

MEMORIALS OF THE HALIBURTONS

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Memorials of the Haliburtons by Anonymous

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ANONYMOUS

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THE HALIBURTONS**



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OF
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EDINBURGH:
PRINTED BY JAMES BALLANTYNE AND COMPANY,
At the *Warner Press*.

1824.

PRELIMINARY NOTICE.

THIRTY copies have been thrown off of these Genealogical Memorials, intended only to gratify the wish of some respectable friends of the present possessor of the Manuscript, whose families are mentioned. It regards a name now totally extinguished, as connected with property, or existing only through female representation, with the single exception of David Haliburton, Esquire, of Muirhouselaw, a person well fitted, from character and circumstances, to uphold the memory of an ancient race.

The original manuscript is a family register, kept by the Lairds of Newmains, representatives of the Haliburtons, Barons of Mertoun, beginning about the middle of the seventeenth century, and continuing down to the period when their possession of the small estate terminated, by Robert Haliburton, the last possessor of the name, and the last male of the family, selling the property in 1766, to— Todd, Esq. from whose representatives it was purchased by the present Earl of Buchan, and forms the estate now termed Dryburgh Abbey. The only possession which remains to the descendants of the Haliburtons, so long settled in this place, is the *DOMUS ULTIMA*, their Burial Aisle in the chancel of the Abbey-church, of which there is prefixed a sketch from the pencil of James Skene of Rubislaw.

The Barons of Mertoun were considerable proprietors, and made some figure in Border History. Their cadets of Newmains seem to have been chiefly distinguished by their manly defence of their rights against the encroachments of their spiritual superior; and latterly,

by their unblemished and unpretending worth and honesty. Their various connections, however, with families which, more fortunate than theirs, still exist and flourish in high respectability, shew that they held a fair station in the world, and the tradition of the country still remembers them as the Good Lairds of Newmains.

Robert Haliburton, last male heir of the family, and who sold the estate as already mentioned, died at Edinburgh about 1788. The representation of the family then devolved upon the late Mr Walter Scott, Writer to the Signet, eldest son of Barbara, sister of the said Robert, and the only child of his father, Thomas Haliburton, who had issue. Her marriage with Robert Scott in Sandyknow, son to Walter Scott, who was himself second son to the first Laird of Raeburn, is noticed on p. 52, with an affectionate prayer for the blessing of their offspring, and notice of the birth of the said Walter Scott. The representation of the extinguished families of Haliburtons of Mertoun and Newmains, has now descended to Sir Walter Scott of Abbotsford, the eldest surviving son of Walter, Writer to the Signet, by his wife, Anne Rutherford, eldest daughter of Dr John Rutherford, Professor of Medicine in the University of Edinburgh, and one of the founders of the great medical school in that city, and of his first wife, Anne Swinton, daughter of Sir John Swinton of that ilk. Sir Walter Scott of Abbotsford was served heir to his grand uncle, Robert Haliburton of Newmains, by a respectable jury at Selkirk, the 14th day of February, 1820.

May God grant that the prayers of the excellent persons who have passed away, may avail for the benefit of those who succeed them !

DECLARATION
OF
THE PERSONS WITHIN NAMED,
ANENT
MUIRHOUSELAW'S DEATH.

On the 50th page of the foregoing Memorials, mention is made of the death of Thomas Haliburton of Muirhouselaw, in a rencounter, or scuffle, with his brother-in-law, George Rutherford of Fairmington. The particulars of this unhappy affray, one of many about the same period, when deep drinking, and the constant carrying swords, made men apt and ready for mischief, occur in the following examinations, of which the originals are in the Sheriff Court record of Roxburghshire. Thomas Haliburton of Newmains, present on this melancholy occasion, was nearly connected with both parties, being uncle to Fairmington, and a near kinsman to the slaughtered Muirhouselaw. There is a constant tradition, that the matter was huddled up in a way more favourable to Fairmington than could have been the case had the matter been brought to public trial.

THE said day and place, upon application made to John Simpson of Sharplaw, Sheriff-Depute of Roxburgh, Thomas Rutherford of that ilk, Thomas Haliburton of Newmains, and Mr Mark Dunkison of Greatlaws, three of the friends and kinsmen to the now deceased Thos. Haliburton of Muirhouselaw, for taking all the information and precognition anent the way and manner of the said Thos. Haliburton's death, and the circumstances relating thereto. In the first place, the said

John Simpson, Sheriff-Depute forsaide, caused convene before him the persons under written, viz.—George Rutherford of Farnington, Alexr. Hog, servitor to the defunct, and John Douglas, servitor to Farnington, who compearing personally, and being examined upon the said matter of fact, they and ilk an of them made the seal declarations in manner under writne as follows, viz.—George Rutherford of Farnington declares, that yesternight, about twelve of the clock, or thereby, the defunct and declarant coming from Jedburgh, in company together with their own servants homeward, in the common rode betwixt Bonjeddart and the Water of Teviot, the said George declares he saw the defunct dismont from his horse and run down a furr of land for a little piece, but the night being dark, could not see him, but heard him say that he had given himself the wound; and further declares, that no warm words or rude expressions past betwixt the defunct and declarant in the way home, to the best of my knowledge. In testimony whereof I have signed this declaration, day and place forsaide. *Sic subtur.* G. RUTHERFORD, JOHN SIMPSON.

Alexr. Hog, servitor to the defunct, being examined, declares, That Farnington and the defunct Murehouslaw came from Jedburgh together, in company with their two servants, in a peaceable manner, without giving provocation to on another untill they cam to the said common rode which leads from Bonjeddart to Teviot Water, at which place some words past betwixt the defunct and Farnington about a well.* Whereupon Farnington desired Murhouslaw to light if he was a man; and immediately Murhouslaw dismounted from his horse, and drew his sword, as likeways did Farnington dismont and draw his sword at the same time; and declares that Farnington neuer push'd

* The fatal cause of quarrel was a disputed boundary.