Hillslap Tower, near Galashiels, Scottish Borders

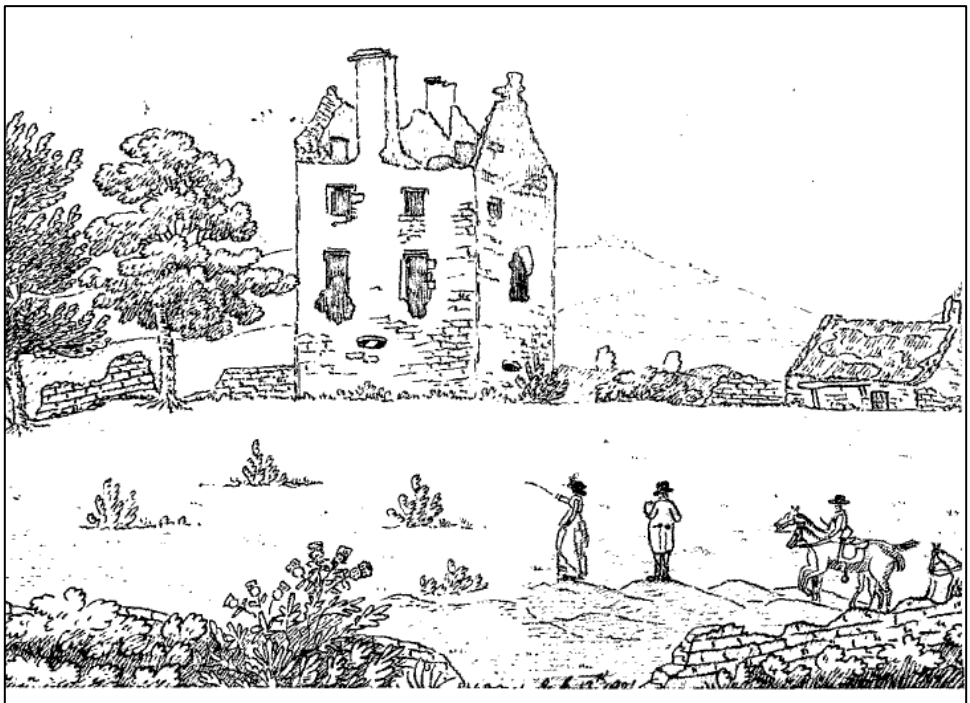
In advance of an extensive programme of restoration of the ruined Hillslap tower in the 1980's, excavations were undertaken on behalf of the then Scottish Development Department (Ancient Monuments) (now Historic Scotland) who funded the project. The findings were reported in an article *Excavations at Hillslap Tower, Roxburghshire, 1983-4* by John Cannel & John Lewist, Published in "Society of Antiquaries of Scotland journal 125 (1995), 1119-1129.

"An inscription above the main doorway of Hillslap Tower conveniently tells us it was built around 1585 for N C, Nicol Cairncross. By the time the tower was built, the Cairncross family was well established in the area, holding the adjacent lands of 'Cumbesley' (Colmslie)."

"The Cairncross connection with Hillslap Tower finally ended in 1759 when the Misses Elizabeth and Janet Cairncross, whose brother Hugh had already died, [died]. Thereafter the tower fell into disrepair and by 1821 it was sketched as a roofless shell by Sir David Erskine" (see below).

"Hillslap achieved a modicum of literary fame through the writing of Sir Walter Scott. Describing it as a 'ruinous mansion-house' in his introduction (written in 1830) to The Monastery, Scott records that 'Hillslap is remembered by the humours [moods] of its last inhabitants, two or three elderly ladies. " (Scott 1867, 388)"

But were they the last Cairncross' of Hillslap Tower? "The last of the Calfhill or Hillslap Cairncrosses, when he parted with the estate, is said to have emigrated to America" from *Elwyndale and its Three Towers* by J. Freer in History of the Berwickshire Naturalists' Club published 1890/91.



LLUS 5 Sketch of Hillslap Tower in 1821, viewed from the south-east (*Crown Copyright RCAHMS)*

When the two sisters died in 1759 there was a dispute as to ownership and a record of that exists: "Case for Hugh Cairncross, Mason in Gallashiels, Pursuer, Against William Heatley Smith in Newton, Thomas Miln in Clintmains, William Myrtle Mariner, and Alexander Home of Manderston, Esq". This is a document that has been published in its original format and runs to 39 pages and is the case presented by Hugh Cairncross, the pursuer, in 1765 to Lord Stonefield, a Lord Ordinary (ie a judge in the Outer House of the Court of Session in Scotland. They presided over civil cases at first instance and were responsible for making the initial decision on cases).

We don't know if he was successful and only his side of the argument can be read as a booklet produced as part of a digitisation project of original 18th century manuscripts made available in print.

When Walter Cairncross, who was Laird from 1707 to 1753, died he left no issue and his two sisters inherited the estate. When they died 6 years later in 1759, apparently on the same day, a dispute arose as to who should inherit based on who was the nearest relative. Hugh was able to get permission from the court to present his claim which included describing the family tree from the original Nicol Cairncross to himself, the two sisters and where the defendants fitted in.

It's a long complicated story written in old English with "f" for "s", etc but key points emerge;

- The defendants claiming that Hugh (the pursuer) grandfather came from "the wrong side of the sheets" (this attested by Anne Brown, a servant of the widow of Laird Walter, who overhead her say as much). Hugh argued this was the only witness, it was 50 years after the event and that she was "misinformed" or held a grudge. If Hugh grandfather was illegitimate, he would have lost the right to inherit.
- Hugh presented witnesses saying that the Laird Walter (who died in 1707) confirmed that if anything happened to his son Hugh (Laird from 1707-1753), then George (Hugh's father) "will be our heir". And witnesses that attested Hugh (pursuer) was named Hugh at Laird Hughs request made to his father George.
- The defenders had all the "family papers" and that made things really hard for Hugh to evidence his case.
- The family tree presented seems light on sons for the early Lairds and the Cairncross' were in the area even before Nicol the First. Other sources indicate there would been more sons who then based themselves in Edinburgh and this is where George (1610-1667) father of Alexander the Archbishop would have come from.

Nicol Cairncross of "Calh-hill or Hillslap" / Nicol the first
"Purchased these lands as far back as 1569"
Had [at least?] two sons
Nicol the Eldest - died without issue
James - had {at least?] one son
Nicol the second - had issue, five sons and four daughters
James - suceeded his father in 1646 and had one son
William - who succeeded his father in 1653 but died without issue
William - had issue 5 sons and one daughter
Walter - took up the estate in 1684 when William his cousin died without issue. Had two sons and two daughters
George - who died young
Hugh - who succeeded his father in 1707 and died in 1753 without issue
Elizabeth & Janet - took on the esate and died on the same day in 1759
Youngest son said to be Peter
Peter (or Patrick) married Margaret Mien and two sons
A son killed by a horse and died without issue
George who married Bessie Bradie and had one son
William who married Isabel Shiels and had
George who had
Hugh the pursuer
Nicol - who died without issue
George - who died without issue
Margaret - from whom Heatly decended
Jean - from who Miln descended (the fourth defendant Home seemed to have little connection)
Ahfon - from whom Myrtle descended
Euphame

The above tree from the book is nothing new in the sense it is all supported (and expanded) by the tree "the Cairncrosses of Melrose" in Appendix 5(a) of CAIRNCROSS - THE HISTORY of a SCOTTISH FAMILY by A. F. C. (Arthur Fawthrop Cairncross and B. L. C. (Bertram Lilburne Cairncross) - see http://home.freeuk.com/iancx/Cx_book_appx-5.html