offers it was exposed in four divisions. The fourth division consisted of the lands of Upper Dormont and the said 30 acres. It was exposed at £920 and was purchased by the said William Carruthers of Dormont at £960.

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The Disposition in his favour is dated November 29, 1781, and he was infeft in the lands of Upper Dormont on February 9, 1782.

On July 20, 1785, the said William Carruthers executed a Deed of Entail of the Lands of Upper Dormont in the same terms as those of the previous entail in 1781.

The other lots of Holmains were exposed to sale from time to time and were sold to different parties. It may be mentioned that the third lot consisting of the lands of Bengawhill and Copwood the lands of Knox and Daltonhook with the Miltures of Lynmill &c. was on December 6, 1780, sold to Thomas Stothart of Arkland, Writer in Dumfries, for £3,800. And in 1782 the lands of Hartwood, being lot 1 of the lands in the Parish of Dalton (excepting Upper Dormont and Pleacairn), and the Patronage of Dalton being lot 4, were sold to James Macrae, Esq., of Houston for £13,200.

The said William Carruthers died in 1787 and was succeeded by his son, the said William Aikman Carruthers, but he made up no title to the Estate. He married Miss Arthington and the Estate of Arthington in Yorkshire was settled by her father upon her and the heirs of her marriage. The only son William Thomas Carruthers succeeded to the Estate.

The said William Aikman Carruthers died in 1802 and was succeeded by his son who made up the following titles.

He expedes a General Service as heir male of Tailzie and Provision of the said William Carruthers his grandfather under the foresaid Deed of Entail in 1781 whereby he acquired right to the Procuratory of Resignation in that Entail on which he Accordingly resigned and obtained a Charter of Resignation from the Crown of the foresaid Lands of Nether and Little Dormont, the lands of Knox and Twathets comprehending as aforesaid and the lands of Winterhopehead and the Teinds thereof on which he was duly infeft and he made up a title to the fee which had been thereby constituted and consolidated same with superiority.

He also expedes a General Service as heir male of Tailzie and Provision of the said William Carruthers under the Deed of Entail 1785 whereby he acquired right to the Procuratory of Resignation in that Entail on which he resigned and obtained a Charter from the Crown of the foresaid lands of Upper Dormont which Charter confirmed the Trust Disposition by John Carruthers of Holmains and subsequent titles and on this Charter the said William Thomas Carruthers was duly infeft.

On April 11, 1827, the said William Thomas Carruthers acquired the Lands of Dormontrig in the Parish of Lochmaben from James Wightman Portioner in Smallholm at the price of £310.

In October 1838 he acquired from Mr. Arundel of Barjarg and his Trustees the lands of Know, Daltonhook and Beck Mills, &c., being parts and portions of the foresaid lands and Barony of Holmains at the price of £8,000 and he was duly infeft on July 29, 1842.

On May 14, 1840, the said William Thomas Carruthers acquired from William Bell Macdonald of Rammerscales and others Smallholm Muir Park, now called Dormontrig, at the price of £375 14s. 10d.

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And on May 15, 1840, he acquired from John Wright Bengal the Mailing, called Smallholm Burn, and other lands at the price of £2,800.

The said William Thomas Carruthers by Missives of Sale dated May 27, 1848, purchased from Mr David Sandeman the lands of Holmains excepting a coppice wood thereon consisting of about 30 acres at the price of £6,000 but he died before a Disposition was executed in his favour.

The said William Thomas Carruthers in 1820 married Miss Helen Maclachlan, third daughter of the late Donald Maclachlan, Esquire, of Maclachlan. Their Ante Nuptial Contract of Marriage is dated August 29, 1820. There were only two children of the said marriage, viz. the said William Francis Carruthers and Miss Susan. He died in 1848 and was succeeded by the said William Francis Carruthers who made up the following Titles.

i. He expedes before the Sheriff of Chancery a General Service as the only son and nearest lawful heir male of tailzie and provision in general of the said William Thomas Carruthers under the foresaid Entail 1781 and he obtained a Precept from Chancery on which he was duly infeft in the said lands of Little or Nether Dormont, Knox and Twathets and Winterhopehead.

ii. He expedes before the Sheriff of Chancery a General Service as the only son and nearest and lawful heir male of tailzie and provision in general of the said William Thomas Carruthers his father under the foresaid Entail 1785, obtained a Precept from Chancery and was duly infeft thereon on the foresaid lands of Upper Dormont.

iii. He expedes before the said Sheriff a General Service as only son and nearest and lawful heir in general of the said William Thomas Carruthers his father and obtained a Charter of Confirmation and Precept from Chancery on which he was duly infeft in the foresaid lands of Know Daltonhook, and Beck.

iv. He completed a title by Sasine to the lands of Dormontrig acquired from Mr Bell Macdonald of Rammerscales.

This proceeds on the Disposition to his father and his service and other writs and is recorded in the Particular Register of Sasines for the County of Dumfries and in the Court Record of the Earl of Mansfield on May 3, 1851. The title to Dormontrig acquired from James Wightman was completed by recording his Disposition in the Court Record of the Earl of Mansfield on May 3, 1851, and the Title to the property acquired from Mr Wright was completed on May 3, 1851, by his recording the Disposition by Mr Wright to his father in the Earl of Mansfield's Court Record.

Mr Carruthers on November 29, 1856, executed a Deed disentailing the lands of Nether Dormont, Knox and Twathets and Winterhopehead and the Lands of Upper Dormont and the requisite consents having been given the Court pronounced Decree of Disentail on July 17, 1857, and a notarial Instrument of Disentail was expedes which was recorded in the Register of Tailzies on March 14, and in the General Register of Sasines May 22, 1857.

On May 5, 1850, Mr Carruthers acquired from James Gillison 40 acres of part of the Commonty of Hightae now called Leafield at the price of £980 and

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completed a Title thereto by Instrument of Sasine recorded in the General Register of Sasines June 12, 1850.

On September 26, 1851, he acquired from John Johnston, Portioner, the land or field called Dormontrig at the price of £300, and the Disposition was recorded in the Earl of Mansfield's Court Books on October 1, 1851.

On May 15, 1856, he acquired from Robert Seaton the lands called Newton at the price of £1,700. £1,000 of the price was left in Mr Carruthers' hands and was declared to be a real burden on the lands and he granted his personal Bond for that sum. This burden was discharged conform to Discharge dated September 22, and recorded in said Register October 11, 1875.

By Missives dated April 4, 1850, the said William Francis Carruthers purchased from the said David Sandeman the lands of Middleraw and buildings Blackshall, Amigill, Kirkhill, Butterwhat, Little Dalton, Dam, Mousewald Commonty, Little Dalton Mill and Fourteen Acres all lying in the Parish of Dalton excepting . . . acres from Middleraw at the price of £16,700 and he also purchased the said 30 acres of Coppicewood on the lands of Holmains for £527.

On November 18, 1850, Mr Sandeman who was entered with the Crown granted a Disposition in favour of Mr Carruthers of the whole of said lands purchased by his father and by himself and his Sasine thereon was recorded in the General Register on April 26, 1853.

In 1860 Mr Carruthers purchased from the Trustees of General Matthew Sharpe of Hoddam the hundred shilling land of Almagill lying within the Parish of Dalton at the price of £3,500 and the Disposition was recorded in the General Register of Sasines on January 4, 1861, and his title was completed by a Charter of Confirmation from the Crown. It is understood that these lands originally belonged to the Family of Holmendis but they were as before stated acquired from the Hoddam family so early as the year 1682.

In payment of £500 of this price Mr Carruthers disposed to General Sharpe's Trustees All and whole that part of the lands of Butterwhat lying on the south side of the Parish Road from Dumfries to Dalton extending to 16 acres and 572 decimal parts of an acre Imperial measure bounded on the South East and West by the Farm of Hallidayhill belonging to said Trustees.

In 1856 Mr Carruthers purchased from the Trustees of Mrs Margaret Rae Harvey of Castle Semple at the price of £19,750 the following parts and portions of the lands and Estate of Mousewald vizt. All and Whole the lands of Mousewald Townfoot as possessed by William Irving, as also 10 lots thereof as possessed by sundry tenants; lands of Kirkfield as possessed by James Palmer and Lands of Boddam as possessed by Mrs Jane Paterson with the Feinds; as also the lands of Midtown of Mousewald, Townhead of Mousewald, the lands of Byebush, lands of Dodbeck, as also the Cottages in the Village of Mousewald being parts and portions of the Twenty pound land of old extent of Mousewald, Howthat and Hetlandhill, part of the lands barony and lordship of Drumlanrig and Mr Carruthers' Sasine on this Disposition was recorded in the General Register of Sasines on May 28, 1856. His title was completed by confirmation from the Crown.

CHAPTER VIII

RAMMERSCALES

THE early history of this small property is given elsewhere in this volume (see page 86). In the mid-Sixteenth Century it was acquired by the Laird of Holmains. Unfortunately the early titles are missing, the Holmains Inventory being of no assistance. There is, however, in the Holmains Charter Chest a "Note of some of Rammerscales original charters"—a fragment, on the back of which is engrossed a Seventeenth Century prayer commencing, "Lord, give us spiritual wisdom that we may know how to behave orselves in thir dayes". It contains three items relating to Rammerscales and four relating to Raffles. They are somewhat conflicting, but at least they give the origin of the family.¹

- (i) (Rammerscales)—Charter—John Carruthers of Holmendis to Simon Carruthers, his son,—1557.
- (ii) (Raffles) Introduction in favour of Simon Carruthis,—1566
- (iii) (Raffles) Precept for taking of Sasine,—1566.
- (iv) (Raffles) Sasine—John Carruthis of Rammerscales,—1600.
- (v) (Rammerscales) Sasine—John Carruthis of Rammerscales,—1605.
- (vi) (Raffles)—Charter—John Carruthis of Holmendis to John Carruthers of Rammerscales,—1620.
- (vii) (Rammerscales)—Precept of Clare Constat in favour of John Carruthers, son to Simon Carruthis of Rammerscales,—1655.

If the last item, owing to its dubiety, be ignored it is clear that the progenitor of the family was Simon Carruthers, who already figures in the Holmains tree. He must have been dead by 1600 when his son John succeeded him. That John was his son is established by a lawsuit in 1627 when John obtained a summons for production of writs against Thomas Johnstone who seems to have been in possession of Rammerscales. In the summons John is described as son of the late Simon Carruthers of

¹ This account must surely omit one or more generations of whom no documentary trace has been found.