

# MEMOIR

RESPECTING THE FAMILY OF

KIRKPATRICK OF CLOSEBURN,

IN NITHSDALE,

WITH NOTICES OF SOME COLLATERALS.

By Richard Godman Kirkpatrick

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SCOTLAND

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**M E M O I R****RESPECTING THE FAMILY OF****K I R K P A T R I C K   O F   C L O S E B U R N ,**

IN NITHSDALE,

WITH NOTICES OF SOME COLLATERALS.  

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It appears certain that the family of Kirkpatrick of Closeburn (in ancient times Kil-Osbern) possessed estates in Nithsdale and Annandale as early as the 8<sup>th</sup> century, although various circumstances have occurred to destroy any evidence of title, earlier than the time of Ivone de Kirkpatrick, in the reign of David the First, at the commencement of the 12<sup>th</sup> century.

Living on the Border they were engaged in continual feuds and fights. In 1570 the Earl of Sussex entered Nithsdale with an army of 4000 men, and took and sacked Closeburn. In 1646 Douglas and others plundered Closeburn, and took away "what was anyway transportable." And in 1748 Closeburn was burnt to the ground, when "all the family portraits and furniture, with the greatest part of the papers and documents were consumed." See Playfairs Scottish Baronetage. There are, however, sufficient documents, private and public, to prove the Pedigree, as set forth in the annexed genealogical table.

1. IVONE DE KIRKPATRICK of Kilosbern (Cella Osberni), is the first whose name can be traced in any known document. In the reign of David the First, King of Scotland, who came to the throne A.D. 1124, his name occurs in a Charter of Robert Brus the elder and Eufemia his wife, granting the fishing of Torduff to the Monks of Abbeyholm; and in another Charter, in which Brus grants to IVONE DE KIRKPATRICK, the fishing of Blawode and Eister. The family name is derived from their Estate of Kirkpatrick (Cella Patricii) in the north-western Annandale. Hence in old documents the name is sometimes spelt Kilpatrick.

The Robert Brus was the first Lord of Annandale. He was brought up at the English Court with David, afterwards King David I., and ever after continued to be his intimate friend. He died in 1141. In 1290 his descendant Robert Brus, upon the death of Margaret, "The Maiden of Norway," who succeeded her Grandfather, Alexander III., contested the Crown with Baliol. The question depended on a point not then so clearly settled as at the present. From Kenneth Mac Alpine, King of the Scots (843), founder of the Clan Alpine, the most ancient of the Clans, the Crown descended lineally to Malcolm III, surnamed Canmore, who married Margaret, grand-daughter of Edmund Ironside, King of England. Their daughter Matilda married Henry I. of England. Their youngest son, David I., succeeded upon the death of his elder brothers in 1124. He married Maud daughter of Waltheof Earl of Northumberland, and of Juditha niece of William the Conqueror. Henry, son of David, died in his father's lifetime, his eldest son, Malcolm IV. surnamed The Maiden, succeeded his grandfather, and upon his death, without issue, Henry's second son, William the Lion succeeded. By the death of Margaret, the Maiden of Norway, in her passage to Scotland to take possession of her throne, 1290, the line of William the Lion became extinct, and the right devolved to the descendants of Henry's third son, David Earl of Huntingdon, who left three daughters: 1<sup>st</sup>. Margaret, grandmother of John Baliol, 2<sup>nd</sup>. Isabella, mother of Robert Brus, and 3<sup>rd</sup>. Ada, who married Lord Hastings. Baliol claimed as *grandson of the eldest* daughter. Brus claimed as *son of the second eldest* daughter, and therefore *one degree nearer* to the last occupant. Hastings claimed one third in right of his wife. There were several other claimants, and among them John Comyn Lord of Badenoch; but their claims created little difficulty. The dispute was referred to Edward I. of England, who properly decided in favor of Baliol, 10 Nov. 1292.

Brus married Isabel de Clare, daughter of the Earl of Gloucester. Their son Robert accompanied Edward I. while Prince to Palestine 1270, where by his courage and conduct he acquired great honour; Upon his return home, he married Margaret Countess of Carrick, in whose right he became Earl of Carrick. By her he had twelve children, whom the eldest, Robert, born in 1274, was on 27<sup>th</sup> March, 1306, crowned King of Scotland.

The Annan and Nith being neighboring valleys, meeting at their southern openings, with Dumfries as their common capital, the families of Bruce and Kirkpatrick always lived upon the most intimate terms, and their friendship was cemented by intermarriages.

2. WILLIAM son of IVONE, was slain in a faction fight. He assisted Gilbert son of Fergus in his quarrel with Rolland son of Uchtred Lord of Galloway, about the year 1187. After Gilbert's death, Rolland declaring himself Lord of Galloway, was opposed by KIRKPATRICK, who heading the faction of his cousin Duncan, was killed in the fight. Henry the Second of England, led an army to Carlisle, and with the aid of the King of Scots, composed the feuds in Galloway, obliging Rolland to bestow upon DUNCAN that part called Carrick.

3. IVONE, son of WILLIAM, married EUFEMIA daughter of ROBERT BRUS, Lord of Annandale and Cleveland (Family tree of the Bruces of Clackmannan, in the possession of the Earl of Elgin). Among the writings carried away from Edinburgh

Castle by Edward the First, A.D. 1296, was Una Litera patens, &c. ad firmam Domino Galtero Mowbray per Eufemiam Kirkpatrick. The Mowbrays originally possessed the estate of Kirkmichael in Nithsdale, which in 1484 was granted by the King to ALEXANDER KIRKPATRICK, as hereafter stated. IVONE made a settlement of the lands of Kilosbern, by surrender to King Alexander the Second, and Grant of Confirmation or Settlement Charter, dated at Edinburgh, August 15, 1232. Shortly before this he made large additions to the old Castle of Closeburn; but it seems probable that the Keep or Tower which still exists, with walls twelve feet thick was built three or four centuries earlier. In the 17<sup>th</sup> century Sir THOMAS KIRKPATRICK pulled down everything except the Keep, and used the materials in rebuilding the mansion.

In the reign of Alexander the Second, HUMPHREY KIRKPATRICK, second son of WILLIAM obtained the lands of Colquhoun, from Maldwin Earl of Lenox, and from these lands his son Ingram took the surname of Colquhoun. INGRAM's son ROBERT, was father of another ROBERT, who had three sons, the eldest of whom, HUMPHREY, married the heiress of Luss in 1394. The Colquhouns of Luss still claim to belong to the family of Kirkpatrick.

4. ADAM succeeded his father IVONE. In Chalmers' Caledonia, p. 79, it is stated that this ADAM de KIRKPATRICK possessed the Manor of Kirkpatrick in North-western Annandale, and that in 1264 he had a lawsuit with the Monks of Kelso about the advowson of the Church of Kilosbern, which was decided against him by the Abbot of Jedburgh.

5. STEPHEN, son of ADAM, in the Chartulary of Kelso is styled, stephanus dominus villae de Kilosbern, filius et haeres domini Adae de Kirkpatrick. He entered into an agreement with the Abbot, concerning the Convent's right to the Church of Kilosbern, die Mercurii proxima post festam purificantionis, beatae Mariae virginis 1278.

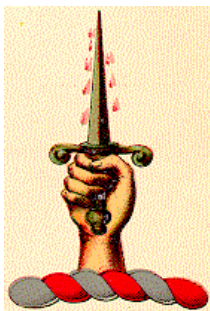
6. ROGER, the eldest son of STEPHEN, succeeded as Lord of Closeburn, while DUNCAN, the second son, by his marriage with ISABEL daughter and heiress of Sir DAVID TORTHORWALD of Torthorwald, obtained that Barony.

At this time Scotland was involved in constant trouble, from the disputes respecting the Crown; and Sir ROGER KIRKPATRICK living on the border, and related to Bruce and Wallace, necessarily took an active interest in the struggle. Although Edward had decided in favour of Baliol, he was greatly disappointed that the death of the Maiden of Norway had defeated his plan of uniting the Crowns of England and Scotland, by her marriage with his son, and he never abandoned the hope of effecting the union by some other means. The Kings of England had a long standing but fiercely contested claim of feudal superiority over Scotland, and this claim Edward enforced so offensively against Baliol, that though timid and weak yet not mean-spirited, he was at length driven to resent such treatment. War ensued, 1295. The Scots were everywhere defeated, and Baliol, after performing the most humiliating acts of feudal penance, was compelled to make a surrender of his kingdom, 2<sup>nd</sup> July, 1296, just four years after his accession; upon which he and his son Edward were taken to the Tower of London, where three years afterwards he made a formal abdication of all his rights, and retired to Normandy, where he died 1314, just after the battle of Bannockburn. But while Baliol remained a prisoner, many of the principal families of Scotland,

resenting the attempt of Edward to subjugate their country, aided by the general popular feeling, and taking Sir William Wallace as their leader, carried on a sort of Guerilla warfare, till the English, defeated at Stirling, 11<sup>th</sup> September, 1297, were driven out of the country; whereupon Wallace was elected Warden of Scotland, on behalf of Baliol. Edward, then abroad, returned, and leading a powerful army into Scotland, defeated the Scots at Falkirk, 22<sup>nd</sup> July, 1298, with immense slaughter. Upon this Wallace resigned the Wardenship, and Robert Bruce the son, (his father having died in 1295), his rival John Comyn and Lamberton Bishop of St. Andrews, were appointed joint wardens in the name of Baliol. Wallace, however, continued to take an active part, till he was betrayed into the hands of the English, and taken to London, where he was executed with the then accustomed barbarities, 23<sup>rd</sup> August 1305.

Robert Bruce, the grandson, being in the power of Edward, had taken no active part, though he secretly encouraged the opposition; but Baliol's abdication and the death of his grandfather in 1295, and now of his father, having cleared his path, he had a conference with the Red Comyn, at which, after representing the miserable effects of civil discord, he proposed that they should henceforth act as friends. Support, said he, my title to the crown, and I will give you all my lands; or give me all your lands and I will support your claim. Comyn, knowing the weakness of his own claim, accepted the former alternative, and an agreement was drawn up accordingly, sealed and confirmed by mutual oaths of fidelity and secrecy. Comyn, however, perhaps frightened at the step he had taken, revealed the matter to Edward, who having unguardedly expressed himself determined on revenge, the Earl of Gloucester, Bruce's cousin, who fell eight years afterwards at the battle of Bannockburn the last male of his family, anxious to save Bruce, but afraid to compromise himself, sent a piece of money and a pair of golden spurs. Bruce understanding the hint, instantly started for Scotland, reaching Lochmaben Castle the fifth day. Here he met his brother, Edward Bruce, and his kinsman Sir Roger Kirkpatrick, whom Buchanan calls 'vetus amicus' of King Robert Bruce, and whom Abercromby calls the constant friend of Sir William Wallace. They were joined by James Lindsay, Robert Fleming, ancestor to the Earls of Wigton, and Sir Thomas Charteris, commonly called Thomas of Longueville. Accompanied by these Barons, he immediately repaired to Dumfries, where Comyn then was, and sought a private interview. Comyn perhaps suspecting that his treachery had been discovered, appointed the Grey Friars Church in the Convent of the Minorities. Here Bruce passionately upbraided him for his treachery, a violent altercation ensued, Comyn gave him the lie, whereupon he instantly drew his dagger and stabbed him. Hastening from the Church, he met his friends, who seeing him agitated and pale eagerly inquired the cause. "I doubt," said he, "I have slain the Comyn." "Doubt'st thou," said Kirkpatrick, "I mak sicker," and rushed into the Church. In the meantime the followers of Comyn having taken alarm, rallied round their fallen chief, but Kirkpatrick burst through them, struck down and slew Sir Robert Comyn the uncle, and dispatched the Red Comyn with his dagger, 10 February, 1306. Hence the crest and motto of the family:

## I MAK SICKAR



‘conferred,’ says Playfair, ‘by King Robert himself, and adopted from an action which, however sanguinary and shocking it may now appear, was highly admired and applauded in those ferocious times.’ It is to this Sir Walter Scott alludes in the *Lord of the Isles*, where he makes the minstrel speak of “Kirkpatrick’s bloody dirk making sure of murder’s work.” From this period the old crest, A Thistle, with motto, “Tich and I perce,” has fallen nearly into disuse. In *The Scottish Chiefs* Kirkpatrick is described as bearing ‘the device of the hardy King Archaius but with a fiercer motto, Touch and I pierce,’ and in a note it is added that Archaius King of Scotland having won the love and alliance of Charlemagne and many other Christian Kings, found himself to be so mighty that he took for his device the Thistle and Rew, and for his motto, ‘For my defence,’ the Rew denoting wisdom in peace, and the Thistle power in war.

The adopted motto appears on old seals and documents in various forms. Sometimes, “I’ll mak sicker,” or “sickar,” which were probably the words originally uttered. This appears to have been considered inconsistent with the crest, the drops of blood intimating a deed done, and we find it written, ‘I hae made sicker,’ or ‘sickar.’ This however, is evidently a bad form of motto, which ought to be a rallying cry, or the expression of a family habit. For this purpose ‘I mak sicker,’ or , as it has for centuries been used by the head of the family, ‘I make sure,’ is decidedly the proper form. When a Kirkpatrick finds himself in circumstances of doubt or difficulty, his motto is his trumpet call to duty. “I make sure” is the form registered at the Hearlds’ office upon the grant of the patent of baronetcy in 1685. Some branches of the family, however, settled in England, have reverted to “I mak sicker” as a reminiscence of their Scottish descent.

This murderous affray in the church soon created a general alarm. The English judges, then holding court in the Castle Hill, hastily barricaded the doors, and prepared for defence. But Bruce, assembling his followers, and threatening to force an entrance by fire, compelled those within to surrender.

Bruce and his friends soon after proceeded to Scone, the ancient seat of Scottish inauguration, and was there crowned, 27<sup>th</sup> March, 1306. But he was not permitted to retain his throne undisturbed. He had enjoyed royalty but a short time, when he was defeated by an army sent against him by Edward I., after which he was obliged to live an obscure condition for a considerable time, during which his enemies tried every method either to take him prisoner or to destroy him, and he was compelled to take refuge in various places, among others at Closeburn, where he was from time to time effectually concealed by Sir Roger Kirkpatrick. The place of refuge was a steep hill, called the Dune of Tynron, upon the top of which there still remain traces of a small