

Dumfries to Dundrennan in Galloway, Mary crossed over to England to ask the assistance of Queen Elizabeth.

Three weeks later the Regent Moray followed up his victory by an armed progress through Dumfriesshire, to exact an oath of allegiance from the Queen's partisans. After burning two castles belonging to Gordon of Lochinvar he arrived at Dumfries on June 18, where he took possession of Lord Hereis's house and remained in it the next day, expecting the owner to do homage to him. Hereis had been there the morning before with Johnstoun, Maxwell of Cowhill, and Lochinvar, and 1000 of their men, and they cleared the town of provisions, but he never presented himself to the Regent, and it was believed that his colleagues restrained him from doing so. The "gudeman" of Hills, Fergus Graham, and Christie Irving of Bonshaw did homage for the Maxwells, Irvings, and Grahams; and Newbie, whose eldest son was killed at Langside, was pledge for the fidelity of all the Johnstouns, as the Laird's father's brother, Robert Johnstoun of Lochmaben, had been captured. This pledge prevented the Regent from burning the houses of their Chief, although he occupied them on his return journey, and gave the keeping of Lochwood to Buccleuch. On June 20 he marched to Hoddam Castle, then owned by Lord Hereis, and placed in it his ally, Drumlanrig, who had been Warden of the Borders since 1553.¹

Holinshed (1576) says that "great hunger began to pinch in the army. A pint of wine was sold for 7s. Scots, and no bread to be had for any money." Annan, recollecting the barbarity with which it had been treated after the siege of 1547, capitulated at once when it found itself surrounded by 1000 men; and there the Regent had an interview with Lord Scrope, the English Warden. His party was in friendly communication with England all through this unhappy Civil War.

On the return journey the Regent's army captured Lochmaben from the Maxwells, and seized a large quantity of cattle near Lochwood. On June 24 (1568) it arrived at Peebles, and the next day at Edinburgh; but bands of outlaws continued to harass the country under pretence of fighting for the Queen. In the Register of the Privy Council for October 1569 a list is given of these men, and of the chiefs who were bound to arrest, or keep them in check. Under the head of Will Bell of Gretna is added "the which day John Johnstoun of Gretna obliges himself that Will Bell of Gretna shall be punished if he continues disobedient to the laws." The Lairds of Johnstoun and Newbie pledged themselves for the good conduct of the gang of Fairholm, and John Johnstoun of Graitney for the Irvings.

The Lairds of Johnstoun, Elphinstone, Newbie, and Thomas Johnstoun of Craigaburn were obliged to pledge themselves jointly and separately under pain of 2000 marks that John Johnstoun of Howgill and the "auld gang of Wamfray" should not escape. Johnstoun and Newbie were also pledges for Arthur Graham, and the first bound himself to bring the Laird of Corrie to the

¹ Carruthers of Holmends surrendered on condition that his family and followers were spared, but Kirkhous, the abode of his heir, was burnt.

Regent that Corrie might become security for those Irvings who were his tenants.

Graitney appeared with three servants and fifteen retainers when he came to meet the Regent, who, hearing that the Queen had escaped to England with Lord Hereis's assistance, at once outlawed Hereis. This Chief wrote from Dumfries in Sept. 1568 to the English Privy Council on the Queen's behalf, and started a month later for London to obtain a personal interview with Queen Elizabeth. The great rival clans were united in their loyalty, and no wonder the Reformed creed became distasteful to them when it was urged as a pretext for keeping their lawful sovereign a prisoner. Elizabeth refused to give Hereis an audience, so he went to France to plead for the intervention of Henry III. The Queen-mother, Catherine de Medicis, Mary's mother-in-law and the guardian of her youth, wrote a diplomatic letter to Elizabeth, and, speaking of her own ill health, expressed thankfulness that after all her sorrows Mary should be safe under so powerful and generous a protector. Then the news arrived of the Scottish Regent's assassination, and Hereis tried to organise a rising in Mary's favour throughout Dumfriesshire. There were plenty of informers to acquaint the English Privy Council with this attempt; and Scrope, the English Warden, received orders to lead an army across the frontier to ravage the estates of Lord Hereis and of those lairds who were particularly attached to the cause of Mary and of the Roman faith.

In a secret memorandum sent to the English Cabinet John Johnstoun of Newbie is mentioned as one of fifty-nine Scots¹ (including her groom, farrier and priest) who were still attached to, or attendant on, the Queen, and he appears to have been with her when it was written. His estate was not spared when the English orders were barbarously carried out. On April 21, 1570, Scrope reported from Carlisle that he had encamped at Ecclefechan and sent Musgrave to burn Hoddam, Graitney, Ruthwell, Calpole, Blackshaw, Sherrington, Bankend, Lochar, and old Cockpool. At the last place, in a battle with Lord Hereis, he had taken 100 prisoners, including the Alderman of Dumfries and sixteen burgesses, but had been driven back by Hereis, Carlile, Charteris, Grierson, Kirkpatrick and Carruthers. He fought them again at Cummertrees, when he captured several lairds, while Hereis, Carlile, Johnstoun and the rest "only escaped by the strength of the Laird of Cockpool's house, and a great wood and morass." Scrope's lieutenant wrote to Secretary Cecil that he had thrown down the castle at Annan and had not left a stone house standing in that town, "which was an ill neighbour to Carlisle."

The agitation continued for two years longer in Dumfriesshire, the Lairds of Teviotdale, the Scotts and Armstrongs, as well as Drumlanrig and his son-in-law, Jardine, being on the side of the infant King, and (except Drumlanrig's tenants) of the English invaders. A pestilence, consequent on the

¹ Also Kirkpatrick, Hobe Maxwell, Lord Hereis and son, James Hamilton, Lord Fleming, and Levingston.

famine which always followed these terrible wars, helped the departure of the enemy. Newbie must have been better off than some of his allies, for the splendid fisheries¹ he possessed, extending for ten miles along the coast and three up the Annan, and the saltworks on the Solway provided food for his family and dependents when there was little prospect of any other. It is not surprising that, reared in such disturbed times, some of his children and grand-children developed very combative propensities.

The Laird of Newbie, like his Chief, was related to Lord Hereis, and the marriage of his eldest son, William, in 1566 with Agnes, the daughter of John Maxwell of the Ile, made the connection still closer. But William was killed at the battle of Langside, and the young Lord Maxwell, just of age, began to revive the old hereditary feud of his family in 1574 by a dispute with some of the Johnstouns, who were now led by a young and equally hot-headed chief. Both aspired to the Wardenry of the West Marches, which carried with it the custody of Lochmaben Castle, and was likely to be soon vacant.

Johnstoun had been fined £2000 and outlawed the year before for not producing John of Graitney, who was summoned by the Privy Council to make compensation "for all attempts committed by himself, his bairns and servants in time past," and the Laird had acted as his pledge. The summons appears only to have been issued to satisfy the English Warden, for Graitney and his tenants obliged the English invaders to enter Scotland by the Middle Marches instead of by the shortest road, and probably harassed them considerably in their rear. Neither Johnstoun or Maxwell obtained the Wardenry of the West Marches on the death of the aged Sir James Douglas of Drumlanrig, but it did not alter their feeling towards each other, and the Earl of Morton, who became Regent in 1572, desired the two families to refer their differences to the Lords in Council. Each Chief appointed certain noblemen and friends to represent him in Edinburgh, any four, three, or two on either side being empowered to act for all. Maxwell selected his own kinsmen. Johnstoun also nominated relations and connections—John of Newbie, the Earl of Rothes, Sir James Balfour, Sir James Hamilton, William Livingston of Jerviswood, Thomas Johnstoun of Craigaburn, Robert Douglas of Cassogill, Walter Scott of Guildlands, and Walter Scott of Tuschelaw. They were to meet in Edinburgh on Feb. 15, 1576-7, both parties promising to keep good rule in the country during the absence of the deputies.

The disputes seem to have been settled to the advantage of the Laird of Johnstoun, who was older than his rival, for the following year he was made Warden of the Borders and knighted, an honour enjoyed by several of his ancestors. But Newbie died in Edinburgh five days before the deputies had agreed to meet.

His Chief, who had also found the air of Edinburgh too much for him in 1567, had made a codicil to his Will, which was witnessed by Newbie; and

¹ There was a close time for salmon as early as Robert III., and in the reign of William III. a poacher of salmon smelt was ordered to be flogged or enlisted as a soldier.

it had been the cause of an action, in which Newbie was involved, between the widow, Nicolas Douglas, and her husband's grandson, the young Laird. The first Will, dated 1562, left Nicolas Douglas joint executor with Lord Hereis, the Laird of Drumlanrig (her father), and Johnstoun of Elphinstone. Her husband bequeathed his horse, hart, dogs and sword to Lord Hereis, desiring his heir to be guided by his counsel. Cattle, stones of cheese, butter, hay, grain, linen yarn, woollen yarn, and £200 were among his goods.

The codicil was to the advantage of the widow's own son, John, who was younger than his half-nephew, and she was accused of having forged it. It was signed with the Chief's hand at the pen. She pleaded that he was a very old man and could no longer write, so she signed it for him. Although the civil war, in which the young Chief, his father's brother, Robert, parson of Lochmaben, and others of the clan fought at Langside, seriously delayed legal affairs, a contract was registered Nov. 25, 1569, in which "John of Johnstoun, grandson and apparent heir of the deceased John Johnstoun of that Ilk, his gudesire, with the consent of John Johnstoun of Elsiefields and Robert Johnstoun in Newton, his curators [he had chosen these two for himself], on the one part, and Nicolas Douglas, widow of the said John Johnstoun of that Ilk, on the other, whereby he obliges himself to pay to her 500 marks, promising also to leave the house of Lochous to be heritably possessed by her children; and the said Laird of Johnstoun shall present John, lawful son of the deceased John Johnstoun and Nicolas Douglas, to the parsonage and vicarage of Johnstoun, and shall sustain him at the schools till he is fourteen years of age." The cautioners are John Johnstoun of Newbie, Thomas Johnstoun of Corheid (he signs his name of Craigaburn), John, Commendator of the Abbey of Salsit, and Sir Walter Scott of Braxholme.

Newbie's Will is dated Feb. 5, 1576-7, and the inventory was taken the next day by his wife and his sons, Robert and John. "The testament and inventory of the gudes, geir, sums of money and debts pertaining to the late John Johnstoun of Newbie, within the Sherrifdom of Dumfries, the time of his decease, who died on Feb. 10 the year of God 1576, faithfully made and given up by Marion Carruthers, his relict, whom he nominated his only executor in his latter Will underwritten of the date at the lodging of the late Mr James Lyndsay, within the burgh of Edinburgh upon the 5 and 6 of Feb. 1576 beforesaid, before these witnesses. Robert Johnstoun in Cummertrees, John Johnstoun,¹ grandson and apparent heir to the Laird of Holmends, John Broun of the Land (son-in-law), John Johnstoun, writer in Edinburgh, and divers others. The said John Johnstoun being sick in body, but whole in mind, submits himself, soul and body, to the mercy of God, recommending his wife and bairns to the favour, protection and maintenance of the Regent's grace, and the Earl of Angus, lieutenant and Warden of the West Marches, which he is persuaded they shall find for the good and true service that he has made, and always intended to make under the King's Majesty for ever, if it had been God's pleasure longer to continue

¹ A Wamfray.

his days, beseeching the said Earl of Angus that by his lordship's means it may please the Regent's grace to dispoone the ward and marriage of the said John, grandson to the said Marion Carruthers, for the help of his four younger sons. He makes the said Marion Carruthers his wife, so continuing in her pure widowhood, tutrix testamentur to his grandson and apparent heir. He makes Robert, his son, his assignee to the right possession and kindness of his lands in the town of Annan, except such as is annexed and possessed with the mains of Newbie, and wills the said Robert to be good and friendly to the poor men of Annan, occupiers of the same land. He leaves to the said Robert his right possession and kindness to the Kirk and tithes of Kirkpatrick Fleming, and also makes him assignee to his lease to run of the lands of . . . within the lordship of Dundoran (Wamfray), recommending the said Robert to the favour, protection and maintenance of my Lord Hereis, beseeching his lordship not only to extend the same to the said Robert, accepting him in his lordship's service, and also to stand good lord to his wife and remaining bairns." To his fourth son, John, he leaves his house in Dumfries and money; to his brother, John Johnstoun of Cummertrees, a portion of the lands of Rychill, and the remaining portion to his third son, Edward. To his fifth son, Abraham, he leaves lands in Middlebie, and to his son, William, lands in Stapleton. To his seventh son, David, he leaves lands in Robgill and the lease of certain lands which had been settled upon his widowed daughter-in-law and her husband on their marriage, the said David paying to her thankfully the duty contained in the said lease during her second husband's lifetime.

Newbie also left daughters—Elizabeth, married to Arthur Graham of the Moat; Marion, married to the Laird of Bardannoch; a third to John Broun of the Land; another to Charles Murray of Cockpool; Mary to John Irving. Possibly more, as the younger children are not all named in the Will.

Agnes Maxwell, the mother of the heir, was remarried to a cousin, Robert Hereis of Mabie. Her first marriage settlement, witnessed by Robert, her brother-in-law, and John of Cummertrees, is recapitulated in a Crown Charter of Dec. 13, 1579, signed at Holyrood House, confirming the local one. In it the "5 mark lands of Mylbie, 5 mark lands of Howes, and some acres of meadows in Howmedo, lying within the parish of Annan, and half the fisheries of Stapleton" are allotted to the young couple, so soon to be separated by William's early death. The children were John and a daughter, born in 1567 and 1568. John, third Baron of Newbie, came of age, *i.e.*, was fourteen in 1581.

The income of a minor was one of the great sources of revenue to the Crown, and the wardship and marriage of an heir was sold or given to a subject as a reward for services, or a special favour, the King taking half the proceeds. At that time an estate was exhausted, not enriched, by a long minority. In the case of Newbie, the ward of the estate was given to Robert, the eldest surviving son of the late laird, perhaps, for political reasons,

that the dependents, including the loyal members of the troublesome clan of Graham, might be kept together under a strong kinsman's hand to maintain peace with their neighbours, or, if need be, to oppose them. Robert received from the Crown re-grants the same year of the Kirk lands in Kirkpatrick Fleming, and the houses in Annan left to him by his father, as well as the Moat; and in 1582 he received a Crown gift of the lands of Northfield and Brigholme near Annan, and in another Charter those of Wormanbie and Gulielands. The young King, "following the good example of his noble ancestors," so the Charter runs, "in rewarding useful lieges, and solicitous for good and honest holders of the Royal lands," hereby infefts "the son of the late John Johnstoun of Newbie in lands" adjoining his nephew's property and his own inheritance. One of his neighbours is stated in the Charter to be Christopher Irving, or "Black Christie," the father of his brother-in-law, John Irving, on the land of Galabank, an estate which became the property of Robert's great-nephew, and is still owned by his descendants.

In 1578-9 the Johnstouns, including Robert Johnstoun of Newbie, John of Graitney, Thomas in Priestwodside, James Johnstoun in Croftheid, Wamfray, Elsiefields, etc., signed a bond of loyalty to the young King.

The district occupied by the clan of Johnstoun covered less ground than many an American ranche. Langholm, the Armstrong tower, is eighteen miles from Annan, Lochmaben Castle ten, Dumfries sixteen, and Gretna eight. The natural increase since the thirteenth century must have been greatly checked by war and feuds,—for the English Warden in 1583 estimated the Johnstouns at "300 sufficient men who with their Laird dwelleth towards the meeting of Annan with the river Milk, and on each side of the Annan. Betwixt the Esk and the Sark dwelleth the Johnstouns of Graitney, every which several surname (of the Border clans) defends their own." From the rent rolls, the Graitney Johnstouns must have been about twelve, but, like Newbie and the Laird, had feuars of other names. The Johnstoun lands were intersected by those of many rivals, so it is not strange that the young Chief, surrounded by enemies and by unscrupulous members of his own clan, should have leased the lands in Cummertrees belonging to his sister, the widowed daughter-in-law of Lord Carlile, now remarried to Lord Seton and come to live there among only Carliles and his kinsmen of Graitney and Newbie. His agreement to the tenants to provide him with barley, fowls and other necessities, and he would defend them during his sister's lifetime, is signed by John Johnstoun of Newbie, John Johnstoun in Cummertrees, and Carlile of Soupilbank (1577).

John Maxwell, or Lord Hereis, died in 1582. He had been guardian to his own nephew, Lord Maxwell, as well as to the youthful Laird of Johnstoun; and Newbie had commended his son, Robert, and his other children to his protection, showing how well he had succeeded in allaying hereditary jealousies. But he hardly closed his eyes when they were revived. Maxwell refused to sell certain lands to the Chancellor of Scotland, the Earl of Arran, who enjoyed the favour of the youthful King. Maxwell's uncle was Maxwell of Newlaw, Provost of Dumfries, and the Earl in revenge obtained a Royal

Order to Dumfries, that at the election of 1584 the town should appoint a Johnstoun instead of a Maxwell to the office. On the election day Lord Maxwell, with a large body of armed followers, including some of the rebel Armstrongs, prevented Johnstoun from approaching the town, whereupon the Chancellor outlawed Maxwell, and ordered Johnstoun, as Warden, to arrest him. Symon Johnstoun was chosen Provost. But the Maxwells, with the Armstrongs, Scott of Buccleuch, Beatties, Littles, and all the outlaws of the Border, were too strong for the Warden, who was completely defeated, his castle of Lochwood burnt with the Charter chest and valuable documents connected with the clan. Lochous, owned by the Warden's uncle, was undermined; two Johnstouns of Lockerbie, a brother of the Laird of Wanfray, and some of the sons of John Johnstoun of Poldean perishing in the assault, and the country was devastated for months.

Lord Scrope¹ wrote to Walsingham on Aug. 1, 1585: "Upon Thursday last the Earl of Morton (Maxwell claimed that title) caused a gibbet to be made, and ready to be set up at Dumfries, sharply threatening Johnston, the late Warden, and all the rest of that surname of Johnstons that unless they would yield and cause Lochmaben to be forthwith delivered up to him, they should all make their repentance for the same at that pillar, and be hanged thereon."

Only a month later these contending Chiefs laid down their arms and met at a service which had been prohibited under heavy penalties for twenty-five years. A Scottish Roman priest, protected by Maxwell, made his way to the College of Lincluden, near Dumfries. A letter from the Master of Gray to Johnstoun, dated Stirling, Sept. 4, 1585, informs him "of a report having reached his Majesty and the Court that all the Johnstouns had appointed with Maxwell." "The King," he says, "disbelieved it, but desires to be advertized with certainty." Possibly the King did not wish it to be true, but the report arose from the leaders having secretly agreed to an armistice that they might meet at Lincluden for the celebration of Mass. Before the service Maxwell signed a very temporary agreement with Johnstoun to "remit freely and forgive all rancours of mind, grudge, malice and feuds that had passed or fallen between them in any time bygone." "There was a gathering," wrote Scrope, "of about 200 with divers gentlemen and others of the country . . . moreover it is said that this infection spreadeth itself into divers other places." The young Laird of Newbie was there with others of his family, and immediately afterwards he was made responsible for the Irvings of Bonshaw and their misdeeds, although Bonshaw had been claimed as a fief of Johnstoun after William of Graitney had bought the superiority and had given it up to his Chief. But Graitney had feued Stapleton and Robgill to the Irvings, and when they joined the Grahams or the Armstrongs they were stronger than the lairds. Newbie was only seventeen when he was

¹ He also wrote Oct. 30, 1583, that he has met Johnstoun, then Warden and Sheriff of Nithsdale, Annandale and Teviotdale. "The difficulty is he has at least four-fold to demand of me than what I required of him in redress."

fined 10,500 marks for their depredations, and borrowed it from Sir James Hamilton; but the debt eventually led to the sale of his estates. Maxwell, Gordon, and Carruthers were outlawed at the same time, but not fined.

Three years before Johnstoun had pledged himself for the good conduct of Graitney, Robert of Newbie, and Cummertrees when they were summoned for assisting at a similar service.

It is hardly possible to suppose that Maxwell took any unfair advantage of Johnstoun, but he captured Lochmaben soon afterwards, and the Warden—for he had never been superseded by the Crown—was taken prisoner to Bonshaw, a tower owned by Edward Irving, Johnstoun's "dependor," but now occupied by Maxwell's followers. The captive Chief was released through the Royal intervention in 1586, but he died soon afterwards, it was said from shame and grief at his defeat, possibly accelerated by the rigours of a prison. The ward of his estate was granted to his daughter, Elizabeth (1587); and Robert Johnstoun of Newbie, Graitney, and John Johnstoun of Croftheids joined with other leaders of the clan to pledge themselves to support the young Chief.

Maxwell was again proclaimed a rebel, but his half-brother, Robert, led the feuars, who were still armed, and joined by Drumlanrig, Jardine, and Charteris made what the English Warden described as "a furious raid" on the Johnstoun lands, "coming about 8 a.m. near to the house of Bonshaw, raised a great fire and burned the Bonshaw-side, and Todholes, with another farmhouse there called Dunberton, and in short they burned along the water of Dryfe, of Annan and of Milk as much as pertained to the Laird of Johnston, and committed the like outrages to all the friends and tenants of Johnston there, carrying away with them a great booty."

In the meantime Maxwell with Scott of Buccleuch and a company of Nithsdale men, besides Beatties, Littles, and Armstrongs, marched upon Stirling, the seat of Government, assisted by families who were generally with Johnstoun, but now found it convenient to join the stronger side—the Bells, Irvings, and a troop of cavalry under George Carruthers of Holmains and his son, Charles. Their object was to depose Johnstoun's relative,¹ the Earl of Arran, who fled for his life; and the King was obliged not only to deprive him of his titles and estates but to accept the Earl of Angus, Arran's rival, in his place, and to grant Maxwell and his followers a full pardon for every offence committed since 1569. As Johnstoun was dead, Maxwell was appointed Warden in his place.

Robert Johnstoun of Newbie is mentioned in 1583 in a letter from Lord Scrope to Sir F. Walsingham as "a kinsman of the Lord of Johnstoun"

¹ He was barbarously killed by Sir J. Douglas of Torthorald in 1596. His son avenged it when he met Douglas in the High Street, Edinburgh, July 14, 1608, for although the King in Feb. 1600 describes Douglas as being "our rebel and lying at our horn for the slaughter of our umqle cousin, James Stewart" he was pardoned to assist his relative, Angus, in crushing the Johnstouns. Angus was always intriguing with the English, like so many of his race, and was perhaps accessory to the murder of Carmichael by English Armstrongs, for he protected the murderers.

who brought a letter from his Chief's wife on behalf of a prisoner in English hands. Again in Dec. 1583 "One Robert Johnstoun of Newby, a kinsman of the Laird of Johnston, came to me with the enclosed letter from the Lady Johnston (Margaret Scott), commending to me 2 gentlemen coming from the Scottish Court."

Dame Margaret Scott, as she is usually called, held a position at Court, but in 1586 fell into disgrace. Whether she or her enemies told falsehoods, an Order from the Privy Council directs that she should be tried "for making of leasings and telling of them, which may engender discord between the King and his Highness's subjects." Surrounded by her son's clansmen, and near to her powerful brother, Buccleuch, she was quite safe at Dunskeillie, so there she stayed. She was in favour again in 1592, when the King granted her half the escheat of James Johnstoun of Lochous, Mungo Johnstoun of Lockerbie, Thomas Johnstoun of Craigaburn, and five more, keeping the other half himself.

The nine Laids of the West Marches able to keep order on the Borders in 1587, as given in the 95th Act of the eleventh Parliament of James VI., included the Laird of Johnstoun, John, Laird of Graitney, Lord Maxwell, and Lord Hereis. The same were appointed Constables of the Borders in 1597, and also Johnstoun of Newbie. Graitney, whose father, George, was a younger son of William, first Baron of Newbie, seems to have been very efficient in preserving peace. The Johnstouns and Maxwells formed a band of alliance on the marriage of young James, the Chief of Johnstoun,¹ with Sarah Maxwell, the grand-daughter of the celebrated Lord Hereis. One of Johnstoun's sisters was also married to Sir Robert Maxwell of Orchardstone. The young Laird of Newbie, whose mother was a Maxwell, was married to Elizabeth, the widow of Maxwell of Carnsalloch, and the daughter of Sir Alexander Stewart of Garlies, ancestor to the Earls of Galloway² (her mother was a daughter of Sir James Douglas of Drumlanrig). The bridegroom had already married, when about fourteen, Marion Lidderdail, and was left a widower with one daughter, Janet.

The unrest on the Scottish Borders was undoubtedly sustained by the imprisoned Queen's supporters, and Lord Maxwell went so far as to encourage Spain to fit out the Armada for the invasion of England. In 1583 a Scotsman, Robert Bruce, wrote to invite Philip of Spain to occupy Scotland, "and in this way bring back the Catholic faith also to England and Ireland." The execution of Mary at Fotheringay Castle was the sequence. A general mourning was ordered throughout Scotland, and it was openly said that nothing but war could blot out this stain from her shield. The Spanish Ambassador, writing to Philip in 1587, thinks that James had a secret preference

¹ He was returned heir to his father in 1588, when four of the twelve witnesses were Johnstouns — John of Graitney, John Johnstoun of Newbie, the merchant, the Laird of Elphinstone, and the Baillie of the Water of Leith (of Corrie?), James Rig of Carberry, etc.

² There had been earlier connections between the families. Agnes, the fourteenth daughter of Sir A. Stewart, died 1513, married a Johnstoun of that ilk. Her aunt, Agnes Stewart, married John, Lord Maxwell, whose daughter married another Johnstoun.

for the Roman faith. "The King of Scotland," he writes, "arrived on April 12 at Dumfries,¹ to put his hand on Maxwell's collar. But he had gone the preceding night, being warned by the great lords." The Ambassador suspects the warning was sent by the King himself.²

A month before Maxwell actually returned to Kirkcudbright and mustered his kinsmen and tenants to act in concert with the Armada an anonymous letter in cypher was sent to King James. Bacon is accredited with it. "The King of Scotland," it ran, "ought not to undertake to avenge the death of his mother, but on the contrary to do everything possible to bring about the union of the two crowns, for if he tries to make war against this kingdom, he must consider two points. First, if the war would appear just and honest to anyone, and of the means of persevering in it; and what would be the conclusion and end; and secondly, that his pretensions to the succession might fall in the struggle." The writer, after discussing these points, concludes that the end of the war would be the ruin of Scotland, and begs the King not to attempt it.

This letter seems to have made a great impression on James; and as Lord Hereis, Maxwell's cousin, consistent with his father's principles, refused to assist any foreign invasion, the Lairds, under his influence and the Johnstouns, stood by the King. James, hearing what Maxwell was about from these loyal Chiefs, ordered him to appear before him, and on his refusal marched suddenly on Dumfries, from which Maxwell only escaped with great difficulty, and got as far in a ship as Carrick. There he was captured and finally imprisoned in Edinburgh, while his cousin, David Maxwell, captain of Lochmaben, and twenty-two kinsmen and dependents were hanged at Lochmaben and Edinburgh. This satisfied justice, and Maxwell was not only released the next year but allowed to continue as Warden, and appointed a Commissioner to assist Lord Hamilton, his father-in-law, in transacting public affairs during the King's absence in Denmark.

The wars of this century had made horses very scarce. The gift of a horse to John, brother of the Laird of Johnstoun, in 1547 is recorded in the Crown expenses; and in the list of Newbie's personal effects in 1577 only young horses are mentioned—twenty-four colts of two years old and two young mares.

The theft of a horse by Willie of Kirkhill (a Wamfray) led to fresh bloodshed. He seized on one (1592) at Gretna and rode to Wamfray on it, but a letter followed from Sir John Carmichael, the Warden, to the Chief at Lochwood—"Willie Johnstoun of Kirkhill has ane black hors of my couseing Willie Carmichael of Redmyre. It will please your lordship to cause deliver him to the Laird of Gretnay." The Chief seems to have ordered restitution at once, but Kirkhill recompensed himself by stealing a horse belonging to his neighbour, Lord Crichton. A battle ensued, in which several Johnstouns and fifteen Crichtons were killed, and, as the widows appealed to the King with

¹ The murder of Newlaw (Chapter V.) occurred during this visit.

² "The Lord Maxwell is in no good favour—mere dissimulation," wrote Lowther.

very lively demonstrations, Maxwell was ordered to arrest the Chief for the act of his dependant and imprison him in the castle at Edinburgh. He escaped and returned to his stronghold at Lochwood, but was proclaimed an outlaw; and Maxwell, brushing aside two agreements between the families—one signed only the previous year—formed a secret bond of manrent with Douglas of Drumlanrig, Crichton, Kirkpatrick of Closeburn, and others who agreed to support him to carry out the Royal command. According to Spottiswode, a copy of the agreement fell into the hands of Johnstoun of Cummertrees, one of the Newbie family, and he gave it up to his Chief, who scornfully received Maxwell's formal summons to surrender and prepared for battle.

Maxwell was assisted by some of the Royal troops, and mustered 1500 or 2000 men. He offered a £10 land to anyone who brought to him Johnstoun's head or hand. On hearing this, Johnstoun offered half that value, as he had not more to give, for the head or hand of Maxwell. With the junior branches of his own clan and his relatives, the Scotts of Eskdale, the Eliots, and some of the Grahams, Irvings, Moffats, and others he assembled about 800 followers. The young Laird of Newbie was an outlaw for hearing Mass, and for having his children baptized by Roman priests, and his name does not appear in the subsequent respite granted to those who took part in the fight; but as his maternal grandfather, Maxwell of Ile, was on the opposite side with eighty followers and his wife's relatives,¹ the Stewarts of Garlies, the Kirkpatricks and the Douglasses, it is easy to see how Cummertrees heard of the secret bond. Robert of Newbie was with his Chief, also two Johnstouns of Cummertrees (one of whom was killed), and the Johnstouns of Graitney, of Elsie Shields, Powdene, Lockerbie, Kirkton, etc. They were entrenched in a good position when the Maxwells crossed the Annan near the modern railway bridge between Lockerbie and Lochmaben, but it is said that Johnstoun disdained to take this advantage of the enemy and came down into the open plain, where the battle of Dryfe Sands was fought. Johnstoun is allowed to have handled his men with much skill, and gained a complete victory (Dec. 6, 1593). Maxwell was killed by a Johnstoun of Wamfray, the nephew of the original cause of the feud, and Douglas, Kirkpatrick and Grierson fled on horseback. The victors were at once outlawed, "no man daring," as a contemporary diarist writes, "to take any of them into his house."

Lord Scrope, writing from Carlisle to Lord Burghley the day after the battle, says: "The Larde Johnston having called together his friends, did encounter with Lord Maxwell, and hath not only killed the said Lord Maxwell, but very many of his company."

It is probable that Johnstoun's loss was heavy, for in 1594 he obtained a respite from the King for himself and only eight score surviving followers. In the preceding twelve months all the Johnstouns had need of their fortified towers; and William Johnstoun, the young "reader"² of Lockerbie Church,

¹ Her niece and namesake, Barbara Stewart, married Kirkpatrick of Closeburn.

² He had begged not to be sent there, as he was certain to be killed. He was a natural son of the Commendator of Salsit (died 1599). His effects were granted to Robert Johnstoun of Couran.

was assassinated three years after his appointment, on the pretext that he bore the name. Those respited are recorded in the following order: Sir James Johnstoun of Dunskeillie, John Carmichael, Robert Johnstoun of Raecleuch, next of kin to Sir James, Symon, (half) brother to the Laird of Johnstoun, Robert Johnstoun in Brigholme, William, the heir of Graitney, and John Johnstoun in Cummertrees. Then come Johnstouns of Wamfray, Kirkton, William, Adam and James of Elsiefields, Howcleuch, Milnbank, Craigaburn, Corrie, Lockerbie, and Clochrie, besides Irvings, Moffats, Carruthers, Scotts, Eliots, Stewarts, one Chisholm, Arthur Graham, one Armstrong, and several Murrays. All offences were forgiven them except passing bad money. It was the greatest tribal fight that had ever taken place in Scotland, and it was the last.

Lord Hereis (Johnstoun's brother-in-law) succeeded his cousin, Maxwell, as Warden, but he paid no attention to the respite. He tried to capture Johnstoun's followers, till he kept the country in such a state of confusion that the King ended by superseding him with Johnstoun himself. This Chief stated that "the last unhappy and ungodly work arose out of the grit skaithis of fire, and heartless slaughters" done by Maxwell upon Johnstoun's father, "which was his death. Nevertheless he had buried these materials in his heart and entered into a hand agreement with Maxwell, when he found that he had made another bond for the wrecking of him and his friends."

Till the King sent Protestant preachers to convert Dumfries the Reformation had made little way there, still less in Annandale, but, outside, Buccleuch, Drumlanrig, Lag, Gordon, and Kirkpatrick were Protestants. Between 1594 and 1603 there are several sentences of outlawry against the Lairds of Johnstoun and Newbie, Robert, Edward and Abraham of Newbie, Charles Murray of Cockpool, and Edward Maxwell of the Ile for attending Mass, and for allowing their children "to be baptized and taught by Roman priests, and entertaining the same." That Newbie was dealt with more harshly than Johnstoun was probably his proximity to England, which brought him specially under the notice of the Warden, and the desire of the King to appear a good Protestant in English eyes. Newbie's father had been killed at Langside, but his Chief and Robert Johnstoun of Lochmaben had long been respited for "carrying their banners" on that occasion. The Roman priests had been chased from the country before the Reformed Church was ready to replace them, and both Protestants and Romanists believed that an unbaptized infant could be exchanged for a demon, and that the unshriven soul found no peace. The Presbyterians were forbidden to baptize the children of Romanists, and a Borderer's marriage was illegal if solemnised in England.

When Johnstoun was made Warden in 1596 Newbie returned to Annan, and his long delayed retour was made out in 1603. It is signed by five Maxwells, a Wamfray Johnstoun, many Brouns of Land, Roger Kirkpatrick, Stewart of Sweetheart Abbey, John Marschall, Turnour, and John Corsane, Provost of Dumfries. It alludes to the estate having been in ward for twenty-five years "or there abouts," when the Crown took the half rents.



ELSIESHIELDS, DUMFRIES.



NEWBIE CASTLE, ON THE SOLWAY,
DUMFRIES.



COTTAGE ON THE GALABANK,
DUMFRIES.

In *Monypeny's Chronicle*, published in 1587, sixty-four lairds and gentlemen are described as residing in Dumfriesshire and the Stewartry of Kirkcudbright. Five of the lairds were Johnstouns, viz., the Chief, Newbie, Graitney, Corrie, and Elsiefields. Nine were Maxwells, including Lord Hereis, six were Gordons, and four Douglasses, including the husband of the heiress of Carlile. Among the chief men of name, "not being lairds," are the Carliles of Bridekirk and Ecclefechan, Arthur, George, and Richard Graham, five Bells, six Irvings, including Edward Irving of Bonshaw, and six Thomsons, Romes, and Gasks.

Douglas of Drumlanrig could not forgive the defeat at Dryfe Sands, and attacked Johnstoun with his "assisters" on July 13, 1597, a fight which, with the failure to arrest two rebel Armstrongs, was a reason to deprive Johnstoun of the Wardenship; but it was given to his ally, Sir John Carmichael, and Robert of Brigholme and Newbie, whose wife was a Carmichael, was made Deputy-Warden. James VI. paid a visit to Lochwood the following autumn, accompanied by his uncle, the Duke of Lennox. He went on to Newbie Castle, where he was entertained by Robert; and possibly when paying these visits discovered for himself "the wild heathen state of the men of Mid-Annandale of the baser sort," which he afterwards graphically described in a proclamation,—and no wonder, as laymen, and very unscrupulous ones, had filled the benefices for more than half a century.

At Newbie King James received Henry Leigh, the English Warden's deputy, "a Warrewyckeshire gentleman," after having held a Council with the Duke of Lennox, the Earl of Glencairn, the Prior of Blantyre, Lord Ochiltree, Lord Sempill, Lord Hereis, the Lairds of Lochinvar and "others of good account;" but, perhaps out of courtesy to his host, he sent away the Lords Hamilton, Maxwell (who was only thirteen), and Drumlanrig, all enemies to the Johnstouns. "His Majesty," wrote Leigh, "sent first Mr Roger Aston one of his chamberlains, and then Sir John Carmichael to entertain me till he rose from Council. Which done he came forth to a green and there did use me very graciously and walked up and down, and conferred with me a great while touching the state of the borders. He seemed resolved to reduce his own to obedience, and satisfy Her Majesty with justice." (Nov. 25, 1597).

Four years later Henry Leigh was taken ill at Newbie Castle, with apparently the smallpox, on his way to see the King, who was again on the Borders, but, naturally, would not send for Leigh "to come near him" when he heard of his illness. Robert Johnstoun apparently still occupied the Castle, as he and his nephew, John, are both called the Laird of Newbie; and Edward of Ryehill, Robert's next brother, who lived in Mylnfield on the Newbie estate, is called in a bond of 1603 "brother to the Laird of Newbie." Ryehill Tower was burned by the English, and a farm now stands on its site, half a mile from the Solway. Edward is mentioned by the English Ambassador as being "very inward with his chief, who is one of the most honest men in these parts."

Johnstoun told the English Warden that he did not consider all his

horses of as much value as the life of one servant. Robert Johnstoun was probably the Newbie who escorted Musgrave, Lord Scrope's deputy, to visit the King in Edinburgh, and gave an introduction to Henry Leigh to be presented to the King at the Scottish capital. He also escorted Lord Sempill (who had been at Newbie Castle for twenty days) and others to Carlisle. On this occasion (1601) Scrope sent the following report to the Secretary Cecil:—

“This day Newbie came to me from the King (as he said) and protested highly that his King would be most glad of my favour, adding, that he wondered at my obstinacy. I answered, that her Majesty's orders to me were to do him all lawful service, and I was ever ready thereto. He asked if I went to Parliament. I said her Majesty had occasion for me some time here. He added that the Queen (Elizabeth) had promised his King, that in this Parliament the case of the succession should be handled, and that then there is none to succeed but his King. My reply was, that we live under so happy an estate as we hope never shall be altered, and that I trusted in God that Her Majesty's prosperous reign should continue long after his King's, and his successors were extinct. To this he replied that it was the wish of a good subject, but contrary to the course of nature; adding that if I would pawn my honour to keep counsel, he had five books come from London touching the succession, of which four he delivered to the King, the last he kept in his own custody which he would lend me to read. Upon hearing thereof, I rose up and went from him, as if I had been called in haste.

“As he will surely come again from the King ere long, I pray for Her Majesty's pleasure, whether I shall deal so roundly with him as to stop all such discourse, or hold him up with fair weather. He told me David Foulis, a man the Queen hates above all Scotsmen for that he wrote to that King at his last being here, that she was dead (whom I pray to God to preserve many years after he is rotten, and to make her estate as flourishing as she is admirable), is presently to come to her Majesty, and that he is appointed to move for the succession if he dare; yet he fears that the King will be forced to send a man of better quality than Foulis to that end.”

Lord Scrope speaks of the Laird of Newbie as his neighbour; and it was the nearest house to Cumberland large enough to lodge the King, or a nobleman, with the necessary followers. Musgrave lived at Rockliff Castle. Newbie was frequented by both English and Scottish Deputies, as well as by the King, at the time that the settlement of the Borders had become a burning question if James were ever to be accepted as their sovereign by the English people. The Lords in Council even recommended to him the means by which his grandfather, James V., had rid himself of troublesome Borderers. It was always expensive to entertain Royalty, and at Newbie the estate was curtailed to pay for it. Robert of Newbie also sold his lands at Kirkpatrick Fleming, Gulielands, Northfield, the Moat, and Brigholme. The honour was dreaded by most Scottish proprietors, and the Earl of Angus

allowed his house to remain dismantled, when there was hardly accommodation for himself and his wife, so that he might be unable to receive the King.

But to return to 1597, King James appears to have deposed Johnstoun, and visited Dumfriesshire in the hope of conciliating Elizabeth and her Cabinet, the first having just sent a very severe letter to him for alluding rather bitterly to his mother's death when he opened the last Parliament, the record of it having lately been forwarded to her. From Newbie he went to Dumfries to hold a Court, and in four weeks hanged fourteen or fifteen notorious thieves, and took thirty-six hostages from the Johnstouns, Armstrongs, Bells, Carliles, Beatties, and Irvings, who were charged 1s. 4d. a week each for their keep, and were to be hanged if any further outrages took place.

The English Ambassador, writing to Cecil, Oct. 12, 1599, considers that the Earl of Angus and Lord Hamilton, both related to the Maxwells, were the real cause of the troubles in Annandale and on the Borders. Lord Hereis, Johnstoun, and Drumlanrig had been arrested and imprisoned in Edinburgh. George Murray, one of the gentlemen of the Chamber, was sent to receive Lochmaben Castle from the Wamfrays for the King, and Johnstoun, who had held it as Warden, was directed to send orders to that effect. He sarcastically declined to control his dependers from so great a distance. Murray is described as "Johnston's own."

On Nov. 12, 1599, the Ambassador writes again: "On Thursday the Laird of Johnston brought in most of his pledges," and was to be released, having subscribed an assurance. This was signed by himself and his pledges, Johnstoun of Graitney and Gilbert Johnstoun of Wamfray. The Ambassador looked forward to the day of the trial, and confronting the lieutenant Angus¹ with Johnstoun, "which will be exceeding great, and may well breed a great stir," but the King was afraid of Angus and his relatives, and glad to settle the matter quietly.

In 1600 a decree of the Lords in Council charged these chiefs with the care of the Borders—Lord Home, Sir James Johnstoun of Dunskeillie, James Johnstoun of Westraw (the Laird's brother-in-law), John Johnstoun of Newbie, Grierson of Lag, Kirkpatrick of Closeburn, Robert Gordon, apparent of Lochinvar, John Johnstoun of Graitney, Hamilton, various Maxwells, and Scott of Buccleuch. Before this special commission was dissolved in 1621 Newbie and Graitney had disappeared as separate baronies; and the chiefs, whose lawlessness defied the Crown, were ennobled. Buccleuch was a terror to the south of Scotland. On a report being spread that he was marching on Edinburgh, the shops were at once closed and barricaded. Gordon soon proved that he was more capable of raising a disturbance than of keeping order.

Buccleuch's exploits have been told with poetic licence by the literary members of his family. Scrope wrote that "he had ever been the chief enemy, and still is, to peace on the Borders." When he rescued Kinmont Willie from Carlisle Castle the prisoner was heavily ironed after a much later custom to prevent escape when allowed exercise, and there were not the warders and

¹ Angus had been made lieutenant of Southern Scotland to be superior to the Warden.

garrison of modern times.¹ The Johnstouns did not assist him, but "they lay in ambush in one place, and the gudeman of Bonshaw in another, on the pale of Scotland to have given defence to their own, and resisted the pursuers if they had followed so far."

As the new Warden had fought with the Johnstouns at Dryfe Sands, and was connected with his deputy, Robert of Newbie, another combatant in that decisive battle, the pardon of the Laird of Johnstoun followed as a matter of course. On July 2, 1600, he was acquitted of all actions since his respite for that battle, and restored to his honours (writes Birrell, the Edinburgh diarist) by a herald and four trumpets at the cross of Edinburgh. But Angus and his friends were not to be checkmated. The Wardenship was a most coveted post, and the same year Carmichael was murdered by their allies, the Armstrongs, on his way to open a Court at Lochmaben.

This murder (for the assassins were English subjects) made a great sensation on each side of the Border, and Nicolson alludes in a letter to Cecil to the anxiety felt by James VI. lest anything should prevent him from succeeding Queen Elizabeth. The Scots had been "greatly disheartened by their last war" and were in no mood for another, as they felt certain that it would end in the humiliation of their country. So to please both parties, Lord Hereis was appointed Warden, and charged to arrest and punish Armstrong, his father, brothers, and kin, as well as all professional thieves, and to avenge Carmichael's murder. He was not nearly so active in the matter as Johnstoun, who soon succeeded him as Warden and seized some notorious outlaws. There was fear that as Lord Hereis had not captured them he had a motive for it, and that they might be protected in high quarters. "The Laird," says Nicolson² speaking of Johnstoun "writes, as a resident and a man that will be feared . . . Johnston hath done great service in taking these men and would be thanked. He prays him (the King) to send warrant to keep them, and not to deliver them unless for justice to England, notwithstanding any warrants to be after written to the contrary; a square and honest meaning in the Laird." Johnstoun offered to meet Lord Scrope at Gretna Kirk.

On April 11, 1601, Nicolson writes that "Francis Armstrong and others, the late spoilers, have been taken by the Laird of Johnstoun, and he recommends that they may be delivered up to her Majesty's officers." He had displeased the King by the pressure he put upon him about these "spoilers," yet the King had sent David Murray to Johnstoun to ask if his presence was required. Nicolson and Johnstoun both wished the King to go to Lochmaben, "so that the thieves might see that their misrule displeased him, and should be punished . . . But now the Border is quiet through Johnston's diligence who hath gotten the best of the rest of the thieves, has met Mr Lowther, meets him again for justice, and keepeth those thieves to do justice with as the King shall be pleased, which he will obey. So as there is no fault in Johnston, no doubt but these late disorders shall redress and all be quiet."

¹ He blew up a private door and so entered.

² He encloses a correspondence between James VI. and Johnstoun.

Yet only fifteen days later James VI.¹ wrote to Lord Mar of his conference with the Laird of Johnstoun and Robert Scott, "respecting incursions by the English on the Borders, and the delay in staying the same through the absence of Lord Scrope from his wardenry; that a complaint was to be sent to the Queen, our dearest sister," about Lord Scrope, and that "a fresh man such as his father was, should replace him. The murderers of the Laird of Carmichael," said his Majesty, "were protected by the English, for some of them being pursued by our Counsellor, the Commendator of Holyrood House, and the Laird of Johnstoun were not only received in full daylight by the Grahams of Esk (Englishmen), but fortified and assisted in such sort by them as they fled in fear, that they came back reinforced by these outlaws, and turned a chase upon our Counsellor and Warden, so that they narrowly escaped with their lives. We are certified by our Warden that the said fugitives and outlawed Armstrongs have their residence now for the most part in Geordie Sandie's house, an Englishman."

Scrope wrote to Cecil that Johnstoun had "too much honour to backbite him."

As had happened before, the Scots had more grievances than the English. On April 28 Nicolson wrote to Cecil² that the King has had secret speeches with Johnstoun; and in August reports another Armstrong outrage, and that he cannot see how the peace will be preserved there. He wrote again that on May 25, 1602, the "outlawed Armstrongs," Carmichael's murderers, "have the last week ridden upon the Laird of Johnston's lands and carried away some of his goods," their chiefs refusing to check them, "which the Laird takes evil, and intends to take amends as he may. This I hear, and I do fear that in the end they will get life." He adds that Johnstoun and Mr Musgrave, Lord Scrope's deputy, "are the only bridles these evil men and others have. If they miscarry, both Princes will be troubled to keep those parts in order."

On Nov. 28, 1602, Nicolson writes again: "We have much ado about West Border affairs. The Laird of Johnstoun making odious complaints about (the sloth of) my Lord Scrope and John of Johnston (Newbie); yet if Lord Scrope please to take the opportunity he may have, with honour, he may do anything with the Laird."

Maxwell begged the King to exempt his own followers, the Armstrongs, "and broken men of the Borders, from Johnstoun's jurisdiction." Newbie was appointed in 1602, with Lord Herries and Closeburn, an assessor or adviser to his Chief.

In 1602 Graitney made a complaint to the Privy Council that having sent

¹ It was at this time that the King visited Newbie.

² Scrope writes to Cecil later "John Musgrave my deputy was lately conveyed to Scotland to the Laird of Newbie, where Carmichael his son-in-law brought him to the King a hunting, who conferred with him apart about two hours as a Scottish gentleman saw and told me. Let me not be seen in all this."

Hunsdon, Deputy-Warden, sends proof that the King had actually paid money in a private interview to Willie Armstrong of Kinmont. "Edward Urwen of Bonshaw says openly there is no confidence to be given to the King's word but they rely much on Carmichael."—*Border Papers*.

"his three sons with nine of his servants, with carriage¹ and provision to the meeting at Liddell in England, having obtained license so to do, for some venison for the banquet made by his Chief, the Laird of Johnstoun, at the late baptism of his son, Thomas Trumble of Mynto, Hector Trumble of Barnhill, and Mark Trumble of Bewlie (Englishmen) attacked and robbed them;" the carriage, bedding, and victuals were worth £240.

The same year Johnstoun, Newbie, Graitney, and other lairds signed a bond of peace, the King heading the list.

The English Crown devolved on James VI. the next year (1603); and he appointed Graitney and two colleagues (Feb. 7, 1604) to survey the Debateable Land and surrounding parts, with the view of granting or selling them to the Earl of Cumberland. The sum of £66, 3s. 4d. is charged for Graitney's expenses. In 1605 the King wrote to the Governor of York, telling him to furnish the Laird of Johnstoun with fifty more horsemen to aid in pacifying the Borders. If he had not got the money he was "to beg or borrow it." A warrant, dated Westminster, Jan. 27, 1608, also directs the Treasurer "to pay to John Johnstoun of Gretna, Scotland, £100 as a free gift and reward."

The most troublesome of the Grahams were transported to Ireland; and a special commission was convened, which sat from 1604 to 1621, to try Border causes. Strict equity was hardly to be expected, but some of those who obtained places on it took the opportunity to enrich themselves and gratify private revenge. Many outlaws, notably Christopher Irving, were hung, but others whose crimes had been equally flagrant were spared and even rewarded. One of these was Robert Gordon, the heir of Lochinvar, a Commissioner himself. In 1602, having lost a relative in a skirmish, he made a foray through Annandale, Wamfray, Lockerbie, Reidhall, Langrigs, etc., and killed Richard Irving of Graitney in his own house. A party of soldiers was sent to arrest him, but he took them all prisoners, and compelled the officer who commanded them to eat the King's warrant for apprehending him. He was outlawed, and a description of his personal appearance as well as that of Lord Crichton of Sanquhar (outlawed at the same time for the murder of a fencing-master who accidentally deprived him of an eye) was sent to Carlisle and Dumfries for their apprehension. Yet only three years afterwards Gordon was made a gentleman of the King's bedchamber, and received a gift of confiscated estates, and in 1621 he was made a baronet.²

The Laird of Buccleuch was ennobled in 1606. As he had got hold of much church land his son was a formidable opponent to Charles I. when the King wished to recover a portion of these lands for the maintenance of the clergy. But the elder Scott did good service by collecting a number

¹ Chalmers states that the first carriage in Scotland came from France with the Queen of James V., and was still the only carriage in their daughter's reign. The decret only fined the English robbers the price of three horses, value £40 each.

² Baronetcies were instituted that year, and were purchased by the recipient, who, for this and other honours, was advised by the King that he had selected him as a fit person for promotion if he would take the necessary steps, *i.e.*, pay the money.

of moss-troopers and cattle-drivers in the Middle Marches and sending them to Holland for the army of the Prince of Orange, who paid him for it. Douglas of Drumlanrig was made Earl of Queensberry; and Douglas of Angus was created a Marquis in 1633. Both received from Charles I. the gift of lands which their families forfeited in the fifteenth century, and as Lochous was escheated when its owner was hanged the King gave it to Angus. The fees paid on these transfers helped to fill the Privy purse.

Graitney's expenses were greater than the sum he received for them, but it was not only present difficulty which made him sell his estate in 1618 to John Murray of Cockpool, "one of the grooms of His Majesty's Chamber." He could not afford to sustain a yearly lawsuit against Murray, backed as he was by the King's resolve to break up a clan which was strong enough to dictate to the Crown. In 1591 a list collected by Chancellor Maitland gives Johnstoun, Armstrong, Scott, Beattie, Little, Thomson, Glendyning, Bell, Irving, Carruthers, Graham, Jardine, Moffat, and Latimer as the only families in the South-West who still have captains and chiefs on whom they depend more than on the King—and nine of these were under Johnstoun's protection.

Buchanan,¹ the Royal tutor, like Camden, his contemporary, speaks of the Johnstouns as the most important of the clans in the West—the great obstacle to the English conquest—and the King could always depend on it for promptness, loyalty, and patriotism.

In 1602 a tax was laid on every householder for the repair of the churches—"the King and Privy Council think that much of the looseness and barbarity of the Borderers arose from the want of the Gospel being properly preached to them." Johnstoun obeyed, but he and his heir were not very cordial to the first Reformed ministers who were sent to them; and those in the county who adhered to the Church of Rome usually refused to pay the tithes.

¹ George Buchanan was born in Dumbartonshire in 1506, and died in Edinburgh 1582; author of the *History of Scotland*. He was secretary in France for five years to the Earl of Cassilis, and on returning to Scotland was made tutor to the eldest natural son of James V. The King, although persecuting Reformers, thought the Franciscans were in league with malcontent nobles, so ordered Buchanan to write a satire upon them; but it displeased the monks without satisfying the King, who ordered a sharper one, hence "the Franciscan." This enraged Cardinal Beaton, and when Buchanan heard from his friends that a sum of money was offered to the King for his head he escaped from prison to England. There he found that "Henry VIII. cared more for his own security than the Reformation, and almost with one and the same fire Protestants and Papists were being burnt," so went on to the Continent. There he had many vicissitudes till recalled by Queen Mary in 1566. She made him Principal of St. Andrews and tutor to James VI.

Note.—An Englishman wrote his impressions of the Scots in 1598. He stayed "at a Knight's house (Buccleuch?) near the Borders," and, as he had been sent by the Governor of Berwick on a political errand, was entertained "after their best manner. Many servants brought in the meat, with blue caps on their heads, the table being more than half furnished with great platters of porridge, each having a little sodden meat. When the table was served, the servants sat down with us; but the upper mess instead of porridge, had a pullet with some prunes in the broth, and I observed no art of cookery or house-hold stuff, but rude neglect of both. The Scots living then in factions used to keep many followers and so consumed their revenues in victuals, and were always in want of money. They commonly eat hearth cakes of oats, but in cities have also wheaten bread. I never saw or heard that they had inns with signs hanging out, but the better sort of citizens brew ale their usual drink, and the same citizens will entertain passengers upon acquaintance or

entreaty. Their bedsteads were like cupboards in the wall with doors to be opened and shut at pleasure, so as we climbed up to our beds. The husbandmen in Scotland, the servants and almost all the country, wore coarse cloth made at home of grey or sky colour, and flat blue caps very broad. The merchants in cities were attired in English or French cloth of pale colour, or mingled black and blue. The gentlemen did wear English cloth or silk or light stuffs little or nothing adorned with silk lace, much less with lace of silver or gold, and all follow the French fashion especially at Court. Gentlewomen married wore close upper bodies after the German fashion with large whalebone sleeves after the French; short cloaks like the Germans, French hoods and large falling bands about their necks. The unmarried of all sorts go bareheaded and wear short cloaks like the virgins of Germany. The lower sort of citizens' wives and the women of the country wore cloaks made of a coarse stuff of two or three colours in checker work vulgarly called pladden." He sums up, that all ranks from the Court to the country girl would not be attired like the English, and while the women preferred to follow the German, the men followed the French.

CHAPTER X.

YOUNGER SONS OF JOHNSTOUN AFTER THE UNION—CLERGY—MEDICINE—MERCHANTS—WESTRAW—THE LAIRD—CORRIE—WAMFRAY—NEWBIE—IN EDINBURGH—ATTACK ON NEWBIE TOWER—THE ESTATE PASSES TO THE LAIRD OF JOHNSTOUN—HIS MURDER—BARBARA JOHNSTOUN TRIED FOR “PAPISTRY”—HER DAUGHTERS—A ROMANTIC MARRIAGE—ROBERT OF RAECLEUCH—THE EARL OF WIGTON.

THE cruel destructiveness with which the English and civil wars had been carried on in Mid-Annandale, the sequestration of Johnstoun's estates, and the hostility of the Maxwells, who with their allies owned Galloway and half Dumfriesshire, were gradually driving the Johnstoun chiefs southward; and after Dryfe Sands their head took up his abode at Cove or Dunskenlie, near Graitney. His father began the movement by renting lands at Kelhead, between Cummertrees and Annan, from his sister Jean, the widow of the Master of Carlile, and remarried to Lord Seton. It was the weaker clan concentrating its forces. Even the sons of Johnstoun of Reidhall, outlawed for over twenty-four years, found shelter in Graitney, though the penalty was death to all who harboured criminals.

There was a want of occupation for younger sons after 1603. The regular army did not exist; and a limited number of professional men could gain a living in so poor a country. Some went to join the Prince of Orange, others to help to found a new Empire in America. We had then no footing in India.

Speed and Monypeny, in the sixteenth century, speak of the Scottish zeal for learning; and those who entered the professions were called Sir, a translation of Dominus, when they graduated at a university. In 1492 and 1575 Sir James Weild and Sir Cuthbert Rig, both writers, were so called in Dumfries; in Annandale Sir John and Sir James Johnstoun were successively priests at Dornock; Sir Edward Johnstoun, a priest at Moffat; Sir Thomas Johnstoun, chaplain at Stirling in 1544; and the Abbots of Salsit, always Johnstouns, were known by the same prefix—but not the lay-parsons and lay-abbots. The custom died out when the two kingdoms were united, and Master or Mr substituted; but landowners always preferred to go by the name of their estate.

The early physicians were called Right Hon., but they had to go to France or Italy to study. Buchanan tells us that the lairds were commonly taught

surgery, to be ready when they lead their followers into battle; and that James IV. was an expert surgeon. The love of litigation common to all tribes compelled to give up blood feuds made the writer's and advocate's calling a brisk one in Annandale, but there were still amateurs selected as in the old days by each suitor to plead his cause before the courts.

One of John Johnstoun of Graitney's sons, after studying at St. Andrews, was ordained into the Reformed Episcopal Church; also Symon Johnstoun, a son of Robert, parson of Lochmaben, and John, son of the Laird of Castlemilk—but not many of the name took Holy Orders at that time, as those in Annandale were still attached to the Church of Rome. The Johnstouns about Edinburgh accepted the Reformed Faith. The old Laird of Elphinstone heard the sermon preached by John Knox at Blackfriars Church in 1558, which caused the mob to sack the adjacent monastery.

The life of a merchant had more attractions than might have been expected for a young Borderer—to act as captain of a vessel carrying goods to England, Glasgow, Ireland, and Holland, with all the chances of a sea-fight on the way; to face a lion in Morocco, like the celebrated London merchant; to be one of an armed guard in charge of merchandise through France, Germany, or Denmark, running the gauntlet among robber barons who lived on such spoil, or between the contending armies of Spain and the Dutch Republic. Favoured by Scottish soldiers of fortune in a foreign service, they not unfrequently acted as volunteers in return. It was these who, brought into direct contact with savage emissaries of Spain, helped to bring the Reformed opinions from Holland and Germany to Scotland; and they naturally spread first in the sea-port towns. Merchants were the first ambassadors to Russia, Turkey, Persia, India, and China. At this time there were Johnstouns of Elphinstone, Westraw, Newbie, Elsiefields, Wamfray, Poldean, and Clochrie engaged as merchants in Edinburgh, Glasgow, and Dumfries.

There were Johnstouns serving as officers under the King of Sweden. Among them, Matthew Johnstoun fought in the campaign in Livonia in 1564, David and John Johnstoun were in the Swedish army in 1595, and John Johnstoun in the regiment of Colonel Cobren in 1609.

When Angus was made lieutenant of South Scotland, or Dumfriesshire, he was allowed to take half the value for himself of the goods, cattle, and lands forfeited. His operations were chiefly directed against the Johnstouns, and were known locally as the Raid of Dumfries. Pitcottie says that he gained nothing by it, and spent 60,000 marks of his own. He was related to the King, who had taken steps to convert him to Protestantism; but he was out of favour in 1602, on a rumour being spread that he was a Romanist in disguise, whereupon the Presbytery placed a Reformed minister in his house for his instruction. He then openly professed his old belief, and, after imprisonment in Glasgow, he was exiled to France, where he died in 1611.

His short term of power was of lasting consequence to James Johnstoun of Westraw, who had married for his second wife, Eufemia, daughter of Sir Laurence Oliphant, Angus being the husband of her elder sister. Although

only respite in 1599 "for burning the Church of Lochmaben," and for joining with Matthew Moffat in the slaughter of Alexander Baillie, Westraw was a Commissioner for regulating the Borders in 1600, with six Protestant colleagues, besides his relatives, the Lairds of Johnstoun, Newbie, and Graitney, and various Maxwells. In 1605 he was outlawed again, and in the Edinburgh Tolbooth, for rescuing some Lockerbie Johnstouns from a force under Sir John Maxwell of Pook, who, with three of his attendants, was killed. Westraw and some of the Wamfray and Poldean Johnstouns who had assisted him were released on the Laird's security, signed by Patrick Porteus and Edward Johnstoun of Ryehill.

This bond shows the strength of the ties of clanship at a time when the Crown was trying hard to dissolve them, for the Laird was actually suing Westraw for not carrying out the contract he had made when he married the Laird's sister—to rent the Johnstoun lands in Mid-Annandale. Probably Angus, now his patron and counsellor, advised him against it, exposed as these lands were to attacks from Maxwell and his allies. Maxwell himself had been lately sent to Clydesdale. Angus also supported Westraw's petition in 1607 to the Privy Council, setting forth that Lord Herries, his brother Edward, Lord Maxwell, Sir Robert Maxwell, his brother, and others threatened the petitioner's life. Maxwell and Herries were ordered to find caution for £2000.

Carmichael was equally threatened in Eskdale by the Armstrongs. In 1605 he sold Glendining to Westraw (Chapter IV.), who had difficulty in paying for it; but being near Dunsellie, he was able to renew friendly relations with the Laird; and by favour of the Crown or of the Laird's widow became one of the curators to his six-years-old heir.

Johnstoun had been loaded with fines and his lands sequestrated when, to quote the Privy Council, he was given the burden of the Wardenship in 1596, with the King's command to arrest every "dissolute and unruly person." He held it for three years, when it was conferred on Carmichael over his head, possibly owing to the lay-abbot of Salsit's complaint about his violent ejection from the Abbey lands by some of Johnstoun's followers. When re-appointed he got himself returned heir to the Barony of Corrie, and to the advowson of its Church, by the dependents of his own name and some of his neighbours—William of Elsiefields, Robert Johnstoun of Raecleuch, Robert French of Frenchland, Robert Moffat of Granton, Ninian Johnstoun of Poldean, Christopher Carruthers of Dormont, Andrew Johnstoun of Lockerbie, James Johnstoun of Hesliebrae, John Carlile of Boytath, Symon Johnstoun of Woodheid, Wilkin Johnstoun in Templand, Robert Johnstoun of Newton, Robert Johnstoun, younger of Wamfray, John Irving de Luce, and John Graham of Dryff. Nothing is said in the retour about any possessor of Corrie since his great-grandfather, who held it in ward during the outlawry of James Johnstoun of Corrie; and, as neither Elphinstone, Westraw, Graitney, Newbie, nor the Laird of Wamfray witnessed it, the retour seems to have been unjust to the sons of George Johnstoun of Corrie, who was still alive, even if Walter Johnstoun, Laird of Corrie, was dead, which is probable, and had left no sons.

As the Johnstouns of Corrie descend from the next brother to John of Johnstoun (1524-67) (whose direct male heirs are extinct) they are an important branch; but since the captivity of young James Johnstoun of Corrie in 1547 the stronghold of Bonshaw, which Corrie claimed, was held by the Laird, or by the Irvings, and they were reduced to a very poor position. Adam Johnstoun was Laird of Corrie in 1578. His brother seems to have joined his mercantile relatives in Edinburgh. In 1581 Geordie Johnstoun, (lay) parson of Corrie, is a cautioner with his Chief for William Johnstoun of Kirkhill and Wamfray; and in 1585 Thomas Johnstoun of Fingland (Wamfray), George Johnstoun of Corrie, Mungo Johnstoun in Lockerbie, Christie Johnstoun in Milnbank, and others are denounced by the Privy Council for assisting the Laird and his son, James, when Maxwell was Warden. Watt Johnstoun in Corrie, his brothers, men, servants, and tenants are responsible for themselves. Johnstoun was dead on June 21, 1587, and his son with the above supporters was again denounced by the Privy Council. At this time George Johnstoun of Corrie and his sons came to Mylnfield near Annan. John, called "portioner of Corrie," probably George Johnstoun of Corrie's son John, was dead in 1616. Walter Johnstoun of Corrie was among those respite for fighting at Dryfe Sands (1593).

In 1620 a bond is signed by Thomas Johnstoun, portioner of Corrie, and John, his son, witnessed it. A year later, with Marjory Hamilton, his wife, he repays money to Sir Lucas Craig of Riccarton, knight, John Johnstoun, writer, being a witness. John Johnstoun, Baillie of the Water of Leith, is "callit of Corrie" in 1608 when he lent money to the Laird, who styles him his "cusing." In 1620 Thomas Johnstoun, portioner of Corrie, borrowed money from John Johnstoun, writer. John and Alexander Johnston of Castle-milk, and Robert Johnstoun witnessed it.

George Johnstoun of Corrie, probably the son of Walter, owned Grethead or Girthead in 1623, and was sued for debt in 1628. He married Margaret, widow of William Johnstoun in Langside;¹ and in 1628 the property is made over to her with his son John's consent. John married Ann Murray, a great-niece of Nicolas Douglas, Lady Johnstoun, and died about 1652, when his daughter, Margaret, was served heir to her grandfather. George Johnstoun of Girthead, brother to John, married Elizabeth Young; and their son, George, who was Sheriff-Depute of Annandale, married Jean Johnston of Penlaw, and died 1713. Of George and Jean's three sons, Archibald, Joseph, and William, the two eldest died *s.p.* William married Helen Hamilton of Ellershaw, and died 1743, leaving four daughters. Jean, the elder, married Hugh Lawson, and left an only daughter.

George, the dweller in Mylnfield, was sued for debt in 1618; and sum-

¹ This inscription to their memory was moved from the wall of Johnstone Kirk to the Hope-Johnstone vault about 1858. "Heir lyes George Johnston of Girthead, and Margaret Johnston his spouse, who was laird of Corrie and lenellie descended by father and son to Adam Johnston Brother German to the Laird Johnston of Lochwood who married Sir Thomas Corrie of that ilk's only daughter and so became Laird of Corrie, and George Johnston son of the said Georg of Girthead, and Elizabeth Young his spouse and all their progene since they came to Corrie."—*Records of the Corrie Family*. By J. Corrie.

moned to quit the Newbie estate by Viscount Annand in 1629. Nothing more appears of him except a monument in the old churchyard in Annan, which was legible in 1772.

In 1597 a Johnstoun of Wamfray was hung for slaying Hew Douglas "upon set purpose and forethought of felony."¹ His uncle, Gilbert of Wamfray, was one of the judges who condemned him. Gilbert's mother, Margaret M'Clellan, died in 1589; and he appears to have married a second time to a Maxwell. One of his daughters was the wife of Sir John Murray of Cockpool. Gilbert was dead before 1611, leaving Robert, his heir, John, Edward, a merchant in Edinburgh, James, and William, the last of whom was killed by Captain John Johnstoun of Lochous,² lay-parson of Johnstone, when he was living at Dornock, near Graitney. Lochous was tried for it and condemned to be hanged (1603).

Gilbert's brother, William of Kirkhill, known as the Galliard, was killed by the Crichtons in 1592. Another brother, John, who lived in Dumfries, obtained a respite in 1573, with Symon and James Johnstoun, brothers (probably of Elsieshields), and James Johnstoun of Corhead, for art and part in the slaughter of Adam Rae between the Court House and Market Cross of Dumfries. Gilbert's son, John of Wamfray, was made a burghess of Dumfries in 1617, with his relatives, William of Kirkhill, and William, Robert of Kirkhill's son.

Robert of Wamfray is described in a decret in 1611 as "A gentleman of very mean rent nothing like a great baron, and his brothers, James and William, but young gentlemen without any rent or means of living." Their father's goods had been escheated and given to his relative, Sir Robert M'Clellan of Bombie, for "certain offences" in 1608, probably for receiving outlawed Johnstouns. Another brother, David, is cautioner for payment of 100 marks from Robert to Irving of Bonshaw, 1624.

An entry in the law reports, June 21, 1621, looks as if Robert was following the way of his forefathers. "Complaint of Robert Maxwell of Dinwoodie, how the Laird of Wamfray and others, and Richard Irving callit the young Duke of Hoddam came and destroyed his peats, and chased his cattle with the butt ends of their lances, so that some of them were left dead, and others broke their legs. Had to find security." But this branch did its best to improve its position by marriage. Robert's wife (Feb. 20, 1606) was Mariot Montgomery, daughter of Sir Neil Montgomery of Longham. Their daughter, Mariot, married Jardine of Apilgirth; and John, who was returned heir to his father, Oct. 27, 1641, married Mary, daughter of Sir William Douglas of Kelhead (ancestor to the Marquis of Queensberry), her mother being Lady Isobel Kerr, daughter of the Earl of Lothian. John was a member of the War Committee in 1640, and signed the Covenant. He left an only daughter, Janet, who was returned his heir, Jan. 25, 1658, her father having directed that she should only marry a Johnstoun.

George Johnstoun of Wamfray signed a marriage settlement for an Irving

¹ Scott much antedates the Wamfray Johnstouns in *The Fair Maid of Perth*.

² Half-brother to the Laird who died 1587.

of Bonshaw in 1661. He was uncle to the heiress, and great-uncle to the Chevalier Johnstone.

William, the second son of Mr Samuel Johnston of Sheens, married Janet of Wamfray. Their daughter married James Irving of Cove; and their son, Robert, succeeded his mother, Lady Wamfray, in 1701. He married Isobel, daughter of the third Lord Rollo (by his wife the daughter of Balfour of Burley), one of her sisters being married to William Irving of Bonshaw. The Irvings had a numerous family, and Wamfray and his wife appear among the witnesses to the baptism of several of the children in Bonshaw Tower; but of their own five sons only two lived to be of age. The eldest, Captain James, was served heir in 1734 to an estate deeply in debt. His brother, Robert, was captain in a regiment commanded by Colonel Marjoribanks in the service of Holland when he succeeded his brother, James, in 1746. He married his first cousin, Jean Rollo, and had a son and daughter, Robert and Mary; but as he sold his lands to Lord Hopetoun he was the last of the Johnstoun Lairds.

Thomas Johnstoun of Fingland in Wamfray was security for the Wamfrays in 1581, also for Herbert Johnstoun in Hesilbank, as well as for his own sons, William and Symon, so it seems probable that he was a younger son of the first James of Wamfray. John Johnstoun of Fingland was captured by the Maxwells in 1585, and killed when a fugitive by Jardine of Apilgirth. Abraham Johnstoun of Newbie took out Letters of Slain against Jardine; he was possibly connected by marriage more closely with Fingland than by cousinship. In 1600 Lord Herries proposed that the compromise agreed on in such matters—the humiliation, request for pardon, and money payment to the widow or nearest relative by the offender—should be accepted in this case by the Johnstouns. Abraham alone declined it, and remained at deadly feud with Jardine. When the victim's escheat was conferred on his father, he is stated to have committed suicide?

Thomas Johnstoun in Fingland, and Symon, Gavin, Geordie, and Robert, sons to the elder Thomas Johnstoun in Fingland, were among those respited after Dryfe Sands. As they were kindlie tenants it is difficult to trace their descendants. George Johnstoun of Fingland was declared by Murray in 1611 to belong to Wamfray, but to have no right to his land.

Mr David Johnstone of Mid Murthat claims John Johnstoun of Wamfray as his ancestor (whom tradition says built the house at Murthat about 1604, and that his descendants lived there ever since), but has no documents. Otherwise the Johnstouns of Wamfray seem to be extinct.

The wars with England and the heavy fines, added to the entertainment of the King at Newbie Castle, ruined the third Baron of Newbie; but his uncle, Robert, who managed the estate for the Crown while it was sequestered, sold some of his own lands and appeared at the Coronation of James VI. in Westminster Abbey. He went to London with his namesake and relative, the historian; and as Robert of Newbie is called Sir Robert, it is assumed he was knighted. The rich member of the Newbie family was his third

brother, John, a merchant in Edinburgh, who owned a house in Lochmabengait, Dumfries, in 1576. He was M.P. for Edinburgh in 1581 when Robert was M.P. for Dumfriesshire; and he was one of the witnesses to his Chief's retour in 1588.

Robert of Newbie is mentioned by the English Warden as son-in-law to the murdered Carmichael. His wife must have been the Dame Sara Carmichael, Lady Johnstoun,¹ who was cautioner for John Johnstoun of Graitney in a debt to Edward Johnstoun, younger, in 1606; and they had two sons, William and Edward, and a daughter, Elizabeth. John of Newbie, the merchant, married Janet Hunter, of a family represented by the Hunter-Arundells, Co. Dumfries.² In 1599 and 1600 John was a Baillie of Edinburgh. In the probate of his Will in 1601 he is described as callit of Newbie, merchant burgess of Edinburgh. Besides his brother, David, and his relatives, Edward and Gilbert Johnstoun, he was associated in business with some of the merchant princes of the day—Archibald Johnstoun (Chapter V.), whose wife was a daughter of Sir John Arnot, the Lord Provost; and Nicol Udward, sometime the Lord Provost, and the father of Barbara, Edward of Ryehill's second wife. Both Udward and Arnot were connected by marriage with James Primrose,³ the Clerk of the Privy Council, the ancestor of the Earl of Rosebery, and were declared by a decret of the Privy Council to have had no share in the Gowrie plot.

John's Will is a long one, and every Laird's family in Dumfriesshire is represented among his debtors. The Laird of Johnstoun owed him £37, 17s. 11d.; Lady Margaret Scott, the Laird's mother, £288, 1s. 7d.; Carruthers of Holmains £317, 8s. 5d.; Johnstoun of Westraw, in two sums, £57, 6s. 10d.; and Westraw's security, Gilbert Johnstoun (Wamfray), £111 (Gilbert was also security for Lady Johnstoun, and owed on her behalf £251, 1s. 8d.); James Johnstoun of Lochous £166, 10s. 1d.; John Johnstoun of Cummertrees £17, 10s.; William Graham of Blaatwood £10, 3s. 4d.; John Johnstoun of Graitney £19, 13s. 6d.; Johnstoun of Corrie £45; Douglas of Drumlanrig £380, 8s. 5d.; William Irving £200; Lord Maxwell £515, 6s. 8d.; Lady Johnstoun of Elphinstone £23; James and Robert Johnstoun of Elphinstone £89, 8s. 7d.; Lord Crichton £100; Christian Crichton £5, 5s.; Agnes Crichton £2, 9s.; Mr Patrick Crichton £5, 16s.; David Murray of Cockpool £11, 13s.; Closeburn and his brother £77, 2s. 6d.; John Johnstoun £315, 16s. 5d.; Ninian Johnstoun; the Laird of Newbie, £30, 0s. 4d.; Douglas of Hawthornden £19, 17s. 4d.; Thomas Cunningham, a factor in Campvere (Flanders), £1810, 5s.; the Laird of Corhead £10; John Broun, elder of Land, £58, 0s. 4d.; Martha Johnstoun £29, 15s.; David Murray of Aikett £20; Lady Seton, aunt of Sir James Johnstoun, £139, 7s. 1d.; David Johnstoun of Brumehill £19, 1s. 8d.; Alexander Hunter, brother-in-law to the deceased, £93, 13s., and his wife £3, 17s.;

¹ *Reg. of Deeds, Johnstoun gra. Johnstoun*, Vol. CLV.

² In the *Burgh Rolls* (1575-8) John, "son to John Johnstoun of Newbie, is made free of the Burgh" with the usual fees, Symon Johnstoun being his surety. No stranger could settle without leave in the Burgh.

³ Archibald Primrose, his son, wished to buy land in Annandale, but the old landowners combined to prevent it.

Abraham Carruthers £9, os. 10d.; Sir Robert Maxwell £12; Gideon Murray 10 marks; and many more in Dumfriesshire besides the representatives of other counties—Livingstons, Kers, Scotts, the tutor of Warriestoun, Ramsay, Cathcarts, Olifants, Borthwicks, Irvings, Jardines, Murrays, Maxwells, Stewarts, Carmichaels, Cockburn, Abercrombie, Armstrongs, David Wemyss, the old Lady Merchiston, Montgomery, the tutor of Bombie (M'Clellan), Fergusson, Welsh, Wilsons, Hendersons, Thomsons, Richardsons, Fleming, Hacket, Trotter, etc.—in all, the deceased was owed £12,137, 12s. On his part, he owed his brother David, £600; to Symon Johnstoun, the lawful son of the late Symon, a merchant burghess in Dumfries, 800 marks; to a burghess of Selkirk £1400; and to Lady Newbie, his mother, 525 marks. Possibly these sums had been placed in his charge as an investment, the usual way of securing money before banks were introduced.

Including the sums owed to himself, John left £19,935, 3s. 7d. after deducting the deposits. His executors were his widow and his brother, David. He divided his fortune between his widow and his children, with the exception of legacies to his mother, his brother Abraham, his sister Margaret, Lady Barndaroch, and two or three more; 100 marks "to the poor of the hospital of Edinburgh;" and 100 marks¹ to a kirk when it should be built "in this burgh of Edinburgh," and the money to remain in his executors' hands till it was built. If his widow remarried, his eldest daughter, Marion, was to be "nourished and brought up in company with Archibald Johnstoun and Rachel Arnot, his wife, until the said Marion be of perfect age or provided in marriage at the pleasure of God." His two elder sons, John and James, were in the same case to be under the guardianship of their uncle, David; the younger children, Thomas, Helen, and Janet, to remain with their mother.

John, the eldest son, was returned heir to his father in 1603, Archibald Johnstoun, as a baillie of Edinburgh, being president of the inquisition. He was married to Margaret Smyth in 1618, and his mother, a party to the contract for his marriage settlement, died before the wedding day. The parents of the bride provided 8000 marks and the bridegroom 4000 marks, all of which sum was to be invested in land and settled on them both jointly, and on the longest liver of the two. John's family had lost Newbie, and was just parting with Graitney, but he naturally turned to Dumfriesshire, and by the advice of Lord Wigton and his uncle, Duncan Hunter of Ballagan, who were securities, he invested the money in a mortgage on Sir William Douglas's Dumfriesshire property—the castle, estates, etc. of Drumlanrig—and on Kirkton and Crumhauch, owned by another Johnstoun family. Ten per cent. was to be the yearly interest, and the principal might be repaid in ten years.

The young merchant had already parted with the lands of Barboy, bought by his father in 1594.² A deed of Nov. 7, 1605, confirms the sale, with the

¹ In a process of 1801, Erskine stated that a mark was worth £1 sterling in 1708.

² In 1664 Robert was returned heir to his father, John Johnstoun. He married Jean Inglis, Aug. 2, 1661, and died *s.p.* 1684, leaving a brother, David, burghess of Cupar in Fife. Possibly there is a connection between his heirs and the Johnstons of Lathrisk and Wedderby, Co. Fife, and the Johnstons of Pitkeirrie, Fife.

consent of his uncle, David, and his mother, Janet Hunter. Another family paper in 1606 shows that his youngest brother, Thomas, was dead. The other brother, James, married to Janet Wellwood, also died *s.p.* in 1616; and Janet, the youngest sister, the wife of Walter Finlayson, died in 1612.

On Feb. 13, 1617, there is a transaction between David Johnstoun, merchant burghess of Edinburgh, on behalf of his "brother's son," John, about some wine, John being then out of Scotland. In July 1617 there is another agreement about the cargo of a ship owned by John, called *The Blessing of Glasgow*, in which David, John's uncle, again appears. John signs it at Bordeaux, but it provides for his return to Scotland. He owned another ship, *The John of Burntisland*, in 1618; and in 1636 he was a merchant in London as well as in Edinburgh. His sisters, Marion and Helen, married respectively Sir John Hay,¹ and Hew Dunbar, W.S. Helen died Dec. 22, 1622. As her husband was in difficulties she left her youngest daughter, Janet, to the guardianship of her brother, John.

Abraham Johnstoun, first of Milnbie, and then of Brume, had four grown-up sons, Robert, Thomas, William, and John, living in 1622 when he was Provost of Annan, and a grandson who witnessed a legal writ. Robert, or Hobbie, of Brume was an early offender in carrying arms, and when a young boy, in 1592, was cited with several of the Newbies for using them. In 1609 he was arrested in the streets of Edinburgh for walking out with the sword and other weapons, which James VI. had strictly prohibited.

In 1595 Abraham Johnstoun of Newbie received the escheats of John and Clement Edgar of Bowhous and Kirkblan. A few years later he mortgaged Milnbie to Lady Wigton, his Chief's mother, with the right of redemption.

In 1591 the third Baron of Newbie's mother, Agnes Maxwell, with her second husband, Robert Hereis, her son and her brothers-in-law, Robert, Edward, and Abraham, were at Newbie Castle—still an escheat. Then came Dryfe Sands, when the younger man retired to Edinburgh, the influence of his mother and wife being too strong to enable him, like his uncle, Robert, to take the part of his clan. Hard pressed for money, he brought actions against his uncles, Robert and Abraham, for pasturing cattle on his lands, and using his fisheries in 1595, as a kinsman's right. Robert had to find a security for £100, and his herdsman, Bernard Wilkin, for £50. Newbie also sold part of his lands in Cummertrees and Ruthwell, the last to Charles Murray, for it was already occupied by John Murray of Cockpool. In 1603 he mortgaged Stapleton to the Laird of Johnstoun. It was afterwards sold to Raecleuch.

In 1604 Newbie was Provost of Annan, and marked his term of office by obtaining its recognition as a burgh, for it had been one in the days of Bruce. He sent the two baillies, John Galloway and Robert Loch, to represent Annan at the Convention of Royal Burghs in Perth. Lord Crichton

¹ He was Town Clerk of Edinburgh when King James revisited it in 1617. The speech he made to welcome the King was printed with a portrait of His Majesty, but is now very scarce. He was Clerk Register in 1632. He had much to do in Westminster, and Edinburgh with George Heriot's affairs.

borrowed a large sum from him which was never repaid.¹ He was sued by Sir James Hamilton for the balance of a fine, and borrowed 2500 marks from his wife's uncle, Sir James Douglas of Drumlanrig, who put him to the horn for non-payment. He died at Carlisle early in 1605, aged thirty-eight. His second daughter, Barbara, had married Sir William Maxwell of Gribton, her cousin; and Newbie was to be made over to them with its charges and debts. But as John left no lawful son, his uncle, Robert, took possession of the castle as the owner of the Barony, although his sister-in-law and her daughter, Barbara, were still living there.

A lawsuit was proceeding, when Sir William Maxwell arrived with a troop of horsemen, including Robert Johnstoun of Brume and John M'Briar, who are described in the trial as servitors of the said Maxwell; Thomas Jardine; and Charles Maxwell, who was concerned three years later in the murder of the Laird of Johnstoun; and James Jardine, servitor to Lord Herries. They were in full armour, "jacks, swords, steel bonnets, pistolets, long guns, and other weapons"; and, admitted by the two ladies, surprised the Castle of Newbie, where Robert "lay fast in bed, deadly sick," and, entering his room, shot Edward of Ryehill through the body, and wounded Arthur Johnstoun, his servitor (and cousin), in the face, turning them all out of doors with their hands fastened behind their backs.

This outrage caused more sensation than usual with a Border feud. The English Warden alludes to it; and Robert Birrell, an Edinburgh citizen, notes in his diary, March 19, 1605: "The Maxwells came to the house of Newbies, and took the house. In taking of the house sundry were wounded and hurt. They kept the house till the guard and heralds caused them to surrender." Robert was allowed to re-occupy it; and both sides appealed to the law.

Elizabeth Stewart, Lady Newbie, complained that Robert had taken and detained the tower and fortalice of Newbie, and urged that he might be compelled to deliver the same to her, "in case it be found he ought to do so, and to pay her 100 marks for his escheat and goods within forty days."

Robert stated that, having occupied the said tower and lands as present heir male by entail to the Baron of Newbie, his father, he had sown most of the oat seed in the said lands, and ought to remain till lawfully put therefrom.

A decree of the Privy Council (April 18) desired both parties to desist from interfering with the lands and house of Newbie till the case was decided. Sir William Maxwell, his wife, and mother-in-law were summoned to Edinburgh for trial (June 21, 1605) at the instance of Robert, Edward, and Arthur Johnstoun, whose advocates were Sir Thomas Hamilton, and John, the son of Edward. On Maxwell's side were his wife's uncle, Sir Alexander Stewart of Garlies, Charteris of Amisfield, and Andrew Ker of Fenton.

The record of the trial is headed—"Besieging the tower of Newbie, Shooting Pistolets, Taking Captive, etc.," and begins: "Forasmuch as by divers Acts

¹ Probably the feud between the Wamfrays and Crichtons which led to the battle of Dryfe Sands was the cause. At his trial at Whitehall, 1612, Lord Crichton said he had killed no other man but Johnstons, by the King's command, and repentance was not needed for that.

of Parliament our Sovereign Lord prohibited the wearing of pistols and hagbuts under certain pains, yet it is of truth that such is the wicked disposition of some persons who preferring their own revenge to the due reverence and obedience of his Highness's laws, they and their domestic servants daily and continually bear and wear pistols, swords and hagbuts as their ordinary and accustomed weapons. . . . As, viz., the said William Maxwell of Gribton, Barbara Johnstoun, his spouse, and Elizabeth Stewart, her mother, having a long time borne a secret and hidden malice against the said Robert Johnstoun of Newbie in respect of the depending of certain acts before the Lords and Sessioners of Council," etc.

The trial continued a week, and was prorogued till July 3, when the defendants were bound under pain of 200 marks to come up for judgment within fifteen days. Robert remained in Newbie, constantly annoyed by Gribton's followers, till Lord Herries, at the instance of the advocate, John Johnstoun, summoned Gribton to appear (Oct. 1605). Sir James Johnstoun and Robert of Newbie at the same time prosecuted Lady Newbie and her second husband, Samuel Kirkpatrick of Hoddam (brother-german to Sir Thomas Kirkpatrick of Closeburn), who, on their appearance before the Court, were outlawed.

Robert died in November, having preferred to give up his claim on Newbie to the Laird rather than to Gribton, on which Lady Newbie appealed against the sentence of "horning"; and her son-in-law pleaded that a case begun by Robert could not be carried on by Edward, who continued it on behalf of Robert's son, William.¹ John, the advocate, then took up the matter against Gribton and his colleagues, and the suits continued throughout 1606.

The intervention of the Crown in giving the wardship of the Barony of Newbie a year after the owner's death to Robert of Raecleuch, the Laird of Johnstoun's next of kin, "with the ward and marriage of all heirs of the Laird of Newbie who died in 1576," hastened the settlement under the provision of male heirs whatsoever, and the estates were made over to Johnstoun by a compact signed at Dornock, Jan. 23, 1607. Young William died at the Scots College of Douai, France (June, 26, 1607), and their uncle, Edward Johnstoun of Ryehill, quietly assumed the guardianship of William's brother, Edward. Probably the news of the boy's death did not reach Scotland for some time; and the next year Raecleuch was made tutor to Sir James Johnstoun's young son, who, when he came of age, declared that he had received nothing from the proceeds of the Newbie Barony.² He even went to law with Raecleuch to get back his father's favourite horse.

¹ Among the twelve honest and faithful men who returned William as heir to his "avi," John Johnstoun of Newbie, were James Johnstoun of Westraw, Robert Johnstoun de Newton, James Johnstoun de Chapelhill, junior, Gavin Johnstoun of Middlegill, Symon Johnstoun de Woodheid, Thomas Johnstoun in Revox, James Johnstoun de Hesilbrae. Feb. 13, 1606.

² From a fishing case in 1772, *Viscount Stormont v. the Marquis of Annandale* and others, it appears that "Sir James Johnstone of that ilk recognized the rights of the male heir to Newbie (under the old entail to the direct heirs of William of Graitney, and his brothers, first, and after them to the heir male whatsoever, who should bear the name and arms of Johnstone), and entered into a contract with Robert, who empowered Sir James to reduce the right granted to Barbara, obliging himself to pay the expense of the

Raeclench's mother was Marion Maxwell, "Lady Carnsalloch, elder," apparently mother to Lady Newbie's first husband. Lady Newbie occupied the Tower again for a month or two after Robert of Newbie's death, and finally left it, Jan. 2, 1606, "with all her goods and geir except seven bedsteads and one counterboard without victuals; and a garnished cellar without wine." This statement is signed at Newbie by the neighbours, Cockpool and Wormanbie, also John Johnstoun of Graitney, Robert Johnstoun, junior of Wamfray, and John Johnstoun, writer.

Raeclench's father, Robert Johnstoun of Carnsalloch and lay-parson of Lochmaben, was second son to John of Johnstoun, who died in 1567; and, as his elder brother was captured by the English and died before 1552, Robert ruled the Barony when his father was also captured, and in his old age. A violent man, he was often put to the horn with his half-brother, John of Lochous, for slaughter and spoliation. He died at Carnsalloch in 1592, leaving several sons; the elder at the age of eleven fought at Dryfe Sands, and was now only twenty-five. The Lady of Carnsalloch died in 1601.

The murder of Sir James Johnstoun in 1608, with two poisoned bullets, by Lord Maxwell and his relative, Charles of Kirkhous, who was also nephew to John Murray of Cockpool, upset the arrangements as regarded Newbie, which the Chief meant to occupy himself. Maxwell had never given up the idea of revenging his own father's death at Dryfe Sands; and, as Lady Johnstoun, the widow, was in favour at Court, he was imprisoned when he came to Edinburgh avowedly to do it. He escaped, as people did escape from prison at that date, when they could bribe the jailor, but was later induced to sign a paper expressing his forgiveness. As he continued apparently in disgrace with the King, his cousin, Sir Robert Maxwell of Orchardston, Johnstoun's brother-in-law, arranged a secret meeting between the Chiefs, in which Maxwell was to ask for Johnstoun's intervention with the King, and all old grudges were to be wiped away. Sir James took a relation, William of Lockerbie; but Maxwell's attendant, Charles Maxwell, had assisted in the recent attack on Newbie, and, as Sir James was very friendly with Ryehill (who was badly wounded), was afraid perhaps of the effect that a reconciliation might have on himself. He told William Johnstoun that he would not have come if he had known that they were to meet Johnstouns, and suddenly shot him. William was wounded and tried to return it, but his pistol missed. He shouted treason, and Sir James, turning round, was shot in the back by Maxwell, who at once rode away, and said he had done enough when urged not to leave William alive. Sir James was propped upon his horse,

prosecution; and engaging not to sell the lands without Sir James's consent, nor to any but of the name of Johnstone, and Sir James thereby agreed to take the lands at a price to be fixed by mutual friends, if Robert were inclined to sell them." Robert's death in 1605, and the minority of his heir being prolonged by the early death of his elder son, the lawless state of the Borders, and the claims of mortgages, all combined to hasten the arrangement which made it over to the Chief; and the circumstances were asserted by the Counsel to the last Marquis to show "very clearly a relationship between James Johnstone of that ilk and the Johnstones of Newbie."

but had only strength to say "Lord have mercy on me, Christ have mercy on me—I am deceived" before he expired.

Maxwell fled to the Continent, and was tried when absent by a special Parliament, June 24, 1609, which found him guilty of high treason for killing the Warden of the Marches, and all his goods were to be confiscated. Charles Maxwell was left free, and his brother ennobled before many years had passed.

The King had tried to reduce the influence of the Johnstouns, and continued to do so;¹ but the law gave him an interest in a minor's estate and, although away at Windsor, he appointed Raecleuch to be tutor of the Johnstoun Barony and of the heir and his sisters against the protest of their mother, who went to Edinburgh to find champions on her behalf. Lady Johnstoun declared that she knew the weakness of the tutor, and that he was unfit to govern the living or to manage the estate. She offered to give him 500 marks a year for himself, and to spend 2000 marks in reducing the debt of £50,000, which seemed likely to ruin the property, if he would give up the post. She tried by law to obtain the custody of her children, and promised to give them meat, clothes, and other necessities, and to keep house for her son and his friends, but in vain. She secretly gave the Charter chest to the care of Edward Johnstoun of Rychill, who owned the old castle of Annan, a strong stone house; and it was possibly by her advice that her son at fourteen chose Rychill to be one of his curators.

The King condescended to write to Raecleuch to be careful of the pupil's education and "of the welfare and continuance of his house now fallen into decay, to be honest and faithful, and not to look for his own gain." He told the Lords of Council and Session to stay all proceedings against the heir in his minority, but this did not exempt the heir from the special Crown dues levied on a minor's estate.

Sir James had agreed to give 25,000 marks to Barbara for her claim to Newbie, and to pay all her father's debts. He also undertook to bring up her six sisters—Janet, Mary, Agnes, Christine, Elizabeth, and Jeannette—in his own house, charging himself with their education, board, clothes, and ultimate marriage, "as befits ladies of their degree." Three were already married when his death devolved their maintenance on Raecleuch.

Their mother² appears again with her husband, Kirkpatrick, in several actions against James Murray of Cockpool in 1610 for "non-payment of certain dues," which amounted to £5000. The younger girls married in time, but as Raecleuch had taken charge of them in Newbie Castle he brought an

¹ *Acts of Deceets*, Vol. LXXVII., fol. 2, B. Mr John Johnstoun (of Mylnfield), advocate, is given the ward of the late Laird's estate by a document dated April 12, 1608, four days after the murder. This was doubtless only pending the King's appointment, as he was Sheriff-Depute of Annandale, but it is curious that Raecleuch should have been given the ward of Mylnfield's first cousin, and Mylnfield the ward of Raecleuch's nearest relative.

² She gained her cause, but the King overrode the decision by a gift under the Privy Seal in favour of Sir James Murray, knight, of his own escheat and life-rent, Dec. 22, 1610. This deed refers to "the claim against the late Knight of Dunsckellie by Elizabeth Stewart, Lady Newbie, relict of John Johnstoun of Newbie and Master Samuel Kirkpatrick," etc. (*Mansfield Charters*).

action for £100 to repay him for "three years' nourishment," and for providing them with silk gowns. Lady Newbie paid it.

Sir James had borrowed £10,350 from his "good friend," Archibald Johnstoun of Edinburgh, and, besides the heavy interest of the day, agreed to repay 15,000 marks in eight years (1613). The debt was bought by Raecleuch's brother, Mungo, and when a Crown Charter¹ confirmed the young Laird in the possession of Newbie, Mylnfield, and the other lands comprised in the Barony (June 8, 1609), Mungo tried to occupy part of the estate as a guarantee. The Charter disallowed the rights of the relatives who lived as kindle tenants on the estate; and in various lawsuits carried on by James Lidderdail for his grand-daughter, the late Newbie's eldest child, and even by the heirs of the Carliles and the Corries, it was proved what portions were legally held by Johnstouns outside the Barony. Raecleuch did not hurry to eject them, as they assisted him to withstand the new taxes and tithes.²

Raecleuch's protest against paying tithes to Murray (Cockpool, as he calls him), 1611, and his defence of his own conduct, shows the conditions of an estate at that time, when the rents were paid in produce. In the case of Newbie—wheat, peas, barley, oats from the cottars; salt from Priestwodesyde; malt and meal for Newbie mill; £5 in rent from Christopher Carruthers for Hardgray; and thirty salmon trout. Miskares was mortgaged to Walter Scott of Tuschelaw before the Laird's death, also Dunskeillie. Souplebank was let to a Carlile, whose rent was overdue; another portion to Dame Elizabeth Carlile. He had not got enough from the fisheries to feed the keeper. He had sown and laboured with his own plough for the crop of 1609, and that was claimed by Archibald Johnstoun, of Edinburgh, for a debt owed by the late Laird. A great portion of the estate was possessed by the friends of Newbie, named Johnstoun, and others of the names of Bell and Irving, who had never paid any duty, and he could not eject them, "because the Laird of Johnstoun was never infefted in the lands of Newbie, his sole right being a contract between him and the late Robert Johnstoun of Brigholme, and of another between him and Sir William Maxwell of Gribton, taking burden upon him for the heirs of line of the house of Newbie." Raecleuch had also paid 16,000 marks to Gribton, and a compensation to the family of the murdered Johnstouns at Dalfibble (Chapter V.), as they had got none from the Maxwells.

The sentence of outlawry against Sir W. Maxwell and his wife and mother-in-law for not coming up for judgment seems to have been annulled on the payment of £62, 7s. In 1616 Barbara Johnstoun, Lady Gribton, with two of her sisters—Agnes, the spouse of John Laurie, and Jeannette, married to John Broun of the Land—were proclaimed outlaws for "holding Papistical opinions," as the Act set forth; and this penalty was duly enforced. In 1622 Barbara was a widow, resident in Paris; and her youngest son, Alexander,

¹ *The Reg. Sec. Sigilli*, Vol. LXXVIII., fol. 96.

² Mungo is called in one deed Raecleuch's brother-german, and in another natural brother; but that term is found in deeds earlier and of that date when the context shows that the person was a lawful heir. His son was returned his heir, and there is no other proof that he was not legitimate.

a student at Douai, died of the plague which broke out in the college. She was again in Scotland in August 1628, when "James Johnstoun of that Ilk appeared in person, and became cautioner for Dame Barbara Johnstoun, Lady Gribton, that the said Dame Barbara within the space of one month after this date shall depart and pass forth of the kingdom, and that within twenty-two days thereafter she shall pass forth of the bounds of Great Britain, and that she shall not return again without his Majesty's licence, under the pain of 5000 marks; and the said Dame Barbara appearing personally acted for herself, that during her remaining within this kingdom she shall not receive Jesuit Seminary Priests, nor trafficking Papists, nor shall travel about the country under the pain of 5000 marks, Sir James and his heirs becoming her cautioners."

Other entries in the Books of the Privy Council show that Barbara was ordered some years later to submit to instruction in the Reformed Faith. A complaint from her is registered that by their lordships' directions she had for the past three months remained in Edinburgh, "and has diligently haunted the Kirk and heard the preaching and prayers with that modesty which became a Christian, and seldom was she absent when her health would permit, as is well known to the ministers of the burgh, especially to that of the Grey Friars Kirk the parish she most frequented. Her abode has been very expensive and as the harvest is drawing near, she having the whole estate, which is but a very mean portion, in her own labouring, if she be not at home to attend it, it will be neglected to her wreck and undoing. She is willing at her home-going to continue her ordinary exercise of haunting the Kirk for hearing of sermons and as occasion serves to hear conferences, and so desires to return home. She is not resolved to embrace the religion presently professed within this kingdom, so is content to withdraw out of the country to some part where she may have the free exercise of her children."¹

Dame Barbara was allowed to go home to settle her affairs on condition that she left Scotland within a month and the Isle of Britain twenty days afterwards. She released Johnstoun from his pledge by offering her own personal security of 5000 marks for her behaviour while she remained in Scotland. Her son, John Maxwell of Gribton, stood security for himself in 2000 marks that he would not receive any Jesuit priests. Her sisters—Jeannette, and Agnes, who was remarried to William Hereis of Mabie—were also banished from the country, under the pain of 1000 marks, in company with several other members of the Maxwell and Hereis family, and Nicolas Jardine, the wife of John Carruthers of Holmains, who was himself a Protestant.

Barbara's daughters—Elspeth, Barbara "callit the Pope"—and Agnes Maxwell were summoned in 1634 for "scandalizing the Kirk and disobeying the King's laws by hearing Mass." Their cousin, Elspeth Maxwell of Conheath, who was already excommunicated for the same act, was convicted of having been married secretly, at night, to Robert Rig, by a priest with the Roman rite by the light of candles in the fields near Dumfries. Rig owned that four

¹ Lord Nithsdale's son had lately been taken from him to be brought up a Protestant.

persons were present, men and women, but as they covered their faces he could not recognise them. He was imprisoned in Edinburgh at his own charges during the King's pleasure. The ladies humbly expressed their contrition at having "caused scandal to the Kirk," and their relatives seem to have saved them from further punishment.

John Broun,¹ called of the Land, New Abbey, and of Lochhill, and his wife, Jeannette Johnstoun of Newbie, had two sons, Thomas and James, at Douai College in 1627 and 1634. The first is described in the College Record as a youth of the greatest promise who went on to serve his novitiate in Spain, Patrick Johnstoun died at Rome in 1622, preparing for the Scottish mission; and Nicolas Johnstoun was at the Scottish College in Rome in 1641. Christopher Johnstoun and Anna Gordon, spouses, left money to the College at Ratisbon for masses for their souls, and for the soul of Anna's father.

Knox had got a Bill passed as early as 1560 that Romanists not instantly abjuring their belief were for the first offence to forfeit all their goods and be whipped, for the second offence exile, for the third execution, and he ordered his followers to refuse baptism to their children. But the King qualified this outrageous act by appointing Romanist judges and magistrates; and as the Episcopalians often preferred the Pope to the Covenant these extreme penalties, which, carried out to their full extent, would have depopulated half Scotland, seem to have been only enforced in cases of treason or of friendless people. The accusers and their emissaries were very barbarous. Ogilvie, the Jesuit, was "not suffered to take sleep some days and nights with small sustenance, so that his brains being lightsome, secrets were drawn out of him" before his trial, and he spoke disrespectfully of the King. He was tried Feb. 28, 1615, with Sinclair, who had entertained him, and others who had heard him preach. Edward Johnstoun of Ryehill, a sympathiser, was one of the judges. Ogilvie was simply executed, as the sentence put it, for disloyalty to the King, but the rest were let off with fines and exile.

The aged Romanist Bishop of Dunkeld, Robert Crichton, applied for maintenance on the ground that his few remaining years would be cut short by starvation. It was pleaded for him that he belonged to an old family, so his Protestant successor's income was curtailed for his support.

Dame Barbara soon returned to Scotland, as in 1630 she was summoned by Murray with her cousins to quit the Newbie estate or pay the tithes.

The Earl of Wigton, whose name appears in several deeds connected with Newbie, having married the widowed Lady Johnstoun, was instrumental in protecting the Bishop of Galloway from the violence of the people of Dumfries, when, in 1623, the Bishop tried to carry out the King's positive command to

¹ In 1634 he petitioned the Privy Council for his release from prison, where he was "forthwith put for his religion" when he obeyed the order to appear in Edinburgh. He had lain there for five weeks in great misery for want. He had no means to sustain his natural life, and no creature to attend him, his wife being in England and his eight children at home, sixty miles away, for the most part unable to do for themselves. He was released on condition that he left the country and never returned. At the same time Edward Johnstoun obtained an extension of protection for himself.

insist on the Scottish ministers making use of the English book of Common Prayer. The King was advised that it would assist in permanently uniting the two countries; but Knox condemned it as Rome's illegal offspring when he was chaplain to Edward VI.: and just as the Scots would accept no English fashion in dress, but preferred the costumes of Holland and France, it was enough that the Prayer Book had been compiled in England to reject it.

The Reformation started in both countries under bad auspices. In Scotland Queen Mary's half-brother, the Regent, raised the Protestant standard to advance his own ambition. He signed a decree with Argyll and Ruthven in 1560, ordering the altars and images of saints to be broken up in the Kirk of Dunkeld. As usual, the populace went much further than their political leaders, and the vandalism,¹ now deplored by all archæologists, was carried on throughout the land. Still Episcopacy survived, but the adoption of the service books from England was the lever required by the opposition, and from this time, for the next sixty years, there was a constant struggle between the Covenanters, who would place the State under the control of the Church, and those who believed in the Royal supremacy. The defeated parties were sold to life-long slavery in the plantations of Virginia, South Carolina, and the West Indies. The cruelties committed on both sides make the seventeenth century a most sanguinary epoch in Scottish history. Dumfriesshire, wrote the Rev. A. Carlile, had not recovered from it in 1736.

¹ Melrose, Kelso, and other abbeys on the frontier were ruined by the English in the last invasion.

CHAPTER XI.

JOHN MURRAY—THE CLAIMANTS TO THE NEWBIE ESTATE, AND THE KINDLIE TENANTS—EDWARD JOHNSTOUN OF RYEHILL—THE SONS OF THE HOUSE OF NEWBIE—DEATH OF CASTLEMILK AND MARRIAGE OF HIS WIDOW TO RYEHILL—JOHN OF MYLNFIELD—EXECUTION OF MAXWELL—GRAITNEY SOLD TO MURRAY—DESCENDANTS OF THE GRAITNEYS—MURRAY'S DESCENDANTS—RYEHILL'S LETTER TO PRIMROSE—THE GRAHAMS OF BLAATWOOD—RYEHILL'S DEATH—HERIOT'S EXECUTOR.

THE country was agitated by the search for those connected with the Gunpowder Plot, when King James remembered that Holywood was still an abbey in charge of Edward Maxwell, the Commendator, and still contained one brother, David Welsh. He dismissed them both, and gave Holywood with the lands and dues to John Murray of Cockpool, described as one of the "Grooms of his Majesty's chamber," an office introduced by James VI. As Murray had also received the lands and dues of Dundrennan, and as the two Abbots, in a Charter from William Bruce, were made superiors of Annandale, he could now override the more recent rights of Carliles, Corries, Johnstouns, and their dependents. He at once claimed feus and tithes from Newbie, Graitney, Wamfray, Castlemilk, and other properties. The King directed that Murray should put a minister into Annan and Graitney, and allow him 400 marks a year. The Cockpool family had only recently accepted the Reformed Faith, and, as the Johnstouns and Carliles in these parts still generally held aloof from it, Murray put Symon Johnstoun (brother to Robert Johnstoun of Raecleuch), married to a daughter of Sir James Douglas of Torthorald, to serve both these Kirks, as he would be protected by his relatives. When Episcopacy was re-established under Charles II. the patronage of Annan was transferred to the Earl of Annandale.

Murray's claim to the superiority of Annandale was opposed by Robert of Raecleuch, Westraw, Edward of Ryehill, Sir James Douglas (the heir of the Carliles), Carruthers of Wormanbie and Holmains, Grahams, Irvings of Bonshaw, and the Johnstouns of Wamfray and Castlemilk. The kindlie tenants, who occupied the Newbie estate to serve against the enemy if called upon by the Laird, were now asked instead to pay taxes and tithes, and refused. But after 1609, when a Royal Charter annulled their old rights, they gradually withdrew from the Barony, leaving their dependents to come to terms with Raecleuch. Ryehill left his tower at Mylnfield to be occupied by the Fareis

family; David, his brother, went to Edinburgh, where he is mentioned in many writs and Wills as a witness or an executor; Abraham gave up Milnbie, but remained in Brume, just outside Newbie. The brother and heir of Captain John of Lochous—James—being next of kin to the young Laird after Robert of Raecleuch, was appointed one of the guardians.

Edward, the next brother to Robert Johnstoun of Brigholme and Newbie, ancestor to the Johnstones of Galabank and Fulford Hall, is described as "of Ryehill" when Robert Welch acts as his security for a bond in 1578, but is generally called of Newbie. He was third son of the second Baron, whose partizanship of Queen Mary precluded him from being made Governor of Annan in 1569. The Regent supported the Irvings, to whom the Queen had shown strong objection in 1566, and Edward Irving, brother to Johnstoun's son-in-law, Christopher, was appointed Governor of Annan Castle. There are several small estates still held by "kindlie tenants of the Crown," and Irving received a grant of these, including the Castle, Northfield, Gulielands, Galabank, and Mylneflat or Mylnfield. Scrope burnt Annan in 1570; but, as he had an understanding with the Regent to destroy the property of Mary's friends, possibly he spared all belonging to Irving, who had a long delayed Charter of these lands properly made out to him in 1574. But in 1583 the Warden of the Borders (Johnstoun) complained that Douglas of Drumlanrig, with Bells, Carliles, and Irvings of Mylneflat or Mylnfield, "and divers other broken men which is ever entertained by the said Laird of Drumlanrig this last half year," broke into the house of Bonshaw, and, by force, set at liberty about eighteen Bells and Irvings, notorious offenders, who were in ward there. An Order was sent by the Privy Council to arrest Jeffrey Irving of Bonshaw and Willie Irving of Mylnfield in 1583; and in 1587 Willie's escheat, including the tower of Mylnfield, was given to Edward Johnstoun of Ryehill, "father's brother" to the young Laird of Newbie. In 1597 he was appointed collector of the salt tax in Edinburgh, a great deal of salt being produced on his nephew's estate.

At the end of the sixteenth century, and beginning of the seventeenth, there is frequent mention of another Edward Johnstoun, a merchant (son of Nathaniel of Elsie shields), who married Janet Grey. After a time he is called the elder to distinguish him from Edward Johnstoun the younger (of Wamfray), also a merchant, and a partner with Gilbert Johnstoun, who married Margaret Ker, and seems to have been Graitney's son of that name who held a copyhold in Graitney. Edward the younger married Katherine (daughter of Hector Rae, an Edinburgh merchant, of Annan descent), and had a son, Francis. It was Edward of Ryehill who is described by the English Ambassador in a letter to Secretary Cecil in 1599 as being on his way to the Low Countries, and "willing to do service there for the English."

The Laird of Johnstoun at this time had been deprived of the Wardenship, which "was given to Sir John Carmichael and Robert Johnstoun of Newbie to assist him." His deprivation may have been due to an incident related in a letter

from Willoughby to Cecil, Jan. 1598, that "William Home, Sir George Home's¹ brother, pursuing Edward Johnston for his escheat anent Dec. 17, and the Laird of Johnston travailling to defend Edward, the Laird and William fell to such words before the King, as the King committed them both to the Castle, but they are both out again not agreed, for they have both got parties behind them. The King supports William."

Edward defended his brother in the attack on Newbie Castle in 1605, and was shot through the body. In Dec. the same year he was a co-witness with Patrick Porteus for his Chief, that the murderers of Sir John Maxwell of Pook should be brought to trial. Edward's son was advocate for Sir James on this occasion.

The Laird of Newbie who died 1576 had left houses and land in and near Annan to his second son, Robert. Ryehill, being now tutor to Robert's son, paid off a mortgage to Jeffrey Irving in connection with the estate. Raecleuch in his defence alludes to these lands as no longer part of the Barony, but Murray desired to see the title-deeds, and Mungo Johnstoun claimed them as part of Newbie. Ryehill sent no reply to Murray, so a second summons was sent in 1610—in which he is styled Edward Johnstoun, callit of Newbie and now in Mylnfield, who was cited at his said dwelling house in Mylnfield by six knocks on his door; and that the particulars of his crop and possessions within written were certified by his son, John, and David Bell, in Annan.

With so many sons of the House of Newbie—some only kindlie tenants, others holding lands of their own adjoining the Barony—the mortgagee was confused as to what he owned, and his summons to Ryehill as well as to Raecleuch "to flit and remove with their wives, bairns, and servants—the first from Howmedow, Saltrigs, Crofthead, M——, etc.," brought a counter action from Ryehill and his nephew, Edward; and Mungo was ordered by the Court to pay him £10 for expenses. The year before Edward of Seafeld released his uncle from his tutory, his cautioner being his cousin, John Broun of the Land and Lochhill, and fully acknowledged the care and integrity with which Ryehill had managed his affairs.

Edward of Seafeld's retour to his brother, William of Newbie, was signed at "the vast stone house" in Annan, then occupied by John Galloway, who with Jeffrey Irving, Robert Johnstoun, John Johnstoun, vocat of Mylnfield, George Graham of Redkirk, Raes, and others witness it. The late Robert of Newbie had sold Hardrigg, Brigholme, and Gulielands, which the King gave to Mr Patrick Howat, one of his chaplains. Northfield and Galabank, owned by Edward of Ryehill, were included in the Charter; but Howat withdrew his claim on receiving compensation from the occupiers or their relatives when he found that they all held title-deeds to these lands, and were prepared to stand by them. The same title-deeds were produced in 1614 when Murray claimed that they belonged to the ancient Barony of Dundrennan.

Ryehill was Provost of Annan in 1612-13, when he lived in the "vast stone house on the old Tolbooth sted," the site of the ancient castle of Robert

¹ Earl of Dunbar.

Bruce. The next year he was married for the second time to Barbara Udward, the widow of John Johnstoun of Castlemilk, Commendator of Holywood (*see* Chapter V.), accidentally drowned with his servant about a year and a half before while crossing the river Milk on horseback. Owing to this misfortune the people of Castlemilk tried to build a bridge over the river, but were many years in collecting money for it. Barbara Udward's sons—Thomas, James, John, and Alexander—were under age, and, in accordance with the law, Rychill became their guardian, but in conjunction with their grandfather, Nicol Udward, sometime the Lord Provost of Edinburgh. Udward had a house in Newcastle, as well as Edinburgh, after James VI. became King of England; and his son, Nathaniel, obtained a monopoly of the fisheries on the coast of Greenland and Iceland.

Edward of Rychill's first wife, included in several summonses for the tithes, was probably Christine Irving, who is mentioned next to him in more than one list of residents on the Newbie property, and before the name of his son, John, in 1609, and again between the name of Edward and his grandson, John, in 1610. In one document she is called "of Newbie." It seems the more likely that she was his wife, as he had a son named Christopher. That his sister married an Irving is hardly enough to account for the frequent money transactions—some to his disadvantage—which he had with the Irvings, standing security for those who got into difficulties, even for Jeffrey of Robgill, who was condemned to be hanged for marrying his brother's widow. He also owned "the vast stone house" which had belonged to Christopher Irving. In 1632 he was appointed Sheriff of Annandale over the head of the Laird of Johnstoun and James Johnstoun of Lochous, who both applied for the post. He was three times Provost of Annan, and more than once Parliamentary Commissioner, also Sheriff of Dumfries; and was employed by the Government in unpaid services, and as a judge on the assize. He stood security several times for the young Laird as well as for his late Chief, and his name appears in nearly 100 writs as a cautioner, a witness, a principal, or a judge.¹

On Nov. 25, 1612, the Edinburgh Records contain: "The which day Edward Johnstoun, Provost of Annan, convener of the Justices of Peace within the Stewartrie of Annandaill, promised to give in his accompt the morne to the clerk of register." In 1617 Edward was again Provost of Annan, and Convener of the Justices in Edinburgh at a trial for forgery.

After his second marriage Rychill's duties were increased by attending to the interests of his second wife and her sons, who owned a house in Edinburgh, and the estates of Castlemilk and Flemingraw. The Murray influence was rapidly increasing. Three of the family had been Grooms of the King's Bedchamber, and purchased the title of Baronet; a fourth, Richard, was Dean of Manchester; and a fifth, Sir Gideon Murray, farmed the taxes for Annandale.²

¹ The first in 1578, the last in 1640.

² In the petition of Lord Stormont claiming some of the Newbie fisheries in 1772, the old Newbie Charters up to 1541 were searched, and when Counsel came to the numerous

John Murray of Cockpool was created Viscount Annan, and in 1623 was made Sheriff of Annandale to enable him to evict with force all who opposed him in his new possession. The next year he was advanced to the dignities of Earl of Annandale and Lord Murray of Lochmaben. Six years earlier the Crown associated him with Lord Crichton in the wardship of the Laird of Johnstoun, so that they might benefit by the estate, although there were already seven guardians—the Earls of Mar, Lothian, and Buccleuch, James of Lochous, Robert of Raecleuch, Edward of Ryehill, and Johnstoun of Westraw. Crichton's predecessor was executed in 1612, for killing a fencing-master, by an English Court, as he was arrested in London; but his heir lent the King a large sum of money, and just before his appointment in 1617 he entertained James VI. magnificently in Dumfriesshire, and, rolling up the proofs of the King's debt into a torch, lighted him up to bed with it. Thirteen years later he was obliged to sell his estate, but a title being a valuable asset Charles I. made him Earl of Dumfries.¹

John Murray's sister married a Maxwell, so although Sir William Maxwell of Gribton and Sir Robert Maxwell of Spots, married to Johnstoun's aunt, were "feuars of Newbie" they were not included among the defendants in the processes instituted regularly every year against the occupiers of Newbie between 1608 and 1630.

Newbie, one of the most productive estates in Scotland, was taxed £53, 6s. 8d. in 1608,—the same sum as the Barony of Johnstoun—but a supplementary memorandum raised it to £60. Ryehill was taxed £6, 3s. 4d. Among the tenants of Newbie were Dicksons and Richardsons—whose ancestors had been famous in the days of Wallace and Bruce—and the warlike Irvings, Bells, Romes, Grahams, etc., besides the Johnstouns of Wamfray, Corrie, Lochous, and Newbie, who long enjoyed the kinsman's right to occupy lands there without paying any rent.

Mylnfield, or Millfield, on the opposite side of the river to Annan, was then as large as Annan, though now reduced to about three houses. A field opposite Northfield and Galabank was also Mylnfield (Mylneflat), as the mill, which formed an important part of a landed property, as well as houses stood on it. From the description of its boundaries the smaller Mylnfield appears to be the one with the tower occupied by Ryehill, or, as a decret states, by others in his name; and the mortgagees of Newbie claimed it. The river separated this land from that which Robert of Newbie inherited from his father, and which Edward held for his nephews, Robert's sons. With the preference a Scot always shows for territorial designations, Edward's son, John, signed himself of or in Mylnfield, and was so-called in Annan writs, though writs obtained by Murray from 1608 onwards he observes that "Murray was a gentleman of the bedchamber to King James, and much in favour. The arts and influence of Court favourites are well known, and it is certain that in those days it was by no means uncommon for grants to be given of subjects which had been alienated from the Crown long before." In "certain decrees of removing obtained at the instance of Sir James Murray before the Steward Court of Annandale in 1613 and 1619 . . . it does not appear that the steps said to have been gone through were followed with any effect" (1772-1803).

¹ The Marquis of Bute is his descendant.

elsewhere he is styled Mr (Master) John Johnstoun, after the fashion which gave the prefix to graduates and the eldest sons of Lairds.

The career of this John of Mylnfield was a short one. He was Sheriff-Depute¹ of Annandale, and presided over the jury who returned James, the young Laird of Johnstoun, as lawful heir to his father in 1609, and for a short time had the ward of the estate. He was also Sheriff or Steward of Dumfries. In 1605 he paid 10 marks for the release of his uncle, Abraham Johnstoun, from a sentence of outlawry Lady Newbie had procured against him—first for fishing, and then for keeping from her, as she alleged, some of the Newbie rents (claimed by heirs and creditors)—and after John had taken his uncle's side at the trial for the attack on Newbie his life was not safe from the Maxwells. On July 31, 1605, Edward Maxwell of Hills and Lord Hereis had to pledge themselves for £5000, and Robert Maxwell of Dinwiddie pledged himself for the Maxwells of Gribton and Conheath with 3000 marks, not to harm Mr John Johnstoun, advocate. When their Chief was a fugitive they, in their turn, asked to be protected against the Johnstouns.

The same year John was pledge for his Wamfray cousin, Edward Johnstoun, in Edinburgh, who was accused of attacking John Broun, a goldsmith, in the High Street. It was proved that Edward and his wife, Katherine Rae, had supper with her parents, and were returning with their servants to their own lodging when the plaintiff, with an Aberdeen friend, seized Katherine, "tore her curtche and other ornaments of her head causing her nose to bleed." The husband was exonerated for inflicting severe blows on the probably drunken assailants, the Court decreeing that "the High Street at night should be a place of safety and refuge to all honest men and women, especially to the honest neighbours and inhabitants thereof." The Laird of Johnstoun, Ryehill, and Westraw were advocates or witnesses for the defence.

In 1610 John was among the Justices of the Peace for Dumfriesshire and Annandale, the other Johnstouns on the list being Raecleuch, Ryehill, and Graitney. The representatives of eleven of their colleagues—Douglas, Charteris, Stewart, Murray, Wemyss, etc.—have long since merged into the Peerage where they were not already Peers, except Kirkpatrick of Closeburn, who is a Baronet. The twelfth—Carruthers of Holmain—has no heir in the direct male line.

The deed which transferred Galabank from Jeffrey Irving to Edward of Ryehill is dated at Mylnfield. John Johnstoun of Mylnfield was a witness, and living at Galabank and also occupying Northfield and the adjacent fields in 1609 when he brought an action against some inhabitants of Annan who interfered with his fishings. The next year he was outlawed for not arresting Robert of Raecleuch in Newbie Castle, at the instance of the powerful Murray, when the Crown bestowed the property as an escheat on Mr Patrick Howat.

The five years' exile of Lord Maxwell for the murder of the Laird of Johnstoun in 1608, and his execution in 1613, eclipsed the influence of his family very temporarily, for they were widely represented in Dumfriesshire and

¹ This post, like that of Sheriff, Baillie, and Provost, was, says Speed, always kept in the Lairds' families.

had intermarried with the Murrays, who were trying, in addition to the title-deeds of the Dundrennan Abbey, to get a reversion of the escheat of the Earl of March in 1440. The old Charter granted to their ancestor in 1320 covered ground previously granted to Carlile; but John and James Murray based an extra claim on the retour obtained when Maxwell was Warden for their ancestor in 1494, and again in 1507, in which Rampatrick, including Graitney, Dornock, and Kirkpatrick Fleming, as well as Ruthwell, were stated as having belonged to his father. Galabank was also claimed for Dundrennan. Both the Murrays were Commissioners for the settlement of the Borders, and so was Sir James Douglas of Torthorald, whose mother, the heir of the Carliles, had been compelled to marry her cruel husband by the Regent Angus. Douglas claimed the old Carlile property, "from Wamfray to Griestna grene," and it was the object of all three to get rid of their fellow Commissioner, Edward of Ryehill. He was put to the horn, with his wife and children, for not obeying the summons in "Murray contra Johnstoun" (1609), when Robert Johnstoun of Raecleuch, tutor of Johnstoun, Edward Johnstoun (of Ryehill), called of Newbie, Christine Irving there, John Johnstoun in Mylnfield there, Robert Fareis, John Gibson, the ploughman, Abraham Johnstoun, his sons, and many others were called upon to quit Newbie.

In May 1610 John M'Briar, servitor to Maxwell of Gribton in 1605, sued the above defendants for the tithes, but instead of John Johnstoun in Mylnfield, whose name is scratched out, John the younger appears. In another summons the following year Christine Irving's name also disappears, and Ryehill and Christopher Johnstoun were living at "the vast stone house in Annan." When Ryehill married Barbara Udward in 1614 he moved to his wife's house in Castlemilk.

Barbara's father, Nicol Udward, was an intimate friend of George Heriot, the famous jeweller to the King and Queen. Heriot came of a Dumfriesshire family, and his friend and executor, Robert Johnstoun, is stated, on his monument, to belong to the House of Newbie, in Annandale.

When John of Mylnfield was outlawed by Murray for not arresting Robert of Raecleuch and the other Johnstoun occupants of South Annandale, including himself, his cousin, John Carruthers of Holmains, was made Sheriff-Depute of Annandale in his place, and a Maxwell stepped into his post as Sheriff of Dumfries. In 1611 Carruthers was displaced for the same reason, and Mr John Johnstoun of Castlemilk appointed. He found it equally difficult to arrest the lords of the soil, and applied to the Privy Council for advice. Holmains, being no longer Sheriff-Depute, refused to pay his taxes, and Raecleuch and other lairds claimed that as Holmains was no longer Sheriff they need not pay the taxes he had demanded. Castlemilk was ordered to act with severity, and to pursue and arrest one Bell who had escaped from prison at Dumfries. In the midst of his difficulties he was drowned. The eldest son, Thomas, was not long of age when, "with the consent of Ryehill, his father-in-law" (*i.e.*, stepfather), he sold his lands of Flemingraw¹ and others

¹ So the deeds seem to show, but his nephew, Nathaniel Johnston, says of him: "My grandmother's brother gave my oldest uncle such an education in France, &c., and encouraged

to Maxwell of Kirkhous, to whom they had already been granted by the King, and whose brother had assisted to murder the Laird of Johnstoun.

Barbara Udward died about 1621, when her second husband returned to Annan. For some time he was summoned every year to remove his goods from Castlemilk, of which his wife had the life rent, as well as from Rychill, etc., by Douglas of Torthorald, who did not enjoy the Royal favour like the Maxwells and Murrays. King James had always been a good friend to the Maxwells, and perhaps disapproved of the unrelenting attitude of the murdered Laird of Johnstoun's nearest relations—his young son, his second cousin, Robert of Raecleuch, his mother, "the auld Lady Johnstoun," Agnes and Elizabeth, his two daughters, and his widow—for, when Maxwell after years of wandering had been arrested, the King enquired if these still persisted "in the pursuit of their petition craving justice to be executed on the forfeited Lord Maxwell," and they said they did. Maxwell's brother petitioned the Privy Council in a moving appeal, promising that the slaughter of his own father should never be brought up against any of the relatives or accomplices of the late Lord Johnstoun, and he and Lord Maxwell would forgive it if the Johnstouns would do the same by Maxwell. He proposed that Lord Maxwell should marry one of the orphaned daughters of his victim, "as owing to her father's unhappy death she had no dowry," and that the young Laird should marry Maxwell's niece (the petitioner's daughter), and he would pay her 20,000 marks as her dower, "for the better avoidance of all future enmity." It is possible that this offer never reached the Johnstouns, for the Privy Council refused to forward it as Maxwell did not send it.¹ But the refusal of the King's suggestion confirmed the Royal policy to support their rivals. Maxwell's brother and heir was created Earl of Nithsdale in 1620, apparently gratis, and lucrative posts conferred on him in an age of favouritism and bribery. The new Lady Nithsdale was niece to the Duke of Buckingham. Like her husband, she was a Romanist.

James Murray never paid the £3000 he owed to Elizabeth Stewart (Lady Newbie).

In 1612 John of Graitney obtained for himself and his heirs a Crown Charter of Graitney, where it is stated that, owing to the burning, slaughter, and devastation of these parts by their ancient enemies of England, all previous Charters were destroyed. He was probably urged to do so by Murray's claim to investigate the Charters of the owners and kindlie tenants of Annandale; and Murray stated in the document he put forth on the subject that Lochmabenstane (the old name for Graitney) had been "lately given to William of Johnstoun by the Earl of Dunbar." Lately, in the Scottish estimate of the

him in such a prodigal way of living that he involved him in great debts . . . and got him to pass all the estate to him . . . and that uncle sold the estate to . . . the Maxwells." (Brit. Mus., Add. MSS.).

Perhaps this had something to do with the trading monopoly the uncle obtained, for in 1602 he was put to the horn for debt.

¹ The King had sent word that the execution was not to be delayed as the parties concerned wished to go to extremity.

possession of an estate, might be 100 years before. One of the witnesses examined in the case of *Stormont v. the Trustees of the Marquis of Annandale* in 1772 stated that the Newbie estates "did belong to the Carliles"—yet the Carliles held it before the Corries.

In 1606 Graitney had gained a suit, long pending, over the sons of the murdered Richard Irving, who obtained the lands of Sarkbrig and Conheath, in Graitney, on mortgage from John's grandfather, William of Graitney, and they were now obliged to give them up. In the suit his pedigree is recorded and includes "Johnstoun," the father of the first Baron of Newbie (*see* Chapter IX.). The Johnstoun house at Graitney remained till 1796 (when it was rebuilt), and bore the arms of Johnstone of that Ilk over the door, with the addition of two mullets and the initials J. J. on each side.

John Murray married secondly a daughter of Gilbert Johnstoun of Wamfray. Another of Gilbert's daughters married David Johnstoun in Edinburgh.

Cavartholme came by direct male descent through the first Baron Newbie from James, Laird of Johnstoun (1513 to 1524), to John of Graitney, who made it over to his grandson, John, Nov. 10, 1613. In 1615 the copyhold of Graitney and Hailstanemuir, with their towers, fortalices, corn-mills, moors, etc., was mortgaged, but subject to redemption, to Edward of Ryehill and Barbara, his wife, for 5000 marks. David Johnstoun of Newbie probably helped to supply the money, as his consent was obtained to let Murray have these lands for 2000 marks less than his brother, Edward, had paid for them. It was but the copyhold, so this Charter was soon followed by other Charters of total resignation by John of Graitney. One of these, dated 1618, is signed by William M'Briar of Almagill, John Corsane, Provost of Dumfries, Mr Symon Johnstoun, parson of Annan, and John Johnstoun. It is followed by a new Charter from the King, granting the estates irredeemably to John Murray and his heirs to be held of the Crown for a yearly payment of £20 Scots at Whitsunday and Martinmas, doubling the feu duty at the entry of every heir (Jan. 6, 1619).

Murray, now created Earl of Annandale, obtained another Charter, in which John of Graitney, his son, William, and his grandson, John, signed away their rights to the family estate in 1623. Murray mortgaged Graitney alone for 5400 marks to his sister-in-law, Janet Douglas, widow of Sir James Murray of Cockpool, in 1634, and it was redeemed in 1637. The full payment for the estate was not made without more litigation. After serving a writ of ejectment on the feuars and kindlie tenants, who comprised two Wamfray Johnstouns, James Johnstoun of Lochous, several Grahams, and three Johnstouns of Righead, the new owner was called upon by these defendants, in conjunction with John of Graitney, his son, William, and his grandson, John, to pay the balance of 10,000 marks still owing to the late proprietor. After quoting various documents to prove that he had no title to it, Murray paid it through Edward of Ryehill during the year 1624.

Graitney's direct descendant, Colonel James Johnstone, still called himself of Graitney, when, as Provost of Lochmaben (1720), he married Isabella,

who claimed the Ruthven Barony in her own right. She died in 1730, leaving a son, James, fourth Baron Ruthven. His grandson, James, dying without heirs, his sister, Mary Elizabeth, succeeded to the Ruthven Barony, and her grandson is the present peer.¹

Murray left an only son, James, who died in 1668, when the title was extinct. James's widow married Murray's distant relative, David Murray, Lord of Scone and Viscount Stormont. Their eldest son married Marjory, daughter of David Scott of Scotstarvit, and grand-daughter, through female descents, of the elder James Murray of Cockpool, Dundrennan's brother. She also descended from the Newbie Johnstouns. This marriage united the Graitney to the Perthshire estates of the Murrays of Scone and Stormont.

In 1620 Ryehill was put to the horn and "personally apprehendit" in the street of Edinburgh, as the security for a loan to his niece's husband, Hew Dunbar, W. S.

Murray brought a yearly action for twenty years against the old and present occupiers of Newbie—in one instance only against the Wamfrays, in another against George Johnstoun of Corrie—and M'Briar of Almagill, Douglas of Torthorald, Douglas of Drumlanrig, and, later, the Earl of Nithsdale were equally persistent for rents, taxes, or tithes. The three knocks were duly given on all their doors, and each year the Town Clerk reported the same—that he met with no response. There are also four horning processes against the young Laird, Robert of Raecleuch, Edward of Ryehill, and others. Yet Robert continued to live in Newbie, and Edward to act as Provost of Annan, Justice of the Peace, and Member for the Dumfries Burghs.

Ryehill received from the Crown (Jan. 1607) a small gift of confiscated land—Stank, in Annan—belonging to George Irving, and this still remains to his descendant; and the escheat of John Broun of the Land, his nephew. He won a suit against Irving, but repaid him for the property, and he also won a suit against two Hills, who questioned his claim to Ryehill bequeathed to him by his father. Yet John Murray brought an action to compel him to give it up.

The Murrays were most unpopular. James Murray of Cockpool was

¹ The junior branches of the Graitney family survive in Dumfries and probably in other parts. The sons of John who sold the estate to Murray were William, Gilbert, and Archibald. William married his cousin, a Graham, and their eldest son, John, sold his claims, such as they were, to Robert Graham in 1637; Robert feued the estate from Murray in 1649.

The Graitneys married well-endowed wives. The younger John's widow, Elizabeth Armstrong, in 1654 settled her lands in Hoddam, Lockerbie, Redkirk, Cockpool, Blaatwood, Dornock, Ruthwell, and Graitney on her son, William. Another son, Richard, is buried with many of his kin in Graitney Churchyard.

Archibald, George, and William Johnstoun in Hoddam, in 1689, and their cousin, William Johnstoun in Dornock, owned the lands and Mains of Holmains. Johnstoun of Graitney acted as a witness at the baptism of the sixth son of William and the Hon. Emilia Irving in Bonshaw Tower in 1709; and in 1793 William Johnstone of Graitney procured the grant of a weekly market and half-yearly fair for Graitney, with the usual tolls and privileges.

In 1768 Pennant observed there was still a railed enclosure, a sort of sanctuary for criminals, near Graitney. He states that "handfisting" marriages had quite died out on the Borders, but they were revived at Gretna Green for English runaway couples when Fleet marriages were abolished. They originated in the scarcity of priests.

Sheriff-Depute in 1616. He wrote from Comlongan to the Lords of the Privy Council that he had received a summons from His Majesty, dated at Newmarket, desiring him to call upon the Magistrates and keepers of the Borders to trace out the best roads for English merchants and traders travelling into Scotland, and adds: "I summoned the Magistrates to meet me at Annan on March 8, which day they could not keep, so I appointed the 16th, but none of them would come but Edward Johnstoun of Ryehill. We therefore together examined the ground and way, and think it most fitting that the ordinary highway from Annan to the Kirk of Graitney should be used, and from the Kirk through Sark at the ford by Sark brig, and away to Carlisle, because this was the way appointed for the King's coaches and carriages, and Graitney Kirk was the meeting place of the hosts of England and Scotland—the King was escorted by Scottish soldiers to the frontier, and there English troops took their place—so the constables of Graitney and Rampatrick have been ordered to make a road 24 feet wide, according to Act of Parliament, and a dyke (wall or embankment) on each side." He says, "that the old road through Kirtle water and Sark water was full of quicksand, and many of the King's subjects perish every year, and their goods are lost when driven that way. The other road was used for the cannon from Carlisle to Lochmaben."

As trade was not encouraged between England and Scotland this order seems to have been given with a view to the King revisiting his old kingdom. When he did so in 1617 a levy of 484 horses was made to convey the Royal carriages and baggage from Dumfries to Carlisle; and Murray and Ryehill arranged it.

In 1624 Ryehill, with Carlile of Bridekirk, and other leading men on the Border were ordered to prevent malefactors from escaping to Ireland, and to disarm the Borders.

In 1626 Ryehill and Gordon of Lochinvar received orders from the Privy Council to report the names of those in the county who persisted in going about armed, contrary to the law passed by James VI., and to secure their punishment. It was hardly safe for a gentleman to do otherwise in Dumfriesshire. Two years later one of Ryehill's great-nephews¹ was murdered near Moffat, another nephew (Edward of Seafeld) was "grievously wounded and left for dead" in the street of Dumfries, and his grandson, a few years before, had been run through with a poniard in Annan. Ryehill wrote the following letter to James Primrose, the direct ancestor of Lord Rosebery, and Clerk to the Privy Council:—

"Sir, After my heartiest commendation, I received a letter direct from the Earl of Mar and others the Lords of His Majesty's Council, the date thereof July 31; the effect, that I should inform myself of the general and great contempt of those who do violate H.M.'s laws in bearing and wearing of

¹ William, natural son of John, the last Baron of Newbie. John Maxwell of Gribton, described as his sister's son and nearest of kin to the deceased, took out Letters of Slain against the assassin Johnston of Willies. Yet a natural son, unless legitimised by Royal Charter, which had not been done in this case, could neither make a Will, nor act as witness on a retour, or hold any public office. Robert Johnstoun of Over Howcleuch owed money to William Johnstoun at this time.

hackbuts and pistols, contrary to this kingdom's laws. I have had occasion to be out of this part of the country for 16 days, so that their lordships' letter did not come to my hand before the night of August 18, when I came to this town, the day appointed in their honours' letter giving August 21, for me to report the diligence of my service to you Sir, as Clerk to H.M.'s Council. I have thought good therefore Sir, to excuse myself by my letter to you of the true cause as I shall answer to God, why I have not informed you of the persons acting contrary to the statutes aforesaid whereof there will be numbers more no doubt generally throughout this kingdom, if ye be well informed thereof, but the proving thereof by witnesses will be very troublesome and not easy to be done. I thought Sir the order of the Council in the probation of that cause had only to be used by the parties challenged. I entreat you to inform my lordships of this just excuse, lest they might misconstrue me in not reporting diligence in that service as becometh me according to my knowledge, and if their honours will appoint another day, I will endeavour to give the best information I can about this part of the country. But Sir I would know how the witnesses shall be charged for I conceive they must be such as can say they have seen the parties dylated [accused] bear and wear the weapons, which will be a great trouble to the people of the kingdom, and I fear followed by danger to the persons challenged, and those charging them will give but evil obedience in appearing to bear witness and small evidence for the reasons aforesaid. However Sir, I remit this to your consideration, and crave pardon for prescribing rules to the trial of the causes I am not worthy of. So committing you to the protection of the Almighty, I remain your loving friend (signed) Eduard Johnestoune of Ryehill. At Annan 9 Aug. 1626.

“To his much respected friend James Primrose, Clarke to the Secret Council, these be.”

Lochinvar's answer ran: “My very honourable Lords . . . I have received your lordships' letter directing me to give up the names of such as wear hackbuts, and pistols in this country. May it please your lordships to understand that it is so ordinary in this country that it is a great difficulty to give up their names that wears, nor those that wears not, for almost every man carries pistolets. . . . I confess it is a great wrong, but that his Majesty's statutes should be observed and kept always. I would wish those corrected with lenity, for if every man that has offended in that kind must come and agree for it with the Treasury, and especially such as lie far off, it will be a great grievance to the county that is already so much grieved what with revocations and yearly taxations, and now with penal statutes that your lordships can hardly believe how the people doth grudge. But if it be your pleasure to go on with it . . . choose 4 sufficient men in every shire throughout the kingdom to compone it with such as hath offended to save such charges in their travelling as is hurtful to them and not profitable to the king, and to be done in lenity and for such as hath been wilful transgressors to be punished with greater severity both in bodies and goods.” He excuses himself for his boldness in offering advice.

The penalty as ordered by the King was a fine and to lose the right hand; and shortly afterwards a petition by the Governor of the Edinburgh Tolbooth, and signed by his friends, is sent to the Privy Council, asking pardon for a James Johnstoun, whose conduct in prison had been most exemplary, and whose only fault since the last respite had been carrying pistols. Walter Graham, a little earlier, was sentenced to be scourged through Edinburgh, to lose his right hand, and to be expelled from Great Britain for fighting in the precincts of the Parliament House while the members were sitting. But such severity could not be enforced in Annandale.

In 1618 Ryehill and the Earls of Mar, Lothian, and Buccleuch, Lord Crichton and James Johnstoun of Lochous, all curators and trustees of the young Laird of Johnstoun, brought an action against Raecleuch to compel him to turn out of Newbie Castle and give it up to the young Laird. The next year the other curators and the young Laird, with Sir John Murray, brought an action against Ryehill, his stepson (young Castlemilk), Raecleuch, and Westraw to recover the Annandale Charter chest, which was in Ryehill's charge. It was restored by Lady Wigton, the Laird's mother, to whom Ryehill had transferred it, though it contained important papers connected with the Newbie family, which have never been recovered by the heirs of the original owners.

In 1621 Raecleuch still declined to leave Newbie, whereupon, as the instrument of possession states, "the Right Hon. James Johnstoune of that Ilk for himself, and Edward Johnstoune of Ryell for himself as one of the curators to the said James Johnstoune of that Ilk, and also as procurator, and in name and behalf of the remaining persons after specified, curators to the said James, accompanied by the Sheriff-Depute and the messenger," with two Johnstouns of Wamfray, "went to Newbie, and there lawfully removed, ejected, output, and rid the said Robert of Raecleuch, — Douglas, his wife, Robert, his son, their goods and gear forth, and from all and sundry the said lands and tower of Newbie, and admitted the said James and Edward Johnstounes to the said tower house, etc., kindling new fires within the said house," but owing to the great frost they could not dig or plough up the customary handful of earth as a sign of possession.

Raecleuch retired to Mylnfield. His daughter, Sara, was married to Fergus Graham, who with others, including Raecleuch's nephew, Robert, tried to turn the Laird out again, and a trial ensued, with no result. Raecleuch, the principal defendant, was cautioner for those who assisted him. The same year his brother Mungo died, but the son claimed the debt with accumulated interest.

Meanwhile the heir of the Newbies, Edward Johnstoun, called of Seafeld (Wyldcotray), was trying to recover his father's inheritance. Hoping to enlist his uncle of Ryehill on his side, he signed a deed, witnessed by Thomas Johnstoun of Castlemilk and William Graham of the Moat, promising, if he gained his suit, he would give him proper title-deeds of Croftheid, Cummertrees, Howmedow, and certain lands in Annan, which Ryehill had occupied himself, or by others in his name, if Ryehill and his heirs "would renounce all right and

title to the £10 land of Annan and Seafield, but always reserving to Ryehill and his heirs their right to the lands acquired by Ryehill from Jeffrey Irving of Bonshaw."

He must have been discouraged on this subject, for in 1623 he brought an action against Ryehill for delivering up the title-deeds of the Newbie estate and other lands to their purchasers, and for witnessing the contract between his father, Robert, and Sir James Johnstoun of Dunskeillie in 1605. Two years before he was attacked by James Lyndsay in Dumfries and left for dead, covered with wounds. A passer-by seeing that he was still alive brought Patrick Young, a "chirurgeon," to assist him, and he was carried into a house, and revived.

The next year John Broun of the Land acted as Edward of Seafield's security at Jedburgh that he would appear at six days' notice to answer for any "ryot" laid to his charge (an aggressive attitude towards the Reformed clergy). John Bell of Castlebank acted as his security, and John Galloway for Mr Symon Johnstoun, the parson of Annan, that they should both keep the peace, "and not injure each other, their property, or their relatives." There were also actions against the Laird of Johnstoun, the Maxwells, Ryehill, Seafield, and others for damaging the property of recently appointed ministers, as a protest against the Reformation. The Reformers acted with a high hand in Dumfries. In 1628 there were trials for "Papisty," chiefly of priests, but two laymen were included for sheltering them. Sir William Grierson and Sir John Charteris, Sheriff and Sheriff-Depute, arrested the priests, and the populace attacked the Protestant minister of New Abbey and his family in reprisal. In 1639 James, Lord Johnstoun, was bound over before the Privy Council not to hinder, discharge, or stop any of his tenants from selling fuel and necessities to Mr George Buchanan, the parson of Moffat.

In 1624 Edward Johnstoun parted with Seafield to his brother-in-law, John Geddes, and a little later was a witness to the transfer of the property at Arkilton to an Eliot. In 1631 he was among those occupying or claiming parts of the Newbie estate summoned by Maxwell, Earl of Nithsdale, as Sheriff, to show their title-deeds. He bought lands in Ireland, but, being a Romanist, was not allowed to settle there. He does not seem to have married, and this is the last time his name occurs.

Raeleuch was dead in 1626. His lawful children were Robert, Archibald, William, Francis, Sara, Grizel, and Dorotheie. Robert, junr., signs a document from the Hospital of Annan in 1624. Robert and John are in various documents called his natural sons—possibly the two Johnstouns of that name, her tenants, who were defended in a spirited manner by Barbara Douglas, Raeleuch's widow, when accused of horse-stealing. She died in 1628. Raeleuch's brothers, Mungo,¹ Symon, William, John, and James,² are also mentioned. Symon, parson of Annan for fifty-five years, had a son, George, who left a son,

¹ Mungo's son, Robert, died about 1630 *s.p.* His daughter, Rachel, married Robert Graham of Blaatawood.

² The three younger are called natural sons.

John, a burghess of Dumfries, who married Agnes Carlile, 1681. This branch is supposed to be extinct.

Raeleuch borrowed money from his brother, the parson of Annan, and one of the Wamfrays in 1619; his cautioners, Robert Fareis of Mylnfield and William Gillespie, and the witnesses, Edward Carruthers of Wormanbie, Abraham Johnstoun of Mylnbie, and John Johnstoun, "callit Mylnfield."

As the young Laird was in Edinburgh when Raeleuch died, Robert, the late Mungo's son, with his sister, Barbara, took possession of Newbie Castle as a creditor. There was almost a repetition of the events of 1605 and 1618, for again Edward of Ryehill was ordered to turn them out, which he did, assisted by Captain James Johnstoun of Lochous, young Edward of Mylnfield, and others. Barbara was hurt in the scuffle, and, though obeying an order from the Privy Council, the assailants were "put to the horn"; but the Laird paid the sum due to the late Mungo to his son, Robert. The same year (1626) Edward of Ryehill, Sir J. Charteris, Sir William Grierson, and Maxwell of Kirkconnel were directed by the Privy Council to turn Christie Irving and his brother out of Stapleton, the abode of Fergus Graham of Blaatwood, Ryehill's nephew and Raeleuch's son-in-law, and to restore it to Graham. The Irvings had captured the house, and, as the summons says, "crammed it with victual and ammunition, intending to keep it as a refuge for breakers of the law." Two months later another commission was given to the Earls of Nithsdale, Roxburgh, Buccleuch, Murray of Annandale, Lord Hay, Lord Cranstoun, Sir W. Seton, and the Lairds of Traquair, Drumlanrig, Lochinvar, Lag, Amisfield, Bombie, Closeburn, and Sir John Hay to expel the Irvings, and they did so; but the Johnstoun sympathies were with Christie, for the Laird acted the next year as cautioner for two of his near relatives.

Graham appears again twenty-two years later with his wife, Sara Johnstoun, in an action against the Earl of Annandale, to whom he had sold his land, to compel him "to provide sustenance for them and their eleven poor bairns." Most of the children were of age, but the trouble was connected with a famine which resembled the terrible scarcity in 1630, when an edict of the Privy Council enacted that no food of any description should be allowed to leave Scotland under very severe penalties. "Forasmuch," it began, "as it has pleased Providence to visit this Kingdom with a most unseasonable, untymous, and late harvest, so that the corn has been universally evil win, and in many parts not yet win at all." This explains the apparent inconsistency of the law, first encouraging, then prohibiting, the trade, which was all in food, between Scotland and England.¹

In 1648 Fergus, James, Arthur, and George Graham are among the moss-troopers found living in the Debateable Land. Probably these were some of the "poor children," if Blaatwood was not there himself, for the Civil War was in progress, and they had all taken the side of Charles I.

¹ So late as 1649 a law was passed in Scotland to insist on abstinence from meat in Lent, but sanitary and economical reasons were given for reviving a practice which, through "men's gluttony," so it stated, "was being disused."

In 1632 Edward of Ryehill "accepted upon him," to quote the Privy Council Record, "the Stewardship of Annandail, and Robert Crichton of Raehills the Sheriffship of Dumfries." In 1633 he again represented Dumfries in Parliament. In 1634 he was appointed a judge with the Lord Treasurer, the Lord Privy Seal, the Archbishop of Glasgow, the Earl of Queensberry, Lord Hereis, Lord Johnstoun, Robert Maxwell of Dunwiddie, Robert Charteris, the parsons of Hoddam and Kirkpatrick, and Mr Samuel Kirkpatrick, and was made Convener of the Session. The same year he parted with Ryehill and Cummertrees to Murray, Earl of Annandale, with the consent of the Earl and Countess of Wigton, who had a mortgage on it of £2000. The deed is witnessed in the Canongate by Thomas Maxwell, Adam Johnstoun, tutor of Elsiefields, and Robert Johnstoun of Gotterbraes.

Ryehill lived chiefly in Edinburgh after 1630, but in 1636 he witnessed a Carlile Charter, and mortgaged nearly all his remaining land to Sara, Countess of Wigton, for 1000 marks. She died the same year, and Ryehill attended her splendid funeral in Edinburgh, where the deed was signed. It secured kindlie rights to his younger sons in lands bordering on Galabank. He was in Annan in 1640, when, with Almagill and Grierson of Lag, he witnessed a bond for his Chief with Sir John Charteris of Amisfield. He died before June 2, 1643, when John Johnstoun, "callit of Mylnfield," made a fresh settlement of his property, and was in possession of Stank and Closehead. In a bond signed by John, his wife, Gaylies Rig, and their son, George, John paid 2500 marks to Mr John Corsane, Provost of Dumfries, to redeem lands formerly owned by Edward of Ryehill, including the stone house in Annan.

The best known member of the Newbie family is "Robert Johnstoune, Esq., LL.D.,"¹ who died 1640. His father was probably James, a merchant in Edinburgh (died 1595). In 1612 he sued Lord Hereis as principal, and Robert Hereis as cautioner, for a debt of 3500 marks. His monument stood in Trinity Church, Edinburgh, till the church was removed (1848) for the railway. He was one of the three executors of George Heriot's Will, where he is styled Gentleman; and in his own Will he calls himself of the parish of St. Anne's, Blackfriars, London, where he filled a Government post. He left 18,000 marks to Heriot's Hospital, besides £12,000 for charitable purposes; also money to found a school at Moffat and for charities at Dumfries and to build a bridge at Annan. He left legacies to his cousins, the sons, son-in-law (Sir John Hay), and two grandchildren of John Johnstoun of Newbie (the Edinburgh merchant) (died 1601); but his principal trustee was "his Chief," the Lord Johnstoun who had visited him in London not long before Robert's death.

He was the author of a Latin *History of English and Scottish Affairs from 1572 to 1628*, published in folio at Amsterdam after his death. The book is

¹ "Dr Robert Johnstoune, of the House of Newbie in Annandale, an eminent lawier, among several sums left by him in Anno 1640 to be improven into certain pious and charitable uses in this city, did bequeathe 18,000 marks, which, according to the laudable intention of this munificent benefactor, the good town applied for advancing the charitable and religious ends of this Hospital. By which donary as by many other acts of his liberality this great donator hath propagated a lasting monument of his piety to posterity."

dedicated to Charles I. ; the work, "Roberti Johnstoni Scoto-Britanni, etc." A small portion in 1646 was translated by Thomas Middleton and published as *The Historie of Scotland during the Minoritie of James I.*¹ His admiration for Queen Elizabeth and his remarks on "the cruel fanaticism" of Knox show that he was an Episcopalian, to which, as Chambers observes, the cultivated and wealthy classes chiefly belonged in Scotland, till a strong effort was made to suppress them in 1696 and in 1746.

John Johnstoun, a writer, of the House of Newbie, was a witness to the retour of Westraw in 1634. At his house, "on the south side of the Hie St. beneath the Cross," a deed was signed by the Chief and James Johnstoun of Westraw in 1629 concerning land occupied by Gavin Moffat of Harthope.

¹ A MS. History of Scotland, in the Advocates' Library, was presented by David Johnstone, burgess of Edinburgh, as the work of his father and grandfather, in 1653. It has been wrongly attributed to Robert, who left no children.

CHAPTER XII.

JOHNSTOUNS OF KIRKTON AND WARRIESTON—CASTLEMILK AND POMFRET.

IN 1608 James Johnstoun of Beirholme was returned heir to his grandfather, Gavin Johnstoun in Kirkton. He was elder brother to Archibald, the merchant in Edinburgh, who sold his mortgage of Newbie to Mungo Johnstoun, and with his son, James, held a mortgage of Westraw.

Archibald, as has been seen, was associated in business in Edinburgh with several (Elphinstone, Wamfray, Corrie, Kellobank, and Newbie) Johnstouns. In 1595, when engaged in a suit with the English Council, King James wrote to Queen Elizabeth on his behalf. He died, Oct. 1619, and his inventory, with the debts due to him, was valued at £11,285, but of this he was owed £9,918, chiefly by Sir George Home, Lord Crichton, George Williamson, Matthew Moffat, and James Nesbit. Edward Johnstoun of Ryehill also owed him 300 marks, and Thomas Johnstoun 230 marks. His eldest son, James, married to Elspeth Craig, was dead, leaving a son, Archibald, born in 1611, to whom his grandfather left the house at Warrieston and the reversion of 21,000 Scottish marks when the Earl of Home and the heirs of the late Adam Rae should have paid their debts. Archibald left £2000 a year to his widow, Rachel Arnot, and 20,000 marks divided between young Archibald's sisters, Rachel (afterwards Mrs Burnet), Margaret, and Beatrix. Rachel was so strong a Presbyterian that she objected to her son Gilbert accepting the Bishopric of Salisbury.

The other legatees were Samuel and Joseph, sons of the testator. Joseph was only eighteen, and was to be "entertained with his mother in virtuous education and learning at the schools, in the fear of God," but, like his brother, he received 5000 marks when he came of age. The same sum to Sir James Skene of Curriehill and Dame Janet Johnstoun, his spouse (Archibald's daughter); the same to another daughter, Rachel Johnstoun, married to the late John Jakstone; 100 marks yearly to his brother John; to Robert Johnstone's son, called Archibald, £40; to Andro Johnstoun, brother to James's son (of Beirholme), £40, to Gavin, Robert, and Thomas, their brothers, each £10; to Captain Robert Johnstoun, called of Mossop, £40, and a free discharge of everything owed by him in the testator's account book; to his wife's niece, Rachel, daughter of William Arnot, 200 marks; 10 marks to each

of his servants. His wife and son, Joseph, were to be his only executors, Joseph to follow his mother's counsel in everything; and he asks his "well beloved Sir James Skene, his brother James Arnot, and his faithful friend David Johnstoun to be overseers in all things concerning his Will, and his hope and confidence is that they will discharge their honest friendly duty thereunto." He also left 100 marks to help to restore the Church of Kirkpatrick Juxta, "where my predecessors bones lie."

Thomas Johnstoun (a creditor) was young Castlemilk, who, after being sued by Murray, Douglas, and M'Briar to pay rent for his own lands, besides dues and tithes, went to London, where he probably fell into the company of some of the gay young men about the Court—among whom was Richard Graham, a great friend of Charles, Prince of Wales—for there he signed the transfer of his last possession—Castlemilk. After this he entered as a captain in the army of Gustavus Adolphus, King of Sweden, where he died. His brother, Alexander, was an advocate, much employed, as his father had been, by the Laird and other relatives, and married a daughter of Wilkin Johnstoun of Elsiefields. James died *s.p.* The other brother, John, was ordained into the Anglican Ministry in Yorkshire, possibly owing to the resistance to Episcopacy in Scotland, and there he married, about 1626, Elizabeth, daughter of Henry Hobson of Ufflete. He was curate of Reidness, in the parish of Whitgift, and then vicar of Sutton upon Derwent, and had seven children at the time he was served heir to his brother Alexander, who died in Dec. 1643. He did not get much, as Alexander had lent money to his relatives—£220 to Robert Johnstoun of Stapleton, son of Robert of Raecleuch, and others—besides having had expensive tastes, for he owed £220 to a goldsmith. His only assets, except money owed him, were his library worth £200, two diamond rings worth £160, a gold bracelet worth £40, and two enamelled cups value £12.

The Vicar of Sutton, who died 1657, left eminent if rather eccentric sons, but with his double relationship to Warrieston it is strange that his eldest son, Nathaniel, was a strong Jacobite, and his youngest, Henry, became a noted Benedictine monk. Another son, Alexander, died at Mittau, in Courland.

This part of the Elsiefields family seems to have been the elder, and that of Kirkton the junior, and of the last, Archibald, Laird of Warrieston, is far the most conspicuous. He had a zealous Presbyterian in his grandmother, Rachel Arnot, as well as in his mother, Elspeth Craig, and he was educated by Robert Baillie, afterwards Principal of the Glasgow University. These Edinburgh Johnstouns, hearing of the lawlessness of their country cousins, attributed it probably to the old religion when the King saw that it was from the want of any at all.

Archibald was admitted an Edinburgh advocate to advise the Committee formed to resist Charles I.'s attempt to force the English ritual upon the Kirk. His history, which fills a controversial page in that of Scotland, is fully written elsewhere,¹ and requires a volume for itself, from the stirring events in which

¹ *Dict. Nat. Biog.*, Vol. XXX., and the authors quoted there.

he took a prominent part. Charles I. knighted him and made him a Lord of Session in 1641, when he took the title of Lord Warrieston, and the Estates voted him a grant of £3000, because he had "expended himself and his purse in public duty." He gave £2400 to relieve the needs of the Scottish army in Ireland in 1643. Carlyle calls him a "canny lynx-eyed lawyer and austere Presbyterian zealot, full of fire, of heavy energy and gloom, in fact a very notable character, of whom our Scotch friends would do well to give us further elucidation." That his sisters, daughters, and sons-in-law firmly believed in him is a great tribute to his sincerity.

Warrieston's uncles—Samuel of Sheens and Joseph of Hilton—were writers to the signet. Samuel gave 1800 marks to assist the army in Ireland. He married Helen Morison, sister of Lord Prestongrange, and was buried at Greyfriars in 1659. He sold his property in Dumfriesshire to the Laird. His eldest son married Anna, daughter of Sir James Hamilton; the second son, William, married Janet, the only child of John, Laird of Wamfray. William carried on the male line of Sheens, as only two daughters survived of his elder brother James's fourteen children, Rachel and Henrietta, who married brothers—Sir James and Sir William Johnston of Westerhall. The third brother, Alexander, left one daughter, Rachel.

Joseph of Hilton married Sophia, daughter of Sir Patrick Hume. His Will is dated 1638. His daughter, Sophia, married John Fairholm of Craigiehall, and was the mother of the first Marchioness of Annandale. His son, Archibald, died in 1671, under tragical circumstances. The Countess of Home entertained some intimate friends at Hirsell, the seat of Lord Home, near Coldstream, he being absent, and three of them—his brother (William Home), the Sheriff of Berwick, and Hilton—stayed the night. They spent the evening at cards, and Home, losing heavily, accused Hilton of unfairness, and Hilton answered by hitting him in the face. They apparently made up the quarrel, but in the night when Hilton was asleep Home entered his room and stabbed him in nine places. There was presumably resistance, as the Sheriff, roused by the scuffle, met Home just leaving his victim's room and received a serious wound. Home escaped on Hilton's horse. Some years later Hilton's son, Patrick (afterwards knighted and Lord Provost), was at a ball, when he was called into the lobby to speak to a stranger. The visitor told him that he had just attended the death-bed of his father's assassin, who had begged him to come and ask the son's forgiveness. Something convinced Hilton that he was the murderer himself, and he was about to stab him with his sword when Home vaulted over the staircase and escaped.

Another of the Hilton family, Major Johnston, one of Sir Patrick's nine sons, is described by Carlyle of Inveresk as being remarkable for his good looks, and many duels, yet "one of the best natured men I ever met. George II. had put a cross at his name on his behaving very insolently at one of the theatres to a country gentleman, and afterwards wounding him in a duel. In George III.'s time, John Home got the star taken off, and he was promoted. . . . Hew Bannatine had been his travelling tutor when abroad."

Warrieston was great-nephew to Margaret Craig, the mother of John Johnstoun, Laird of Castlemilk. Her brother's (Dr John Craig)¹ reputation was so great that when he failed to cure Angus it was at once assumed that the patient was bewitched, and poor old women were tortured before the King to make them confess it. His great-nephew, Nathaniel, the Vicar of Sutton's eldest son, was educated as a physician, and passed into the third class at St. Leonard's College, St. Andrews, in 1647. He took his M.D. degree at King's College, Cambridge, in 1656, and was admitted a F.R.C.P., April 12, 1687, the College of Physicians having received a Charter from James VII. He bought a house at Pontefract, where he soon had a large practice, but preferred to devote himself to antiquities and natural history, and finally came to London in 1686 as a High Tory political writer. He married Anna, daughter of Richard Cudworth of East-field, Yorks, by whom he had four sons. The eldest, Cudworth, took his M.D. degree (St. John's College, Cantab.) and practised at York, but died before his father, leaving a son, Pelham, also a physician, and another son, Henry, rector of Whitton, Northants, and Chancellor of the diocese of Llandaff. Pelham graduated M.D. at Cambridge in 1728, was a F.R.C.P. in 1732, practised in London, and died at Westminster, Aug. 10, 1765.

Dr Nathaniel Johnston seems to have done his duty by his sons before he gave up all means of making a living to absorb himself in his books. In 1686 he published the *Excellency of Monarchical Government*, a folio of 490 pp., beginning with ancient history. In 1687, replying to Sir W. Coventry's pamphlet, he issued *The Assurance of Abby and other Church Lands in England*, to show that even if the Religious Orders were restored in England the possessors of lands granted by Henry VIII. could not be disturbed. On July 23, 1688, he published *The King's Visitorial Power Asserted, Being an Impartial Relation of the late Visitation of S. Mary Magdalen College, Oxford*; also *The Dear Bargain, The State of the English Nation under the Dutch*; but his great work was *A History of Yorkshire*, on the model of Dugdale's *Warwickshire*, which cost him thirty years of labour. The Revolution of 1688 ruined any chance he had of a pension; and two diarists of the day mention his poverty. One notes, May 27, 1695, "walked to the Savoy, visited poor Dr Johnston, who, by his unhappy circumstances, is little better than buried alive." The other writes, Nov. 11, 1696, "Dr Johnston gives us now some hopes to see his history brought to light. The doctor is exceedingly poor, and the chief thing that has made him so is this great undertaking of his. He now lives privately with the Earl of Peterborough, the great support of the Jacobite cause, who maintains him. He dare not let it be openly known where he is"—probably for political as well as pecuniary reasons. He died there in 1705, leaving over 100 volumes of collections written in a very crabbed scrawl, which Hearne described as a sort of shorthand. Ninety-seven volumes were bought from his grandson, and were used in editing Camden's *Britannia* and

¹ He was disgraced, says Burnet, because he held that James VI. died of poison. His son, John, was physician to Charles I. His father, Sir Thomas Craig, tried those accused of killing Rizzio, but by Darnley's wish only the underlings were punished. He presided over the mock trial for Darnley's murder.

Monasticon Eboracense; but his large house and other properties in and near Pontefract, with his antiques, were sold by order of the Court of Chancery in 1707.

Some of Nathaniel Johnston's MSS. are in the British Museum; among them an interesting account of his visit in 1653 to the old home at Castlemilk. He reflects that it might have been his "had it not been for the prodigality of my uncle Thomas, to whom my dear father was heir, and the wicked contrivances of my grandmother's brother, Nathaniel, it had not been sold, and the author of these collections might have been inheritor of that fair patrimony." He rode seven miles on his grandfather's estate and met with an old tenant, who told him what he had heard before from his relatives—that his grandfather, when in France for the study of Civil Law, was told by a soothsayer to beware of milk, therefore he always abstained from it. "Being a burgess in Parliament for Lochmaben, on his return from Edinburgh, having dismissed his tenants, who, by their tenure, do attend their lords in their journeys according as they appoint—the old man who related this to me was one of those who, with his half-pike or half-lance, had attended him within half a mile of the Castle, which is pleasantly situated on a hill, half a mile above the River Milk. My grandmother and some of the children were come out of the Castle; while they were expecting my grandfather home, they were the sad spectacles of his death. For the servant passing the water indifferently well, my grandfather's horse and he were drawn down the stream and both drowned."

"I have often met the old doctor's brother," wrote a correspondent to Hearne, March 23, 1773-74. "He was Prior of the English Benedictines in Paris when I was there. He fled out of England at the assassination plot, and a reward was offered by the King [William III.] to apprehend him, but he kept out of the way and died in Paris." He is elsewhere described as "a good little monk, and a pleasant and good natured man, but no writer, though long a Superior."

This was Nathaniel's brother, Henry, who had assisted Dugdale in his researches before he professed at Dieulouard, in Lorraine, for the English monastery of St. Edward the King at Paris, May 26, 1675. In the reign of James VII. he was stationed at St. James's Chapel, London, during the time that the Prince of Wales, known as the Old Pretender, was born at St. James's Palace. He remained in England till forced to fly in 1696, and held various posts at Douai and elsewhere in France; and in 1717 he secretly revisited England as Titular Prior of Durham. He died in Paris in 1723, having been employed by James VII. to translate one of Bossuet's works, published 1685, 4to. He also wrote *The History of England's late most Holy and most Glorious Royal Confessor and Defender of the True Faith, King James II.*, and replies to various controversial works by Anglicans.

Dr Samuel Johnston, the second son of the Vicar of Sutton upon Derwent, married Ann Seaman. His son Samuel, B.D. and Fellow of St. John's College, Cambridge, married Sarah Tadman, and was vicar of St. Mary's, Beverley, for more than fifty years. His younger son, William, a captain

in the 48th Regiment, carried on the male line. He served under Wolfe at the taking of Quebec, and married Mary Hamilton of Tyrella, Co. Down. Their son, the Rev. William Henry Johnston, M.A., vicar of Holmpatrick, Co. Dublin, married Margaret Hamilton of Abbotstown and Holmpatrick. Their son, William, fought at Waterloo with the 51st King's Own Yorkshire Light Infantry. He married Sarah Elizabeth, grand-daughter of Sir John Dillon, Bart., and their son, William Henry, represents the Johnstons of Castlemilk, Pomfret, and Beverley, and is a Baron of the Holy Roman Empire, in right of his grandmother, Elizabeth Dillon. Mr Johnston, now of Ealing, was born in 1834, educated at Eton, and married Fanny Lewis, daughter of the Rev. Edmund Antrobus. He has issue. Of the two elder sons of the Rev. Samuel Johnston, vicar of Beverley, Samuel, D.D., Fellow of St. John's, Cambridge, and vicar of Freshwater, Isle of Wight, died *s.p.*; the other, John, M.D., of Beverley, has descendants through his daughter, who married Richard Hill of Thornton Hall, Yorks, and his grand-daughter, who married Captain Frederick Robertson.¹ Their son, Frederick, born in 1816, took Holy Orders, and was an eminent preacher and author in Brighton. When William IV. was a midshipman, cruising off Burlington Quay, he hired a gig and set off to attend a ball at Beverley. The horse fell on the way and His Royal Highness received severe injuries. He was conveyed to Dr Johnston's house in Beverley, and remained there some time, till he was quite well. When he was King an influential friend of Captain Robertson reminded him of the debt he owed to the deceased physician. The King recollected every detail of his sojourn at Dr Johnston's house, and the care bestowed on him, and inquired if he could do anything for his relatives. He was told that Captain Robertson wished to put his son into the army, and the King at once gave him a commission. From Captain William Johnston of Beverley descended the late Most Rev. Robert Samuel Gregg, Archbishop of Armagh.

¹ He saw a great deal of service, partly under Admiral Sir George Cockburn in 1813 on the coast of North America, and he received a naval medal. He was one of the founders of Cheltenham College.



ELIZABETH JOHNSTON OF BEVERLEY.
Born 1757 ; married Richard Hill of Thornton Hall, 1785.



W. H. JOHNSTON AS AN ETON BOY.
(ELSIESHIELDS).

CHAPTER XIII.

JOHNSTOUN OF GALABANK, "CALLIT OF MYLNFIELD."—THE FAREIS FAMILY—ACTIONS AGAINST GALABANK—YOUNG GALABANK—THE GRAHAMS—THE LAIRD OF JOHNSTOUN—JOHNSTOUN OF WARRIESTON—THE CIVIL WAR—CROMWELL—THE YOUNG EARL OF ANNANDALE—NEWBIE CASTLE BURNT.

JOHN Johnstoun, the advocate, called "in Mylnfield" in local documents, preferred a pretty face to either dower or noble birth when he married Bessie Fareis,¹ whose relatives were cottars and "dependers" of his father. She is described as the widow of John Johnstoun in Mylnfield, who, with her son, George, was among those occupiers of Newbie summoned to quit it, July 25, 1611. Edward of Ryehill received the same notice, but was living in Graitney, and John, son of Gilbert Fareis, and William Pool lived in his house at Mylnfield. The younger John of Mylnfield married Gaylies or Egidia Rig, a widow with some means, in 1622. Her first husband was Robert Loch, one of the baillies of Annan, by whom she had a son, Mark. Her sister, Marion, was the widow of their cousin, John Irving, "callit the Laird." Their father was a writer in Dumfries, and their maternal grandfather, John Galloway, the purchaser of the Rev. Patrick Howat's rights to Galabank.

Mark Loch was the first lessee of the Government post between Carlisle, Annan, and Dumfries, but it was very unremunerative. He was Provost of Annan in 1656.

The Galabank estate derives its name from an elevated mound on the side of the Annan, which in the fifteenth century was called Preditaker, or near St. Bride's, *i.e.*, Bridekirk. The mound was covered with trees till a few years ago. It passed from Bruce, Johnstoun, and others to the Irvings; and Jeffrey, the son of Christopher Irving, sold it to Edward Johnstoun in 1604. Edward mortgaged it to Galloway,² and John of Mylnfield acquired it in

¹ The Fareis family, once small landowners in Kindelhead, known in old days as Ferisland, consisted of Gilbert and his children—George, John, Robert, and Bessie—in 1611. Bessie married secondly Cuthbert Johnstoun of Kirk (*see* Chapter V.) Their descendants have much risen in the world; and Robert lent money to Dame Elizabeth Carlile and Fergus Graham of Blaatwood, inveterate borrowers.

² Galloway was the son of James Galloway and his wife, Elizabeth Johnstoun. His brother, Patrick, was a Royal Chaplain, like Howat, and father of the first Lord Dunkeld. Howat, who was made a Bishop, gave as a reason for selling Galabank in the precept for a Charter, that he "had called to mind that it is most Godly and equitable that those lands should be disponed by me to the old Kyndlie and native tenants and possessors of the said lands, and understanding that John Galloway, baillie burgess of Annan, and his predecessors since many ages past have been old kyndlies and native tenants and possessors of the said lands I herewith restore them" for an equivalent.

1624, probably with Rychill's approval, for the sum Galloway had paid to Howat.¹ The Royal Charter to Howat constitutes it a lairdship, and it is still possessed by John's descendant.

Except as a witness in conjunction with his father to a deed, John first appears (July 2, 1611) in a Galabank Charter as "the son of the late John Johnstone in Mylnfield, who occupies, or others in his name, the land (*i.e.*, Northfield) to the east of Galabank which belonged to the late Robert Johnstone, called of Newbie." John was living in the stone house in Annan (1613-14) when his grandfather was Provost; and he was himself elected Provost in 1624. He was then living in his wife's house at Annan, as his grandfather, again a widower, had left Castlemilk and returned to the stone house. But Edward moved to Edinburgh, and John paid off the mortgages on this house and the estate of Galabank with 1000 marks, though they were soon mortgaged again. He was living at Brounehills, April 1623, and his cousin, William of Brume, is described as his servitor.

In 1618 a case was brought against him by the Provost, Baillies, and Council of Annan, who, so the indictment runs, "for the safe transport of his Majesty's subjects, and hoping to obtain money in respect of the great poverty of the said burgh (owing to the injuries of the disordered thieves and limmers of the Middle Marches) had kept a boat, and exacted dues, and now John Johnstoun, burgess of Annan, also called John of Mylnfield, and others would not let it pass their land." This action was brought in 1628 before the Lords in Council, John having been Provost in the interval, and the defendants, not appearing, were outlawed—a sentence declared to be *wrongful* by the Justiciary Court at Dumfries, and quashed.

There was an adverse judgment the same year against John and his brothers—George, Edward, and David—and Thomas Carruthers, Laird of Wormanbie, who were accused of "carrying arms and assaulting George Weild, a tenant in Mylnfield, while doing his lawful affairs in sober and quiet manner, looking for no injury to be done unto him from any person." A feud had long existed between the Johnstouns and Weilds. While Robert of Newbie was assisting his Chief in his great difficulties in 1583 the Weilds seized his lands in Annan. The Privy Council gave Arthur Johnstoun of Croftheids, one of the Newbies, the escheat of the Weild property, but they obstinately remained on the estate. John, "on his own confession," was fined £10 for the whole party by the Lochmaben court, but the pursuer, not satisfied, brought the case before the Lords in Council at Edinburgh, where, in 1618, John appeared in person and was fined £40, and ordered to be kept in prison at Edinburgh at his own expense till the money was paid.

It is unusual to find a baptism registered among the acts and decreets, but young George Johnstoun of Mylnfield and his wife, Janet Cunningham,

¹ The deed is endorsed—"A disposition of John Galloway to John Johnstoun, Jan. 15, 1624, of the lands of Gallowbank and of a tenement of land, back and fore, yard and pertinents, and a stone house in the High Street of Annan, callit of auld the auld Tolbooth Sted . . . the Sovereign of Scotland and his successors the only Superior of the land aforesaid."

took that step for their first child, William. The witnesses are John Ffareis and Adam Johnstoun (June 2, 1621); and, as no minister is mentioned, the service was probably taken by a Roman priest. George died the next year, immediately after assisting Raecleuch to regain possession of Newbie Castle by force.

His brother, John, had a narrow escape about this time. Edward of Seafeld was charged with assaulting him, and the case was tried before the Privy Council in 1623. In the words of the indictment—Edward “having conceived a private hatred and malice in his heart against the said complainer, without any just cause, very craftily drew him out to the Kirkyard of the said burgh, under cover of friendship, to confer on some of their private affairs, and there, before the said complainer was aware, gave him a cruel and deadly stroke and wound through the shoulders with a long dirk, to the effusion of his blood in great quantities, and to the peril of his life.” It was judged that Edward had done it, “only because the said John, as baillie of the burgh of Annan, craved the said Edward for some of the burgh mails (rates) owed by him.” He was ordered to pay a fine of 100 marks to the Treasurer, the same to the Baillie, and £4 to every witness for his trouble. An earlier grievance, in 1615, was John’s refusal to appear with John Irving, called the Laird, as a witness against Raecleuch and Douglas of Torthorald when they were defendants in an action brought by Seafeld for spoliation of cattle—probably for rent claimed. But two actions were pending by Seafeld against Ryehill for delivering up the writs of the Newbie Barony to the tutor of Johnstoun, and also about Howmedo, which explains the attitude of Ryehill’s grandson. The previous year John of Mylnfield was one of the twelve witnesses to Seafeld’s retour as heir to his father, Robert of Newbie.

John of Mylnfield was a careful man, for his son, George, was only a few months old when he made a deed of his property (April 21, 1623) in favour of this infant, with as much of his wife’s settlement as she could bequeath without prejudice to the rights of her son, Mark Loch. It was signed by Abraham Johnstoun of Milnbie and his son, William. In a deed of 1643, property that had belonged to Edward of Ryehill, as well as to Marion Rig (Mrs Irving), sister to Gaylies, was included. It is signed by Robert Graham, son of Simon Graham of Blaatswood, merchant burgess of Dumfries, by Mark Loch,¹ by Homer Murray (the Provost), and by Wilds, Raes, Littles, Richardsons, Halidays, Tyndings, Hairs, and Galloway, burgesses of Annan, and by two grandsons of Abraham Johnstoun of Milnbie. Galabank had already been settled on George and his heirs, and in the future gave the name to this branch of the Johnstone family.

In 1631 the King’s Advocate summoned John Johnstoun, “callit of Newbie,” the Laird of Johnstoun, the Earl of Nithsdale, John Murray (Earl of Annandale), Barbara Johnstoun, Lady Gribton, Edward Johnstoun of Seafeld, Edward Johnstoun of Ryehill, James Johnstoun of Westraw, James, his son, Viscount

¹ Mark was dead before 1678, when his daughter, Margaret, was married to James Irving of Eastrigs.

Drumlanrig, David Johnstoun of Edinburgh, Thomas Corrie of Kelwood, and others to show their titles and claims to the estates which they occupied or had disposed to other of the defendants. John of Mylnfield being Provost, was then the most prominent of his name about the Newbie estate.

As time went on old family quarrels were forgotten, and the Weild or Wyld family appear as witnesses in the Galabank deeds. Sir John Charteris (ancestor to Earl Wemyss), whose father had taken part with Maxwell of Gribton against Robert of Newbie and Edward of Ryehill, was very friendly with John of Mylnfield, who acted as the sole witness to two of his sasines in 1637, and also purchased some Charteris property in 1640. In 1634 John witnessed a Charter for David and Jeanne Irving in conjunction with James Johnstoun of Neiss and Robert Johnstoun of Stapleton. He was Provost of Annan in 1624, and from 1638 to 1643, and again in 1649, after his son's death. He was also Parliamentary Commissioner from 1640 to 1642, and from 1644 to 1647, part of that time in conjunction with his son.

Robert Johnstoun of Stapleton, Raecleuch's son, and John Johnstoun of Mylnfield, when he was Provost, and his son, George, were summoned before the Privy Council as witnesses in a dispute between Fergus Graham of Blaathwood and Mark Loch. Fergus wished to borrow 500 marks from Loch, who had signed the bond, when he took it off the table where it lay between them, and on Graham's demand refused to return it. Loch said there was a blank space on the paper which he was afraid might be used to his prejudice, and the Council decided in his favour, ordering Graham to pay Loch's witnesses £10 for their trouble. William, son to Fergus, and David Graham, also appeared.

George acted as a witness to a Raecleuch deed when he was only ten years old. He lived long enough to marry Agnes Graham, and to leave two sons, John and Edward. They occupied a house in Annan, which showed their arms and initials over the door as late as 1776. George was Provost of Annan in 1646, and also Parliamentary Commissioner for the Dumfries Burghs in 1644, 1646, and 1647, but he died the next year, still under twenty-seven, and his widow shortly afterwards married Robert Fergusson of Halhill, and brought up her sons near Dumfries.

In the legal documents signed by George, as well as by his father, he is called the eldest lawful son of John Johnstoun, now called of Mylnfield. There was a daughter, Mary, who is buried with her parents, and Barbara, married in 1648 to Lancelot Carlile.

Two once handsome stone tablets in Annan Churchyard cover the graves of John of Mylnfield and his children, but in the last thirty years they have become almost illegible. In raised letters round the edge of the earliest are the words, "Heir Lysis Ane Honest and Memorable man callit George Johnstoun Who Lived in Credit and Commendation amongst his friends, a faithful Christian in Christ. Died 21 February 1649 of age 27 years. Erected by Agnes Graham to the memory of my most tender and good husband." Next to this a stone is placed over the grave of another George, which was legible in 1771, "Heir lyses ane honest memorable man callit George Johnstoun in

Millfield who lived in credit and commendation and died a faithful Christian in Christ 12 November 1648 of age 70 years. Blest are they that dye in the Lord." He seems to have been a Johnstoun of Corrie. Another stone in 1771 bore the inscription, "Heir lyes ane honest memorable youth James Johnstoun in Millfield who died a Christian in Christ April 2 1651 of age 18." John of Mylnfield's name and shield were added to the first stone, and other names now illegible.

Agnes Graham was the daughter of Robert Graham, who married Rachel Johnstoun, the daughter of Mungo of Over Howcleuch. Robert Graham was brother to Simon of Blaetwood, a burgess of Dumfries. Robert and Rachel acted as security for the Laird of Johnstoun in 1622, and later he was one of the witnesses to the deed by which John of Mylnfield secured his property on his son George. He or his son was a witness, forty-six years later, at the marriage of Agnes's son, John, and lent money to John on the security of Gala-bank before the young man inherited it. He was Provost of Dumfries in 1643, and the younger Robert in 1670. Later the family became Grahams of Cluden.

The Grahams had made a great advance since 1603, when, in spite of the effort to insure their orderly conduct by giving the lands of Netherby to Arthur Graham's uncle, Ritchie, in 1548, his grandson, Ritchie, was pointed out by the English Warden as the great offender, and "it would cause an outcry if others were banished and he allowed to remain." "The vulgar sort," as they were called in the legal procedure, were always easily dealt with by execution, but it was the sons and brothers of the lairds who were the great obstacles to peace. "The Johnstons, Carliles, and Irvings, who were related to them," continues the report, "protected the Grahams, who fled into Scotland," so Netherby and other lands they occupied in Cumberland were made over to the Earl of that county in return for paying the expense of transporting a number of them to Ireland, because, said King James, "they do all confess themselves to be no meet persons to live in these countries, and that others of good and honest conversation may take their lands." Either this Ritchie or his son was made Master of the Horse to the King, and bought back the lands of Netherby and Liddell. He even obtained an alteration of the Scottish border, so that his own property in Kirkandrews upon Esk¹ might be English ground.

Wotton relates that, when Charles I. was on his way to Spain in search of a bride, "they could get no flesh in their inns, it being Lent. There was near Bayonne a herd of goats with their young; upon the sight whereof Sir Richard Graham tells the Marquis of Buckingham that he would snap one of the kids and make some shift to carry him away to their lodging. Which the Prince overhearing, 'Why, Richard,' says he, 'do you think you may practice here your old tricks upon the Borders?' Upon which they in the first place gave the goat herd good contentment, and then while the Marquis and Richard, being both on foot, were chasing the kid about the stock, the Prince from horse-back killed him in the head with a pistol."

¹ The church was built with money given by Charles I.

Sir Richard fought at Edgehill under Charles I., and died in 1653. When Agnes and George Johnstoun were living at Annan they were only thirteen miles from her cousin's abode.

The transfer of executive authority in Dumfriesshire into the hands of a few courtiers, who hung about the King at Windsor or Theobalds to advance their own interests instead of attending to their duties in Scotland, led to an extraordinary degree of lawlessness, which the Privy Council could hardly cope with. Sir Thomas Kirkpatrick¹ sent his son Thomas to prison to keep him out of mischief, and complained to the Privy Council that he was released because he feigned illness, since which time he had continued his undutiful conduct. Elizabeth Carlile, Lady Douglas, arrested at Dumfries for a debt, was rescued from the authorities by Alexander Carlile and other armed relatives, and conveyed for safety to Annan. A case in 1633 was brought by Mr Walter Whitford, parson of Moffat (afterwards Bishop of Brechin), against the young Laird of Johnstoun, who had been married six years, for unlawfully convoking his kin and friends and assaulting people in Moffat. The Borderers seem to have had a passion for litigation, and so little discredit attached to these exploits that the Laird of Johnstoun was raised to the Peerage the same year by Charles I.

In several legal writs, years after he was ennobled, the Laird is only called James Johnstoun of that Ilk, and it was the same with his father-in-law, Drumlanrig. In 1643 he was created Earl of Hartfell. He adhered to the Royal cause during the Civil War, and was imprisoned and his estates sequestered; but after his death, and the accession of Charles II., his son James was restored to his lands and honours. When the last Murray Earl of Annandale died without male heirs, this title was given to Johnstoun, who also obtained a grant of the hereditary Stewardship of Annandale and the office of hereditary Constable of the Castle of Lochmaben.

The reign of Cromwell was disastrous to Dumfriesshire, if not to all Scotland. When the monastic lands had been distributed among the laity it was with the understanding that the new owners should help to maintain the ministers and the kirks. As this was done very inadequately, Charles I. tried to divert a portion of the rents for their proper maintenance. He also reversed the attainer of Stewart, Earl of Bothwell, which obliged Buccleuch to restore some of the forfeited lands he had received from James VI. While the Johnstouns, Grahams, and Irvings supported Charles, Buccleuch and all his clan, with others of the landed gentry who had benefited by the Church lands, ranged themselves on the Puritan side; and the entire disappearance of public registers and Charters in Dumfriesshire during the middle part of the seventeenth century shows the destruction caused by the Civil War. The taxation was excessive. The salt works on the Solway had been very remunerative to the Johnstouns of Newbie and the Murrays of Cockpool. In the first year of Charles II. (1661) an Act of Parliament relieved the salters in those parts of any payment of excise for the future. It states that "some poor people and

¹ He was a Groom of the Chamber to James VI.



ARCHIBALD JOHNSTON, LORD WARRISTON.
(ELSIESHIELDS).

tenants in Annan, who by their industry and toilsome labour do draw salt from sand for the use of some private families in those bounds, and who, in regard of the painfulness and singularity of the work, have ever been free of any public imposition until the year 1656 or thereby, when the late usurper (Cromwell), contrary to all reason, equity, or former practice, forced from them an exaction to their overthrow and ruin, and thereby so impoverished them that they are in a starving condition."

In 1653 seventeen Commissioners of Supply were named for the county, and the Laird of Johnstoun accepted the post, though under Cromwell. The others were General Monk, the Earl of Nithsdale, Charles Howard, Grier-son of Lag, Douglas of Kelhead, Johnstoun of Westraw, Douglas of Morton, the Johnstons of Corhead, Fergusson of Craigdarroch, Scott of Newburgh, Douglas of Dornock, Jeremiah Tolhurst, John Grimsditch, William Green, Crichton of Crawfordton, another Scott and Fergusson. John of Mylnfield held aloof from public matters under the Commonwealth.

The restoration of Charles II. in 1660, which was really initiated in Scotland, and particularly in Dumfriesshire, where General Monk gauged the feeling of the lairds, brought a rude shock to the Johnstoun clan, even divided as it now was in politics and religion, by the execution of Archibald Johnstoun, Lord Warrieston, with circumstances of great barbarity. He was always a staunch Presbyterian, but was appointed Charles's advocate when the Prince was in Scotland in 1640. He ventured to remonstrate with him for his irregular life, besides being present as Clerk Register at the execution of Montrose, and he was marked out for punishment as soon as the King returned to England. He was also reappointed Lord Clerk Register, after a show of reluctance, the year before Cromwell's death, and accepted a seat in the House of Peers. He was condemned by Charles II. to the scaffold and confiscation, but escaped to Rouen, where Louis XIV. gave him up; and he was imprisoned in the Tower, whence, in a miserable state of health, owing, it is said, to the treatment of his jailors, he was taken to Edinburgh. He was bled and physicked—in short, half poisoned—till he did not know his own children, in the hope that it might break down his nerve, and he was cruelly battered on the head by the guards to prevent him from addressing the mob when he was led out to the gallows. Bishop Burnet, his nephew, says that the Presbyterians depended on him more than on any man alive; but he expressed contrition for having served Cromwell, a lapse he ascribed to "fear anent the straits my numerous family be brought into." Yet Burnet held that he was enthusiastic for the Covenant, which he thought essential to Christianity, "that he had no regard to the raising of himself or his family, though he had thirteen children, but Presbytery was to him more than all the world."

Several of Warrieston's children died young, but, besides three sons (Chapter XV.), seven daughters lived to grow up. Elizabeth, the eldest, married Thomas, eldest son of Sir Adam Hepburn, and secondly Sir William Drummond, created Viscount Strathallan. Rachel married Robert Baillie of Jerviswood, himself a victim to the false charge that he was concerned in

the Rye House Plot. Helen, the wife of George Home of Graden, who, after imprisonment for being a Covenanter, died of wounds received at the battle of Bothwell Bridge. His widow was fined £26,000 for nonconformity by the Sheriff of Teviotdale—really because of her devotion at Baillie's execution,¹ and that she was Home's widow, and Warrieston's daughter.

Janet, another of Warrieston's daughters, married Sir Alexander MacKenzie of Coul; and her next sister became the wife of Roderick MacKenzie. Euphan died unmarried in 1715. Margaret, who was her father's companion in the Tower, married first Sir John Wemyss, secondly Benjamin Bressey. She was imprisoned, with other Covenanting ladies, in 1674, and afterwards banished for presenting a petition to the Privy Council for freedom to be granted to their ministers to use their own form of worship.

Charles's Government restored Episcopacy to its ancient footing in Scotland, on the ground of consistency with its Irish policy, and put forth an edict to oblige all the clergy to present themselves before the Bishops, to take oaths to them as well as to the King, and to receive fresh presentations to their benefices. In the North these terms were generally accepted; but Burnet shows that it emptied the parishes in the West, which, he says, were "filled by men of the best families, not always with much learning, but leading respectable lives, and having an extraordinary hold over the laity, even the gentry, and exercising an authority over offenders equal to magistrates and judges." They had, in fact, brought in a more orderly social condition, which was not easily maintained when they were ejected. Symon Johnstoun had kept his post as Parson of Annan since 1606, by conforming to Episcopacy or Presbyterianism when required; and was married to Lady Hartfell's aunt. But he had taken oaths to Cromwell's Government, and was ejected in favour of William Baillie, who was deposed in two years and the Rev. Patrick Inglis, a graduate of St. Andrews, appointed (1664).

The attitude of the Presbyterians was stiffened by the reports that reached Scotland of the wildness of the Court, and the terrible famine which set in about this time was by many supposed to be a judgment. Donald Cargill, in 1661, describes the black, pale faces to be seen in Dumfriesshire, showing famine typhus; but three years before the county pleaded poverty as an excuse for sending no member to Parliament. Potatoes were not introduced till 1725, but quickly spread over Scotland. Glasgow diminished in population from 14,600 in 1660 to 12,500 in 1707, and other districts in the west of Scotland suffered in proportion. It has been said that the Scots wasted their corn in making distilled liquors, but very little wheat was at that time grown in the country, and, though whisky was smuggled over from Ireland and the Isle of Man, it was not much drunk by the upper classes on the Borders, as they imported wine. This is shown in the household bills of the Galabank family.

¹ She attended him in prison and on the scaffold, and even remained while all the horrible sequence to the execution of a supposed traitor was gone through, that she might collect what was left in a cloth to have it buried; the head and limbs being exposed in some public place.

The last Charter in which John of Mylnfield was concerned was in 1659. It is signed Hartfell, being a sale of land by his Chief, James, Earl of Hartfell, Lord Johnstoun of Lochwood, Moffatdaill, and Evandaill, to William M'Neish, who was married to a Carlile. John acted as sole witness. This owner of the above titles was the son of the first Earl, who had been very uncertain how to act when it became obvious that Charles I. would never accept the demands of the Covenanters. Johnstoun at first led a Covenanting band to besiege Caerlaverock, where the King was expected; and from Warrieston's letters¹ to him (1639) it appears that he had signed the Covenant, like most of the nobility and gentry. Lord Traquair undertook to bring him round, and succeeded, for he eventually marched with Montrose, Nithsdale, Murray (Earl of Annandale), and Charteris at the head of English troops to Dumfries. As the Provost was a Royalist they hoisted the Royal Standard in place of the Blue Banner of the Covenant. Both Johnstoun and Murray, who had also signed the Covenant, had expected that this would be the signal for a general rising in favour of the King in all Dumfriesshire, but it never came. Montrose thought the two were false, but in every village there were Covenanters ready to denounce a Royalist neighbour; and the younger men were not practised in the use of arms as before the Union of the Crowns, yet the remembrance of those days of fire and slaughter possibly acted as a deterrent, and the Borderers would not ruin themselves to fight on the side of the English against the Scots. Montrose withdrew to Carlisle, but Johnstoun, later, joined him with some of his own name and his tenants, and they gained a few small victories over the Covenanters. These were followed by a signal defeat at Philiphaugh, when several of the descendants of the House of Newbie, who accompanied their Chief, were left dead on the field; others of their name at once quitted Edinburgh for America, fearing the triumph of their enemies. The regiment of Dumfries, in which a few more Johnstouns were enrolled,

¹ From Warrieston.

"If you take this oath (to the King) you renounce the covenant with God, you draw down His vengeance verily upon you, your house and your name, good fame, yourself and your posterity, with that stigmatising blot and blunder of a traitor to your religion, the Kirk, the liberty and freedom of this kingdom; you will be infamous in all stories and condemned both at home and abroad, whereof I am very confident you abhor the very thought worse than death. Mistake not my forewarning you of these consequences, as if I believed your Lordship would fall on them, for I protest I am not capable as yet of such an imagination; but you know my licence and liberty to be free in this business with all I love and respect."

Montrose, it seems, had been invited to Court at this time and declined, and Johnstoun is exhorted to follow his example and "do nobly as my noble Lord of Montrose has done!" The letter resumes:—

"This is my advice; but if your Lordship will go away, truly I shall be sorry for it; but I will both expect from your Lordship an answer hereunto more clear and special, whereby I may be more enabled to falsify my doubts, and answer the objections made by others against your voyage (to the Court) like as a true-hearted Johnstoun, and a true friend and servant to your Lordship and to the house of Johnstoun, and, above all, as a faithful advocate for God's Kirk, and agent for this great work of God in this land. I do faithfully counsel you and really forewarn you, as in the presence of the great God, before whom your Lordship and I will both answer, that as you love your own soul, your name, your state, your country and religion, you neither by word, or writ, undertake either to assist the King in this his course against your fellow-Covenanters, which by your solemn oath you are obliged to maintain."

fought for the young Charles II. at the battle of Worcester, and none of them lived to return.

The defeat of the Royalists at Worcester and at Dunbar made Cromwell supreme in Scotland. He ruled it like a conquered kingdom, as it was, and suspended the Constitution, even appointing English judges in place of the ancient baronial courts.

There were many specimens of gold and silver work among the Dumfriesshire families in 1640, carefully preserved as heirlooms. All this was ordered by the War Committee to be requisitioned and broken up to be coined for the army. No one, high or low, was to be spared; but if any man had an article he specially prized, he might redeem it at the rate of 56s. per oz. for Scots silver work, 58s. per oz. for English silver work, and £33, 6s. 8d. for every oz. of gold. These sums do not at all represent the real value of money at that date, but Johnstoun must have kept his, either by payment or by stealth, to judge from his son's memorial (*circa* 1661) to Charles II. In this document the second Lord Hartfell, describing his father's losses and his own, points out that all Annandale was a thoroughfare for armies marching, and especially his lands, as they bordered on England. His house at Newbie was plundered of his silver, plate, and furniture, and completely wrecked by both the English and the Scottish rebels; and troops were quartered on his estate till payment should be made of £43,000. Several of his own name in Dumfriesshire were on the side of the Covenanters—Archibald Johnstoun of Clochrie, James Johnston of Corhead, Andrew Johnstoun of Lockerbie, Wamfray, Robert Johnstoun of Newton, Poldean, and John Johnstoun of Viccarland.

The Commissioners appointed by the King to settle these claims reported that the present Earl, and his father, who died at Newbie in 1653, had given signal proofs of their loyalty, for which they had been great sufferers, "particularly in 1644, when the Marquis of Montrose came with the King's commission he did cheerfully join with him, and upon the Marquis's retreat he was made prisoner in the Castle of Edinburgh for a whole year, and was forced by the Parliament then being to pay the sum of £12,000 Scots, which, with the interest to this time, amounts to £24,400. In the following year he most cheerfully joined with the Marquis of Montrose, his Majesty's Captain-General, and after their defeat at Philiphaugh was with his sons taken prisoners and committed from several prisons to the Castle of St. Andrews, where he was tried for his life, and after an expensive and tedious process was fined 100,000 Scots pounds. If he would not pay it, both he and his sons would be executed. Before he could leave the prison he was ordered to pay to the Earl of Lanark and Colonel Lockhart £41,000, to Bogs (a Scott of Buccleuch) and Sir James Stewart £20,000, and to Sir John Brown £6000."

Warrieston was one of the "triers." He had previously proposed to exclude certain members from Parliament—Lords Johnstoun and Ogilvie, Sir John Hay, and Sir Robert Spottiswood—on the ground of their compliance with the enemies of the kingdom, and, except Johnstoun, they had protested against his appointment, as he had prejudged them. Perhaps Johnstoun hoped that

Warrieston might be lenient to his Chief. He may have been more so than his colleagues.

Besides the above sums, it was pleaded that Johnstoun was forced to pay £7000 towards arming Dumfriesshire, and by order of Parliament, £4000 to Sir William Dick as his share of a war tax. The loss of his rents and damage to his property by troops being constantly quartered there was at least £40,000, so the Committee humbly recommended him to his Majesty. Charles II. thereupon restored the Chief of Johnstoun to his father's honours and estates, adding to the previous titles those of James Murray, Earl of Annandale, who had died without male heirs in 1658. The only son of the first Earl, he had retired to England, lest as owner of the Graitney estate he should be further involved in the Civil War.

Imprisonment in Scotland seems to have been as severe in Cromwell's time as a century earlier, and Lord Hartfell never recovered from the effect, but died in 1653—seven years before the Restoration. He had been first married to Lady Margaret Douglas, by whom he had James and William; secondly, to a daughter of Johnstoun of Elphinstone, who had no family. An item in the Newbie accounts, kept by Hew Sinclair, the factor or chamberlain, refers to this younger son, Jan. 26, 1657: "Forty-eight torches sent to Newbie to Lieut.-Colonel Johnstoun's burial at twelve shillings a piece, is £28, 16. o., only brother to Lord Annandale."

Lord Hartfell left the life rent of Newbie, valued at 8000 marks Scots, as a provision for his widow. The eldest son, James, created Lord Annandale, married at twenty to his cousin, Lady Henrietta Douglas, who was thirteen, died in 1679. Of eleven children two sons, William and John, and several daughters survived. The boys were educated at Glasgow, and boarded there with a connection, Margaret Hamilton, married to Mr Banantyne, related to Westraw. The young Earl came with his brother to Newbie in 1680, when he sent his Family Bible to be rebound. He had taken his degree, and was married to a girl of fourteen, his cousin, Sophia Fairholm, by the time he was eighteen. In that year—1685—Newbie Castle was burnt. The catastrophe is described in a letter from the young bride, who was sitting with the wife of the minister of Cummertrees, Lady Apilgirth, and Sophia Johnstoun, her mother (?), when the smell of burning timbers first alarmed them. The Laird of Westraw was with the Earl, and helped to try and extinguish it, but the furniture and their clothes were destroyed, and the Countess rode three miles in the night to take refuge at Kelhead with her husband's relatives, the Douglasses.

In a letter to her father, John Fairholm, from Kelhead, Dec. 28, 1685, Lady Annandale wrote: "If there had been any drinking with us at Christmas I should have thought it God's judgement on us for so great a sin, but there was nobody with us but two or three neighbours, and my lord was receiving rents the most part of the afternoon, neither was anybody drunk, and my lord both then and ever since he came from Edinburgh I can bear witness has never drunk any. God pity us, for we are left without any, and make me to bear this patiently, which I willingly do for my loss if I were not afraid of something

more if we harden our hearts, which God grant we may not." Sir George Maxwell and Westraw gave much assistance.

Another authority gives an account of the drunken frolics of Sir John Dalziel of Glennie and his associates, which ended "by going to Lord Annandale's house at Newbie to pay him a visit, beginning with their old pranks—burning their shirts and other linens. A little after that the house was all burnt."

It is also said that the servants in the house were amusing themselves with drinking burnt brandy while Lord Annandale was away, and his coach driving suddenly to the door, they thrust the blazing spirits under a bed, which caused the conflagration. The blaze was so great that the chambermaids at Kelhead, three miles distant, could prepare the bedrooms without candles.

For more than a generation the Annandale family had lived at Newbie Castle, only a mile and a half from the Johnstouns of Galabank in the vast stone house, as it is called in all the title-deeds, and represented as a tower or castellated building in a drawing of Annan in 1533. It covered 43 feet of ground in length by 83 in width. Lord Annandale was Provost of Annan in 1670, and again from 1686 to 1713, when James, Lord Johnstone, the eldest son, a baillie of Annan, succeeded him, as the Marquis accepted the Provostship of Lochmaben.

A great deal of the money left in trust by Robert Johnstoun, the "eminent lawyer of the House of Newbie," to his Chief for endowing schools at Johnstone and at Moffat and to build a bridge over the river at Annan, disappeared, possibly to raise men on the side of the King in the Civil War; but common report said it was used to add a modern structure to the old square tower of Newbie Castle, which was blown down in the nineteenth century.

When the new house was burnt, Lord Annandale, the grandson of the untrustworthy executor, is said to have observed that he knew it would never come to any good, because it was built with the thing that should have builded the bridge over Annan water.

Owing to the Civil War the Galabank family seem to have been almost the only members of the old Newbie family left in Annan, but Parson Symon Johnstoun's son, George, remained there, and several of the Elsieshields.

CHAPTER XIV.

JOHNSTOUN OF GALABANK—WITCHES BURNT—CIVIL WAR—WESTRAW—ELSIESHIELDS—
JOHNSTOUN—JANET KIRKPATRICK—FAMINE—EDWARD JOHNSTOUN—HIS MARRIAGE,
DEATH, AND WILL—WESTRAW—LOCKERBIE AND HIS DESCENDANTS—CARLILES.

ON April 4, 1665, the *Register of Retours*¹ contains the name of John Johnstoun,¹ who was declared by David Johnstoun² and eleven other witnesses to be the heir of John Johnstoun, lately Provost of Annan, his grandfather, in the lands of Galabank, the "vast stone house in Annan, once occupied by Edward Johnstoun of Ryehill," the lands in Stank, Gallowgait, Closehead, and some minor properties. Unless he was twin with his brother Edward, John must have been about twenty-three at this time. They were brought up near Dumfries under the auspices of their mother, Agnes Graham, and her second husband, Robert Fergusson of Halhill, and in the narrow limits of this little town witnessed many exhibitions of revolting bigotry and ignorant barbarity, for it was a stronghold of religious rivalries and superstition. Their relative, Robert Graham, was Provost of Dumfries from 1643 to 1645, when his retirement was apparently caused by having, like many other members of his family, joined the army of Montrose in support of Charles I.; and he was probably one of the two Robert Grahams who were seeking refuge in the Debateable Land in 1648. His cousin in Netherby Hall was a Royalist, and so much indignation was caused in Scotland by the barbarities of the almost naked Highland and Irish mercenaries whom Montrose had called to fight for the King, that his supporters were not safe in their own county.

John Maxwell, an Episcopalian, who succeeded Graham as Provost, is called "a Papist" for letting a Roman priest escape from the district, after a fanatical crowd had destroyed the wafers, vestments, and sacred vessels which he carried in a bag to minister to a dying co-religionist.

The Burgh accounts for 1657 include thirty-eight loads of peat, tar barrels, and stakes intended for the burning of two women accused of witchcraft. The peat alone cost £3, 12s. In 1659 nine more female victims were first strangled

¹ Among the witnesses to the retour are Adam Carlile, Treasurer, Robert Johnston, Dean, Mr Robert Bell of Hardrigg, Adam Johnstoun in Redgatehead (Graitney), John Johnstoun of Gotterbraes, John Murray, William Stewart, etc.

² David was possibly great-uncle to Galabank. He was Provost in 1678, and had a son, Robert.

at the stakes, to which they were tied, and their remains burned on the same absurd accusation. They were condemned by the English judges whom Cromwell had placed in the country, but, as Sir Walter Scott shows, the witch scare came in with the Reformation. Formerly every misfortune was attributed to the wiles of the Evil One, and it was believed that the Saints could foil him. When the law in 1560 forbade prayers to be addressed to the Saints, and every representation of them was destroyed, the people felt obliged to take the matter into their own hands, and worn-out old women were especially supposed to be Satan's emissaries. The first was burnt in Scotland in 1563, the last in 1722, a young hysterical girl. Natural laws were not understood, and medicine was at its lowest ebb. In 1680 a poor man was compensated from the offertory for losing all his live stock through a witch.

There were apparently strained relations between the elder John and his heir, whose legal guardian, as a stepfather is in Scotland, had consented to take a post under Cromwell. Robert Fergusson¹ seems to have been dead in 1670. One cause of difference was that the elder had never accepted the Reformed Faith and the younger was brought up in it.

It was only a year after John left Dumfries to live in Annan that the most desperate of the conflicts between the Covenanters and the Government, which lasted twenty-two years, was started in Galloway by a party of rough soldiers trying to extract money from an old labourer by torture. The revolt against the military soon spread to Dumfries, where a band of volunteers captured an unpopular officer and his men, and, afterwards marching to the Pentland Hills, were defeated at Bothwell Bridge by the Royal troops. The Town Council of Dumfries tried to save themselves the penalties of receiving rebels by executing two fugitives from the fight, but a few fanatics killed the Archbishop of St. Andrews, and, in spite of wholesale executions in Edinburgh and elsewhere, the Covenanters refused to attend any services but the Presbyterian, which had been illegal since 1661. In Dec. 1678 John Graham of Clavers, formerly an officer in the Dutch service, who had saved the life of the future William III. in battle and been recommended by him to Charles II., was sent to Dumfries to enforce the law. That he acted with a barbarous vigour, assisted by the Steward-Depute of Nithsdale (Sir Robert Grierson of Lag) and the Sheriff-Depute of Annandale (James Johnstoun of Westraw, who was knighted), has made his name a by-word, yet it was said that the Deputes despatched prisoners with their own swords when Clavers would have spared them. It is known as the killing time—for the frightful wounds made by the pitchforks used by the labourers, and their mutilation of the dead, brought a merciless retaliation in savage tortures, legally inflicted, as well as death. The Carruthers Laids of Dormont, Denby, and Holmains were Nonconformists, but two of them escaped to Edinburgh and obtained the pardon of Dormont, who had been captured. Soldiers were quartered at Annan, Moffat, Lochmaben, and Dum-

¹ Robert Fergusson, brother of Alexander of the Isle, and Agnes Graham, his spouse, had a Charter in 1665 of Lags, Halhill, Dalquhan, etc. Their children were Thomas (married Susanna Maxwell, and had a son, Robert) and Agnes.

fries, at the expense of the inhabitants, till Clavers became Sheriff of Wigton, in the place of Sir Andrew Agnew, a Covenanter; and they were then moved to his headquarters in Kenmure Castle. Besides these mentioned, Colonel James Douglas, Dalziel, Sir Robert Laurie, Captain Inglis, and Captain Bruce were his colleagues; but, like Westraw, Douglas afterwards served William III.

It was in Mid-Annandale, where, according to Clavers, "they are all rebels at heart," that some of the greatest cruelties took place. John Johnstoun of Elsiefields is commemorated as

"The wicked Laird of Elsiefields
Who's left Lochmaben's pleasant fields,
To gang and sup wi' horned deils," etc.

The Dumfriesshire and Galloway lairds, having signed the Covenant¹ before it was opposed by Charles I., were probably afraid of fines and escheat unless they showed especial zeal against its followers who openly defied the Crown. In 1688 Annandale wrote that "James Johnston of Corhead informed him that two fellows, his own tenants, were supposed to be haunting field conventicles, by reason they were sometimes known to be long absent from home, and the heritors informed the Commissioners at Dumfries and desired they might be instantly apprehended."

Blanche Armstrong, the aged widow of Christopher Johnston of Persbie-hall, was sentenced to transportation for having received two Covenanters, James Johnstoun² and William Hanna, not knowing the risk she incurred, or that they were fugitives. She pleaded for mercy, as being nearly eighty she could not endure the penalty, and that her minister would prove that she had lived regularly all her life. The Privy Council remitted the sentence, if securities could be found for £2000.

Elsiefields died before the abdication of James VII. Perhaps Galabank was fortunate that, as his father and grandfather were Romanists, he was not likely to be suspected of Presbyterian sympathies. He was a good-natured, easy-going man, who would not improve his fortunes by blackmailing or showing up his neighbours; but these troubles involved heavy expenses which ruined him. He had borrowed money on his little property before he succeeded to it from his relative, Robert Graham of Inglistoun; but was fortunate enough, in spite of his pecuniary embarrassment, to obtain the hand of Janet Kirkpatrick, daughter to the late Laird of Auldgirth, and first cousin to Sir Thomas Kirkpatrick of Closeburn. They were married at Dumfries on Feb. 2, 1670. The marriage contract is signed by his mother, his uncle (Graham), and the bride's brother (Mr Thomas Kirkpatrick). John settled his property on his bride and their children, and a few months after the wedding she made over to him all the money she had that was not settled, including 300 marks given to

¹ The Covenant, in its various forms, signed between 1566 and 1689, bound both clergy and laity to preserve "the absolute authority on civil matters of the State, acting through a Monarch, Parliament, and Magistrates, all of whom in spiritual concerns were to obey the Church."

² Possibly the same who was released from prison in Edinburgh when starving in 1690, there being no record of why he was there.

her by Closeburn. James Grierson, tutor of Lag, owed her 1000 marks of her dower, for her mother was a member of the family of the notorious Steward-Depute.

Two years later Galabank paid off his debts, and if he was again in pecuniary difficulties, a great many others in Scotland seem to have been the same. Sir William Menzies, who farmed the excise, was in arrears £6000 to the Government in 1709. He was prosecuted, and showed that from 1697 to 1705 the crops were inadequate to the support of the population, and that several thousands had actually perished of starvation, that as many more had emigrated, and that multitudes were compelled to eat snails, nettles, wild spinach, and such like for bare life. From 1696 till 1701 there were blighted crops, and in the North people sold their own children to slavery in the American plantations for food. They began to bury the dead there without sheet or coffin, for on one estate giving work to 119 persons only three families, including the proprietors, lived, and even in Midlothian we read of parishes where the proportion of deaths was one-third.

In 1699 the Government fixed the price of grain, and severe penalties were enacted against any who kept back a supply or bought up more than a fair share. The climax came in the famine of 1709. So many cultivators had been transported, their goods escheated, and their lands, trodden down by soldiers, remained barren, that it was a natural consequence. In 1706 the whole coinage of Scotland only amounted to £411,117, 10s. 9d., and of this sum £40,000 was English and £132,080, 17s. in foreign coin.

At this time the Government sold the local as well as the State taxes, and a man who had the means of paying down a sum of money for them was apt to be called upon to do so if there was no voluntary offer, and it combined the post of treasurer of the burgh. In Annan three men in succession seem to have been ruined by taking them. First Adam Carlile, one of the Bridekirks and a merchant in Annan, who was Collector and Treasurer in 1665-87; then Galabank; and then Edward Johnstoun, Galabank's brother. Galabank and Robert and James Carlile were Adam Carlile's securities when he undertook the taxes—a loss to them all. Galabank's letters from Ruthwell, Lochmaben, and other places show his pecuniary anxieties, and in one to his brother asking for assistance, he alludes to the danger of not appearing in the Kirk of his Parish on Sunday, lest he should be taken for a Covenanter. Those who did not attend were fined. He was popular, for in 1684, when the Earl of Annandale was Provost, he was chosen elder baillie, and Adam Carlile second baillie, with more votes than any one else. His handwriting in the Burgh Records is particularly good, the best in the seventeenth century. Annan possessed no school, and the baillies could not always sign their names.

In 1673 Galabank raised a loan from Bryce Blair, sometime Provost of Annan, and in 1677 from his brother, Edward. In 1680 he lost his wife, Janet Kirkpatrick, and at that time he owed his brother £373, 17s. He was left with two children, Janet and Barbara, but in a year or two was married again to Elizabeth Murray, one of the Cockpool family. The intention to provide for

her made Bryce Blair obtain a legal prohibition in 1682, to prevent him from disposing of any property till he had paid his debts, although Galabank was then Provost of Annan.

On Jan. 3, 1684, Edward Johnstoun, a writer at Dumfries, was married at Ruthwell to Isobelle, daughter of Adam Carlile, formerly of Annan; and at the same time he was admitted a burgher of Annan. He was an Episcopalian, but probably foresaw a renewal of religious difficulties with the accession of James VII. The marriage settlement is dated the same day, at Ruthwell. It begins—

"Be it known to all men by this present deed, Me Adam Carlile late baillie of Annan, forasmuch as Edward Johnstoun, brother German to John Johnstoun of Gallabank, is intending God willing to marry and his lawful wife take Isobelle Carlile my lawful daughter for his spouse in contemplation of which marriage I have already disposed to him a tenement of house and yards with the pertinents lying in the burgh of Annan, marked and bounded as is particularized in the said disposition of the date of their espousal, and therefore in confidence and contemplation of the same to be solemnized in God's Holy Kirk I the said Adam Carlile bind and oblige me, my heirs, executors and assignees to make payment to the said Edward Johnstoun and Isobelle Carlile my daughter his affianced spouse, their heirs, executors or assignees of a further sum of money," etc., this to be guaranteed by Adam's daughter, Agnes, (the spouse of John Johnstoun, burgher of Dumfries), and by Adam's brother-german, John Carlile.

The deed was witnessed by Galabank, Robert Murray, James and John Murray, James Wilson, and William Douglas, "schulemaister" (*i.e.*, tutor) in Annan. The bride was fifteen and her husband forty. There was a remote relationship, and William Graham of Blaatwood, then Provost of Annan, a relative of Edward's mother, was also married to a Carlile of Bridekirk.

Edward's Family Bible contains his name with "of" and an erasure, and the date 1653, when he was but ten years old, and probably named after his great-great-grandfather, Edward of Ryehill, who was dead about the time he was born. Then follows: "John Johnstone, son of Edward Johnstone and Isobelle Carlyle in Annan, baptized May 27, 1689; James Johnstone, son to Edward Johnstone and Isobelle Carlyle in Annan, baptized Nov. 17, 1693." Then Janet is inserted as "baptized Feb. 8, 1684-5," being the eldest of the children, and the two younger daughters, Elizabeth and Marie, are omitted. His grandson, James, adds a eulogistic paragraph about him, dated Worcester, June 26, 1755, and calls attention to the many marked verses, showing how carefully he read it.

In 1683 Galabank mortgaged his estates to his brother, who was to satisfy the creditors, particularly William Graham of Blaatwood. For a debt of £373, 9s. Graham received the first instalment of interest, £22, 7s., at once. But the next year William Craik of Arbigland, Provost of Dumfries, whose sister was the wife of Johnston of Clochrie, was the most pressing, and obtained a Royal Warrant (James VII.) directing the Sheriff of Annandale

(the Earl) to denounce the debtor as a rebel from the market-place of Lochmaben, and to seize all his movable goods and gear. No official notice seems to have been taken of this warrant, and the mortgage appears to have been passed on to another creditor, from the accounts of the Sheriff-Depute, Sir James Johnstoun of Westraw, for the year 1686-87. Then came the Revolution of 1688, and the Covenanters were safe, but otherwise it hardly upset the Borders so much as the rebellion of the Duke of Monmouth, whose wife was the heiress of the great Border clan of Scott. As he had been more humane¹ than Clavers when in command against the Covenanters, many of them, besides his tenants, joined his army, which drained the district of money and supplies.

Galabank's creditors returned to the charge in 1689, and a "letter of horning," issued in the names of William and Mary, directed the sheriffs, baillies, and stewards of the Borders to seize upon John Johnstoun, "who continues and abides under the process of our said horning unslaved, and in the meantime daily and openly haunts, frequents, and repairs to kirks, markets, fairs, public and private places of meeting within this our realm, as if he were our free liege, in high and proud contempt of this our authority and laws, and giving thereby evil example to others to do and commit the like in time coming without remedies be thereto provided," etc. It is further ordered that he should be put in sure ward in a tolbooth (prison), and detained there night and day at his own expense, and, if need be, kyves or handcuffs were to be used. These letters of horning were issued twice every year without any effect till 1698, when, in addition, letters of poynding and horning were registered against the Provost of Annan (the Earl of Annandale) and the Baillies for permitting John Johnstoun to retain possession of his house and goods and to go about "unslaved."

The baillies were John himself, his son Edward, his sister-in-law's brother, James Carlile, and James, Lord Johnstoun. John's brother, Edward, was dead, and the other Edward went to London; but on May 8, 1700, John's name appears, in a minute of the Town Council, about the erection of the first bridge over the Annan, which ought to have been built long before with the legacy left to Lord Annandale for the purpose. "Ane noble and potent Earle William, Earle of Annandale and Hartfeill, said Provost of Annan, with express advice and consent of John Johnstone of Galla Banks and John Irving, both baillies, and James Bryden, grocer, and the hail Town Council and Communitie of the said burgh on the one part, and Mr Matthias Partis of Gallentyre on the other part . . . that the said Mr Matthias Partis shall immediately fall to work, and imploy, contract, and agree with workmen for building a bridge over a river at the place designed," etc. Galabank's quarry supplied the stone for the bridge, but he was obliged to sue for payment. The Earl of Annandale, as Sheriff, gave a decreet in favour of "our lovit John

¹ In an interview with the King and Duke of York, James reproached him with having saved the lives of rebels, and Charles agreed that no prisoners ought to have been taken.—BURNET.

Johnstone of Gallowbank for the payment of £400 Scots as the quarry mail of the quarry belonging to the complainer in his lands of Gallowbank, which the defendant took from the complainer for winning forth thereof the stones of the Bridge of Annan, with the sum of costs of this our precept to be added thereto in the manner underwritten." If not paid within fifteen days the defendant was to be arrested, wherever he might be, and imprisoned, and his goods seized to pay the money. This is dated Lochmaben, June 18, 1701, six days before the Earl was made a Marquis.

Galabank also gained a suit against a poacher who had fished two enormous salmon out of his part of the river, and had to pay him their value. He sold a small portion of land at Closehead, but George Blair, the son of the late Provost, was an importunate creditor, and obtained another letter of horning against Lord Annandale and the Baillies for allowing John Johnstoun to remain in free possession of his lands and goods when declared an outlaw. All these troubles, and the death of his youngest daughter, perhaps induced Galabank to retire to Kirkandrews upon Esk, in the neighbourhood of his mother's relatives. He was dead in May 1704. His surviving child, Janet, was married, Jan. 1706, "by the Rev. Edward Willshire, according to the laws of the Church of England, in the same Cumberland parish, to Richard Beattie of Milleighs."

The Episcopal Church was finally disestablished in 1696. There was a movement for restoring James VII., known as the Montgomery Plot, in 1690. Lord Annandale had mustered some of his clan to support it, and then, finding himself rather left alone, withdrew to Bath on the plea of illness. It has been alleged that he had received the patent of a Marquisate from James VII., but that his cousin, a strong partisan of the Prince of Orange, persuaded him that he had more to gain by remaining loyal to the new King. In William's Scottish proclamations he alluded to his "grandfather, Charles I., of blessed memory," not to his father-in-law, James, who was never popular in the North; but his own religious preference lay with Presbyterianism. Several Scottish incumbents had compromised themselves in the Montgomery Plot and quitted their parishes, among others Mr Patrick Inglis, priest at Annan, and his successor, James Kyneir, while the Presbyterian ministers stood by William, so the Kirk was turned into a dynastic prop and re-established throughout the country.

From 1692 there was no resident minister in Annan till 1703. Then Mr Howie,¹ the descendant of a French Protestant refugee, was appointed, and remained till his death in 1754. Just as, 135 years before, the Scots were ordered to accept the Reformation, and the priests were driven from the country, they were now expected to accept Presbyterianism or dispense with clerical ministrations.

Galabank's brother, Edward, died on Dec. 30, 1697. He was Treasurer to the burgh of Annan since 1687, and the Baillies' letter to his widow, as well as that of the Provost, exist, to show how faithfully he had fulfilled his trust. But both his brother and the Burgh owed him money, and he seems to have felt rather bitterly about it.

¹ The author of *Faithful Contendings Displayed*, quoted Chapter IX. in *Old Mortality*.

His Will, dated three days before his death, began, after the custom of the day, with a profession of the Christian faith. He gave his lands, burdened with an annuity, to his wife during her widowhood, and 300 marks to his eldest son, John. To his three daughters he left 400 marks each, and to his youngest son, James, 300 marks—the last to succeed to his lands if John died without heirs. If any of his debts were recovered the sum was to be divided between his two sons and his (wife's) nephew, George Johnstoun, whom he left co-executor with his brother-in-law, James Carlile, and he charged both to act as protectors to his wife and children "as far as they can." In case his children died without heirs, his lands were to go to James Carlile. He desired to be buried in the Churchyard at Annan. His Will was witnessed by Robert Colville, the instructor of his sons and the Presbyterian *locum tenens* at Annan; James Carruthers of Wormanbie, sometime Provost and Chamberlain to Lord Annandale; John Irving, baillie of Annan; and George Blair.

Edward's monument is the best marble in the old Churchyard at Annan, and has survived the storms of 212 years. The inscription is:—

"Heir lyes interred the corps of Edward Johnstone late Treasurer in Annan who departed this life the 30 day of December 1697 of age 54 Erected by Isobel Carlile his spous." Below are the arms of Johnstone of Annandale, and between them the inscription to Edward's wife: "Heir lies interred the corps of Isabelle Carlile spouse to Edward Johnstone late treasurer in Annan who dept. this life July the sixth 1710 of age 42. Erected by John Johnston her son."

Lord Annandale was as much pressed for money as the Galabanks, and harder on his tenants than was the custom with those landowners who habitually lived among them. He was a friend of the Duke of Monmouth, and was asked to intercede for him with King James in 1685; and it is always expensive to assist a lost cause. Sir James Johnstoun of Westraw was his agent—the same who was very prominent under Graham of Clavers (Viscount Dundee), and was even too zealous against the Covenanters to please that notorious leader. A letter to Annandale shows that he was equally zealous against non-paying feuars, when his Chief was in want of £100:—

"Moffat, Nov. 19, 90 . . . I shall be most redie to follow your Lōp's directions I have this day past sentence against all your Lōp's tenants in the several baronies for ye Mart rent except Wm. Harkness who hath presented a formal advocation from me and takes it before the Lords of the Session. I have caused number the whole goods upon the ground and taken an inventure of them, and arrested them afterwards. I have raised letters of inhibition and the two Hallidayes yt was caution in the former suspension who shall carry nothing to Ireland with them but themselves. Your Lōp's most obedient and humble servant, Ja: Johnstoun."

Directly the accession of William and Mary brought a reaction Lord Kenmure, now Sheriff of Nithsdale, arrested Grierson of Lag and imprisoned him in Kirkcudbright; but Westraw was under the protection of his Chief, and lost no time in making friends with the new Government.

Annandale's letters to his wife during those years showed the pecuniary importance it was for him to get a post under Government. The rights of the barons in Scotland were not stopped till 1748, so that he made a good deal by dues and fines, and the baronial prisons are described as having been often horrible dens. But he lost £1000 in the Darien Colony, the project of a Scotsman, much taken up by his countrymen.

Westraw was probably at this time the richer of the two. He was a minor when his father died in 1648, but was returned his heir to Dryhead in 1654, the writ being signed at Newbie by the Earl of Hartfell, Douglas of Kelhead, Murray, and others; and he was infested in Westerhall by the Marquis of Douglas in 1653. At the time of his father's death his uncle, William Johnstoun, was a fugitive in the Debateable Land. His mother, Isabel Scott, is said to have influenced her younger son, Francis, to take the side of the Covenanters, possibly so that whatever happened the family might keep the estate (Chapter IV.).

The younger Westraw's wife was Margaret, daughter of John Banantyne of Corhouse. The Earl of Annandale and his brother, John, were boarded with her relatives when they went to school in Glasgow before 1674; and when, a few years later, Westraw was the Earl's agent he received several letters from John, who was in Paris, begging him to intercede with his brother to send him money through Mr Graham of Annan and Mr Clerk of Edinburgh. Then in fear of being "clapt up in prison," John drew a bill of £100 on Westraw and "Bonintun." He signs his letter your affectionate cousin and humble servant, John Johnstoun.

Westraw seems to have been kept by his maternal relatives from joining Montrose; and in 1653 he was a Commissioner of Supply under Cromwell. He was also a member of the first Parliament of James VII. He did not follow his old chief, Clavers, when he raised an army to restore James VII., although a Johnstoun supported Clavers in his arms when he was killed at Killiecrankie in 1689—for Westraw was an officer in the Militia, embodied two months before by William and Mary to resist a possible Irish invasion. The younger Johnstoun of Lockerbie, William Johnstoun of Granton, and Andrew Johnstoun of Newton are also in the list, but not Annandale. However, the last had made up his mind in 1690 to take his seat in the first Parliament of William and Mary, the other Johnstouns from Dumfriesshire being Westraw and his son John, Corhead, Andrew Johnstoun (the younger of Lockerbie), and Granton. They were called upon to levy a tax, in case of war, for £280,000 Scots.

The eldest son of Andrew of Lockerbie married Westraw's daughter, and died before his father had made the intended provision for him. The widow's mode of obtaining it is described in the Privy Council Records in 1690. For a year or two past Mrs Margaret, supported by her father, Sir James Johnstoun of Westerhall (as the Barony was now called), and with the aid of sundry servants of her own and her father's, was accustomed to molest Andrew Johnstoun and his friends and tenants, and to threaten them. They took out a writ against the lady, but one day, in the spring, as Lockerbie's

tenants were labouring their lands at Turriemuir his daughter-in-law came with her accomplices, loosed the horses from the plows and harrows, cut the harness, and beat the workmen. James, a younger son of Lockerbie, was present, and in the struggle was wounded under the eye with a penknife to the great hazard of its loss. In June a set of Mrs Margaret's friends, headed by David Carlile and his sons, William and Robert, made a personal assault on Mrs Mary Johnstoun, wife of the Laird of Lockerbie, cut her down and left her for dead, while her friend, Mrs Barbara Hill, was run through the thigh with a sword. These ladies had since lain under the care of surgeons, and it was uncertain whether they would live or die. A maid servant was also attacked by the Carliles, cruelly beaten, and nearly choked with a horn snuffbox (to stop her cries). In May Mrs Margaret's friends came and drove away the sheep and cattle from the lands of Hass and Whitwynd Hill with houndcalls, and the tenants coming to rescue their property were taken home in blankets. Not long after Westerhall's servants came to the same lands, and took by violence from Robert Johnstoun of Roberthill fourteen cows and oxen, which Sir James received into his byres, had them marked, and sold ten of them, each being worth £40. Lastly Walter Johnstoun, brother to Mrs Margaret, came with servants to the house of Netherplace at night, beat the owner, Mungo Johnstoun, in a most outrageous manner, besides squeezing the hands of his son, a boy, till the blood came from his nails. The Privy Council decided against Lockerbie for keeping his daughter-in-law out of her rights. Chambers, in his *Domestic Annals*, calls this "a fair specimen of the violence still permitted in debateable matters of property"; but it shows how wars and anarchy had lowered the standard of civilisation.

The Laird of Lockerbie in 1746 was James, whose son, William Johnstone, left two daughters. Grace, the elder, married Sir William Douglas of Kelhead in 1772, and was mother of the sixth Marquis of Queensberry. Her grandson, Robert Johnstone, inherited Lockerbie, and married his cousin, Lady Jane Douglas, in 1841. Their eldest son, Arthur H. Johnstone Douglas, was born in 1846. The descendants of the co-heiresses of Lockerbie are numerous. The younger sister, Catherine, married Colonel William Douglas in 1791.

Sir James Johnstoun of Westerhall died in 1699, and was succeeded by his eldest son, John, who had married, about 1687, Rachel, eldest daughter of James Johnston of Sheens, the last being first cousin to Warrieston and to Sophia Johnston, the mother of Lady Annandale. Westerhall was an M.P. and voted for the Union, while his Chief and Provost Johnston (Clochrie) of Dumfries voted on the other side. He died in 1711 at Tournay, when commanding a regiment of dragoons in Flanders, leaving an only child, Philadelphia, married to her cousin, James Douglas of Dornock. Westerhall was created a Baronet of Nova Scotia in 1700, and his brother, William, inherited it with the estate. A sister, Grizel, seems to have died unmarried. Sir William's wife was sister to his brother's wife, but died early in 1710. She was mother of his heir, James, and of John, the ancestor of Lord Derwent.

Sir William, like his brother, voted for the Union in the last Parliament

held in Edinburgh in 1704. William Johnston of Corhead, William Johnstoun of Granton, Andrew Johnstoun of Newton, Johnston of Selkirk, Robert Johnston of Wamfray, William Johnston of Beirholme, George Johnstoun of Girthhead (Sheriff-Depute), and John Johnston of Persbiehall or Craighous were also members of the same Parliament.

NOTE TO THE CARLILES.

There was no more loyal family on the Borders than the Carliles, who owned lands in the city of Carlisle when it belonged to Scotland, and one of whom, Sir Adam, received a Charter of Kinnmount from the second Bruce of Annandale between 1170 and 1180. His descendant, Sir William, married Marjory, sister to King Robert I., and, according to Hume, the victory at Arkinholme in 1455 was wholly due to the Lords Carlile and Johnstoun. In 1470 the first was made a peer—Lord Carlile of Torthorald. His brother, Adam, inherited Bridekirk. But reverses began when the Master of Carlile, married to a daughter of the Master of Johnstoun, predeceased his father, leaving an infant daughter, Elizabeth. She inherited her grandfather's Barony, and the Regent Angus insisted on her marrying his relative, James Douglas, who thereupon called himself Lord Carlile. The male heir, Michael, who died in 1585, had lent money to his father, and claimed the estates. The case dragged on for fourteen years and was decided against him, and the expense impoverished all the family, who had hitherto benefited by many legal processes.

Herbert Carlile of Bridekirk and Edward Carlile of Limekilns, his brother, were living on the Newbie estate in 1605 and following years, and, with Edward's son, Adam Carlile of Murraythwaite, were summoned to quit it by the mortgagee, and to pay tithes by Murray of Cockpool. Herbert, as one of the next of kin, took out Letters of Slain against the assassin of James Douglas. After the battle of Langside Johnstoun was pledge for Alexander Carlile, while Drumlanrig was pledge for John and Thomas, brothers to Adam of Bridekirk. This Alexander was probably Alexander Carlile of Souplebank who was living on the Newbie estate in 1607, and married to a Carlile. Alexander Carlile rescued Dame Elizabeth of Torthorald from the hands of the Sheriff-Depute's officers at Dumfries in 1615, and conveyed her to a safe retreat in the Newbie Barony. There were also two Carliles, Andrew and John, living in Annan in 1591. As no Annan registers exist in the seventeenth century, the number of a man's sons cannot always be ascertained; but the tradition of the descendants of Adam Carlile of Annan and Ruthwell, that he was a Bridekirk, is probably true. All the families intermarried closely, as well as with Carruthers, Johnstoun, and Murray.

The identity is also shown by the ancient coat of arms—four Greek crosses charged with a shield bearing a saltire, and the motto "Humilitate." The Carliles are mentioned as a decayed family in 1595.

The wife of Edward Carlile of Limekilns (Bridekirk) was Margaret Young, one of the thirty-one children of Gavin Young, minister of Ruthwell, and Janet Steuart, his wife. Margaret is buried at Ruthwell, with the inscription that she died May 24, 1665, aged 48.

"Of virtue, wit, grace, truth, love, pietie
This woman in her tyme had store;
On small means she upheld grit honestie,
And in reward has endless gloire."

She left several sons. Her father protected the ancient Runic Cross from total destruction at the hands of the Government iconoclasts by burying it in the churchyard. John Carlile, son to Alexander Carlile, was minister of Cummertrees in 1598; and William Carlile, son of a feuair in Kelhead, descended from Bridekirk, was the minister (1720-24).

The younger son of Edward Johnstoun and Isabelle Carlile in 1726 bought a house in Annan, close to the ancient churchyard, from his first cousin, Thomas Carlile, who is buried in the churchyard under an existing monument. John, elder son of Baillie James Carlile, removed to Paisley, where he married Janet Birkmyre. He died in 1772. His descendants are represented in England by the Rev. Canon Wilson Carlile, founder of the Church Army, and Edward Hildred Carlile, Esq., M.P., of the Manor House, Ponsbourne, Herts; while those of his brother, Thomas, are represented in Scotland by the Carliles of Waterbeck.

James Douglas's son, Robert, never called himself Lord Carlile; and his cousin, John Carlile, did not assume the title when deprived of the estates, so it remains in abeyance.

CHAPTER XV.

GALABANK—LAWSUITS—MARRIAGE—CHILDREN—JAMES JOHNSTONE DIES IN LONDON—
RISING OF 1715—POVERTY IN SCOTLAND—SECRETARY JOHNSTON—THE FIRST
MARQUIS OF ANNANDALE—HIS BROTHER JOHN—HIS SECOND MARRIAGE—THE
SECOND MARQUIS—JOHNSTONE OF WESTERHALL—COLONEL JOHN JOHNSTONE
MARRIES THE MARCHIONESS.

JOHN JOHNSTONE, the seventh generation of the direct male line from William of Graitney and Newbie, the eldest son of Edward Johnstoun and Isobelle Carlile, was born—the year of the Revolution—in 1688. He was nine when his father died, and received his education from the Rev. Patrick Inglis, the Episcopal minister of Annan, and from Robert Colville, the Presbyterian schoolmaster at Jedburgh, who gave tuition to the youth of the neighbourhood and an occasional service in the Kirk when Mr Inglis was deposed. In 1696 the Presbytery of Lochmaben reported that there are few settled teachers from want of salaries, and that the Presbytery of Middlebie, including Annan and six other parishes, have no salary for a teacher, and that there was hardly one that could teach Latin. But things improved as the eighteenth century advanced, and boys had to talk Latin in the burgh schools and playground, as well as, later, in the precincts of the University. The existing Scottish places of education were conducted on very rude, ascetic principles, and John never seems to have entered one. He was fortunate in not going to Moffat, which an earlier Johnstoun had endowed, for a young neighbour, John Douglas of Dornock, one of the Kelhead family, was flogged to death there by Robert Carmichael,¹ the schoolmaster, it is said, because he was being removed by his father. After his mother's death, in 1710, John enlarged his ideas by a visit to London, where Richard Beattie wrote, in 1711, that he had been for "some time."

Soon after Edward Johnstoun's death his brother, Galabank, paid a small portion of his debt to the widow, who, in 1704, when Galabank was also dead, obtained from the first Marquis of Annandale a "precept of poynding" against

¹ He was condemned to be taken along the streets of Edinburgh, and to be given eighteen sharp strokes with a whip by the hangman at three crowded parts of the city, and then expelled the country; but Chambers observes that, as boys were cruelly flogged much later, he was possibly unfortunate in the constitution of his victim. In 1790 a master at the High School in Edinburgh called his friends "to see twelve dunces flogged" on Saturday night as an amusing sight!

two of the tenants on the Galabank estate to oblige them to pay to her some overdue rents instead of to the assignee, another Edward Johnstoun, who claimed them as the only surviving son of the late owner, and on account of money he had paid for his father, including £76 to Mr Patrick Inglis. This Edward settled in London, but when he died in 1708 it appeared he was illegitimate, which seems to have been not generally known. According to Scottish law he was incapable of making a Will, and the Government claimed Galabank, Stank, the stone house, and other lands as its due. This led to litigation, which must have absorbed more money than the estate was worth. Janet, the only survivor of the marriage of John Johnstoun and Janet Kirkpatrick, claimed Galabank, as it was settled on her mother's children. Her cause was advocated at Edinburgh before the Lords of Council and Session, one of the advocates employed being John Boswell of Auchinleck, great-grandfather to the celebrated James, and it was decided in her favour. An order of the Chancellery infested her in the estate, March 1, 1709.

Expecting this decision, Janet mortgaged Galabank to her cousin, John, for the sum borrowed by her father from his brother, and he was to pay 1d. a year to Janet, who might redeem the mortgage at any time. This was upset by another decision, Jan. 4, 1711, in favour of the Londoner's creditors. She appealed against it, while another appeal was lodged on behalf of Joseph Corrie, of Dumfries, who held an earlier mortgage on Galabank.

Joseph Corrie seems to have been a descendant of the old owners of Newbie and Corrie, whose family called itself of Newbie into the seventeenth century, and he now stepped forward to relieve the heirs of the old adversaries of his house of the last remnant of their land. The matter was hotly contested, to judge by items in the lawyers' bills—John Carlile of Limekilns and Richardson, of Edinburgh, on one side, and John Hair and Richardson, of Annan, on the other. Besides the causes mentioned, eleven processes set on foot by various claimants seem to have ruined all concerned in them except the lawyers. One creditor was Mrs Orr, half-aunt to Janet and John, being the daughter of Robert Fergusson and Agnes Graham.

In 1711 John bought off Corrie's claim to Galabank with £1000 Scots, the remaining balance of the mortgage, but he was then sued by Robert Carruthers, another creditor. The same year, in return for another 3500 marks, Janet and her husband gave up their claim to Galabank in favour of John, who was to take upon himself all further obligations connected with the estate except a small annuity to Elizabeth Murray, Janet's stepmother, which she could still pay. She declared on oath, Oct. 29, before the Baillies of Annan, that she ceded this estate with that of Stank to her cousin, "being in noways courted or compelled to do so." Her renunciation is signed by George Blair, notary, John Irving, Joseph Irving, John Johnstoun, Robert Wilson, and Bryce Tennant, and the deed of gift by Richard Beattie and several more. A similar deed is signed at Sarkbrig, Nov. 12, 1711, by Bernard Ross, Mr John Carruthers, son to George Carruthers, William Johnston of Beirholme, Joseph Murray, Janet Johnstoun, etc. Yet Mrs Beattie was not free of her father's creditors.

She appeared once more before the Lords in Council in 1713, though she was then living at her husband's home in Cumberland, where the beauty of Miss Beattie of Milleighs, her grand-daughter, is the subject of a poem in an early volume of a London magazine.

The Marquis of Annandale presided in 1713 over the inquest which declared Galabank to be the eldest lawful son of his father, and Sir William Johnstone of Westerhall, John Irving, and John Johnstoun, baillies, Robert Johnstoun, treasurer, and Matthew Fergusson, also sign it. This followed a redistribution of the house and grounds in Annan, "adjoining those of George Murray of Murraythwaite, and Thomas, son of the late Baillie James Carlile, which house was sold by the late James, Earl of Hartfell, to the late William M'Neish and his wife, Elizabeth Carlile, who redispensed it to the late Adam Carlile, who made it over to the late Edward Johnstone and Isobelle Carlile, his wife." At the same time Galabank sold his old family abode, "the vast stone house" on the site of Bruce's Castle, now covered by the Town Hall, to the Magistrates of Annan "for public purposes." He was married three days afterwards, by the Minister of Cummertrees, to Anna Ralston, daughter of the late William Ralston and Janet Richardson, his wife, of Hichill, the bride's two uncles signing the marriage contract—200 marks a year, a fourth of the annual value of Galabank was settled upon her, her own fortune being 2000 marks.

The same year John's sisters, Marie and Janet, were married respectively to John Richardson, the younger of Hichill, and to William Hair, and each bride received 500 marks from Galabank. The other sister, Elizabeth, died unmarried.

In 1714 John was much annoyed by trespassers on the Galabank estate. They pulled up his trees and broke down his fences. He attacked three of these intruders one Sunday and drove them away; but the ministers and elders ruled the Scottish parishes with a rod of iron, and were permitted to inflict heavy fines, and he was summoned before the Kirk-sessions and accused of Sabbath-breaking. He made an apology, and was shown to be otherwise an observer of the Sabbath, so the affair was allowed to drop; but the aggressors seem to have got off free, although the law was very severe as to stealing trees.¹ In 1719 John obtained "a letter of horning and poynding" against William Eliot of Eckleton, who was ordered "to defend the said John Johnstone personally or in his dwelling-place against adjudications affecting the houses and lands now in his possession within six days, the said Eliot having accused John Johnstone of being unlawfully their possessor, whereas he had received them lawfully from Richard Beattie and Janet Johnstone for certain sums of money which the said Beattie absolutely required."

This followed a final award of the Lords in Council, who confirmed John in possession of the estate; and he at once paid off the creditors who had sued the Beatties. Richard Beattie was dead in 1718, and in 1724 John sent his brother to London to make an amicable settlement with the creditors of their

¹ In 1710 a man was imprisoned four months in Aberdeen and whipped every Friday through the town for pulling up a young birch tree. Trees were very scarce in Dumfriesshire.



JAMES JOHNSTONE OF GALABANK.
Born, 1690; died 1729.



JOHN JOHNSTONE OF GALABANK, 1688-1774.

uncle's deceased son, to avert any more legal suits. On Oct. 30 James Johnstone wrote in a letter, beginning *Dear Brother*, and addressed "for John Johnstone of Galabank in Annan, Dumfries Bagge, North Britain," that he had made, with some expenditure, an end of the whole affair, and obtained a receipt from Mrs Orr, and also an order to her lawyer to deliver up to John all the family papers she had received as a security, and the legal papers connected with the suit. James wrote again, Nov. 2, when he was leaving London for Chippenham.

At the Court of Annan, Sept. 29, 1714, held by John Johnstone and John Irving on the accession of King George I., the following, after taking the oaths to the Elector of Hanover, were re-elected magistrates for the coming year: James, Lord Johnstone (eldest son of the Marquis); Sir William Johnstone of Westerhall, eldest baillie; John Irving and John Johnstone, second and third baillies; William Irving, treasurer; John Halliday, dean. John's first child, baptised Isobelle, was born the previous day; his eldest son, Edward, on Aug. 27, 1716. These were followed by Mary, June 28, 1718; William, June 27, 1720; John, May 19, 1722; Janet, June 20, 1724; Anna, May 2, 1726; Isobelle, Oct. 26, 1727; James, April 3, 1730; Adam, Feb. 27, 1732; Elizabeth, March 11, 1733; Agnes, July 28, 1735; George, Sept. 16, 1738; Richard, Feb. 21, 1740.¹ The rate of infant mortality was very high in those days, and the first little Isobelle, Mary, Janet, and Anna only gladdened their parents for eight, six, and four years, and the last for six months, when they were transferred to the churchyard and laid by the side of their ancestors. The stone covering them bears a quaintly worded inscription to their memory, and below their names that of their uncle James, "merchant in England, brother to ye forsaied Gallabanks, who dyed at ye Bleu Ancer in Little Britain, July 23, 1729, age 36. His corps is interred in ye churchyard of St. Botolph, Aldergate, London."

Little Britain was the part of London where Scotsmen collected at that time. He owned a house in Annan, which he left to his brother, but debts of £340 English, which his brother paid. His funeral expenses were £17, 4s. 6d., exclusive of the luncheon at the Blue Anchor, which occupied the site of the modern Castle and Falcon, close to St. Martin's-le-Grand. The funeral bill, paid to William Johnston of Beirholme, then a citizen of London, includes the hire of fourteen silver sconces and satin favours, and fourteen men with wax lights, and two men with flambeaux to light the door. There were sixteen mourners.

In the midst of Galabank's troubles with lawsuits there was an agitation throughout Dumfriesshire in 1714,—the landing of Prince James Stewart being expected. He came the next year. It was not a good time to find armed followers among so poor a population; but the head of the Maxwell clan, the Earl of Nithsdale, led the Jacobites, thereby losing his title, and the Marquis of Annandale collected the Militia on behalf of George I. As he was Provost of

¹ Eight of these bore the same names as eight of the eleven children of the second Earl of Annandale.

Annan he probably controlled the feelings of the burgesses; but James Johnston of Knockhill, Fergus Graham of Mossknowe, and many others in the neighbourhood joined Nithsdale, and were transported to the West Indies to work in the plantations when the movement failed. Knockhill fought at Sheriffmuir and Falkirk; but Clan interest enabled him to return home in 1722.

Provost Corbett of Dumfries first obtained the news of an intended meeting of Jacobites on the Borders, and that their object was to capture Dumfries. He sent to the Marquis, who was there the same day, narrowly escaping capture on the road. As his brother, John Johnstone of Stapleton, was a Jacobite, he had him shut up in the town prison, and then went to Edinburgh to consult with the Government, leaving Westerhall and the other Sheriff-Depute to organise the Militia, John Johnstone, Westerhall's second son, being chosen captain of the volunteers.

Sir William Johnstone had collected a large supply of arms, but some were temporarily left near Lochmaben, and promptly seized by a party of rebels under Lord Kenmure (Sir Robert Gordon of Lochinvar). It was a disappointment to find that the Jacobites who were arrested were their neighbours and not Englishmen, who held aloof till they saw how the movement prospered. It was the same with many of the Scottish gentry, who preferred to help neither side till they felt sure which would win. Robert Johnston of Wamfray was one of several lairds who met at the Market Cross in Dumfries and, while drums were beating and colours flying, drank the King's health on their knees, every one knowing that they meant James VIII., but, as the Lady of Westerhall was nearly related to Wamfray, he escaped with a fine, although he had joined the troop of horse raised at Moffat by Kenmure on behalf of the Prince.

Kenmure, not so fortunate, marched to meet Lord Derwentwater in Cumberland, having found it impossible to take Dumfries. He was captured at Preston, and executed the same day as Lord Derwentwater, Feb. 24, 1716, happy that their rank exempted them from the horrible punishment inflicted on untitled Jacobites.

The poverty of Scotland as compared with England at that date is much dwelt upon by travellers, and is shown by the very small bribes which even the Scottish Peers most opposed to the abolition of their Parliament were willing to accept in 1700, one of them being bought over to the English side with £11, and the most exorbitant only requiring £30. In 1704 an Englishman passing through Dumfriesshire sums up his impression of the country with the remark, that if Cain had been born a Scotsman his punishment would have been not to wander about but to stay at home. Still Dumfriesshire had one source of profit not possessed farther north. The wine bills among the lairds, as well as among the English gentry, were out of all proportion to the other expenses in the eighteenth century, and before the Customs were made uniform in England and Scotland, Annan was the headquarters of an extensive trade for carrying wine, brandy, and other foreign goods into Cumberland, often on men's backs, concealed in loads of hay, sacks of wool, or sheafs of wheat. Smugglers flourished all along the coast, which was covered with small ships in their