PART II

A DIRECTORY OF FORMER COMMONTIES
IN SCOTLAND

by

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An appendix to a thesis presented for the Degree of Doctor of Philosophy of the University of Edinburgh in the Faculty of Social Sciences

March 1967
Frontispiece. The loan to the commonty of Chirnside.

(Described at page 32)
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Before assessing the influence of former Scottish commonties in the landscape it was necessary to assemble all the available references to these lands, both from manuscript sources and published material. The outcome was a comprehensive survey of some 490,458 acres of land distributed throughout most of the lowland parishes of Scotland.

It was recognised that this provided a source list in its own right whose purpose was wider than simply providing a foundation for my thesis. I therefore decided to present this volume as a complete work in itself without reference to the main body of my thesis which is, in fact, an analysis of and commentary on the material presented in this volume.

My thanks are due to Mr John Imrie, Deputy Keeper of the Scottish Record Office, and his staff for the enthusiastic assistance afforded me in the compilation of this volume. Many references were supplied to me by the Assistant Keepers and Research Assistants going about their daily tasks. I must thank Peter Nicol and Douglas Tolton for their tireless efforts in finding processes in the Back Dome of Register House, and also Miss J.M. Cargill who has reported all processes relating to division of commonty in her massive task of sorting and cataloguing Court of Session processes.

The typing of my manuscript has been done by Mrs M. Young, who by her skill and intelligence has contributed a great deal to the presentation of the work. Mr J. Burt, master bookbinder in Register House, has kindly bound this volume. Mr Norman
Middleton generously accompanied me to the commonty of Chirnside and took the photograph forming the frontispiece. Finally, my wife has helped in the tedious task of indexing this volume, and for this and all the other kindesses given during my long lonely sorting of the 'dusty old processes' I will be forever grateful.

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INTRODUCTION

The common, as it is known in England, does not exist in Scotland. In trying to account for this situation, information was gathered from a wide variety of sources in order to discover the extent and location of all lands formerly under co-ownership in Scotland, known as commonties. The legal concept of the commony is well defined in Scotland: 'a common, or commony, is land possessed in common by different proprietors, - it may even, from the terms of the statute, comprehend pasture ground, which belonging in property to one person, has been pastured on by several; so that although there are no common proprietors, there are several rights to servitude over the subject'. Right to the commony had to be proved through documentary evidence - charter, sasine, or grant - and no amount of common usage constituted any legal right to a part in the division of commony.

Scotland was not always without commons, as the Acts of the Scottish Parliament and processes of the Court of Session indicate. During the examination of the plan collection of the Scottish Record Office, it soon became apparent that this form of land tenure continued into the eighteenth and nineteenth centuries. Indeed, some 490,458 acres are recorded in this volume. This figure must be treated as an absolute minimum which will grow considerably when documents are discovered that throw light on those commonties whose size is not known. To achieve this figure

1. Bell, W., Directory and Digest of the Law of Scotland, Edinburgh, 1838, 1019
a comprehensive examination of sources, largely eighteenth and
nineteenth-century manuscript documents, was undertaken. A
series of ten questions was asked for each commonty:

1. Where was the commonty?
2. What was its size?
3. Were there any documents relating to its
pre-division existence?
4. When was the division started?
5. Who were the people involved?
6. Who was the commissioner in charge of
division?
7. Who was the surveyor?
8. Have the plans survived?
9. Have all the documents been located?
10. When was it divided?

Obviously, many documents have been lost over the long period
since division was undertaken; others still lie unknown in the
muniment rooms in private houses or legal offices, still more are
in Register House lying, not as division of commonty, but under
some other designation, for example action of payment. Much
more will be known, in time, of the nature and extent of Scottish

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1. Commonty of Kype Muir (Avondale parish, Lanarkshire) is a
case in point. It was divided in 1877, but only a summons
survived in the process. However, the complete process
turned up as an action of payment in 1913. Also in some
Offices, the nature of the process is not indicated in the
index (see thesis, chapter I), but in the long run this
problem will be overcome in the present rearrangement of
Court Offices.
commonties. This DIRECTORY attempts only to establish a foundation to an eventual bridge that will close the gap of knowledge of this system of land tenure in Scotland. Other questions could have been asked: Who was the commissioner's clerk? Who were the valuators? What documents made up the process? A balance, however, had to be sought: on the one hand the author had to aim at a comprehensive source list that was of use to other scholars. And on the other hand, as it was essentially a work of compilation, it was necessary to keep the work in perspective in the broader canvas of a doctrinal dissertation. It was extremely difficult to achieve any degree of comprehension for, like Topsy, it just grew. Its bulk, then, resulted from ignorance. Nothing was known of the Scottish commonties - their number, location, size, date of division, etc. - each was an unknown quantity. This directory offers only a start - time will be the judge as to whether it is comprehensive or not. Even the most diligent examination can only be perfunctory when tens of thousands of documents have to be examined.

Processes relating to the few known cases of division of runrig have been included as they are relatively rare, but also because they have close affinities with division of commonty, even to the extent of some cases being combined division of commonty and runrig. The division of the tenpound land of the Kirkton of Douglas (Douglas parish, Lanarkshire) involved both runrig and commonty and ideally illustrates the close relationship of these lands.¹

¹. See pp. 152-3
THE DIRECTORY

The DIRECTORY is arranged alphabetically by county and within the county by parish. Within the parish the individual commonties are listed alphabetically as far as vagaries of name will allow. The commonty is then located with the National Grid reference of its approximate centre and a brief geographical description of its location. Any details of documents relating to its existence prior to division are included next, but these are very rare. The date and names of the principal parties involved in the division are listed next. In many cases all the parties are named, but in certain cases, especially those involving commonties near towns, only the principal parties are listed. The commissioner appointed by the Court of Session is named because of his key role in the process. In turn he appointed a surveyor and every effort has been made to locate the plans. If these have been lost, the footnote refers to them as 'missing'. Finally, the date of division is given. Where possible place-names are given in their modern form, but any that do not appear on the O.S. One-Inch map are given in their original form.

MANUSCRIPT SOURCES

Scottish Record Office, H.M. General Register House, Edinburgh

The policy of centralised storage of archives has had a long history in Scotland. As a result of the Union with England in 1707, using money left after the disposal of the Forfeited Estates in the 1770s, a central repository for Scotland's records was built by Robert Adam to the north of the Old Town of Edinburgh,
in an area that was to become the New Town. The variety and abundance of records now housed in this building is only now being realised by geographers. Amongst these records lies the key to the disappearance of Scotland's commonties.

Legal processes of the Court of Session, Scotland's premier civil court, provide the main source of information. These contain a variety of documents including witnesses' depositions, surveyors' reports and plans which give an intimate picture of the common in rural life. There are several series of processes which pertain to commonty. First, the extracted processes of the Court of Session (EP.), the judgements of which are legally enforceable on all parties. The majority of divisions of commonty fall into this category. The unextracted processes form another series, not so important as far as commonties are concerned (UP.). When a subject as potentially dangerous as division of commonty was concerned, most parties took the further legal step of extracting it in order to prevent further dispute. On very rare occasions a case was placed in the Bill Chamber, for example to have an area declared an uncontroverted piece of ground and not commonty. After 1877 division of commonty could be heard in the Sheriff Court, but by this time little land in Scotland remained as commonty.

Private muniments housed in the Scottish Record Office (GD. series) have yielded a considerable amount of information, both of division and charters granting rights to commonties.

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1. Division of the commonty of Blackhills, see pp. 168-9
2. 40 & 41 Vict. cap. 50, sect. 8(3)
However, the 120 inventories examined do not represent an exhaustive coverage, for there are still many collections that have only a rudimentary handlist which does not show such insignificant documents as were involved in a division of commonalty process. At times, documents from processes have turned up in these collections, although they are sometimes merely duplicates of documents already in Register House. The regional distribution of these collections varies enormously. For example, Wigtownshire is covered by three major collections—Stair muniments, Agnew of Lochnaw’s papers, and charters of the Earl of Wigtown. The fact that they have yielded practically no evidence of commonalties in the county substantiates the evidence shown by the distribution of commonalties divided by the Court of Session. Other areas, for example Dumfriesshire, West Lothian and Sutherland are very poorly represented in the Scottish Record Office, as many of the landowners in these counties retain their estate plans.

The National Register of Archives (Scotland), which is also housed in and staffed by the Scottish Record Office, provides an excellent survey of papers still in private hands. However, their handlists are rarely in such detail to note documents relating to commonalties, and thus a detailed survey of each and every private muniment room would be required to unearth all documents relating to commonalties. This would be necessary only when commonalties of a small area were being examined in detail, and a national survey, as this directory purports to be, would not be furthered in proportion to the time, expense and effort involved.
The Register of Sasines has proved to be a rather nebulous source for, although there are references to the word 'common' in the Index of Places, it only refers to lands after they have become a part of an individual's estate and therefore post-dates division. Early sasines contain much valuable information as to the lands which had rights to commonty, but as they are only indexed to persons this information is effectively locked up. The same remarks apply to the Register of Deeds which is also indexed only to persons.

The Scottish Record Office possesses one of the major collections of manuscript plans in Scotland. Of the two main classes the Sheriff Court Plans, although extensive and important, are mainly of railways and other nineteenth-century public utilities. The class known as Register House Plans (RHP.) is of a much more varied nature. It seems to date from about 1849 when bulky plans were withdrawn from Court of Session processes, then in the course of re-arrangement, in order to be given the benefit of specialised storage. The class has been continued for this reason and in recent years large quantities of plans have been added to it, not only from Court of Session processes but also from such sources as records of government departments and collections of private archives, mainly family muniments, deposited in the Scottish Record Office. Most of the plans are of a topographical nature, including many division of commonty plans, but there is a liberal sprinkling of architectural, industrial and railway plans. Division of commonty did much to stimulate production of plans, especially in the first half of the eighteenth century. It provided a continuity of employment,
as well as valuable experience, at a time when there was little demand for land surveyors. John and James Tait, working in Dumfriesshire between 1750 and 1780, derived the bulk of their income from dividing commonties. By the end of the century there was a pool of trained surveyors who could formulate schemes and draw up plans for agricultural improvements that were to change the Scottish landscape.

**Signet Library**

The Session Papers in the Signet Library, Edinburgh, provided an alternative source to certain processes of division of commonty. If any part of a process is printed, then a copy is lodged in the Signet Library. A subject index of these Session Papers has been compiled that indicates processes of division of commonty. Although the bulk of the cases in this index were known, a few were not and the dates of the paper and the parties' names opened up new avenues of research in Register House.

**National Library of Scotland**

The manuscript collection in the National Library of Scotland, Edinburgh, contains little information regarding commonties, but three very important gaps were filled. The plan of the Haughs of Inveresk, missing from the process, was found.\(^1\) The Minto muniments provided considerable information on village green type commons in the Borders.\(^2\) Lastly, the Johnston Bequest, containing many maps of Orkney, includes missing plans made for the division of the commonty of Orphir.\(^3\)

\(^{1}\) NLS. MS. 5115 f.25

\(^{2}\) NLS. Minto muniments (plans 3 and 5)

\(^{3}\) NLS. MS. acc. 4065
Royal Scottish Geographical Society

The Royal Scottish Geographical Society possesses a few photocopies of estate plans, which were made in 1936 in a scheme for the preservation, collection and cataloguing of estate plans. With the exception of a plan showing part of the former commonty of Dalmeny, they yielded no information.

School of Scottish Studies

The subject index in the School of Scottish Studies, University of Edinburgh, provided a considerable number of references to published works that was invaluable in the initial stages of research. The Place-name Survey provided all the names containing the element 'common' from the fourth edition of the Ordnance Survey One-Inch map. These names were then compared with place-names in the original Ordnance Survey Object Name Books which give significant remarks on certain of these names.1

Union Catalogue of Large-scale MS. plans of Scotland

Although founded only in 1964 the Union Catalogue of Large-scale MS. plans of Scotland is already providing an ideal clearing house for all the early manuscript plans that are reported. At present there are some 5000 entries, arranged topographically, the bulk as yet being the Register House collection. When this catalogue is completed it will form the keystone to historical geographical research in Scotland.

1. The Ordnance Survey Object Name Books are housed in the Archaeological Section of the Ordnance Survey, 43 Rose Street, Edinburgh 2. A microfilm copy of the whole set of books, amounting to 1728 volumes, has been made by the Scottish Record Office (RH. 4/23).
PUBLISHED SOURCES

Old Statistical Account

Sir John Sinclair's Old Statistical Account provided a mine of information regarding Scottish commonties in the last decade of the eighteenth century. This ranges from details of occupation, use, appearance and acreages of commonties in certain parishes to a note on their disappearance or non-existence in the parish. Either way the remarks, usually in the section on agriculture, were invaluable in establishing the extent of division at this vital period. Although it appears that the extent of the commonties was requested in the original questionnaire, fewer correspondents replied on this point than in the next statistical account.

New Statistical Account

The New Statistical Account provided the most systematic enquiry into the extent of commonties in Scotland. Most correspondents declared that there were no commonties in the parish, and this information is recorded in the DIRECTORY. Individual comments on the role of the few remaining commonties are very valuable. From these the complete loss of function is very apparent and the inefficiency of this type of land tenure is stressed time and again.

Agricultural Surveys

The General Views of Agriculture in the Scottish counties is also a valuable source in this type of enquiry. Closely associated with the Old Statistical Account, these reports illustrate the enthusiasm of Scotland's landowners for agricultural improvement.
Mention of commonties occurs in several volumes - Dumfries, Perthshire, Ayr, East Lothian - but with few exceptions the remarks have been lifted wholesale from the Old Statistical Account. One very tantalizing reference in the Dumfriesshire volume left the present author somewhat frustrated: 'to attempt an enumeration of the various judicial subdivisions of commons which have occurred within these thirty years in Dumfries-shire appears unnecessary. Many thousands of acres have been divided, at an expense very moderate.'

Municipal Corporations Report

The General and Local Reports of the Commissioners who enquired into the running of Scotland's towns in 1835 provide a detailed picture of the fate of the burgh commons. By the time the enquiry was undertaken, nearly all of the land had been alienated by corrupt magistrates and councils. The Industrial Revolution and the expansion of towns showed up the often corrupt and always creaking councils. Pressure of events ensured that after the commission had completed its task, the few remaining lands that had escaped alienation would form the nucleus of the urban park.

Parish histories

The parish history, which was so much in vogue at the beginning of this century, often provides valuable information on the local commonty. In one rare case, that of Langholm, a

1. Singer, Dr., General View of the Agriculture in the County of Dumfries, Edinburgh, 1812, 146
reproduction of a missing plan provides the only cartographic record of Langholm commony. Often, however, the author has lifted his reference from the *Old and New Statistical Accounts*. Still, these books are a very valuable source for local history and their value must not be underestimated.

This review of the sources examined in the compilation of this DIRECTORY can be divided into two categories: first, the primary sources which included the plan collection of Register House and the Court of Session processes; these provided the foundation for the following list. On the other hand, secondary sources such as the Statistical Accounts provided many clues that could be followed up in the first category. Much more will be added to the directory in time, but it is hoped that the basic pattern provided will aid others in more detailed regional research into the function and fate of Scotland's commons.

1. Hyslop, J. and R., *Langholm as it was*, Sunderland, 1912
Aberdour

In 1835 it was reported that there was no land in the parish in undivided common. Apart from this piece of negative evidence there are no other references to commonties in the parish.

Auchindoir and Kearn

Correen common pasture

Correen common pasture consisted of 415 acres of hill ground rising from east of Glencairn farm, at 1000 ft O.D., to the ridge forming Brux Hill, 1558 ft O.D. (NJ4921). The land belonged exclusively to Lord Forbes of Castle Forbes, but rights of pasturage on these lands were held by certain tenants on the estate of Clova and Auchindoir and by the minister of Auchindoir. A scheme of division was proposed by Alexander Ross, residing at Clova, and James Rait, residing at Castle Forbes, in 1875, when an amicable settlement was worked out without recourse to law. Reference was made to a plan surveyed by James F. Beattie, land surveyor in Aberdeen, dated 1859 which shows the area in dispute. The glebe was extended from six to eight acres, although the minister had declared himself satisfied with less. Fifty acres in the north east of the common pasture ground were set apart as the absolute property of the proprietor of the lands of Auchindoir and Clova in lieu of the privilege of pasture in the common.

1. **NSA.** xii, 267
2. **SRO.** Forbes Papers (GD. 52/998)
3. **RHP.** 5976
Belhelvie

Red Moss of Belhelvie

An eighteenth-century plan, entitled "A plane of the mosses lyeing betwixt the lands of Belhelvy's on the north and east and the lands of Kimmundy, Covell and Hilltown on the south and west containing names and topographie of the places mentioned and referred to in the conjunct probation led by the Right Honourable the Earl of Panmure on the one part and Mr Charles Menzies of Kimmundy on the other", shows the boundary and disputed marches of the Red Moss of Belhelvie (Belhelvy) (NJ9116).  

Runrigs of Blairton

A summons for the division of runrig and common property lands of Blairton (NJ9117) was raised by John Duncan of Mosstown, provost of Aberdeen, and John Luckly, minister of Old Meldrum, against Mrs Margaret Gordon and others in 1768. Although this process is essentially about the division of 592 acres of runrig lands, it included the commonty of Muir of Drum and Red Moss. It was found that the latter could not be divided so it remained common to all proprietors. A report with a plan was made by Peter May, land measurer in Aberdeen, in 1769.

Unidentified common

In 1840 there remained a small piece of undivided common in the northwest corner of the parish.

Birse

Commonyt of Lendrum

The commonty of Lendrum was situated south of the River Dee on ground rising steeply to two peaks, Coulnacraig (593 ft) and

1. RHP. 1671
2. Duncan v. Gordon (EP. Mack. 2/3/1770)
3. Missing
4. NSA. xii, 245
Birse contd

Muckle Ord (724 ft) (N06295). On the west it was bounded by the Cairn o' Mounth road and the farm of Tillenteach, on the east by the dyke of the plantations of Blackness, and on the south by the lands of Strachan. Summons was raised by Francis Farquharson of Finzean against James Dyce Nicol of Ballogie and others for the division of the forest or commonty of Lendrum in 1866. A plan was made in 1853. The commonty was divided by decree dated 1868. The privilege and liberty was claimed, on behalf of Nicol of Ballogie, of salmon fishing in that part of the River Dee lying contiguous to the commonty.

Common pasturage

Along with land rented, there was conveyed to the tenant right to the common pasturage of the hills, for which no separate rent is charged.

Clatt

Muir common to tenants of Bankhead and Percylieu

The common moor pasture for the townships of Bankhead and Percylieu (Perseliew), consisting of some 43 acres, was situated on Gartnaeh Hill (NJ5226). These two townships were the sole property of Captain John Forbes of New and, in consequence, this area of land was only common pasturage integrated into the old infield-outfield system. A plan, made in c.1771, shows a loan connecting the two townships to their common pasture.

Unidentified common

In 1842 there remained in the parish 1800 acres in a state of undivided common.

1. Farquharson v. Nicol (OS. 249/2197) 4. NSA. xii, 795
2. Missing 5. RHP. 260/2
3. Misc. processes F/1/6 6. NSA. xii, 853
Cluny

Commonty of Muir of Dalherrick

The commonty of the Muir of Dalherrick (Dalheric, Dalherick), whose extent is not recorded, was situated on low ground south of Tillycairn (NJ6610). A summons was raised by Lieut. Col. John Gordon of Cluny against Mrs Charlotte Innes and others in 1833. Few documents remain in this process and there is no mention of any plan. The commonty crossed the parish boundary into Midmar where a farm continues to carry the name Dalherrick.

Crathie and Braemar

In 1842 it was reported that there was no land in the parish in undivided common.

Crimond

In 1840 it was reported that there was no land in the parish in undivided common.

Drumoak

Hill of Coldstream

The Hill of Coldstream (NO7899) is shown on a plan dated 1807 which appears to have been taken from a process. The Hill, apparently commonty, has been divided into two parts, 93 acres to Drum and 36 acres to Culter, the boundary having been demarcated by a series of march stones.

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1. Gordon v. Lumsden (UP. 1 Skene G/31/18) 2. NSA. xii, 651
3. NSA. xii, 710 4. RHP. 802
5. Note on plan "Aberdeen 16th Oct. 1807. This is the plan ... referred to in our decreet arbitral of this date. Colin Innes. John Innes."
Echt

Commonly between the Kirktoun of Echt and Tillieoch

In 1566 an agreement for the division of commony was entered into by Robert Forbes of Echt and John Strauchauchin of Thorntoun relating to the debatable ground between the Kirktoun (Kirkton) of Echt (NJ7305) and Tillieoch (Tulleoch). There is a series of documents relating to disputes over this and other commonies in the parish of Echt. 1

In 1842 there was no land in the state of undivided common in the parish.2

Ellon

Commonly farm

A farm situated on rising ground northeast of Ellon bears the name Commonly (NJ9632). There is no other record of a commony in this location and the Ordnance Survey Object Name Book gives no indication as to the origin of the name.3

Commonly of Mountforthie

The commony of Mountforthie, which contained 513 acres of moss and pasture, was situated in a marshy hollow north of Whitestone Hill (NJ9739). The rights to this commony were vested in the lands of Dudwick, Skelmuir and Fortree. In 1777 George Brown surveyed and drew a plan of the commony.4 Summons was raised by George, Earl of Aberdeen, against Lieut. Gen. Robert Fullerton of Dudwick a year later.5 Robert Turner, sheriff substitute of Aberdeenshire, was appointed commissioner and the division was completed in 1781.

1. SRO. Duneecht writs (GD. 42/72-4, 83, 89, 108) 2. NSA. xii, 739
3. Object Name Book, Ellon parish, 92 4. RHP. 665
Gartly

**Commony of Malsach Hill**

In 1836 it was reported that the only undivided common in the parish was Malsach Hill and its adjoining moors.¹ An action was raised by the Duke of Richmond against John D. Gordon of Warehouse for which a plan was made by George McWilliam in 1844.²

Glenmuick, Tullich and Glengairn

In 1842 there was no land in the parish in the state of undivided common.³

Insch

**Commony of Insch**

The only reference to the commony of Insch notes that it was still undivided in 1842.⁴ There is no indication of its location but it extended to only 5 acres.

Kintore

**Commony of the Muir of Kinellar**

The commony of the Muir of Kinellar (also known as the Muir of Kintore) was situated to the south of the River Dee, southeast of the royal burgh of Kintore (NJ8013). A summons was raised by Anthony, Earl of Kintore, against Mrs Christian Leys of Glasscoat and others in 1838.⁵ Part of the commony is situated in the parish of Kinellar. A plan was made by Walker and Beattie, land surveyors in Aberdeen, on which the various lots were delineated.⁶

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1. NSA. xiii, 99
2. RHP. 1128
3. NSA. xii, 779
4. NSA. xii, 755
5. Kintore v. Leys or Brebner and others (EP. 76/2/1839)
6. Missing
Logie-Buchan

Moss of Logierie

A tolerance was granted by John, Earl of Errol, to George, Earl of Aberdeen, and his tenants of the lands of Allathan (Ardlethen) in that part of the Moss of Logierie lying in the parish of Logie-Buchan (NJ9227).¹

Meldrum

Unidentified commonty

In 1840 there was an indvidually common near Old Meldrum, extending to about 25 acres.²

Monymusk

Commonty of the Hill of Tulloch

The Hill of Tulloch, now known as Pitfichie Forest, is a long ridge running from north to south, east of the Howe of Alford (NJ6416). Papers relating to the division of the Commonty of the Hill of Tulloch are to be found in the Monymusk Collection.³ Two plans by John Innes, surveyed in 1799, are entitled "The division of the commonty of the hills and muirs between Monymusk, Tulloch, Funzeash, Meikle Cottie and Kincaigie." and give the total acreage as 3582 acres.⁴

Commonty and pasture on town of Todlachie

Sir Archibald Grant of Monymusk consolidated and enclosed the infield and outfield lands of Todlachie (Todlachy) in 1740 (NJ6614).⁵ The commonty and pasture were retained but permission was given

¹. SRO. Charters from Haddo House (GD. 33/6/16)  2. NSA. xii, 479
⁴. RHP. 245, 3010
⁵. Hamilton, H., op cit, p. 44.
Monymusk contd

to his tenants to make intakes on this land. As this commony belonged to a single proprietor it must be classified simply as common pasture.

New Deer

North Commony farm

On rising ground to the northwest of New Deer village are located two farms, North Commony and Commony (NJ8648). These two place-names are the only record of a former commony.¹

Old Machar

Commony of Perwinnes

The commony of Perwinnes, consisting of 229 acres, was situated north of the road from Bridge of Don to Newmachar (NJ9312). A summons was raised by Hugh Leslie of Powis and others against John Skene of Parkhill and Dyce in 1867.² James Forbes Beattie was appointed surveyor and he produced a plan showing all boundaries of the commony.³

Commony of Old Aberdeen

An eighteenth century plan shows part of the Commony of Old Aberdeen situated south of Dubford farm (NJ9412) and extending eastwards towards the coast.⁴ Included within the commony is the common moss of Old Aberdeen.

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1. Object Name Book, New Deer parish, pp. 51-2, gives no indication as to the origin of these names.
2. Leslie v. Skene (GS. 249/3727); D. of C. 3
3. Missing
4. RHP. 1671
Commonty of Bennachie

The commonty of Bennachie (Bein-na-chie, Banochie, Benochee, Benachie) occupied the prominent ridge north of the River Don that rises from the Black Hill (1412 ft) in the west to Mither Tap (1698 ft) in the east (NJ6522). Charters record the granting of rights of common pasture within the Forest of Bennachie in 1588 and 1600.\(^1\) Discord seems to have developed by 1738 when litigation was initiated by William, Earl of Aberdeen, against Ernest Leslie of Balquhain and Thomas Erskine of Pittodrie as to right of commonty, common pasturage, fuel, fail and divot in and over the Forest of Bennachie.\(^2\) The dispute does not seem to have come to any fruition as it remained a commonty for another century as a report in 1842 notes, "there has been no actual measurements of the surface of Benochee, which is reckoned a royal forest or commonty, with certain rights granted by charters, to neighbouring properties".\(^3\) An estimate of the area of the commonty at this time amounted to 5350 acres. Within three years the commonty was surveyed by Alexander Smith.\(^4\) In 1852 a summons was raised by Sir Robert Elphinstone against the Rt Hon. Walter, Lord Forbes, and others for the division of the commonty.\(^5\) James Forbes Beattie was appointed surveyor and his measurement of the commonty reduced the former estimate to 4042 acres. He made a series of reports and plans that culminated in the final settlement in 1859.\(^6\) A newspaper cutting dated 6th March, 1899, reported the final passing of the commonty on the anniversary of 40 years uninterrupted possession.\(^7\)

1. SRO. Pitcaple charters (GD. 108/22, 28)
2. SRO. Haddo House charters (GD. 33/16)
3. NSA. xii, 640-1
4. RHP. 3940
5. Elphinstone v. Forbes (UP. 2 Potts E/1/1 [No process]; UP. 2 Potts E/10/1)
6. SRO. Lord Forbes collection (GD 52/955); RHP. 3941-2
Pitsligo

The commonies in this parish were divided at the beginning of the nineteenth century, as a report dated 1840 states, "the commons were divided about 25 years ago". ¹

Rathen

In 1840 there was no land in undivided common in this parish. ²

Strathdon

Breagach and Greenhill Commony

The commony of Breagach (Bregach) and Greenhill occupied the spur projecting northwards from Breagach Hill to the Water of Nochty (NJ3215). A summons was raised in 1869 by William Forbes of Auchernach against James, Earl of Fife, and others for the division of commony. ³ John Cheyne, advocate, was appointed commissioner who, in turn, appointed Peter MacBey, surveyor in Elgin, as surveyor and valuator. He found the commony to be 627 acres and drew up two plans. ⁴ At the time of the final decreet in 1871, the total acreage of the commony was reduced to 607 acres.

Commony of Meikle Glenoughty

The commony of Meikle Glenoughty consisted of 3414 acres of hill ground rising northwest from The Peat Hill (NJ2913) to the ridge of the Ladder Hills. In 1864 a summons was raised by James, Earl of Fife, against Sir Charles Forbes and others for division of commony. ⁵ A plan was prepared by Peter MacBey, surveyor in Elgin. ⁶

¹. NSA. xii, 401
². NSA. xii, 295
³. Forbes v. Fife (EP. 48/12/1871)
⁴. RHF. 3901, 5410
⁵. Fife v. Forbes (CS. 249/2182)
⁶. Missing
Tarves

Redmoss of Haddo

In 1634 William Forbes of Tolquhaon acknowledged that he held tolerance only from the laird of Haddo of fuel rights in Redmoss (Reidmoss) of Haddo (NJ8231).

Tough

Commony of the Forest of Corrennie

The Forest of Corrennie, an extensive commony of c. 2000 acres, occupied a part of the ridge that forms the mutual border of Tough, Cluny and Kincardine O'Neil parishes into all of which the commony falls, between Red Hill and White Hill (NJ6210).

The first reference to this commony is found in letters of reversion by Gilbert Skeyne of Vester Cors to Arthur, Master of Forbes, in respect of the lands of Kebbetie in the barony of Cluny and commony and common pasturage in the Forest of Corrennie (Corrynie). A summons was raised by Lieut. Col. John Gordon of Cluny against Sir James Grant of Monymusk and others in 1833. A plan of the commony, with lithographed copies, was made by George Stephen in 1834. In 1849 Henry Johnston Wylie, surveyor and civil engineer in Edinburgh, was appointed to mark off a scheme of division on the plan made by George Stephen. Another surveyor, James Forbes Beattie, was appointed to make a new plan in 1851 which was ultimately used as a basis for a settlement in 1853. It was reported in 1842 that "the range of hills which bounds the parish to the south, extending to 6000 or 7000 acres, is in a state of undivided common; but what proportion of that tract belongs to the parish is hard to say."

1. SRO. Haddo House charters (GD. 33/57/22)
2. SRO. Lord Forbes collection (GD. 52/452)
3. Gordon y. Grant (UP. 2 Inglis G/8/21); NRA. (Scot.) o187
4. RHP. 982, 3065
5. RHP. 235
6. RHP. 4206
7. NSA. xii, 614
CITY OF ABERDEEN

The exemption of the commonties belonging to royal burghs from division under the Act of 1695 makes it very difficult to trace the fortunes of such land in a city such as Aberdeen. However, references to the burgh land and commonties of Aberdeen can be found in the records of the burgh that have been published. Occasionally a deed refers to the feuing off of part of the burgh lands, but more often much of the alienated land is very difficult to trace. For example, lands belonging to the burgh valued at over £19,000 were sold between 1793 and 1835.

Common moor

Taylor's plan of Aberdeen, surveyed in 1773, shows a small common moor (under 10 acres) north of Bonnymuir House which is now part of the grounds of the Royal Infirmary (NJ9206). Southwards a loan terminates at Loanhead farm. There is no other record of this common.

Commonty of Whitemyres

Reference to this commonty consists solely of a plan made c.1820 showing the 142 acres of the commonty remaining at that date. Pencilled annotations state "this part of the commonty on the north side of the Skene (NJ9006), amounting to about 400 acres, was feued off to different purchasers in 1756" and "Summerhill feued off the commonty in 1756". Therefore, the commonty prior to 1756 consisted of more than 542 acres. The road to the town's moor is also noted.

1. 'Extracts from the Council Register of the Burgh of Aberdeen', Scottish Burgh Records Society, 1872
2. SRO. Register of Deeds
3. MCR. (Local), pt. I, 17
4. RHP. 814
5. RHP. 3393
Arbroath and St Vigeans

Unidentified common

In 1833 there was a common of 26 acres in the parish.¹

Auchterhouse

Common loan

An estate plan dated 1759 shows a common loan of 3 acres situated to the west of Pitpointie (Pitt-Poynty) farm of which half was owned by that farm (N03537).²

Barry

Commonty between Buddon and Woodhill

The commonty, whose extent is not known, lay between the lands of Buddon and Woodhill (N05233). The only reference to it is found on a plan of Buddon farm, dated 1767, which notes "commonty with Woodhill".³

Commonty of the Links of Barry

The commonty of the Links of Barry was situated north of the Pitairrie Burn, in what is now the western outskirts of Carnoustie (N05534). The commonty consisted of 167 acres of links and salt grass pasture. Summons was raised by David Gardyne of Middleton against David Hunter of Pitskelly in

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1. NSA. xi, 87
2. Third, B.M.W., 'The changing rural geography of Scottish Lowlands 1700-1820; a study of changes in landscape and economy as revealed for certain regions, by contemporary estate plans and papers and examples of enduring effects. A critical selected bibliography of estate plans.' Ph.D. Thesis (1953), University of Edinburgh.
3. RHP. 1156
Barry contd

1793.¹ A plan was drawn by William Ireland, land surveyor, in 1793.² An earlier plan, dated 1767, shows part of the western boundary of the commony along the Pitairlie Burn (Burn of Barry).³ The commony was finally divided in 1801.

In 1843 it was reported that no part of the parish was in a state of undivided common.⁴

Brechin

The burgh of Brechin at one time possessed very extensive lands, amounting to about 1768 acres, the greatest part of which was feu'd out by 1770, at very low feu's. These feu duties, however, may have been adequate at the time as the lands consisted of poor moorland and there were claims of servitude over them.⁵ There were some sales of small pieces of land between 1770 and 1833.

In 1833 it was reported that there were no lands in undivided common in the parish.⁶

Cortachy and Clova

Kinrave Common

Kinrave Common, consisting of 360 acres, was situated on the ridge east of the River South Esk, between Kinrave farm and Clachna-brain (NO3864). John Stirton, land surveyor in Alyth, was appointed to draw up a scheme of division⁷ and a plan of the common.⁸ It appears that this was a division between tenants

2. RHP. 84
3. RHP. 1158
4. NSA. xi, 660
5. MCR. (Local), pt. i, 127
6. NSA. xi, 135
7. SR0. Airlie muniments (GD. 16/27/465)
8. Missing
Craig

Commony of Rossie Moor

The commony of Rossie Moor (Rossiemuir) was situated at the junction of four parish boundaries - Craig, Farnell, Kinnell and Maryton (N06554). It occupied the ill-drained plateau that rises to over 400 ft O.D. south-west of Montrose Basin. A summons of division of commony was raised in 1833 by Sir James Craigie of Southesk against Lord Panmure and others. 1 Three plans have been made of the commony: the first in 1815 by [George] Robertson, 2 the second in 1834 3 and the third by William Blackadder in 1852. 4 The area of the commony differed in all three surveys: 822, 796 and 583 acres respectively. To crown this confusion it was reported in 1835 that the commony extended to 757 acres. 5 The commony was finally divided in 1856.

Farnell

Commony of Rossie Moor

See Craig parish. About 50 acres of the commony of Rossie Moor lay in Farnell parish. 6

Fern

Commony of Hill of Fearn

The commony of the Hill of Fearn, consisting of 2167 acres, was situated on hill ground rising from the line of the Highland Boundary Fault to the Hill of Garbet (N04766). A sketch of the Muir of Fearn was made by John Walker, land surveyor, in 1806. 7 Summons for division of commony was raised in 1807 by Charles

2. Missing (surveyor not known) 4. RHP. 3671
3. NSA. xi, 253 6. NSA. xi, 111
5. NSA. xi, 253
7. RHP. 4006
Fern contd

Gall of Auchnacree against Charles Greenhill of Fearn, George Skene of Skene and George Deuchar of Deuchar.\(^1\) In 1812 the commissioner, Adam Duff, sheriff depute of Forfarshire, appointed George Robertson, land surveyor in Montrose, to make a plan of the commony, marked to show scheme of division.\(^2\) The commony was finally divided in 1819.

Glenisla

**Commonty of Auchinleish**

The commony of Auchinleish, consisting of 2730 acres, was situated between the county boundary and the River Isla from Knockton Hill to Mount Blair (N01860). A summons for division of commony was raised in 1837 by John Smyth of Balhary against James Rattray of Kirkhillocks, David, Earl of Airlie and others.\(^3\) A plan was drawn by James Rollo, land surveyor in Perth, in 1840.\(^4\) In the decreet, dated 1840, it was decided that the lime quarries of Stronajee, totalling ten acres, were to be kept common to be worked by all the commoners of Auchinleish.

**Commonty of Cammock**

The commony of Cammock (N02159), lying adjacent to the commony of Auchinleish, was situated on the northern slope of Druim Dearth.\(^5\) For a time these two commonies were considered as one for the purpose of division.\(^6\) However, this came to an end when Moncur withdrew from the process, as his and Farquharson's interest in the division only extended to the commony of Cammock. There is no other reference to this commony.

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2. Missing
3. Smyth v. Rattray (EP. 1/10/1840); SRO. Airlie muniments (GD. 16/27/467)
4. RHP. 6067
5. RHP. 6067 shows the mutual boundary of both commonies
6. Smyth v. Rattray (EP. 1/10/1840); SRO. Airlie muniments (GD. 16/27/467)
Glenisla contd

Commonty of Corrichory

The commonty of Corrichory, consisting of 304 acres, was situated to the west of the commonty of Glencally (N02165). It was divided in the same process as Glencally,¹ and both commonties are shown on a plan by James Rollo.²

Commonty of Derry

The commonty of Derry, consisting of 529 acres, was situated on the northern flank of Balduff Hill and was jointly owned by David Ogilvy, Earl of Airlie, and Sir James Ramsay (N02154). It was divided by arbitration, under a single arbiter, Charles Hay of Ballindoch, in 1827 and registered in the Sheriff Court Books of Forfarshire.³ A plan was made by John Stirton, land surveyor in Alyth, in 1825.⁴

Commonty of Finlet

The commonty of Finlet, consisting of 4272 acres, was situated in Glen Finlet with the boundary of the commonty running along the ridge of the adjacent hills (N02267). The commonty of Finlet included the commonties of Bellatie, Newton of Bellatie, Glenmarkie, Freuchie and Milton of Freuchie. A summons was raised for the division of the commonties of Finlet and Glentaitney in 1831 by Thomas Rattray of Kirkhilllocks against David, Earl of Airlie.⁵ James Rollo, who surveyed the commonty of Glencally in 1829 on which plan a part of the mutual boundary between

¹ Smyth v. McLaren & ors (EP. 128/3/1830)
² RHP. 2964, 3106, 5021
³ SRO. Airlie Muniments (GD. 16/27/464)
⁴ Missing; this plan is mentioned in an inventory of plans dated 1834-36 (RHP. 5025/2)
⁵ Rattray v. Airlie (EP. 96/7/1835); SRO. Airlie muniments (GD. 16/27/462); SRO. Bruce and Kerr papers (GD. 240 [Box 23 bdl.2, Box 29 bdl.2])
Glenisla contd

Finlet and Glencally is shown,\(^1\) was appointed surveyor and in 1832 he made a plan showing scheme of division.\(^2\)

**Commonty of Gallow Hill**

The commonty of Gallow Hill (Gallowhill), consisting of 471 acres, lay adjacent to the commonties of Glencally and Pitlochrie on the southern flank of Lindalla Hill 1472 O.D., to the north of the Kirkton of Glenisla (N02061). In 1830 John McNicol, accountant in Dundee, was appointed as sole arbiter to divide the commonty.\(^3\) He, in turn, appointed John Stirton, land surveyor in Alyth, to measure and make a plan of the commonty.\(^4\) It was divided by decree in 1831.

**Commonty of Glencally**

The commonty of Glencally, consisting of 5763 acres, was situated on a ridge of hill ground to the east of the River Isla (N02069). A summons was raised for the division of the commonties of Glencally and Corrichory in 1828 by John Smyth of Balhary against Gilbert and Hugh McLaren, David, Earl of Airlie, and others.\(^5\) In 1829 James Rollo, land surveyor in Perth, was appointed to make a plan of the two commonties.\(^6\) They were divided in 1830.

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1. RHP. 5021/3
2. RHP. 6068
3. SRO. Airlie muniments (GD. 16/27/466)
4. Missing; this plan is mentioned in an inventory of plans dated 1834-36 (RHP. 5025/2); part of the mutual boundary with the commonty of Glencally is shown on RHP. 5021/1
5. Smyth v. McLaren & ors (EP. 128/3/1830); SRO. Airlie muniments (GD. 16/27/458)
6. RHP. 2964, 3106, 5021
Glenisle contd

Commony of Glentaitney
The commony of Glentaitney, consisting of 681 acres, was situated in the valley of Glentaitney Burn (N02366). It was divided in conjunction with the commony of Finlet (see page 17). The commony of Glentaitney is shown on a plan by James Rollo, dated 1832. 1

Commony of Pitlochrie
The commony of Pitlochrie was situated adjacent to the commonies of Glencally, Corrichory and Gallow Hill to the north of Pitlochrie farm (N02161). 2

In 1842 it is reported that 4500 acres of the parish remained as undivided common. 3 Just before this date the glebe had been extended from 8 to 23 acres by an allocation from the division of a neighbouring common. 4

Kinnell

Commony of Montreathmont Moor
The commony of Montreathmont (Monthrewmont) Moor, consisting of 385 acres, lay on a barren stretch of moorland three miles south of Brechin (N05954). The commony belonged to the estates of East and West Braky, Rinmure and Bolshan. Division of the commony took place at the end of the eighteenth century. 5 Three acres were allotted to the glebe in place of the minister's right to feal and divot.

Commony of Rossie Moor
See Craig parish.

1. RHP. 6068 3. NSA. xi, 429 5. NSA. xi, 404-5
2. RHP. 5021/1 4. NSA. xi, 431
Kirriemuir

Commonty of Kirriemuir

The town of Kirriemuir had three commonties lying close by - the Southmuir of Liftie (or Kirriemuir), 132 acres, the Forest of Lesden and other muirs making up what is now known as the Westmuir, 348 acres, and the Northmuir of Liftie (or Kirriemuir), 478 acres (N03853). In 1776 Sir John Ogilvie of Inverquharity brought a process of division of commonty of the common muir of Kirriemuir and the North and South Muirs of Liftie in which John Kinloch of Kilry and other heritors were called as defenders. In 1786 the case was awakened and transferred to Charles Lyell of Kinnordy and Inverquharity against David Smith and others. Peter Rankin was appointed commissioner and in 1788 Thomas Allan, land surveyor in Forfar, made plans of the Southmuir and the Forest of Lesden. The case was protracted and very complex which engendered much ill-feeling amongst the parties. In the years 1810, 1811, 1812 and 1814 the commonties were re-surveyed by James Galloway, land surveyor in Blairgowrie. The Northmuir was finally divided in 1811 and the Southmuir in 1819.

In 1833 it was reported that no part of the parish was in a state of undivided common.

Lethnot and Navar

In 1843 it was reported that 2324 acres of the parish were cultivated and the rest, of unknown extent, consisted of hill and moorland in a state of undivided common and used as sheep walks.

2. Op cit
3. RHP. 4008, 4009
4. All plans missing
5. NSA. xi, 181
6. NSA. xi, 689
Lintrathen

Balintore Common

See Cat Law Commonty.

Commonty of Cat Law

The commonty of Cat Law, also known as Balintore Common, consisted of 4320 acres. It was situated on the hill ground northeast of Balintore Castle rising to Cat Law (N03160). A summons for the division of the commonties of Cat Law and Creigh was raised in 1855 by Christopher Kerr against David, Earl of Airlie. In July of that year Andrew Rutherford was appointed commissioner. In 1854 William Blackadder measured the commonty and made a plan. In 1855 Hugh Robertson surveyed the commonties for William Blackadder and made a plan, and again in 1862 the ground was surveyed, this time by George Cunningham, C.E. The commonty was finally divided in 1862.

Common Hill of Mains of Fornethy

The Common Hill of Mains of Fornethy (also known as Commonty of Middleton, the Muir of Fornethy and Craiglea Hill), was situated on a ridge between the Melgan Water and the River Isla north of Fornethy House (N02455). In 1853 the tenants of four farms with right to the commonty petitioned the Earl of Airlie to divide the commonty. The division took the same form as a court process with James McLaren, land surveyor in Buchal, being appointed to make a scheme of division and plan.

1. Kerr v. Airlie (UP. 2 Drysdale K/1/2); SRO. Airlie muniments (GD. 16/27/468-9)
2. Missing
3. RHP. 1048
4. Missing
5. SRO. Airlie muniments (GD. 16/27/468)
6. RHP. 5043
Lintreathen contd

**Commony of Creigh Hill**

The commony of Creigh (Creich) Hill was an integral part of the commony of Cat Law (see page 21) situated to the west of Balintore Castle (N02759). The commonies of Cat Law and Creigh Hill were divided in the same process.¹

**Commony of Knock of Formal**

The commony of the Hill or Knock of Formal, consisting of 289 acres, was situated on a prominent hillock to the west of the Loch of Lintreathen (N02554). A summons was raised in 1804 by John Smyth of Balhary against David Ogilvy, Earl of Airlie, for the division of the Knock of Formal.² William M'Donald, advocate, was appointed commissioner. In 1810 he appointed David Buist, land surveyor in Perth, to measure and make a plan of the commony.³ In the same year a very rough sketch showing the boundaries of the commony was made.⁴ The commony was divided in 1814.

**Logie Pert**

In 1835 it was reported that there were no lands in the parish in undivided common.⁵

**Lunan**

**Unidentified common**

In 1836 it was reported that an unnamed common, of some 90 acres, remained undivided.

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¹ Kerr v. Airlie (UP. 2 Drysdale K/1/2)
² Smyth v. Airlie (EP. Mack. M.H.B. 14/2/1814); SRO. Airlie muniments (GD. 16/27/459)
³ Missing; this plan is mentioned in an inventory of plans dated 1834-6 (RHP. 5025/2)
⁴ RHP. 4099
⁵ NSA. xi, 266
⁶ NSA. xi, 328
Meins and Strathmartine

Commonty of the Muir of Baltempan

Little is known of this commonty and its extent. It was reported that 'the commonty lies contiguos with the lands of Baltempan and bounded on the south and west by the road leading from Strathmartine to Dundee' (N03835). A summons for division of commonty was raised in 1786 by David Laird of Strathmartine against Sir John Ogilvie and others. The rights to the commonty were held by the proprietors of Strathmartine, Baldovan, West Miln and Balmydown (?Baltempan).

Maryton

Rossie Moor

In 1833 it was reported that there was no land in the parish in a state of undivided common. Yet two years later it was reported that part of the commonty of Rossie Moor, which was not divided until 1856 (see page 15), belonged to this parish. It appears that the former correspondent was not too fastidious in checking his sources.

Menmuir

Commonty of Caterthun

The commonty of Caterthun, consisting of 571 acres, was situated on a prominent ridge between the Cruick and West Waters (N05556). The commonty lay to the east of the road between White and Brown Caterthun and included a part of the latter hill-fort. A summons for division of commonty was raised in 1828 by James Carnegy of Balnamoon against Anthony, Earl of Kintore. The process fell

1. Laird v. Ogilvie (UP. 1 Potts L/2/20 [summons only])
2. NSA. xi, 118
3. NSA. xi, 253
4. Carnegy v. Kintore (EP. 86/7/1847)
Menmuir contd

asleep and was awakened in 1846. A. Robertson, sheriff substitute of Forfarshire, was appointed commissioner who, in turn, appointed William Rickard, land surveyor in Brechin, to measure and make a plan of the commonty. The commonty was amicably divided in 1847.

Monikie

**Commonty of Craigton Moor**

The commonty of Craigton Moor, consisting of 191 acres, was situated in the area including and immediately surrounding Monikie (N04938). A summons for division of commonty was raised in 1824 by the Hon. William Maule of Panmure against James Fyffe of Smithfield and others. David Millar of Ballumbie was appointed commissioner in the same year. He employed William Blackadder, land surveyor in Glamis, to measure and make a plan of the commonty. It was divided in 1825.

**Commonty between Graystone and Balhungie**

The commonty between Graystone and Balhungie (Balhungy) was situated to the west of the Buddon Burn (Burn of Elsenore) in the wedge-shaped extension of the parish in the south (N05133). The only reference to this commonty is found on a plan by John Holden dated 1767.

**Commonty of Muirs of Downie**

The commonty of Downie Moor (Muir of Downie), consisting of 1134 acres, was situated on a minor spur, east of the Sidlaw Hills (N05040). A summons for division of commonty was raised in 1771 by William, Earl of Panmure, against Archibald Douglas of Douglas.

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1. RHP. 3995
2. Maule v. Fyffe (EP. 5/7/1825)
3. RHP. 4011
4. RHP. 1156
Monikie contd

and others. 1 Peter Rankin, sheriff substitute of Forfarshire, was appointed commissioner. A plan of the commony was drawn in 1772 by John Holden, land surveyor in Greenlawhill. 2 It was finally divided in 1774.

Murroes

In 1843 it was reported that there was no undivided common in the parish. 3

Panbride

In 1833 it was reported that there was no undivided common in the parish. 4

Rescobie

In 1845 it was reported that there was no undivided common in the parish. 5

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1. Panmure v. Douglas (EP. Mack. 20/12/1774)
2. Missing; scheme of division in process
3. NSA. xi, 594
4. NSA. xi, 70
5. NSA. xi, 608
Dunoon and Kilmun

It was reported in 1843 that no part of the parish lay in a state of undivided common.\(^1\)

Inveraray

**Muir of Auchnabreac**

In 1750 the Duke of Argyll conferred the right of common pasturage for the cattle belonging to the burgesses and other inhabitants, in a common called the Muir of Auchnabreac (Auchenbreck), contiguous to, but beyond the boundary of the burgh (NW0707).\(^2\) Today, on the One-Inch Ordnance Survey map, it is marked as the Town Common.

Kilchoman

**Common grazing**

In 1844 it was reported 'the farms are generally let to a number of tenants who live together on one spot, cultivating the arable on a runrig system, grazing the pasture land in common'.\(^3\)

Kilmore and Kilbride

**Commonty of Archonnell Wood**

The commonty of Archonnell Wood consisted of the disputed march between the estates of Archonnell (NM9812) and Kames (Kaimes). A summons for division of commonty was raised in 1820 by Neill Malcolm of Poltalloch against Mrs Christian Marshall.\(^4\) Thomas

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1. **NSA.** vii, 615
2. **MCR.** (Local), pt. ii, p. 80
3. **NSA.** vii, 654
Kilmore and Kilbride contd

Grainger, land surveyor in Edinburgh, was appointed to make a plan and report on the commonty. It appears, from the tenor of this report, that the Act 1695 c.38 was being used to settle a march dispute.

Lismore and Appin

Dalnarrow Common

Dalnarrow (Dalnarow) Common, consisting of 42 acres, was one of three commons situated on a ridge of low hills in the southwest peninsula of Lismore Island (NM7936). Dalnarrow and the other two commons - Fiart and Fiart Hill - were shown on a plan by Francis Hall, dated 1815.

Fiart Common

Fiart (Fiert) Common, consisting of 90 acres, was situated to the northeast of Dalnarrow Common (see above).

Fiart Hill Common

Fiart (Fiert) Hill Common, consisting of 61 acres, was situated to the northeast of Fiart Common and adjacent to it (see above).

Tiree

Drimbuigh Common

Drimbuigh Common, consisting of 237 acres, was situated in the west of the island near the township of Heylapoll. It is shown, with Drimdearg Common and the Reef, on a plan of the island made in 1768-9 by James Turnbull. The common was enclosed in 1786.

1. Missing
2. RHP. 5261
Tiree contd

Drimdearg Common

Drimdearg Common, consisting of 811 acres, was situated in the centre of the island. This, like the other two commons, belonged exclusively to the Duke of Argyll. It was enclosed in 1786.¹

The Reef

The Reef, consisting of 1034 acres, was situated between Drimbuigh Common and Drimdearg Common and it remained open to common pasturage after these two commons had been enclosed.²

² Ibid.
AUCHINLECK

Unidentified common

Several place-names in the parish indicate the presence of a former common - Common farm (NS5822), \(^1\) Commonyke (NS5722), \(^2\) and two collieries called Common I and II. \(^3\) A small loch to the northwest of Common farm, now drained, was known as Loch Common (NS5723). \(^4\) There is no substantial evidence to the identity of the common but it may have been related to Airds Moss.

AYR

Ayr Common

Ayr Common, consisting of about 120 acres around 1760, was free to every burgess for feeding milch cows (NS3522). About twenty acres of this was sold at this time for £112 and resold within thirty years for £1100 after having been improved. \(^5\) A plan was made in 1786 by W. Millar showing the boundary of the common, the race course and horse market, the total amounting to 96 acres. \(^6\) The common was re-surveyed in 1792 by James Gregg, land measurer in Ayr, but this time only the area of the race course was noted, 52 acres. \(^7\) The Old Statistical Account notes that the common was enclosed around 1790. \(^8\)

Ayr Green

A green belonging to the burgh of Ayr, consisting of 6 acres, was shown on a plan made in 1799. \(^9\)

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1. O.S. 7th Series (1:63,360)
2. O.S. 2nd edition (1:10,560)
4. Ibid.
5. OSA. i, 91
6. RHP. 2570
7. RHP. 2572
8. OSA. i, 91
9. RHP. 2569
Commonty of Newton Moor
The commonty of Newton Moor was an area of ground, consisting of about 36 acres, disputed by the burghs of Newton upon Ayr and Prestwick. It was situated northwards from the Half Mile Burn to a line from the sea, through the Pans to King's Case and Cranliehill (NS3424). In 1754 a summons for a process of declarator and division was raised by the magistrates of Newton upon Ayr against the magistrates of Prestwick to claim exclusive property of the disputed ground.¹ This was not upheld and the commonty was divided by William Duff of Crombie, sheriff depute of Ayrshire, who had been appointed commissioner. A plan was made by John Mair, mathematician, in 1757.² The commonty was divided in 1758 with 20 acres going to Newton and 16 acres to Prestwick.

The Lots or Freedoms of Newton
The Lots or Freedoms of Newton upon Ayr consisted of 200 acres of arable land, divided among 48 freemen of the burgh with privilege of pasture to a common of 150 acres.³ It would appear that the common property was divided among the freemen, from time to time, from the first erection of the burgh. The extent of the Lots possessed by individual freemen varied from six to ten acres, according to the quality of the land. Few instances of sales of the rights of freemen occurred until the end of the eighteenth century. The value of the right was comparatively trifling until the discovery of a rich coal seam in the lands about 1765.⁴ From that date the right of freedom became valuable property and within forty years some thirty Freedoms changed hands for from £70 to £500. In 1828 it was decided that the

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¹ Magistrates of Newton v. Magistrates of Prestwick (EP. Dal. 29/7/1758)
² Missing
³ OSA. 1, 91
⁴ MCR. (Local), pt.1, 94
Ayr contd

continuance of the Lots, which were then balloted for, should be for 999 years. In 1833, it was farther agreed that feu rights of their Lots should be granted to such of the freemen as might wish to hold their lands in that manner.

Dalmellington

Town's Common

The common belonging to Dalmellington, consisting of 277 acres, was situated on ground south of the town, sloping down to the River Doon (NS4805). The name is still recorded on the Ordnance Survey maps.

Dalry

It was reported in 1836 that there were no commons in the parish.

Dreghorn

Kirkland Muir of Dreghorn

The commony called the Kirkland Muir of Dreghorn, consisting of 6 acres, was situated immediately to the east of Kirkland Row cottages. A summons for division of commony was raised in 1781 by Archibald, Earl of Eglinton against Jonathan Anderson of Warwickhill, John Cuninghame of Caddel and others. An undated rough sketch plan of the scheme of division of Kirkland Muir shows no allocation to either the Earl of Eglinton or Anderson which is somewhat surprising. James Gregg of Ayr was appointed surveyor.

1. NSA. v, 91-2  
2. Ibid.  
3. NSA. v, 260  
4. NSA. v, 336  
5. Eglinton v. Anderson (UP. 1 Adams Mack. E/1/40 [summons, roll of defenders, minutes only])  
6. RHP. 5434 (from Cuninghame of Thornton papers)
Dreghorn contd

Common green

In 1789 a common green, consisting of just over an acre, occupied the centre of Dreghorn village, in what is now Main Street (NS3538). A plan by John Ainslie, made for the Earl of Eglinton who owned the village, showed the green bisected by the turnpike road from Irvine to Kilmarnock.¹

Galston

Commonty of Barr Moor

The commonty of Barr Moor (Barmuir, Barmoor), consisting of 1468 acres, was situated on high moorland, rising to over 1200 ft O.D., south of Darvel (NS5833). A summons for division of commonty was raised in 1818 by Nicol Brown of Waterhaughs against James Haldane, engraver in Glasgow.² Archibald Bell, sheriff depute of Ayrshire, was appointed commissioner. In 1819 Joseph Cochran, land surveyor, made a plan of the commonty showing the scheme of division.³ The commonty was divided in 1819 between the two litigants.

Commonty of Galston Muir

Galston Muir was situated on the watershed between Anne and Glenoul Burns, in an area of hill ground now known as Mean Muir (NS5533). Galston Muir was divided by contract in 1729, with mutual consent of all parties so as to avoid the expense of an action in the Court of Session, between Hugh, Earl of Marchmont, and other heritors in the parish.⁴ The moss and a flow called the Foreheads were left as commonty. The commonty to be divided

1. RHP. 3/18
2. Brown v. Haldane (EP. P.S.M. 15/9/1819)
3. Missing
4. Sawer v. Fitchfield (UP. 1 Shield S/14/10)
Galston

amounted to 1468 acres of which the Earl of Marchmont received a quarter. In 1796 an action of declarator of property was raised by James Sawer of Galstonmuir against the Marchioness of Fitchfield and others.\(^1\) It was claimed that after the division in 1729 of the muir, the Earl had enclosed not only his allocation but also the 48 acres of moss which was to be left common to all proprietors for cutting of peat. A plan of the disputed ground was made in 1796 by [William] Bell and [Robert] Reid.\(^2\)

Irvine

The common land belonging to the burgh, including the Moor and the Golffields, came into its hands in 1429.\(^3\) In the seventeenth century the early division of the burgh’s territory into burgage (\textit{terra burgalis}), arable (\textit{terra campestris}), and common land (\textit{terra communis}), became obscured when the authorities encouraged individual occupation of land by lease or feu.\(^4\) In the eighteenth century the once extensive commons had become circumscribed within narrower limits. Great controversies broke out in 1707, 1749 and 1752 between the magistrates and the burgesses, which revolved around the former’s powers to feu off the commons and the desire of the latter for cheap grazing ground.\(^5\) In 1831, 422 acres of arable and 100 acres of moor still remained in the hands of the burgh\(^6\) — a large area of land, when one considers the former depredations.

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1. Sawer v. Fitchfield (UP. 1 Shield S/14/10)
2. RHP. 4000
6. MGR. (Local), pt.ii, 127
Kilbirnie

Commonyt of Kilbirnie and Glengarnock

The commonty of Kilbirnie and Glengarnock, consisting of 2526 acres, occupied the hill ground northwest of the town of Kilbirnie (NS3058). A summons of division of commonty was raised in 1762 by George, Earl of Crawfurd, against William Cochran of Ladyland and others. William Robinson was appointed commissioner to supervise the division. He appointed Charles Ross, land surveyor in Greenlaw, to measure and make a plan of the commonty.

The final decreet was pronounced in 1763.

A considerable amount of ground in the parish remained as commonty. In 1841 it was reported that 420 acres in the barony of Glengarnock were possessed by nine different proprietors, all of whom had right in common to a considerable extent of moorland pasture. Again, in the barony of Ladyland there was about 400 acres belonging to twelve different proprietors, all having right to pasture in the moorland.

Unidentified commons

In the moorland above the limits of cultivation were two undivided commons, one of which consisted of 1000 acres, and the other of 500 acres. The right to the former belonged to the feuars of Ladyland, and the latter, by similar right, was pastured by the feuars of Kilbirnie.

Kilmarnock

The only piece of land belonging to the burgh was the town's holm, extending to about half an acre. In 1839 there was no undivided commonty in the parish.

1. Crawfurd v. Cochran (EP. Dal. 2/3/1763)
2. Missing
3. NSA. v, 700
4. NSA. v, 702
5. NSA. v, 711
6. MCR. (Local), pt.ii, 139
7. NSA. v, 544
Kilmaurs

The common lands of Kilmaurs, consisting of 240 acres, were the result of Cuthbert, Earl of Glencairn trying to establish a new self-sufficient burgh in which forty different tradesmen shared the land. Unfortunately, his intentions were frustrated when the tradesmen gave up their crafts and devoted themselves to cultivating their lots, which were still in runrig in 1793. However, within forty years only 5 roods were still in the possession of the magistrates.

Kilwinning

Runrig lands of Corshill

Two small commons, of nine and a half acre respectively, were set in the midst of the runrig lands of Corshill belonging to the Earl of Eglinton (NS3143). In 1789 John Ainslie, when he was making a comprehensive survey of the Eglinton estates, made a plan of these lands.

Kirkmichael

Unidentified common

A farm, one mile south of Dalrymple, is called Commonhead (NS3612). There is no other reference to a commony in this parish.

Largs

Commony of Largs

Largs (Largis) Common was noted on a map as early as 1725 by Herman Moll in his survey of Scotland. The commony or muir of

1. OSA. ix, 368
2. Fullarton, General View of the Agriculture of the county of Ayr, Edinburgh, 1793 p. 22
3. M'Naught, D., Kilmaurs Parish and Burgh, Paisley, 1912, 258-63
4. RHP. 3/57
Largs contd

Largs, consisting of 776 acres, occupied a strip of hill ground north of Greeto Water including Girtley Hill, Bessel Moor and Burnt Hill (NS2462). A summons for division of commonty was raised in 1812 by Andrew Russell, surgeon in Glasgow, against James Wilson of Waterside and others. Two commissioners were appointed, William Cochran of Ladyland and William Wilson, factor to Sir John Maxwell of Pollock. They, in turn, appointed John Paton, land surveyor at Dalgarven, to measure the common and make a plan. The commonty was finally divided in 1821.

Monkton and Prestwick

Prestwick Common

The burgh of Prestwick, erected burgh of barony in 1646, possessed 1000 acres of land divided among 36 freemen. Each possessed a lot of arable ground and a right of pasturing a specified number of sheep and cattle on the common. The lots were redistributed from time to time.

It was reported in 1837 that the only common in the parish was that of Prestwick and that it had been divided up some years before.

Riccarton

On the southern boundary of the parish, two miles south of Riccarton, is a farm called Howcommon (NS4233). There is no other indication of a common in this area.

1. Russell v. Wilson (EP. 6/7/1821)
2. RHP. 6352
4. Pullarton, General View of the Agriculture of the county of Ayr, Edinburgh, 1793, 22
5. NSA v, 175
Stewarton

Runrigs of Gabroc Hill

The runrig lands of Gabroc Hill (Gabrochhill), consisting of 366 acres, were situated four miles northeast of Stewarton (NS4550). A process for the division of runrig was raised in c.1790 by Mrs Stewart of Lochridge against Robert Sloan and Matha Brown.¹ In 1793 James Gregg, land measurer in Ayr, was appointed to measure and make a plan of the rigs.² When the runrig lands were finally divided in 1803 it was decided that a limestone quarry within the disputed area should also be divided but with access by all other proprietors to be preserved.

Tarbolton

In the year 1500 the Earl of Lennox proceeded to divide up the common lands of his barony of Tarbolton.³ His tenants were summoned and told that the common lands were to be divided and no one was allowed to use the common until this had taken place. The commons were divided shortly afterwards by judges and arbiters chosen by both parties. A single place-name, a farm called Commonside (NS4224), is the only indication of the location of this common.

West Kilbride

It was reported in 1837 that there were no undivided commons.⁴

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2. Missing
4. NSA. v, 260
Alvah

In 1842 it was reported that there were no undivided commons in the parish, but on the Moss of Banff, extending to about 180 acres, about one-half of which was in Alvah parish, the Earl of Seafield and the Earl of Fife (for a few farms on his estates) had a servitude of firing; but the 'bottom' belonged to the Forglen estates.¹

Banff

A greater part of the burgh lands were acquired by neighbouring proprietors at an early date. The last alienation of any importance was in 1783, when the provost purchased about 20 acres of the burgh lands for an insignificant sum.²

In 1836 it was reported that there were no undivided commons in the parish.³

Boharm

In 1842 it was reported that there were no undivided commons in the parish.⁴

Cabrach

Common pastures of the Kirktown of Cabrach

The common pastures of the Kirktown of Cabrach, consisting of 188 acres, were situated on the hill ground between the Kirktown and Haddoch (NJ3926). A plan by William Anderson, dated c.1760, showed the relationship between township, arable and common pasture in great detail.⁵

In 1842 it was reported that there were no undivided commons in the parish.⁶

1. NSA. xiii, 166
2. MCR. (Local) pt.i, 100-102
3. NSA. viii, 38
4. NSA. viii, 368
5. RMP. 1771
6. NSA. viii, 198
Deskford
In 1836 it was reported that there was no land in a state of undivided common in the parish.¹

Fordyce
Unidentified common
In 1842 it was reported that 1500 acres in the parish remained as undivided common.² There is no information relating to the location of this land.

Inveravon
Common pasture of Glenlivet
A plan by William Anderson, dated 1761, showed the townships with their common pastures.³
In 1836 it was reported that the hills, which were attached to the farms, were in general in undivided common.⁴

Kirkmichael
Common pasture
In 1842 it was reported that several districts in the parish had a privilege of pasturing sheep and cattle in common over the hills and moors.⁵

Rathven
Common of Aultmore
The common of Aultmore, comprising 2874 acres of hill and moor and 730 acres of moss, occupied the plateau that rises four miles

1. NSA. xiii, 70  4. NSA. xiii, 137
2. NSA. xiii, 188  5. NSA. xiii, 304
3. RHP. 2487
Rathven contd

south of Rathven village, from the Black Hill, 837 ft O.D. to Millstone Hill, 987 ft O.D. (NJ4358). A plan of the common made by Peter Brown in 1815 appears to have come from a process as it bears the inscription 'Fochabers 21st October 1820. This is the plan referred to in our disposition of this date. Peter Brown. Geo. McWilliam. 1

Rothiemay

In 1842 it was reported that no part of the parish was in a state of undivided common. 2

1. RHP. 2454; Peter Brown, son of the land surveyor George Brown, took over his father's business on his death in 1815. George McWilliam continued as an assistant to Peter Brown.

2. NSA. xiii, 202
Channelkirk

Carfrae Common

In 1897 it was reported that Carfrae Common (NT4858) was once a single common belonging to Carfrae but it had been divided between the farms of Glengelt, Headshaw, Carfrae, Hillhouse and Soutra Hill. The original boundary and extent of the common is unknown.

King's Inch Common

King's Inch Common, consisting of 17 acres, was situated on the western flank of Dun Law (NT4557). In 1834 it was the only piece of undivided common in the parish. Its small size is a reflection on the common's specialised function as it provided a resting-place for drovers on their way south. Later, when droving had ceased to be practised, this privilege was taken up by tinkers, gipsies, muggers and tramps, and at times as many as one hundred people would be living on the commony. A summons for division of commony was raised in 1870 by John Bothwick of Crookston against George, Marquis of Tweeddale, and others. A plan of King's Inch, a copy of part of an earlier plan, dated 1833, of the estate of Channelkirk by William Johnston, land surveyor in Edinburgh, was produced. The commony was divided in 1871.

1. O.S. Name-book, Channelkirk parish, p. 17
2. NSA. ii, 90
3. Allan, A., History of Channelkirk, Edinburgh, 1900, 637-8
5. RHP. 3906
Cockburnspath

**Commony of Chirnside**

Chirnside Common, consisting of 2462 acres, was one of several commonties that occupied the eastern flank of the Lammermuir Hills (NT7466). It was situated on the gently undulating surface that is drained by the headwaters of the Eye Water. The commonty had a prominent walled loan leading to the village of Abbey St Bathans, the minister and schoolmaster of which had servitude of fuel and divot upon the commonty. A summons for division of commonty was raised in 1805 by John Turnbull of Abbey St Bathans against Francis, Earl of Wemyss, and others. William Molle of Maines and George Tait of Langrig were granted commission by the Court of Session to take proof. They appointed John Blackadder, land surveyor, to measure and make a plan of the commonty. The division was completed in 1807. A farm called Dunglass Common (NT7466) post-dates the division. The commonty of Chirnside took its name from the parish and village of Chirnside some nine miles distant. This is probably accounted for by the fact that during the fifteenth century the lands of Chirnside and of Dunglass belonged to the same family, the Homes.

**Ewieside Common**

Ewieside (Ewe-side) Common, once an extension of Chirnside Common, was situated on Ewieside Hill, south of Cockburnspath (NT7768). Long before the commonty of Chirnside was divided in 1807, Ewieside had ceased to be a commonty.

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1. See also commonties of Coldingham, Ewieside, Oldhamstocks, Innerwick and Dunbar
3. RHP. 3550, 3577; RHP. 1035/1 shows part of the boundary of the commonty after division.
Coldingham

**Commony of Coldingham Moor**

The commonty of Coldingham Moor (O.S. Coldingham Common), consisting of 6199 acres, occupied an exposed plateau west of Coldingham village (NT8568). In 1769, a few years before the division, this commonty was crossed by Pennant who found 'the bleak, joyless, heathy moor of Coldingham' a singularly uninviting area.¹ The first known plan of the commonty was made by William Cockburn in 1765.² A summons of division of commonty was raised in 1766 by Sir John Hall of Dunglass and others against Sir John Home of Renton and others.³ The commissioner appointed to take proof was George Gordon of Gordonbank, sheriff substitute of Berwickshire. He in turn appointed Alexander Low, land measurer, to survey and make a plan of the commonty.⁴ Some of the participants in the process of division became annoyed at the delaying tactics of the feuars of Coldingham, who kept on petitioning the Court over 225 acres out of the total 6199 acres of common, and raised a petition of complaint in 1774.⁵ The commonty was finally divided in 1776. The change of prosperity and appearance of Coldingham village, at the end of the eighteenth century, was attributed to the division of the commonty: houses were now made of stone rather than turf; coal was burnt instead of peat.⁶ A small sketch, dated 1783, shows the proposed road across Coldingham laws allocation of the commonty.⁷

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2. RHP. 62  
4. RHP. 155, 6144  
5. Home v. feuars of Coldingham (UP. 1 McNeill H/3/11)  
6. OSA. xii, 47-8  
7. RHP. 556
Coldingham contd

Runrigs of Coldingham

The runrigs of Coldingham, consisting of a large tract of ground of about 1400 acres adjacent to the village, were in the hands of 47 proprietors. A process of division of runrig was commenced in 1755 and, for some time, proceeded amicably. In 1759 James Watson, land surveyor, was appointed to measure the rigs but his report gave rise to such discontent that another surveyor, Robert Sharp, was appointed in 1762 to re-survey part of the lands. The dispute continued until the decreet in 1772 after which the lands were consolidated.

Runrigs of Renton

The runrigs of Renton, consisting of 1775 acres, lay to the south of Coldingham Common, on the valleyside overlooking the Eye Water, one mile east of Grantshouse (NT8265). A summons of declarator and division was raised in 1808 by the Rev. James Hall against Sir John Stirling of Glorat and others. Dr. A. Coventry, professor of agriculture in the University of Edinburgh, was appointed commissioner in 1809. Thomas Johnstone, land surveyor in Edinburgh, was appointed to measure the rigs and make a plan. The rigs were finally divided and consolidated in 1814.

Runrigs of West Reston

The runrigs of West Reston, consisting of 254 acres, lay to the south of the Eye Water surrounding the village of Reston (NT8861). A summons for division of runrig was raised in 1759 by Patrick Home of Billie and others against Sir James Home of Manderston and others, heritors of West Reston. The summons fell asleep

1. Home v. Wilkie (EP. Dal. 6/8/1772)
2. Missing
4. RHP. 4096
and was awakened by Sir James Home in 1774. Richard Edgar of Newtoun, sheriff substitute of Berwickshire, was appointed commissioner. David Mather, land surveyor, was appointed to measure the rigs and make a plan in 1760. The rigs were finally divided in 1775. Included within the runrigs was a small common called Bushgreen.

**Duns**

**Commonty of Duns**

The commonty of Duns was divided into three parts: Wester Common, consisting of 1141 acres, was situated to the northwest of Duns in the moorlands of the Lammermuir Hills, rising to over 1000 ft (NT7357); Easter Common, consisting of 211 acres, was situated northeast of Duns at, what is now, Harelawraigs Plantation (NT7655); and Cowstrand, consisting of 214 acres, was situated somewhere in the vicinity of Knock Hill (NT7455). A summons of division of commony was raised in 1777 by Andrew Hay of Drummelzier against Henry Home, W.S., and others. Alexander Hay of Mordington and John Lumsdain of Blainairne were appointed joint commissioners. In 1782 Alexander Low, land surveyor at Woodend, was appointed to measure and make a plan of the commons. The three commons making up the commony of Duns were finally divided in 1786. Ten acres of the Easter Common, containing a whinstone quarry, were retained by the feuars for their supply of stones and turf. This area of ground is marked on O.S. Six-Inch map as Duns Common. Another place-name, a farm called Commonside (NT7357), relates to the Wester Common.

1. RHP. 4088
3. Missing; measure and scheme of division in process
4. MCR. (Local), pt. iii, 51
5. 2nd edition
Earlston

It was reported in 1834 that no part of the parish was in undivided common.¹

Eccles

**Commony of Leitholm Green**

The commony of Leitholm Green, consisting of 11 acres, lay at the edge of the village of Leitholm (NT7944). A summons of division of commony was raised in 1759 by Henry Home of Kames against William Frank of Bughtrig.² Commission to take proof was granted to John Cockburn and John Home, both writers in Duns. William Cockburn, land measurer in Kelso, was appointed to measure the commony and make a plan.³ The commony was divided in 1761. The common was also known as the Common Green of Easter Leitholm.

Eyemouth

**Runrigs and commony of Eyemouth**

The runrigs and commony of Eyemouth, amounting to c.920 acres, were situated north of the Eye Water adjacent to the town (NT9464). A summons for division of commony and runrig was raised in 1763 by Patrick Home of Billie and others against Sir John Home of Renton and others.⁴ Four commissioners were appointed - John Home of Ninewells, John Mow of Mains, Thomas Ker of Broadmeadows and James Lorain, sheriff clerk of Berwickshire. David Mather, land surveyor, was employed to measure and make a plan of the rigs and commony.⁵ Beside the river,

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1. NSA. ii, 73
2. Home v. Frank (EP. Mack. 26/2/1761)
3. Missing
5. RHP. 6141, 6142
Eyemouth contd

Two acres of the commonty were retained as bleaching greens for the inhabitants of Eyemouth, as was Houndlaw Well and access to it by a small footpath. The lands were divided and consolidated in 1764.

Fogo

**Commonty of Fogo Moor**

The commonty of Fogo Moor (Fogo Muir), consisting of 519 acres, was situated south of the Blackadder Water between the lands of Charterhall and Whinkerstones (NT7647). A summons for division of commonty was first raised in 1723. Later, in 1738, a summons of awakening was raised by Andrew Hogg of Harcus against Henry Trotter of Mortonhall, William, Earl of Home, and others.¹

David Home of Wedderburn and Alexander Home, sheriff deputes of Berwickshire, and George Carrie of Westnisbett were appointed commissioners. John Douglas, architect, and William Cockburn, tenant in Clockmiln, were appointed to measure the commonty, set off the shares and make a plan.² The commonty was divided in 1740.

Gordon

There are no references to commonties in this parish, other than there being none in 1834.³

Greenlaw

**Commonty of Greenlaw**

The commonty of Greenlaw was made up of three separate areas - Dogden Moss, Greenlaw or North Moor and Wester Row Common. Rights

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1. Hogg v. Trotter (EP. Mack. 29/2/1740)
2. Missing
3. NSA ii, 35
Greenlaw cont'd

of commonty to each of these varied - for example, the right to 'fail and divot' in Wester Row Common was in connection with roof thatching only. Peats on the other hand were cast on Hule and Dogden Mosses. All three were used as pasture, but cows grazing on the North Moor were under charge of a herd. In 1838 an action of declarator as to right of proprietorship in the commons was raised by Sir Hugh Hume Campbell against the feuars of Greenlaw represented by Turnbull. The feuars withdrew from the case because of the expense after some delay and allowed the judgment to go against them. However, the superior allowed them to continue to enjoy rights of pasturage. A few years later, Sir Hugh Hume Campbell again raised the question of proprietorship, this time against the Corporation and Society of the Orphan Hospital in Edinburgh.

Dogden Moss

Dogden Moss, part of the commonty of Greenlaw, consisted of between 298 and 379 acres of peat bog depending whether it was measured by the defender or pursuer respectively (NT6849). It was surveyed by James Cunningham, along with the other two parts of the commonty, in 1842.

Greenlaw Moor

Greenlaw Moor (Grinley Moore, North Moor), part of the commonty of Greenlaw, consisted of 2244 acres in 1731, when the commonty was surveyed for the first time. In 1842 it was re-surveyed by James Cunningham but this time the disputed extent between pursuer and defender was 764 and 907 acres respectively. The

1. Gibson, R., An Old Berwickshire Town, Edinburgh, 1905, 246-8; NSA. ii, 45
2. Campbell v. Turnbull (UP. 1 Shield C/19/36)
3. Campbell v. Orphan's Hospital (UP. 1 Drysdale C/42/1)
4. RHP. 224/2
5. RHP. 224/1
Greenlaw contd

casting of peats in Hule Moss (Hoolmoss), within the common, resulted in the formation of a loch, of over a mile in circumference, with an average depth of five feet (NT7149).

Wester Row Common

Wester Row Common (Wester Raw Muir), consisting of 216 or 197 acres according to defenders or pursuer respectively, was situated immediately to the southwest of Greenlaw village (NT7045). On the modern Ordnance Survey map it still carries the name Wester Row Common.

Lauder

Lauder Common

Lauder Common, consisting of 410 acres of arable and 1327 acres of pasture, was situated on the hill-slopes west of the burgh (NT5046). The common was divided into three categories: the 'acres' which were arable lands close to the town and held in runrig; the 'infield hill-parts', which were the parts of the outfield in arable that were reallocated every five or seven years; and the common pasture called the 'Outer Common'. The right to pasture on the common was known as 'stent' and the number of sheep and cattle that could be grazed varied from time to time. All the stock were marked and in the charge of a herd. The common riding, held on Ascension Day, was discontinued at the beginning of the nineteenth century but up to that time the boundary of the common had been delimited by a series of cairns. In 1878 the Lauder Hill-stock Company was inaugurated to manage the stock grazing on the common and its operations continued into the present century.

1. MCR. (Local) pt. ii, 197-8; NSA. ii, 7; Thomson, A., Lauder and Lauderdale, Galashiels, 1902, 39-52; Conna, C.L., The Village Community, London, 1890
Lauder contd

Commony of Wideopen

The commonty of Wideopen (Wideope, Wldeup), consisting of 1875 acres, was situated adjacent to the lands of Trabrown (NT5049). A summons of division of commonty was raised in 1762 by Robert Scott of Trabrown against James, Earl of Lauderdale, and others.\(^1\) John Swinton and Alexander Murray, advocates, John Spottiswood of Spottiswood, William Ogilvie of Harlwoodmyres and James Haig of Birnsdie were appointed joint commissioners. William Cockburn, land surveyor, was appointed to measure and make a plan of the commonty in 1763.\(^2\) The commonty was divided in 1769.

Identified common

In 1833 it was reported that 636 acres in the higher grounds of Lammermuir Hills were the joint property of the Marquis of Tweedale and the Earl of Lauderdale and were pastured by the sheep of their tenants.\(^3\)

Legerwood

There were no reports of any commonties in this parish other than there being none in 1834.\(^4\)

Longformacus

There were no reports of any commonties in this parish other than there being none in 1834.\(^5\)

Mertoun

There were no reports of any commonties in this parish other than there being none in 1834.\(^6\)

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2. Missing 5. NSA. ii, 95
3. NSA. ii, 7 6. NSA. ii, 28
Polwarth Moss

Polwarth Moss (Polwart Moore), consisting of 875 acres in 1731, was situated two miles west of Polwarth village, north of Greenlaw Moor (NT7151). This moss is related to Greenlaw Moor in a plan dated 1731, but it does not appear as a part of the comonaty of Greenlaw in James Cunningham's plan of 1842. In 1835 the proprietor allowed the villagers use of moor for pasture and fuel.

1. RHP. 224/1
2. RHP. 224/2
3. NSA. 11, 234
BUTESHIRE

Cumbrae

Sheriff's Common

On the western flank of Bertay Hill in the Island of Great Cumbrae is the place-name Sheriff's Common (NS1656). There is no indication whether this is the same common that is referred to in the report of 1840, 'the commons on the respective properties contain about 30 acres'.

Kilmory

Unidentified common

It was reported in 1840 that about 35,743 acres were waste and pasture and nearly the whole of this tract, until within 25 years of that date, was in a state of undivided common, to which all cottars and farmers could send as many sheep and yeld cattle as they chose.

Rothesay

In 1835 it was reported that the lands belonging to the burgh included - east and west common, two small leanings, and the east and west washing-greens. The hill, rising to 421 ft O.D. east of the town, is known as Common Hill.

1. NSA. v, 77
2. NSA. v, 59-60
3. MGR. (Local) pt. ii, 366
4. O.S. 2nd edition (1:10,560); NSA. v, 96 [incorrectly states the hill being west of the town]
CAITHNESS

Canisbay

The lands of Duncansby

The lands of Duncansby, consisting of 1545 acres, were situated along the northern coast of Caithness between Mool Hill and Duncansby Head (ND3372). A summons of division of commonty and runrig was raised in 1802 by Sir James Sinclair of Mey and the Earl of Caithness against William Sinclair of Freswick. This process also included the Island of Stroma (see p. 54). 1 Commission was granted to James Traill of Batter, sheriff-depute of Caithness. In 1817 William Matheson, land surveyor in Thurso, was appointed to make a plan. 2 The lands of Duncansby were finally divided in 1820.

Commony of the Hill and Moss of Mey, etc

The commonty, consisting of 14,126 acres, was made up of the Hill and Moss of Mey, the Hill of Broadleen, the Hill of Barrock, the Hill of Instack, the Hill of Brabster, the Hill of Slickly, the Hill of Scoolary, the Hill of Stroupster, the Gill of Brabster, the Gill of Freswick, the Hill of Freswick, the Hill of Auckingill, the Hill of Firsan, Warth Hill, Mool Hill, the Hill of Seater, the Hill of Duncansby, the Hill of Stemster and the Biel of Duncansby (ND3170). A summons of division of commonty was raised in 1837 by Alexander, Earl of Caithness, against William Sinclair of Freswick and others. 3 Commission was granted to James Grey, sheriff-substitute of Caithness. A plan was made by either Alexander Davidson or Calder, land surveyors, showing the scheme of division. The commonty was finally divided in 1851.

1. Caithness v. Sinclair (EP. E.D.R. 26/3/1819 [retransmitted]; EP. E.D.R. 24/2/1820); SRO. Sinclair of Freswick papers (GD. 156/213)
2. RHP. 75/1-3 3. Caithness v. Sinclair (UP. 2 Potts c/1/1)
4. Missing; RHP. 667/1-3 shows the townships and hill pastures around Stemster; RHP. 873 shows part of the commonty along the coast between Hill of Mey and Seater.
CAITHNESS

Canisbay cont’d

Lands on the Island of Stroma

The lands of the island of Stroma, amounting to 776 acres, consisted of both comonnty and runrig (ND3577). A summons of division of comonnty was raised in 1802 by James, Earl of Caithness, against William Sinclair of Freswick. Commission was granted to John Rose, sheriff-depute of Caithness. In 1811 William Matheson, land surveyor in Thurso, was authorised to make a plan of the island. Considerable controversy was aroused in the division of the kelp shores. The island was divided in 1812.

Dunnet

Comonnty of the Hill of Dunnet

The comonnty of the Hill or Craig of Dunnet occupied a part of the peninsula of Dunnet Head (ND1973). It was the common property of the estates of Castlehill, Thurdistoft and Ratter. A summons of division of comonnty was raised in 1807 by James Traill of Hobbister against William Sinclair of Freswick. In 1809 Benjamin Williamson and William Innes were appointed arbiters in the division.

Comonnty of the Hill of Greenland

The comonnty of the Hill of Greenland was situated south of Loch Heilen (ND2566). Controversy raged, from 1740 to 1784, over rights of comonnty relating to this land. Division was proposed in 1764 between the lairds of Rattar and Lochend. In 1783

1. Caithness v. Sinclair & ors (BP. B.D.R. 24/2/1820); SRO. Sinclair of Freswick papers (GD. 136/46, 248, 259)
2. RHP. 6077
3. Traill v. Sinclair (UP. Adams Mack T/4/94 [inventory only]); SRO. Sinclair of Freswick papers (GD. 136/51)
4. SRO. Sinclair of Freswick papers (GD.136/239)
Dunnet contd

illegal enclosure was undertaken by William Sinclair of Lochend, when, during the night, he had a large tract of ground enclosed in a feal dyke.¹ Other interested parties, John, Earl of Caithness, and George Traill of Hobbister, petitioned the sheriff-depute of Caithness to intervene in this gross violation of the commonty. There is no information regarding the eventual outcome of this dispute but it would, no doubt, have come under the general arbitration agreement for division of mutual commonties between John, Earl of Caithness, and William Sinclair of Lochend.²

Halkirk

Commonty of Hill of Alltan Ruathair

The commonty of the Hill of Alltan Ruathair (Altinreard) and Lathach Bhuidhe (Badinunti), consisting of 2418 acres, occupied moorland rising to the west of Tormsdale (ND1250). A summons of division of commonty was raised in 1833 by the tutors of Sir John Sinclair of Ulbster against Benjamin, Lord Duffus, and others.³ Commission was granted to James Gregg, sheriff-substitute of Caithness. Alexander Davidson, land surveyor in Thurso, made a plan of the commonty.⁴ Eventually the commonty was divided amicably between the parties by mutually chosen arbiters, Benjamin Williamson of Banniskirk and William Sutherland of Wester and, in case of disagreement between them, with Captain John Sutherland of Forss as oversman.

1. SRO. Sinclair of Freswick papers (GD. 136/192)
3. Sinclair v. Duffus (EP. 213/7/1839)
4. Missing
Latheron

Unidentified common

It was reported in 1840 that all commons, except one of about 250 acres, were divided.¹

Clrig

Ruthy Mire Common

A plan of the estate of Castlehill by William Aberdeen, dated 1772, shows Ruthy or Ruthie Mire Common south of what is now Castletown (ND1967).² It contained an extensive bed of marl that was used by the surrounding estates.

Reay

Commony of Reay

The commony of Reay, consisting of 8601 acres, extended south from the Hill of Lybster to Beinn nam Bad Mor and covered all the higher moorland, with islands of cultivation in the more favourable situations (ND0065). A summons of division of commony was raised in 1839 by Andrew Rutherford, Lord Advocate of Scotland, against Sir John Sinclair of Murkle and others.³ Commission was granted to James Gregg. In 1840 Thomas Cameron, land surveyor in Skinnet, measured and made a plan of the common.⁴ It was re-surveyed by William R. Sutherland in 1844.⁵ The commony was divided in 1845.

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1. NSA. xv, 97
2. RHP. 1220
3. Lord Advocate v. Sinclair & ors (UP. Innes Mack A/24/2)
4. RHP. 2738, 5289: a plan of the estate of Shebster, dated 1846, was produced - RHP. 1226
5. RHP. 1225
Thurso

Commony of Forss

The commony of Forss, consisting of 5650 acres, was situated on the ridge of moorland between the valleys of the Forss Water and River Thurso (ND0668). The commony extended to the very edge of Thurso, whose inhabitants actively quarried the commony for flagstones. A summons of division of commony was raised in 1830 by the Lord Advocate against Sir John Sinclair and others. Commission was granted to James Gregg, sheriff-substitute of Caithness. James Flint, land surveyor, was appointed in 1831 to make a plan of the commony. He also made plans of the disputed marl bed in the Moss of Geiee and the flagstone quarry near Waas. Another plan was made showing the areas of feuars’ property in Thurso in order to calculate their share in the commony. It was divided in 1834.

Watten

Commony of Bylbster

The commony of Bylbster, consisting of 658 acres, was situated to the southeast of Watten village on the ill-drained right bank of the Strath Burn (ND2652). A summons of division of commony was raised in 1847 by Sir Ralph Anstruther of Baloaskie against William Sinclair of Freswick. Commission was granted to Charles Forsyth, sheriff-substitute of Caithness, but he died shortly after and was succeeded in the commission and office by Hamilton Russell. Alexander Davidson, land surveyor, was appointed in 1850 to measure and make a plan of the commony. It was divided in 1851.

1. Lord Advocate v. Sinclair & ors (EP. 47/4/1833 [retransmitted]; EP. 134/12/1834); SRO. Sinclair of Freswick papers (GD.136/246, 336)
2. RHP. 3907; an estate plan, dated 1800, shows part of the boundary of the commony - RHP. 1223
3. RHP. 6153
4. RHP. 3908
5. Anstruther v. Sinclair (EP. 60/8/1851)
Watten contd

Commonty of Druimdubh

The commonty of Druimdubh (Dreamdow), consisting of 535 acres, was situated in moss land north of Acharole farm (ND2152). A summons of division of commonty was raised in 1823 by James Horne of Langwell against Sir Ralph Anstruther of Balcaskie and William Sinclair of Freswick. Commission was granted to James Traill, sheriff-depute of Caithness. In 1829 Alexander Davidson measured and made a plan of the commonty. Finally Archibald Bell, advocate, was appointed judicial referee in order to bring about a quick and amicable settlement which took place in 1832.

Commonty of Killimster

In 1840 the only part of the parish that remained undivided was the small commonty of Killimster (Kilminster, Kilmster), on the east of the parish (ND2956). This commonty relates to that part of the Moss of Killimster lying in the parish of Watten; the main part of the Moss, situated in the parish of Wick, was divided in 1724 (see p. 59).

Commonty of Lynegar

The commonty of Lynegar, amounting to 1850 acres, consisted of the Hill of Lynegar or Brabsterdorran, the Hill of Rostown, the Hill of Wattin, Stean Hone, Flow of Seater, Plover Hill and the Hill of Cleanlay. The commonty was situated on a low ridge of ill-drained land north of Loch Watten and extended into Bower parish (ND2359). A summons of division of commonty was raised in 1829 by William Horne of Sirkoke against Sir Ralph Anstruther

1. Horne v. Anstruther & ors (EP. 220/7/1832); SRO. Sinclair of Freswick papers (GD.136/506a)
2. Missing; a rough sketch shows the valuation and boundary of commonty - RHP. 6137
3. NSA. xv, 54
Watten contd

of Balcaskie and others. Commission was granted to James Gregg, sheriff-substitute of Caithness. He, in turn, appointed Alexander Davidson, land surveyor in Thurso, to make a plan of the commony. It was divided in 1842.

Hill of Wester Watten

The Hill of Wester Watten, described as waste or open ground, was situated immediately to the southwest of the village of Watten with the farms of Wester Watten, Scouthal, Acharoy and Newton on its perimeter (ND2154). In 1823 it was divided between the proprietors of these farms by amicable arrangement under James Traill of Rattar, sheriff-depute of Caithness, as arbiter.

Wick

Commody of Wathegar

The commody of Wathegar, consisting of 403 acres, was situated between Wathegar farm and the commody of Bylbster, their mutual march being the parish boundary (ND2752). A summons of division of commody was raised in 1821 by John Horne of Stirkoke against Sir Ralph Anstruther of Balcaskie and others. Commission was granted to James Traill, sheriff-depute of Caithness. Peter Manson, land surveyor, was appointed to make a plan of the commody in 1822. The commody was divided in 1823.

Commody of Killimster

The only information relating to the commody of Killimster, in the parish of Wick (see commody of Killimster, parish of Watten,

1. Horne v. Anstruther (EP. 10/July/1842)
2. Missing; an early eighteenth century plan was used in proof in the process - RHF. 3910
3. SRO. Sinclair of Freswick papers (GD.136/317)
4. Horne v. Anstruther (EP. No.14 of 8/7/1823); op. cit. (GD. 136/298, 320)
5. Missing
CAITHNESS

Wick contd

page 58), is found in a decree arbitral for division of commonty dated 28th November 1724 between Dame Elizabeth and Sir William Dunbar against John Sinclair of Barrock. The commonty was situated north of Winless between the Lochs of Winless and Killimster (ND3055).

Commonty of Hill of Wick

The commonty of the Hill of Wick, consisting of 761 acres, was situated to the north of Wick, between Staxigoe and Whitefield farm (ND3453). The feuars of Wick had, from time immemorial, rights of commonage on this commonty including pasturing of up to 80 head of cattle and 300 to 400 sheep, as well as casting feal and divot and preparing clay for building purposes. Encroachments by the adjoining proprietors are recorded throughout the eighteenth century. Summons of division of commonty was raised in 1813 by Sir Benjamin Dunbar and others against the magistrates and feuars of the burgh of Wick. A complex litigation ensued until 1824, when James Traill was appointed judicial referee. However, he was not successful in reconciling all the parties involved and arbitration was suspended. The process was resumed in 1830 with James Gregg, sheriff-substitute, as commissioner. In 1831 Alexander Davidson, land surveyor, was appointed to measure and make a plan of the commonty. The turning point came soon after when, for the first time, it was noticed that Wick, being a royal burgh, was exempt from the

1. Produced as proof in division of Hill of Wick (Dunbar v. Magistrates of Wick UP. 1 McNeill D/23/13)
2. Calder, J.T., Sketch of the civil and traditional history of Caithness from the tenth century, 2nd edn., Wick, 1884, 340-5; NSA. xv, 145-8
3. SR0. Sinclair of Freswick papers (GD.136/114, 281)
4. Dunbar v. Magistrates of Wick (UP. 1 McNeill D/23/13)
5. RHP. 4050; a plan of the estate of Hempriggs by Peter Swany, dated 1827, was produced in proof - RHP. 4051
Wick contd

Act. 1695. As the town did not have any land, feudal investment or burgage tenure in the Hill of Wick it had no claim to the commony. Ultimately only 10 feuars could produce rights of servitude upon the commony and these only amounted to pasture for one cow and to cut divot for house purposes. This was small reward for litigation that burdened the burgh with a debt amounting to £580. In 1833 the proprietors divided the Hill of Wick amongst themselves and enclosed it soon after.

1. MCR. (Local) pt. ii, 433
Clackmannan

Commonty of Clackmannan

The commonty of Clackmannan (also known as Pilmuir), consisting of 47 acres, was situated between the Goudnie Burn and the road from Clackmannan to Kincardine (NS9191). A summons for division of commonty was raised in 1771 by Sir Lawrence Dundas of Kerse against Margaret and Jean Scotland and other feuars of Clackmannan. The Hon. James Erskine of Barjarg and Richard Dundas of Blair were appointed commissioners. James Morison was appointed to measure and make a plan of the commonty. The final decreet was registered in 1773.

In 1841 it was reported that no land in the parish was in undivided common.

Dollar

There are no references to any commonties in this parish other than there being none in 1841.

Tillicoultry

Commonty of the Hills of Tillicoultry

The commonty of the Hills of Tillicoultry, consisting of 3657 acres, stretched northwards from the foot of the scarp face of the Ochil Hills to the River Devon between Backhill and Greenhorn Burn (NN9100). A summons of division of commonty was raised in 1768 by Charles Barclay Maitland against John Paton and other feuars of Tillicoultry. Proof was taken by John Jameson, writer.

1. Dundas v. Scotland & ors (EP. Mack. 7/12/1773)
2. Missing
3. NSA. viii, 130
4. NSA. viii, 112
Tillicoultry contd.

in Alloa. James Morison, land surveyor, was appointed to measure and make a plan of the commony.\(^1\) The main controversy revolved around the number of sheep and cattle that customarily pastured on the commony, figures ranging from 3050 to 9350 sheep. The commony was divided in 1775.

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1. RHP. 1239; RHP. 688 shows the disputed areas on the north and south boundaries of the commony.
Annan

Commonty of Annan

The burgh common of Annan comprised in the early eighteenth century of some 2400 acres of open moor to the east of the town adjoining the commonties of Greca and Dornock. In 1699 the magistrates of the burgh leased out 630 acres on twenty-one year leases. Some time after this these lands fell into permanent occupancy of the lease-holders on their paying current rents, in all £16, under the reddendo clauses of their new titles. A further 378 acres would have gone the same way in 1758 but for the now vigilant proprietors. In 1764 William Irving of Bonshaw and others raised a summons for division of commonty against Charles, Duke of Queensberry, George, Marquis of Annandale, and the magistrates and council of the royal burgh. A plan of new enclosures within the commonty was made by James Tait in 1781. To invoke the Act of 1695, which specifically exempted royal burghs, was a clever method of trying to exclude the burgh from the commonty. The failure of this attempt was only admitted in 1801 by which time litigation had cost £2000. Arbitration was next resorted to and a plan was made by William Bell. This was successful and the moor, now reduced to 1800 acres, was divided between the burgh, which received 150 acres, and the heritors, among whom the remaining 1650 acres was divided. After the division in 1802 the common was rapidly enclosed and improved.

1. Singer, Dr., General View of the Agriculture of the county of Dumfries, Edinburgh, 1812, 145; NSA. iv, 528, 534
2. Irving v. Queensberry (UP. 1 Shield J/1/67); SPSL. 374:8, 376:23, 416:42, 422:38, 424:18, 412:11 & 19
3. RHP. 1; RHP. 2526 shows part of the commonty
4. MOR. (Local) pt. i, 62
5. RHP. 630, 631
Annan cont'd

**Commonty of Brownmoor**

The commonty of Brownmoor (Brownmuir), consisting of 1448 acres, was situated south of the Mein Water between Brydekirk and Kirtlebridge (NY2072). A summons of division of commonty was raised in 1763 by Edward Irving of Wiseby against Charles, Duke of Queensberry, and others.\(^1\) Commission was granted to John Goldie of Craigmue, commissary of Dumfries. James Tait, land measurer in Lockerbie, was appointed to make a plan of the commonty.\(^2\) The main area of contention was a series of limestone quarries in the southeast of the commonty. It was divided in 1770.

**Commonty of Creca**

The commonty of Creca (Craica, Craikow), consisting of 860 acres, was situated to the east and adjoining to the commonty of Annan (NY2369). A summons of division of commonty was raised in 1754 by George, Marquis of Annandale, and others against William Irving of Bonshaw and others.\(^3\) Commission was granted to John Goldie, sheriff-depute of Dumfries. In 1756 John and James Tait, land measurers in Lockerbie, were appointed to measure and make a plan of the commonty.\(^4\) The commonty was divided in 1760.

**Commonty of Girthend Muir**

The commonty of Girthend Muir was that part of the commonty of Rutherford, parish of Cummertrees, lying in Annan parish (NY1869). They were divided in a single process in 1753.\(^5\)

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1. Irving v. Queensberry (EP. Mack. 24/2/1770)
2. Missing
3. Annandale v. Irving (EP. Dal. 31/7/1760); SPSL. 135:23, 374:8, 374:34 (w. plan), 380:41-2, 387:19 & 80, 422:66
4. Missing; part of the mutual boundary of Creca and Annan commonties shown on RHP. 1, 630, 2526
5. Division of commonty of Rutherford see p. 68
DUMFRIESSHIRE

Applegarth

Commonty of Sibbaldbie

The commonty of Sibbaldbie, consisting of 955 acres, was one of three contiguous commonties situated on the hill slopes overlooking the Dryfe Water (NT1687). A summons of division of commonty was raised in 1762 by Edward Buncle of Heuk against George, Marquis of Annandale, and others. Commission was granted to John Story, writer in Moffat. In 1765 John Tait, land measurer in Lockerbie, was appointed to make a plan of the commonty. Dispute arose over 30 acres of ground that was claimed to be part of both Hutton and Sibbaldbie commonties. Another plan was made in 1770 by William Bell showing scheme of valuation of the commonty. The commonty was finally divided in 1774.

In 1834 it was reported that no land in the parish remained as undivided common.

Canonbie

Commonty of Hawknestrig

A common called Hawknestrig (Haukneys Ridge), consisting of 308 acres, was situated east of the River Sark between the lands of Barrnglesh and Bogrie. The commonty is shown on a plan by an English surveyor, Laud, who surveyed the lands of Liddesdale in 1718. No other reference has been found relating to this commonty.

1. Buncle v. Annandale (EP. Mack. 11/8/1774)
2. RHP. 25/2 (shows mutual boundary with Hutton and Drysdale commonties); RHP. 4092 shows the mutual boundary between Sibbaldbie and Dryfeiland commonties
3. RHP. 17
4. RHP. 25/1 (shows mutual boundary with Hutton and Drysdale commonties)
5. NSA. iv, 187
6. NRA. (Scot.) 0001
Cummertrees

Comonty of Cummertrees

The comonty of Cummertrees, consisting of c.700 acres, was situated on low lying ground west of Annan between Cummertrees village and River Annan (NY1667). It was also known by the names of Comonties of Breekenwhat, Justinlees and Howes, these being farms with servitudes upon it. A summons for division of comonty was raised in 1753 by Sir John Douglas of Kelhead against George, Marquis of Annandale. Although few documents have survived in this process, it appears to have proceeded in a leisurely fashion as shown by an inventory, dated 1785, which notes a plan of the disputed lands of Brocks made in 1762 and one of the comonty made in 1772. The comonty appears to have been divided some time around 1785.

Comonty of Edge

The comonty of Edge was situated south of the River Annan between Murraythwaite House and Hoddom Mains (NY1472). A summons of division of comonty was raised by Mathew Sharp of Hoddom against John Murray of Murraythwaite. Commission was granted to Alexander Orr, clerk to signet, and John Story, writer in Dumfries. Proof was taken at Murraythwaite mill in 1760.

Comonty of Hannah

The comonty of Hannah (Hannaw, Hanna), consisting of 126 acres, was situated to the northwest of the village of Cummertrees (NY1367). A considerable amount of encroachment had taken place on the comonty prior to 1772 when Thomas Smith took out an interdict to protect the remaining part of the comonty. A year later

2. Douglas v. Annandale (UP. 1 Potts D/3/95)
3. Both missing
4. SRO. Murray of Murraythwaite muniments (GD.219/24)
Cummertrees contd

Thomas Smith raised a summons for division of commonty against Colonel Stewart Douglas and others. The defenders resisted the pursuer's claim which was based on Act 1593 cap.161, that states that any minister who has right to a glebe shall also have enough grass for a horse and two cows or £20 yearly. The last reference in the process in July 1777 shows that the proof under the act of division had not been reported.

Murraythwaite commonty

A rough sketch, dated 1759, includes the name Murraythwaite (Murraywhat) commonty. It was situated south of the Dalton to Annan road in the vicinity of Stenries farm (NY1370). As the extent of the commonties of Topmuir and Edge have not yet been established, the name Murraythwaite commonty may be only an alternative name for either of these.

Commonty of Northwood

The commonty of Northwood, whose exact situation has not been established, was located somewhere in the vicinity of Trailtrow farm (NY1471). It was pastured by the tenants of that farm before the commonty was taken in sometime before 1741.

Commonty of Rutherford

The commonty of Rutherford, consisting of c.1200 acres, lay in a shallow depression south of Hoddom Mains extending to the River Annan at Blacketlees (NY1670). About half the commonty lay in Annan parish south of Brydekirk including that part of the commonty called Girthend Mair. A summons of division of commonty was originally raised in 1739 by John Carlyle of Limekilns.

1. Smith y. Douglas (UP. Currie Mack. 8/4/2)
2. APS. 1593 c.161
3. EHP. 264
4. Division of commonty of Rutherford: State of Process, p.33
Cummentrees contd

against Sir John Douglas of Knelhead, Mathew Sharp of Hoddom and others. Commission was granted to John Henderson, sheriff-depute of Annandale. In 1741 Charles Mercer, mathematician in Dumfries, was appointed to survey and make a plan of the commonty. Thereafter the process fell asleep and was wakened in 1750 by Adam Carlyle of Limekilns. A new commission was granted to Bryce Blair of Potterflatts and John Goldie of Craigmuir. In 1753 John Tait in Ruthwell and Robert Smith in Kelhead, mathematicians and land measurers, were appointed to measure and make a plan of the commonty. It was finally divided in 1753.

Commonty of Skyrescleugh

The commonty of Skyrescleugh, consisting of 832 acres, was situated south of the Pow Water on the low carse lands now known as Priestside Flow (NY1266). Skyrescleugh was also known as the commonties of Ruthwell, Lochlans (Lochlands) or Priestside. A summons of division of commonty was raised in 1776 by David, Viscount of Stormont, against Stewart Douglas of Hurkledale and others. Commission was granted to John Welsh, sheriff-substitute of Dumfries. In 1781 William Bell, land surveyor, was appointed to measure and make a plan of the commonty. It was divided in 1784.

Commonty of Topmuir and Edge

The commonty of Topmuir and Edge, of unknown extent, was situated west of the Glen Burn, part of which is now occupied by Topmuir farm, and extending into the parish of Ruthwell and Dalton (NY1269). A summons of division of commonty was raised in 1757

1. Carlyle v. Douglas (UP. 1 Shield C/2/1)
2. RHP. 3943; RHP. 3944 rough sketch of commonty
3. Missing
5. RHP. 426/102, 636
Gummertrees contd
by Sir John Douglas of Kelhead and David, Viscount of Stormont, John Carruthers of Holmains and others.\(^1\) Commission was granted to Bryce Blair, provost of Annan, and John Goldie, sheriff-substitute of Dumfries, as the latter was 'a person of great knowledge and experience in the executing of commissions of this nature'. No other documents survive in this process but it appears that two years later, in 1760, proof was taken for the division of Edge commonty (see p. 67). However, the litigants and commissioners of the latter process are totally different to those involved in the division of Topmuir and Edge so they must be regarded as two completely independent commonties.

Ward Common

Little is known of Ward Common other than it was pastured by the tenants of Trailtrow before it was divided some time before 1741.\(^2\)

Dornock

**Commonty of Greca**

*See Annan parish.*

**Commonty of Dornock**

The commonty of Dornock, consisting of 1137 acres and a flow moss of 381 acres, was situated immediately to the north of the road running from Annan to Gretna, from adjacent to the commonty of Annan to Rigmoor in Gretna parish (NY2566). The commonty was also known by the names of Blatwood (Blaatwood), Rigmuir, Bauchmyres and Greenlaw commonties. A summons of division of commonty was raised in 1750 by Charles, Duke of Queensberry, and Robert Irving of Woodhall against David, Viscount of Stormont, George,

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Dumfriesshire

Dornock contd

Marquis of Annandale, Sir John Douglas of Knelhead, James Douglas of Dornock and others. Commission was granted to John Goldie of Craigmuiue, sheriff-substitute of Dumfries, in 1765 but with his death in 1779 it was transferred to Thomas Goldie, writer in Dumfries. In 1765 John and James Tait, land surveyors in Lockerbie, were appointed to make a plan of the commonty. The division was about to be completed at this stage when Carruthers of Hardriggs made a claim to part of the commonty which was upheld and, in consequence, a new plan had to be made. A further plan was made by John and James Tait in 1778 showing the scheme of division in which two acres of ground at the foot of Dornock Loaning were set apart for a schoolhouse and yard and 17 acres for a drove road. The commonty was divided in 1789.

Dryfesdale

Upper Commonty of Dryfesdale

The Upper commonty of Dryfesdale (Drysdale), consisting of 1443 acres, was the southermost of three commonties – Hutton, Sibbaldie and Dryfesdale – that occupied the ridge between the Dryfe and Corrie Waters. It comprised of Newfield Moor and Groftheads and Sloda Hills (NY1584). A summons of division of commonty was raised in 1737 by William Herries of Hallcykes against Charles, Duke of Queensberry, George, Marquis of Annandale and thirteen other heritors. Commission was granted to John Goldie of Craigmuiue, sheriff-substitute of Dumfries. In 1738 Charles Mercer, teacher of mathematics in Dumfries, was appointed to measure and make a plan of the commonty. It was divided in 1739.

1. Queensberry v. Stormont (EP. Mack. 17/1/1789); SPSL. 107:5
2. Missing; western part of commonty shown on sketch – RHP. 2526; mutual boundary with commonty of Annan – RHP. 630
3. Missing
4. Missing
5. Herries v. Queensberry (EP. Dal. 22/2/1739)
6. RHP. 4092; RHP. 25/2 shows part of the boundary of 'the late commonty of Drysdale'
Dryfesdale contd

**Commonty of Pilmuir**

The commonty of Pilmuir (or Bengali), consisting of 2490 acres, was situated on a ridge that separates the Water of Milk and River Annan (NY1278). On the modern Ordnance Survey map this area is still marked as Pilmuir Common. Reference to this commonty appears in a charter by John de Crechtoun, Kt., dated 1410, granting common pasturage in the commonties of Bengali and Turnmure to his brother Thomas de Crechtoun of Burnstoun.¹ A summons of division of commonty was raised in 1760 by Charles, Duke of Queensberry, against George, Marquis of Annandale, John, Earl of Hopetoun, David, Viscount of Stormont, John Carruthers of Holmains, Archibald Douglas of Dornock and others.² Commission was granted to John Goldie of Craigmuie, Robert Dalrymple of Priestside, writer in Edinburgh, and John Story, writer in Dumfries. Commission was renewed in 1778 with Robert Henderson of Cleughheads and Thomas Goldie, commissary of Dumfries, as commissioners. At the same time William Bell, land surveyor, was appointed to measure and make a plan of the commonty.³ The commonty was finally divided in 1778.⁴

**Commonty of Torwood**

The commonty of Torwood, consisting of 133 acres, was situated on a small hillock in the Annan valley, a mile northwest of Lockerbie (NY1282). A summons of division of commonty was raised in 1791 by George, Marquis of Annandale, and James, Earl of Hopetoun, his curator-in-law, against William, Duke of Queensberry, and others.⁵ Commission was granted to Thomas Goldie,

1. SRO. Hunter of Barjarg muniments (GD.78/1)
2. Queensberry v. Annandale (EP. Mack. 5/3/1778)
3. Missing; RHP. 1742 shows part of the boundary of the commonty adjacent to the lands of Bengallhill in a plan by John Tait, dated 1756
4. Queensberry v. Stormont (UP. 1 Shield Misc/32/3 [decret p.656])
5. Annandale v. Queensberry & ors (EP. Dal. 27/2/1808)
Dryfesdale contd

commissary of Dumfries. In 1793 Thomas Udny, land surveyor, was appointed to measure and make a plan of the commonty. An additional note on this plan relates how the land was exchanged between the parties after the division in 1808.

Dumfries

Commonty of Barkerland

The commonty of Barkerland, consisting of 10 acres, lay adjacent to the feuare's common. A summons of division of commonty was raised in 1750 by John Graham, merchant and provost of Dumfries, against John Dalryell of Fairgirth and others. Commission was granted to John Goldie of Craigmie, sheriff-substitute of Dumfries. In 1751 Charles Mercer, mathematician and land measurer in Dumfries, was appointed to make a plan of the commonty. The commonty was divided in 1751.

A large part of the heritable property belonging to the town was sold in the first quarter of the nineteenth century to pay off the town's debts. In 1835 it was reported that no part of the parish remained in undivided common.

Glencairn

Moniaive Common

Little is known of Moniaive Common other than the common and a race course belonged to the village (NX7890). The location of the common is not known but the race course is believed to have ended on the ground east of Dunreggan farm.

1. RHP. 203
2. Graham v. Dalryell & ors (EP. Mack. 31/7/1751)
3. Missing
4. MCR. (Local) pt. 1, 211
5. NSA. iv, 17
Glencairn contd

Unidentified common

In 1835 only one acre in the parish remained as undivided common.¹ This has not been identified but it may be Moniaive Common noted above.

Gretna

The commony of Gretna (Graitney), consisting of 489 acres, was situated north of Gretna Green between Springfield and Douglas farm (NY3068). A summons of division of commony was raised in 1764 by Sir William Maxwell of Springhill against George, Marquis of Annandale.² Part of the commony had been enclosed some time before by Sir William Maxwell and his tenants, as William Robertson had to get in 1743 an instrument of interruption to prevent any further incursions on the commony. In 1765 commission was granted to John Goldie of Craigmuie, commissary of Dumfries, and John Story, factor to the Marquis of Annandale. Five years later James Tait, land surveyor, was appointed to measure and make a plan of the commony.³ It was divided in 1770.

The commony, up to the time of division, provided a convenient overnight stopping place for the passing droves on their way to England. It was the junction of two major drove roads, one from Falkirk via the Broughton gap, and the other from Galloway via Dumfries.⁴

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1. NSA iv, 332
2. Maxwell v, Annandale (EP. Mack. 9/8/1770)
3. RGF. 3902, 3903
Hoddom

Commony of Eastmuir

The commony of Eastmuir, whose extent and location are not known, lay in Hoddom parish. Rights to the commony were held by the proprietors of Castlebank and Neworchy. A process of division of commony was pursued by Janet Knox against Charles, Duke of Queensberry. A plan was made of the commony.  

Only a receipt, dated 1758, for the process has survived.

Commony of Hoddom and Ecclefechan

The commony of Hoddom and Ecclefechan, consisting of above 2000 acres, lay to the north and west of the village of Ecclefechan (NY77). A summons of division of commony was originally raised in 1713 by John Sharp of Hoddom against Douglas of Dornock. The process fell asleep until 1730 when it was awakened by George Sharp of Hoddom issuing a summons against Charles, Duke of Queensberry, George, Marquis of Annandale, James Douglas of Dornock and others. In 1732 John Henderson of Broadholm and Joseph Corrie, writer in Dumfries, were appointed commissioners. In 1738 Charles Mercer, mathematician in Dumfries, was appointed to measure and make a plan of the commony. It was finally divided in 1738.

Holywood

There are no references to any commonies in Holywood parish other than there being none in 1791.

1. Missing
2. Receipt (UP, 1 Currie Dal. E/1/27)
4. Missing
5. OSA. i, 29
Hutton and Corrie

**Commony of Cammock**

The commony of Cammock (or Cammock Bog), consisting of 179 acres, occupied part of Dryfe valley, north of Blindhillbush farm (NY1590). A summons of division of commony was raised in 1766 by George Graham of Schaw against George, Marquis of Annandale, and John, Earl of Hopetoun, for himself and also as tutor-in-law to the Marquis of Annandale.\(^1\) Commission was granted to William Hay, W.S., and John Story, writer in Moffat. In 1767 they appointed John Tait, land surveyor in Lockerbie, to measure and make a plan of the commony.\(^2\) It was divided in 1772.

**Commony of Corrie**

The commony of Corrie, whose extent is not known, was situated on the moorland rising to over 800 ft O.D. east of the Corrie Water (NY2186). On the modern Ordnance Survey map the common is still named. A summons of division of commony was raised in 1768 by George, Marquis of Annandale, against Robert Henderson of Cleughheads and George Johnston.\(^3\) The only document surviving from this process is a petition for renewal of an act and petition dated 1790.\(^4\) It must be assumed that the commony was divided some time after this date.

**Commony of Hutton**

The commony of Hutton, consisting of 594 acres, was situated immediately to the north of the commony of Sibbaldbie, on ground rising from the Dryfe Water southeast of Boreland (NY1789). A small area of these two commonies at White Hill, amounting to 30 acres, was in dispute as to which commony it belonged. A summons of division of commony was raised in 1762 by John Johnstoun of Grange against George, Marquis of Annandale, and

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1. Graham v. Schaw (EP. Mack. 7/8/1772)
2. Missing
3. Not traced
4. SPSL. 258:118
Hutton and Corrie contd

John, Earl of Hopetoun his tutor-in-law, Edward Buncle of Heuck and others. Commission was granted to William Hay, W. S., and Robert Irving, W. S. In 1765 John Tait, land surveyor in Lockerbie, was appointed to measure and make a plan of the comonnty. It was divided in 1774.

Johnstone

Commony of Mollins

The comonnty of Mollins, now shown as Mollin Moor, was situated on moorland rising steeply from Kinnel Water to Hangingshaw Hill (NY0494). A summons of division of comonnty was raised in 1812 by James, Earl of Hopetoun, against Mrs Elizabeth Copland and others. Few details of this process have survived but it appears that the proprietors of the lands of Mollin, Mollinscleugh and Minnygap had rights on the comonnty of Mollins. There is no indication of the size or boundaries of the comonnty.

Unidentified comonnty

In 1791 it was reported that a 'comonnty, which was very considerable, was divided not long ago'. There is no indication as to its identity.

Kirkconnel

Unidentified comonnty

This comonnty, so far unidentified, was situated in the vicinity of Carcoside, two miles north of Sanquhar (NS7712). A summons of division of comonnty was raised in 1809 by John, Earl of

2. RHP. 17, 40
3. Hopetoun v. Copland & ors (UP. 1 Potts H/8/138)
4. OSA. iv, 220
Kirkconnel contd

Hopetoun, and Alexander Irvine of Newtown against Archibald Williamson of Carcoside. In 1815 hill ground belonging to Carcoside was seised by Alexander Pagan and Alexander Auld.

Dalmahoe

Dalswinton Common

Only the name Dalswinton Common survives as a record of a former comonty in this location. The only other reference to Dalswinton Common was in a process of mails and duties raised in 1783 in which the common was listed as part of the lands of William Maxwell of Dalswinton.

Duncow Common

All that is known of this common is the place-name recorded on modern Ordnance Survey maps (NX9638). It is situated on moorland high above the Nith valley southeast of Dalswinton Common.

Kirkmichael

Nothing is recorded of there being commonties in this parish other than in 1791 when it was reported 'there are now no open undivided commons'.

Kirkpatrick-Fleming

Commonty of Kirkpatrick

The commonty of Kirkpatrick, consisting of 1091 acres, lay to the north of Kirkpatrick-Fleming village extending to Gillshaw Flow (NX2772). A summons of division of commonty, of both the

1. Hopetoun y. Williamson (UP. 1 Drysdale H/12/40 [inventory only])
2. Register of Sasines (P.R. 40. 164)
3. Cranston y. Maxwell (EP. Dal. 9/8/1787)
4. OSA. 1, 55
Kirkpatrick-Fleming contd

Commonties of Kirkpatrick and Redhall, was raised in 1765 by George, Marquis of Annandale, against Sir William Maxwell of Springkell, John Irving of Cove, William Graham of Morsknow and William Irving of Bonshaw. Commission was granted to John Goldie of Craigmui and John Story, writer in Moffat. In 1770 James Tait, land surveyor in Lockerbie, was appointed to measure and make a plan of the commonty. Both commonties were divided in 1773.

Commonty of Redhall

The commonty of Redhall (Reidhall), consisting of 945 acres, occupied low-lying ground east of the village of Kirkpatrick-Fleming extending to the boundary with Gretna parish and the commonty of Gretna (NY3070). The commonty of Redhall was divided in the same process as that of the commonty of Kirkpatrick (see above). A plan of the commonty was made by James Tait in 1770.

Kirkpatrick-Juxta

Under commonty of Kirkpatrick-Juxta

The Under commonty of Kirkpatrick-Juxta, consisting of 938 acres, occupied the floor of the Annan valley south of Beattock (NY9909). A summons of division of commonty was raised in 1758 by George, Marquis of Annandale, and John, Earl of Hopetoun, his tutor-in-law, against Charles, Duke of Queensberry, William Johnston of Corehead and others. Commission was granted to John Story, writer in Moffat, and Thomas Carlyle, writer in Dumfries. In 1775 James Tait, land surveyor, was appointed to measure and make a plan of the commonty. Thomas Carlyle died in 1775 and his place on the commission was taken by John Goldie, sheriff-substitute of Dumfries. The commonty was divided in 1777.

3. Missing; RHP. 3902 shows the mutual boundary between the commonties of Redhall and Gretna
4. Annandale v. Queensberry (EP. Dal. 27/2/1777) 5. Missing
Kirkpatrick-Juxta cont'd

Upper commonty of Kirkpatrick-Juxta

The Upper commonty of Kirkpatrick-Juxta, consisting of about 800 acres, was situated on the steeply rising moorland west of Beattock (NT0501). A summons of division of commonty was raised in 1736 by David Johnston of Beattock against Charles, Duke of Queensberry, George, Marquis of Annandale, and others. Although John Neilson of Chappell, Joseph Corne, writer in Dumfries, and William Carruthers of Wormumbie were granted commission only William Carruthers accepted it. In 1740 John Douglas, architect in Edinburgh, was appointed to measure and make a plan of the commonty. It was divided in 1743.

In 1834 it was reported that no lands in the parish remained as undivided common.

Langholm

Commony of Langholm

The commony of Langholm (also known as Arkholm or ten markland of Langholm), consisting of 846 acres, was situated to the east of the town occupying most of Whita Hill (NY3784). A summons of division of commonty was raised in 1757 by John Maxwell of Broomholm against Henry, Duke of Buccleuch, and others. Commission was granted to John Boston, one of the Duke of Buccleuch's chamberlaine, and Bryce Blair of Potterflatts but John Boston died soon after and Bryce Blair acted as sole commissioner. In 1758 James Tait, land surveyor in Lockerbie, was appointed to measure and make a plan of the commonty. The commonty was

1. Johnston v. Queensberry (EP. Del. 14/1/1743)
2. Missing
3. NSA. iv, 128
4. Maxwell v. Buccleuch (EP. Mack. 1/3/1759); Hyslop, J. and R., Langholm as it was, Sunderland, 1912, 876-8
5. Original missing but there is a copy in Hyslop op. cit., 876
Langholm contd

Divided in 1759 with the exception of the moss lying within its limits which was reserved as a common for those having interest in the commony of Langholm. The Common Moss with the Common Brae are marked on the Ordnance Survey Six-Inch sheet (2nd edition).

After the division, when the burgesses of Langholm had been awarded legal rights to the Common Moss and Kilngreen, the Common-Riding was instituted. It became one of the most important dates in the calendar for the local inhabitants; for example, it was one of the stipulations in agreements of hiring that the servant was to have holidays at Canonbie Sacrament and Langholm Common-Riding. ¹

Lochmaben

Commonty of Broombill Muir

The commonty of Broombill Muir, consisting of 176 acres, was situated on the flood plain of the Kinnel Water south of Kinnel Bridge (NY0884). A summons of division of commonty was raised in 1765 by William Jardine of Bridgemuir against Charles, Duke of Queensberry, and George, Marquis of Annandale. ² Commission was granted to John Goldie of Craigmuie, commissary of Dumfries, and John Story, factor to the Marquis of Annandale. In 1766 John and James Tait, land measurers in Lockerbie, were appointed to measure and make a plan of the commonty. ³ It was divided in 1774.

Commonty of Carthat

The commonty of Carthat (Carthet), situated on Carthat Hill, was a part of the commonty of Mouswald (see page 85).

1. Hyslop op. cit., 536-69
2. Jardine v. Queensberry (EP. Mack. 27/7/1774)
3. RHP. 5
Lochmaben contd

**Commony of Heck Bog**

The commony of Heck Bog, consisting of 155 acres, was situated on the flood plain of the River Annan southeast of Castle Loch (NY0980). A summons of division of commony was raised in 1739 by John Henderson of Broadholm against John Mitchell and others. Charles Mercer, mathematician in Dumfries, was appointed to measure and make a plan of the commony. It was divided in 1741.

**Runrig lands of Heck and Greenhill**

The runrig lands of Heck and Greenhill, extending from 200 to 300 acres, lay to the northeast of Hightae in some 600 different parcels, most of which were very crooked (NY0979). A summons of division of runrig was raised in 1778 by Dr George Bell of Greenhill against James Richardson, merchant and former provost of Lochmaben, and others. In 1778 William Bell, land surveyor, was appointed to make a plan of the runrigs. It was such a complicated task that he and his two partners, John Clark and Benjamin Barnes, took 400 days to complete the survey. Bell had to get an act and warrant from the Court of Session for the payment of the very high fee that he presented to the litigants.

**Commony of Hightae**

The commony of Hightae (sometime called the commony of Fourteen Acre), consisting of 1823 acres, occupied a long strip of ground beside the Lochmaben to Dalton road from Hightae Mill Loch to Denbie Mains in the parish of Dalton (NY0976). A summons of division of commony was raised in 1741 by John Richmond and

1. Henderson v. Mitchell (EP. C. & E. Dal. (Rot. Alison) H. 21/7/1741)
2. RHP. 200
3. Not traced
4. Missing
5. Petition William Bell (EP. C. & E. (John Stewart) B. 22/1/1780)
other feuars and kindly tenants in Hightae against Mathew Sharp of Hoddum, Charles, Duke of Queensberry, and others. Commission was granted to John Goldie of Craigmuir, sheriff-substitute of Dumfries. In 1763 James Tait, land measurer, was appointed to measure and make a plan of the commonty. The commonty was finally divided in 1766.

**Commonty of Rockhall**
The commonty of Rockhall, situated on what is now known as Rockhall Moor (NY0676), was part of the commonty of Mouswald (see page 85).

**Commonty of Rockhallhead**
The commonty of Rockhallhead, situated on Rockhallhead Hill (NY0676), was part of the commonty of Mouswald (see page 85).

**South common of Lochmaben**
The South common of Lochmaben, consisting of 1161 acres, occupied a large part of the hills to the southwest of Lochmaben including Beacon Hill and Hartwood Moor (NY0679). Little is known of this commonty other than what is shown on a plan by Charles Mercer, dated 1734. The plan bears a note: 'This open space represents a large tract of ground in the surveying thereof I was interrupted by the kindly tenants in Hightae who alleged it was their property and not commonty ground'.

**Unidentified common**
A small sketch, dated 1802, shows part of 'former commonty of the borough' situated to the west of Mill Loch (NY0783). This probably relates to the former North common of Lochmaben of which next to nothing is known.

1. Richardson v. Sharp (EP. Dur. 7/8/1766)  
2. RHP. 4086, 4087  
3. RHP. 218  
4. RHP. 5256, 5257
Middlebie

Commony of Middlebie

The commony of Middlebie and Howat's Hill (Howathill), consisting of 1099 acres, was situated in an arc around the basin of the Middlebie Burn (NY2179). A summons of division of commony was raised in 1743 by Charles, Duke of Queensberry, and George Maxwell of Middlebie against George, Marquis of Annandale, David, Viscount of Stormont, Mathew Sharp of Hoddom, John Carruthers of Holmains, James and Archibald Douglas, elder and younger of Dornock, and others. Commission was granted to Robert Irving, W.S. In 1765 he appointed John Tait, land surveyor in Lockerbie, to measure and make a plan of the commony. A new survey was called for in 1773 and James Wels, land surveyor in Leadhills, was appointed to make a new scheme of division and plan. When the commony was finally divided in 1774 it was found impracticable to divide up the peat mosses within its bounds and they were left for the use of all.

Commony of Pleafiel

The commony of Pleafiel (or Pleamoss), consisting of 326 acres, occupied the hill ground between Gowd Muir and Allforought Hill (NY2979). A summons of division of commony was raised in 1761 by William Johnston, advocate, against Henry, Duke of Buccleuch, and others. Commission was granted to John Maxwell of Broomholm and Robert Irving, W.S. In 1762 James Tait, land measurer in Lockerbie, was appointed to survey and make a plan of the commony. It was divided in 1764.

1. Queensberry v. Annandale (EP. Mack. 11/1/1774)
2. RHP. 4085; RHP. 3861 shows part of the boundary of the commony of Middlebie with the infields and outfields of Scotsbrig and Stoneyfield farms
3. Missing
4. RHP. 634 (plan of the mosses of Middlebie, engraved by John Ainslie, 1785)
6. Missing
Moffat

**Commony of Moffat**

The commony of Moffat, consisting of 1280 acres, was situated on the eastern slopes of the Annan valley, north of Moffat (NT0808). Commonside farm lying on the road between Moffat and Erietane marked the western boundary of the commony. A summons of division of commony was raised in 1765 by George, Marquis of Annandale, and John, Earl of Hopetoun, his curator-in-law, against James Johnston, merchant and feuair in Moffat, Angus McDonell, vintner in Moffat, and other feuars of the town.¹ Commission was granted to John Story, writer in Dumfries. In 1771 William Bell, land surveyor, was appointed to measure and make a plan of the commony.² It was divided in 1772.

Morton

There are no reports of any commonies within this parish other than there being none in 1834.³

Mouswald

**Commony of Mouswald**

The commony of Mouswald, consisting of 2028 acres, was situated on the ridge separating the Nith and Annan valleys (NY0676). It lay partly in Lochmaben parish and included the commonies of Rockhall, Rockhallhead and Garthat. A summons of division of commony was raised in 1761 by Charles, Duke of Queensberry, against John Carruthers of Holmains, Mathew Sharp of Hoddam, John Carruthers of Denby, Sir Robert Grierson of Lag and others.⁴ Commission was granted to David Armstrong, advocate, and Thomas

¹. Annandale v. Johnston (EP. Dal. 11/8/1772)
². Missing
³. NSA. iv, 98
⁴. Queensberry v. Carruthers (EP. Mack. 5/3/1771)
Mouswald contd

Carlyle, writer in Dumfries. In 1768 Hamilton Leslie, land surveyor, was appointed to make a plan.\(^1\) Controversy arose from the valuation of the comonty during a very rainy spell in November 1768 and also as to the extent of the comonty which the Duke of Queensberry estimated to be only 1047 acres, about half of the surveyor's calculation.\(^2\) The comonty was divided in 1771.

Common loan

A plan of the barony of Mouswald, dated 1812, shows a loan (common lane) to the township of Mouswald Banks (NY0674).\(^3\)

Penpont

Common hill

A plan, dated 1765, notes a hill, 653 ft O.D., common to Little and Meikle Grennan and Corsefield, one mile east of Penpont village (NX8394).\(^4\)

Ruthwell

Commonty of Comlongon

The comonty of Comlongon, consisting of 1356 acres, was situated on the low ridge overlooking Lochar Moss, north of Ruthwell (NY0870). A summons of division of comonty was raised in 1728 by David, Viscount of Stormont, against Charles, Duke of Queensberry, Sir William Douglas of Knellhead, John Carruthers of Holmains, David Murray of Belridden and others.\(^5\) Commission was

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1. Missing; RHP. 635, 3920, 3921 show north end of comonty; RHP. 3920 shows Rockhall, Rockhallhead and Carthat commons; RHP. 4087 shows part of the boundary of comonty at Daneby Burn, Dalton; RHP. 1744 shows boundary of comonty west of Butterwhat (NY0974)
2. SPSL. 154:34
3. RHP. 113/1
4. RHP. 810
5. Stormont v. Queensberry (EP. Dur. 10/6/1731); SPSL. 9:41
Ruthwell contd

granted to James Wallace, sheriff-depute of Dumfries, John Henderson of Broadholme and Joseph Corrie, writer in Dumfries. In 1730 Charles Mercer, land measurer in Dumfries, was appointed to measure and make a plan of the commonty. It was divided in 1731.

In 1834 it was reported that no land in the parish remained in undivided common.

St Mungo

Runrig lands of Blackford

The runrig lands of Blackford, whose extent and location are not known, were situated in the vicinity of Blackford farm (NY1480). A summons of division of runrig was raised in 1758 by Alexander Martin, portioner of Blackford, against James and Archibald Douglas, elder and younger of Dornock, Sir William Maxwell of Springkell and others. Commission was granted to Bryce Blair of Potterflat and Robert Dalrymple of Priestside. No more is known of the progress of this process.

Commonty of Eskdalerig

The commonty of Eskdalerig, whose location and extent is not known, was situated in the vicinity of Gimmenbie Mains (NY1678). A summons of division of commonty was raised in 1760 by Archibald Douglas of Dornock against William Irving and Joseph and John Wood, all feuars of Northcroft. Commission was granted to Robert Dalrymple of Priestside, W.S. In 1760 James Tait, mathematician in Lockerbie, was appointed to measure and make a plan of the commonty. It is not known how long after 1760 the commonty was divided.

1. Missing
2. NSA. iv, 232
5. Missing
St Mungo contd

Commony of Hunterhill

The commony of Hunterhill, whose extent and location is not known, was situated in the vicinity of the Mains of Castlemilk (NY1575). A summons of division of commony was raised in 1760 by Archibald Douglas of Dornock against Mathew Sharp of Hoddom. The commony included several pieces of ground lying runrig with the pursuer's Mains of Castlemilk and meadow lands possessed pro indiviso. Commission was granted to Robert Dalrymple, W.S. and Robert Irving, W.S. In 1761 they appointed James Tait, mathematician in Lockerbie, to measure and make a plan of the commony. The rest of the process is missing.

Commony of Lockerbie

The commony of Lockerbie, consisting of about 150 acres, was situated to the east of the burgh, partly in Dryfesdale parish, and was bounded by the lands of Blackford, Millatrace (Mellentae), Whitewitness and the Mains of Lockerbie (NY1480). It was also known by the names of commony of Be[damaged]haws and Hattarano holme. A summons of division of commony was raised in 1756 by William Johnston of Lockerbie against James and Archibald Douglas, elder and younger of Dornock, Alexander Martin, portioner of Blackford, Sir James Johnstone of Westerhall, Sir William Maxwell of Springkell and others. No other information has survived relating to this commony but there seems to have been a drove road through it as Drove Ford is shown crossing the Water of Milk on its eastern boundary.

2. Missing
4. O.S. 1:10,560, 2nd edn. Dumfries sheet L1. N.W.
St Mungo contd

Commonty of Sorrysike Moor

The commonty of Sorrysike (Sorrysyke) Moor, consisting of more than 60 acres, was situated in the tongue of land between the River Annan and Water of Milk south of Kirkbank (NY1374). A summons of division of commonty was raised in 1744 by Mathew Sharp of Hoddon, William Carruthers of Hardrigs and John Carruthers of Breckenhill against James and Archibald Douglas, elder and younger of Dornock, and others. The action fell asleep and was awakened by the pursuer in 1755. Commission was granted to Francis Carruthers of Dormont and Robert Henderson of Cleughheads. Again the process fell asleep and was awakened in 1768 with new commissions granted to John Goldie and Thomas Carlyle, writer in Dumfries. In 1772 John and James Tait, land surveyors in Lockerbie, were appointed to measure and make a plan of the commonty. It was finally divided in 1773.

Sanquhar

Commonty of Sanquhar

The commonty of Sanquhar, consisting of 428 acres, was situated on the moorland east of the town (NS7910). Originally it had extended to many hundred acres but the greatest part of these lands had been soumed out by the council at an early date. The whole of the town’s population had rights of pasturage on the commonty with their cows being tended by a herd. In 1830 a summons of division of souming and rouming was raised by Walter, Duke of Buccleuch and Queensberry, and other heritors of the burgh of Sanquhar against Thomas Crichton of Auchinskeoch, provost of Sanquhar, and the magistrates of the burgh. The rights of

4. Buccleuch v. Crichton (UP. 1 Drysdale 8/12/4)
Sanquhar contd

the soumers were admitted by the Court, and a decree of division was pronounced in which the common was split into two almost equal portions, 181 acres going to the burgh and the rest to the soumers. The soumers then proceeded to enclose and cultivate their part whilst that belonging to the burgh was let to the inhabitants for grazing their cows at £1 per head per annum.¹ In the course of this process H. Stitt, land surveyor, was appointed to measure and make a plan of the commonty.²

Tundergarth

Comonty of the Holes of Gate

The commonty of the Holes of Gate, whose extent and location are not known, was situated in the vicinity of Whiteknowe farm (NY2183). A summons of division of commonty was raised in 1745 by John Johnston of Lairdholm and John Bell of Whitestonehill against George, Marquis of Annandale, David, Viscount of Stormont, George Johnston of Whiteknowe and others.³ Commission was granted to Bryce Blair, former provost of Annan. Documentary evidence ends with the depositions of witnesses and without any surveyor being appointed.

Comonty of Tundergarth

The commonty of Tundergarth, consisting of c.200 acres, was situated on the hill slope extending from Powhafet, on the parish boundary, adjacent to the commonty of Middlebie,⁴ to the Water of Milk (NY2081). A process of division was raised in 1750 and the division was afterwards carried out by the

1. MCR. (Local) pt. ii, 391; NSA. iv, 307
2. RHP. 1667
4. RHP. 4085 shows mutual boundary between the commonties of Middlebie and Tundergarth
proprietors of the dominant tenements entering into a submission. Commission was granted to John Goldie, sheriff-substitute of Dumfries. Decree was pronounced in 1754.  

In 1834 it was reported that no part of the parish remained as undivided common.  

The only reference to commonties within this parish is that there were none in 1812.  

In 1764 there were four commonties in Wamphray parish — Middle-rigg, Blaze, Dundoran and Wamphray Muir — on which the farmers in the neighbourhood of each had the right of grazing their sheep, cattle and horses.  

The commonty of Blaze (Bleeze, Bleize), consisting of 314 acres, was situated on Blaze Hill in the Annan valley (NY1395). A summons of division of commonty was raised in 1766 by Hugh Lawson, merchant in Dumfries, against George, Marquis of Annandale, John, Earl of Hopetoun both for himself and as curator-in-law to the Marquis of Annandale, Mathew Sharp of Hoddam and others. Commission was granted to Thomas Carlyle, writer in Dumfries, and John Story, writer in Moffat. In 1768 Hamilton Leslie, land surveyor in Libberton, was appointed to measure and make a plan of the commonty. It was divided in 1769.

Wamphray contd

Commony of Dundoran

The commony of Dundoran, consisting of 356 acres, was situated in the Annan valley on a spur north of the Wamphray Water (NY1298). A summons of division of commony was raised in 1766 by Mathew Sharp of Hoddom against George, Marquis of Annandale, John, Earl of Hopetoun for himself and as curator-in-law to the Marquis of Annandale, and Hugh Lawson of Gutherhead, merchant in Dumfries. Commission was granted to Thomas Carlyle, writer in Dumfries, and John Story, writer in Moffat and factor to the Marquis of Annandale. In 1768 Hamilton Leslie, land surveyor in Libbertown, was appointed to measure and make a plan of the commony. It was divided in 1769.

Commony of Middlerigg

The commony of Middlerigg, consisting of 132 acres, shared the high moorland east of the Annan valley with the commonies of Blaze, Wamphray Muir, Cammock and Dundoran. Middlerigg ran along the ridge consisting of Fingland Fell, Howgill Fell and Milne Height, at an average height of 1300 ft O.D. (NY1496). A summons of division of commony was raised in 1766 by George Carruthers of Laverhay against George, Marquis of Annandale, and John, Earl of Hopetoun for himself and as curator-in-law to the Marquis of Annandale. Commission was granted to William Hay, W.S. and John Story, writer in Moffat. John Tait, land surveyor in Lockerbie, was appointed to measure and make a plan of the commony. The commissioners recommended that Backburn Flow should be left out of the final division in 1772.

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1. Sharp v. Annandale (EP. Mack. 8/8/1769)
2. Missing
3. Carruthers v. Annandale (EP. Mack. 7/8/1772)
4. Missing
Wamphray contd

Commonty of Wamphray Muir

The commonty of Wamphray Muir, consisting of 205 acres, was situated immediately south of Wamphray Water on the lower slopes of the Annan valley (NY1295). A summons of division of commonty was raised in 1766 by Hugh Laweon, merchant in Dumfries, against George, Marquis of Annandale, and John, Earl of Hopetoun both for himself and as curator-in-law to the Marquis of Annandale and Mathew Sharp of Hoddom.\(^1\) Commission was granted to Thomas Carlyle, writer in Dumfries, and John Story, writer in Moffat and factor to the Marquis of Annandale. In 1767 Hamilton Leslie, land surveyor in Libbertown, was appointed to measure and make a plan of the commonty.\(^2\) It was divided in 1769.

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1. Laweon v. Annandale (EP. Mack. 8/8/1769)
2. Missing
Bonhill

**Commony of Auchincarroch Muir**

The commony of Auchincarroch Muir, consisting of 282 acres, was situated on the north-western flank of the Kilpatrick Hills overlooking the Loch Lomond basin (NS4281). A summons of division of commony was raised in 1800 by John MacAllaster of Auchincarroch against Alexander MacAllaster and William MacKinlay, portioners of Easter Auchincarroch. Commission was granted to John Grey, sheriff-substitute of Dunbartonshire. In turn, he appointed Henry Reed, land surveyor in Dumbarton, to measure and make a plan of the commony. To save expense it was decided between the parties that only two witnesses would be examined to demarcate the boundaries of the commony and it was amicably divided in 1805.

**Dumbarton**

**Dumbarton Moor**

Records of encroachment upon the burgh muir, situated to the north of the town, go back as far as 1630. Constant disputes arose over its precise boundaries and in 1772 an action of declarator and molestation was raised in the Court of Session against the burgh by Buchanan of Drummakil and others. The dispute lasted almost sixty years with the case going as far as the House of Lords in 1813 where the magistrates were given a favourable decision, but far from ending the action for it was sent back to the Court of Session. Finally, the dispute was

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1. MacAllaster v. MacAllaster (EP. Mack. 12/2/1805)
2. Missing
4. Ibid.
Dunbarton contd

referred for arbitration to a judicial referee, Archibald Alison, sheriff of Lanarkshire. He found for the burgh and in 1838 issued an interlocutor that brought the dispute to a close. In 1845 the Moor was sold to Sir John Maxwell of Pollock for £9000. There is an early nineteenth century plan of Dumbarton Moor showing its extent and boundaries.¹

**Town's common**

The burgesses of Dumbarton had a right of pasturage upon the town's common or Broad Meadow. Each burgess paid a small sum for each head of cattle, varying according to the number of cattle pasturing during the season, but which seldom exceeded 3s 6d for each cow, and 6s for each horse. The money raised was used to pay a common herd.²

**New Kilpatrick**

In 1845 it was reported that no part of the parish remained in a state of undivided common.³

**Old Kilpatrick**

**Commonty of Muir of Kilpatrick**

The commonty of the muir of Kilpatrick, consisting of 427 acres, was situated north of Old Kilpatrick village from Kilpatrick Braes to Duncolm (NS4674). A summons of division of commonty was raised in 1851 by Charles, Lord Blantyre against Robert Lang and others.⁴ Commission was granted to Donald Mackenzie, advocate. In 1851 the commissioner appointed Henry J. Wylie, civil engineer and surveyor, to measure and make a plan of the commonty.⁵ After the first plan was produced a new one was made showing the areas in dispute.⁶ Two other plans were made in 1854 and 1857 showing minor changes in the scheme of division.⁷ The commonty was divided in 1860.

1. RHP. 3881  2. MOR. (Local) pt.i, 207  3. NSA. viii, 53
4. Blantyre v. Lang & ors. (EP. 6/5/1860)  5. RHP. 518/1
6. RHP. 518/3  7. RHP. 518/2, 4
CITY OF DUNDEE

Compared to the three other major Scottish cities it appears that Dundee never had much common land. The small amount that remains represents a careful consolidation rather than a relic of formerly more extensive lands as we find in these other cities. Documents relating to Dundee's common land have been published as a collection.¹

Magdalen Green

Magdalen Green, consisting of 17 acres, is situated on the banks of the Tay estuary and consists of partly reclaimed land and raised beach. As early as 1678 the inhabitants of Dundee had vindicated their rights of walking over, parading and using the Green for recreation purposes, while the proprietor of Blackness had the right of solum and pasturage of the Green. In 1858 the magistrates of Dundee raised an action in the Court of Session objecting to Mr Hunter of Blackness building on the foreshore between the Green and the river. The town got an interdict against such a proceeding, and ultimately a decree was pronounced finding that the Town's rights extended to the river. In 1871 the Commissioners of Police, in the Improvement Act, got powers to acquire the Green as a pleasure ground under the statute for public recreation purposes, and they subsequently purchased Mr Hunter's rights of solum and pasturage.

Law Hill

From time immemorial the inhabitants of Dundee had the use of Law Hill for recreation purposes, although the title of the land was in the hands of the Rankine family. Law Hill, consisting of 13 acres, was bought by the town in c.1870 for £1,138 in order to avoid expensive litigation that would have ensued in

¹ Charters, Writs, and Documents of the Royal Burgh of Dundee, the Hospital and Johnston's Bequest: 1292-1880, Dundee, 1880
vindicating the town's rights upon the hill. The north shoulder of the hill was acquired in a separate transaction as there was a quarry belonging to the Rankine family and its continued working was making the Law hazardous for recreation purposes.

Outwith these parks there was no land in the parish of Dundee in undivided common in 1832.¹

¹ NSA. xi, 21
Aberlady

Common Moor of Aberlady

The common moor of Aberlady, consisting of 61 acres, was a piece of whin covered waste ground situated close to the village of Aberlady (NT4679). This village had been founded between the lands of Easter and Wester Mains, belonging to the Earls of Hopetoun and Portmore. The tenants of these two farms had rights to the common moor of Aberlady which, in time, were assumed by the feuars of the village. A summons of declarator, molestation and division was raised in 1782 by John, Earl of Hopetoun, against Charles, Earl of Portmore, and fifty-nine feuars of Aberlady. Commission was granted to John Goodwillie, writer in Edinburgh. In turn he appointed William Bell, land surveyor in Edinburgh, to value, measure and make a plan of the commonty. This was one of the rare cases in which it appears that a village had established rights upon the common, if not by legal process, then by common usage. Consequently, when it was attempted to exclude the villagers from the common, their passions were so aroused that they were willing to resort to violence to preserve their rights. Thus, when William Bell and his partner, John Clark, went to survey the commonty in August 1780 they were met 'with a man blowing a horn and a great many women, some of whom had axes, some stones, some ropes, some hooks, some sticks ...' and were forced to beat a somewhat undignified retreat. The leaders of this assortedly armed band were lodged, for contempt of court, in the Canongate Tolbooth for a month. The commonty was divided in 1786.

1. Hopetoun v. Portmore (EP. Del. 28/2/1786)
2. Missing
**Dirleton**

**Dirleton Green**

Dirleton Green, consisting of 4½ acres, is situated immediately north of the Castle in the centre of the village (NT5183). Records of its existence go back to 1552 when it is mentioned in an instrument of sasine. ¹ To the present day it survives as the focal point of the village.

**Gullane Common**

Gullane Common, whose extent is not known, formed nearly half of Gullane Links which are situated immediately to the west of the village (NT4782). Ownership of the commonty was in dispute between 1643 and 1679 when Alexander Livingston of Saltcoats made claim to it. ² In 1836 the common was simply used as a rabbit warren, although the Links themselves were stocked with cattle and sheep. ³

**North common of Dirleton**

The north common of Dirleton (shown on Forrest's map of Haddingtonshire as Dirleton Common), consisting of c.200 acres, lay between the Bel Burn and the shoreline north of Dirleton village (NT5185). The commonty was under co-ownership until about 1728 when it was proposed to the feuars of Dirleton that an exchange be made of their interests in the South and North Commons. ⁴ No other information survives as to the result of this proposal but it must have been successful as the North Common was being leased for sheep grazing in 1779. ⁵ Dirleton Common was shown on Forrest's map of Haddingtonshire published in 1799. ⁶

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¹. SRO. Biel muniments (GD.6/69, 111, 156)
³. NSA. ii, 214; op. cit. (GD. 6/1626)
⁶. RHP. 1245
Dirleton contd

South Common of Dirleton

The south common of Dirleton, of unknown extent, was situated on the low lying ground south of the village which was the site of the former South Loch of Dirleton that was surrounded by a commonty. The Loch was drained in 1676 by William Congleton of Congleton. However, the commonty was still in existence in 1728 when an exchange of rights between the South and North Commons of Dirleton was proposed (see above).

Commonty adjacent to the lands of Muirfield

The commonty adjacent to the lands of Muirfield, whose name is not recorded, was situated in the vicinity of Muirfield Mains (NT4983). A summons of division of commonty was raised in 1800 by Major Spencer Cochrane of Muirfield against William Hamilton Nisbet of Dirleton and others. Little else is known of the fate of this commonty other than it had not been divided by 1805.

Commonty of West Fenton

The commonty of West Fenton, consisting of 142 acres, was situated in the vicinity of West Fenton farm (NT4981). Few documents have survived relating to this commonty other than a measurement and scheme of division. The commonty was divided in 1725.

Dunbar

Dunbar Common

The property of the burgh of Dunbar included the town's common, located totally outwith the parish of Dunbar, which contributed

1. SRO. Biel muniments (GD. 6/112)
3. Cochrane v. Nisbet (UP. 1 Potts C/3/64)
4. SRO. Biel muniments (GD. 6/1781a)
Dunbar contd

nothing to the revenue of the burgh, other than a right of pasturage to the burgesses. In 1835 the common was valued at £5000. See Spott parish (page 105) for the division of Dunbar Common.

Grinden Myre

Grinden Myre, consisting of just over 4 acres, lay between the lands of Grindenhead and South Belton (NT6576). The joint owners of this bog, James, Lord Belhaven and John Hay of Belton, decided to divide and drain it as it was of little use to their tenants and cattle were straying upon it and drowning. John Johnston, land surveyor in Belhaven, was appointed as sole arbiter with full powers to take proof of the proprietors' respective rights. The Myre was amicably divided and registered in the Sheriff Court Books of Haddington on 18th April 1772.

Gladsmuir

Muir of Gladsmuir

The Muir of Gladsmuir, which at one time must have covered a considerable area, was situated immediately west of Haddington, which had access to the moor by a loan. In 1548 Gladsmuir was used as the assembly point for the Scots army massing to face the invading English forces led by the Earl of Rutland. In 1623 the commonty was divided in an amicably negotiated contract between the Earl of Melrose and the magistrates and town council of Haddington.

1. MCR. (Local) pt. 1, 219
2. SRO. Bieul muniments (GD. 6/571)
3. RHP. 4427, 4428; SRO. Haddington Burgh records (B. 30)
4. SRO. Boyd papers (GD. 8/140)
5. SRO. Douglas Bequest (GD. 98/6/16)
Haddington

In c.1835 there was no land in the parish in the state of undivided common.¹

Innerwick

Runrig lands of Innerwick

A summons of division of runrig was raised around 1776 by Mrs Mary Hepburn Murray and her husband against William Nisbet and James Muir. In 1776 George Home, W.S., was commissioned to divide the runrig lands of Innerwick, which also contained a small piece of ground lying near the village of Innerwick, possessed by the tenants of Westhall and Temple in common (NT7173). This piece of ground was simply known as the Commonty and only amounted to 6 acres. It is shown on a plan made by Alexander Low, land surveyor, dated 1766.² The runrig lands were consolidated and enclosed in October 1778.³ There was also a common road, fifty feet broad, to the south of the village that was a loan leading to Blackcastle Common.

Commonty of Innerwick

The commonty of Innerwick (also known as Brandsly and Blackcastle commons), consisting of 2295 acres, occupied the northern slopes of the Lammermuir Hills between the commonties of Dunbar and Oldhamstocks (NT6870). The commonty lay in two parts, Blackcastle Hill and Brandsly Hill, and was joined by a loan along Sheppath Glen. The boundaries of this commonty were jealously guarded as is shown by an account of riding the marches dated 1602.⁴ A summons of division of commonty was raised in 1778 by Robert Hunter of Thurston against George, Marquis of Tweedale, Janet, Countess of Hyndford, John, Earl of Hyndford, Sir James

1. NSA. 11, 9  
2. RHP. 5527  
3. SRO. Biel muniments (GD. 6/572)  
Innerwick contd

Hall of Dunglass, William Nisbet of Dirleton and others. Commission was granted to William Law of Elvingston. In 1783 John Johnston, land surveyor in Belhaven, was appointed to measure and make a plan of the commonty. It was divided in 1783.

North Berwick

Town’s Common

The burgh of North Berwick had, as part of its property, a common known as the Links which extended along the shore. Those to the west of the town were attached to the Abbey portion of the barony of North Berwick, and were pastured by the cows of the inhabitants of Westgate, the portion of the town beyond the bounds of the royalty. Those to the east of the town were the property of the town, a common for the grazing of burgesses' cows. In 1839 there was a proposal to feu the higher southern portion of the eastern links for building villas.

Oldhamstocks

Commonty of Oldhamstocks

The commonty of Oldhamstocks, consisting of 1128 acres, was situated on the hill ground a mile to the southwest of the village of Oldhamstocks to which it was connected by a broad loan (NT7268). The commonty included Wester Dod, Wightman and Dod Hills, as well as a small area along the Elly Cleugh which was also claimed as a part of the commonty of Chirnside (see page 42). A summons of division of commonty was raised in 1763 by William

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1. Hunter v. Tweedale (EP. Dal. 24/6/1783); op. cit. (GD. 6/568, 573); NSA. i, 122
2. RHP. 5528
3. MGR. (Local) pt. ii, 269; NSA. ii, 318
Oldhamstocks contd

Hay of Lawfield against Sir Alexander Hepburn Murray and others.¹ This process was abandoned in 1765. Oldhamstocks Common was noted on Forrest's map of Haddingtonshire of 1799.² A new summons of division of commony was raised in 1818 by James Hunter of Thurston against Thomas Dodds and others.³ Commission was granted to Robert Rollo, advocate, and George Tait of Langrigg. In 1819 George Buchanan, land surveyor in Edinburgh, was appointed to measure and make a plan of the commony.⁴ Another plan was made in 1834 to show scheme of division.⁵ The commony was divided in 1836.

Prestonkirk

Commonty of Linton

The commonty of Linton (or Drylawhill), consisting of 65 acres, was situated to the north of the village of East Linton, now occupied by the farm called Common (NT5878). A summons of division of commony was raised in 1806 by George Rennie of Phantassie against Sir Alexander Kinloch of Gilmerton and others.⁶ Commission was granted to Alexander Low. In 1807 William Dickenson, schoolmaster and land surveyor in East Linton, was appointed to measure and make a plan of the commony.⁷ In 1814 objections were raised by G. Buchan-Hepburn of Smeaton to the division among the feuars.⁸ The commony was divided in 1815.

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¹ Hay v. Murray & ors (UP. 1 Adams Dal. H/5/2)
² RHP. 1245
³ Hunter v. Dodds & ors (EP. 124/12/1836)
⁴ RHP. 536/1, 3-5
⁵ RHP. 536/2
⁶ Rennie v. Kinloch (EP. W.B.P. 27/1/1815)
⁷ RHP. 4010; part of the boundary of the common and loan shown on estate plan, dated 1784 – RHP. 1393
⁸ SPSL. 485:28
Prestonkirk cont'd

Runrig lands of Markle

The runrig lands of Markle, consisting of 314 acres of infield and 623 acres of outfield, were situated half a mile to the west of East Linton (NT5777). A summons of division of runrig was raised in 1740 by Sir Francis Kinloch of Gilmerton against John Goldie, professor of divinity at the University of Edinburgh, William Gusshead, minister in Edinburgh, and Niel Campbell, principal of the University of Glasgow, as three Deans of the Chapel Royal, and all His Majesty's Officers of State for the interest of the Crown. Commission was granted to James Hamilton, sheriff-depute of Haddington. He in turn appointed Lewis Gordon of Ormiston to measure and make a plan of the runrig lands. The rigs were divided and consolidated in 1742.

Spott

Dunbar Common

Dunbar Common, consisting of 4397 acres, occupied parts of three parishes - Spott, Stenton and Whittingehame - on the northern limit of the Lammermuir Hills, including part of the main scarp slope of the Southern Upland boundary fault at Deuchrie and Lothian Edges (NT6469). The commonty was also known as the Earl of March's Muir or the Outer or Greater Common of Dunbar. Three place-names survive on modern Ordnance Survey maps - Dunbar Common, Common plantation and Common house. A notarial instrument, dated 26th October 1677, records the placing and setting of march stones between the commonty of Dunbar and the cornland of Newton-lees. A summons of division of commonty was raised in 1831 by Mrs Mary Hamilton Nisbet Ferguson against the magistrates and town

1. Kinloch v. Goldie (EP. Dal. 17/7/1742)
2. Missing
3. SRO. Douglas collection (GD. 98/88)
Spott contd

council of Dunbar and others. Commission was granted to Robert Riddell, advocate. In 1833 Nicholas Weatherly, land surveyor in Belhaven, was appointed to measure and make a plan of the comonty. Valuation of the comonty was undertaken by David Low, professor of agriculture, and the surveyor. The comonty was divided in 1833.

Stenton

Dunbar Common

See Spott parish.

Tranent

Comonnty of Tranent

The comonnty of the Muir of Tranent, consisting of 401 acres, was situated on exposed moorland a mile to the southeast of the town (NT4272). A process of division of comonnty was raised by Alexander Wedderburn of St Germain against Richard Anderson of Windygoul, the York Buildings Company and the feuars of Tranent. One important aspect of this case related to the rights of coal in the Moor which were reserved solely for the Earl of Winton. A plan of the Moor was made in 1757 by David Mather, land surveyor in Tranent, showing a scheme of division. In 1779 the York Buildings Company's allocation, amounting to 132 acres, was sold to George Buchan Hepburn and John Caddel of Cockenzie. In the following year, 1780, they were obliged to seek an injunction preventing the feuars from exercising certain rights of pasturage,

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1. Ferguson v. Magistrates of Dunbar & ors (EP. 20/11/1833); SRO. Hay of Belton muniments (GD. 73/4/116-135)
2. RHP. 201/1-3
3. Caddel v. Feuars of Tranent (UP. 1 Potts 0/8/74)
4. RHP. 29/3
5. RHP. 629 shows part of the feuars' and York Buildings Company's shares of the comonnty
Tranent contd

feal and divot upon the Moor. The matter lay unresolved until the turn of the century when a new summons of declarator was raised by John Caddel of Cockenzie against the feuars and rentallers of Tranent. There are no documents showing the progress of this process but the common was finally divided and improved in 1804.¹

Runrig lands of Tranent

The runrig lands of Tranent, consisting of 620 acres in numerous rigs, were situated directly east of the town (NT4073). A summons of division of runrig was raised in 1769 by David Russell, farmer in Pentlandmains and feuar in Tranent, and others against the York Buildings Company.² Commission was granted to William Law, sheriff-depute of Haddington. In 1770 he appointed David Mather, land surveyor in Tranent, to measure and make a plan of the rigs showing the name and acreage of each individual rig.³ The Company felt that the surveyor’s scheme of division was strongly biased towards the feuars. Consequently, in 1772 James Morison, land surveyor, was appointed to make a new plan.⁴ This also seems to have met with disapproval for in 1776 William Bell, land surveyor in Edinburgh, was appointed to re-survey the runriglands and make a further set of plans.⁵ These seem to have met with approval of all parties as the rigs were divided and consolidated in 1778.

Whittingehame

Dunbar Common

See Spott parish.

1. HSA. 11, 295-6  3. RHP. 29/2, 4  5. RHP. 29/1, 5, 6
2. Russell v. York Buildings Co. (EP. Mack. 3/3/1778);
SPSL. 1601:1, 4
4. Missing; table of measures relating to plan in process
Yester

Gifford Common

Gifford Common, consisting of 60 acres, lies to the north of the village (NT5368).¹ The feuars of the village obtained from the superior a grant of the common, of which, in 1835, 14 acres were leased as arable the rent being applied to improve the village, and the remaining 46 acres were pasture used by the feuars.² Until the end of the eighteenth century any disputes about the common were settled in the Birla or Boorlaw Court.³ The common still remains in the villagers' hands.

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1. Ordnance Survey 2½ in and 6 in
2. NSA. ii, 165
3. Ibid.
The city of Edinburgh possessed a considerable area of ground to the south of the city. It is believed that these lands were originally gifted to the city by David I some time during the first half of the twelfth century as a part of the Forest of Drumsheugh. The history of the Burgh Muir has been exhaustively examined by Moir Bryce. The surviving remnants of the Muir, the Meadows and Bruntsfield Links, survived into the eighteenth century because of their marshy and rocky nature that precluded occupation until the middle of that century by which time their recreational value had been recognised.

Corstorphine Common

Corstorphine Common, situated immediately south of the village of Corstorphine, was a part of the land reclaimed after the draining of Corstorphine Loch in 1670 (NT1972). It was long considered as a common by the villagers who drove their cattle there at daybreak when a blast of a horn was sounded from the High Street. An estate plan, dated 1754, shows a 'common mire' west of the village and another plan, of a little later date, shows the southern boundary of the common adjoining Myres Commonty.

Cramond Muir

The commonty called Cramond Muir, whose extent is not known, was situated on the northern slopes of the volcanic ridge forming

2. MGR. (Local) pt. i, 286
3. Selway, G.U., A Mid-Lothian Village, Edinburgh, 1890, 6
4. RHP. 1041
5. RHP. 735
Edinburgh contd

Corstorphine Hill (NT1975). Its southern boundary was adjacent to the estate of Clermiston. The commony was divided in 1764.2

Gyle Commony

Gyle (Guile) Commony was situated further south on the old loch bed than Corstorphine or Myres Commonties from which it was separated by a strip of ground belonging to Craig of Riccarton (NT1872).3

Myres Commony

Little is known of Myres Commony, located immediately south of Corstorphine Common, other than its boundary shown on a late eighteenth century plan (NT1972).4

Common Moor of Canongate

Late in the fifteenth century the Common Moor of Canongate was leased by John, Commendator of Holyrood House, to Patrick Monypenny of Pilrig. A series of writs, from this time down to the early nineteenth century, shows the gradual assimilation of the Common Moor into the lands of Pilrig.5

1. RHP. 1041
2. SRO. Gordon of Cairness muniments (GD. 67/181, 182)
3. RHP. 735
4. RHP. 735
5. SRO. Pilrig papers (GD. 69)
Aberdour

Commonty of Seggie Moor

The commonty of Seggie Moor, consisting of 7 acres, was situated on the march between the Earl of Morton's estate of Aberdour and the estate of Cullaloe belonging to Colonel Stewart (NT1988). The only record of this commonty is shown on a mid-eighteenth century plan of the estate of Aberdour.¹

Commonty between Balmule and Templehall

A very small commonty, just over three-quarters of an acre, was situated between the farms of Balmule (Ballmool) and Templehall (NT2088). The only record of this commonty is shown on a mid-eighteenth century plan of the estate of Aberdour.²

Auchterderran

Commonty of Strathrudie

The commonty of Strathrudie (also known as Bog of Boglochtie), consisting of 150 acres, was situated in an ill-drained channel east of Ballingry (NT1997). A summons of division of commonty was raised in 1755 by Robert Balfour Ramsay of Balbirnie against David Moncrieff of Boghall, advocate, and others.³ Commission was granted to John Sinclair of Balgreigie, advocate, and James Boswall, late of Balbarton. In 1758 Thomas Winter, land surveyor in Culdees near Crieff, was appointed to measure and make a plan of the commonty.⁴ It was divided in 1759.

In 1836 it was reported that no lands in the parish remained in undivided common.⁵

1. RHP. 1022
2. RHP. 1022
3. Ramsay v. Moncrieff (EP. Dur. 20/2/1759)
4. Missing
5. NSA. ix, 167
Auchtermuchty

Commonty of the Hills of Auchtermuchty

The commonty of the Hills of Auchtermuchty, consisting of 633 acres, was situated to the north of the town on the Ochil Hills (N02413). The area is still marked as Auchtermuchty Common on present day Ordnance Survey maps. A summons of division of commonty was raised in 1735 by Margaret Balfour of Burleigh and others against John Riddell of Grange and others. The process fell asleep in 1735 and was awakened in 1749. Commission was granted to Alexander Melville, Robert Henderson of Rathillet, Patrick Murray of Aytoun and Harry Cheape of Rossie. In 1750 John Douglas and David Dowie, land surveyors, were appointed to measure and make a plan of the commonty. It was divided soon after but a dispute arose as to the apportionment of expenses. With the final decreet in 1755 the litigants began immediately to transfer their allotments.

Unidentified common

In 1843 it was reported that a common, extending to 90 acres, remained undivided.

Ballingry

Common

A common, consisting of c. 80 acres, was situated between North Lumphinnans and the River Ore, the site now being flooded due to subsidence (NT9516).

1. Balfour v. Riddell (EP. Dur. 28/2/1755)
2. Missing; RHP. 531, dated 1823, shows 50 acres of the former commonty belonging to the burgh
3. SRO. Blebo writs (GD. 7/2/536)
4. NSA. ix, 784
5. RHP. 6125, 6100
Burntisland

The Links

The burgh of Burntisland has possessed, from time immemorial, a piece of ground to the east of the High Street, called the Links (NT2386).

Petty Common

A plan by John Ainslie, dated 1786, shows an area of ground, south of the road to Aberdour, called Petty Common which, at the time, was a part of Gedd's Mill (NT2286). Nothing else is known of this common.

In 1836 it was reported that there was no undivided common on the parish.

Ceres

Commonty of Muir of Magask

See St Andrews and St Leonards parish.

Collessie

Commonty of Edens Muir

The commonty of Edens Muir, consisting of 967 acres, was situated immediately to the north and east of Ladybank, on ground rising from the flood plain of the River Eden (N02909). An action was pursued in the Court of Session by Mrs Margaret Dick and others against James Heggie and others from which only an inventory has survived. Commission was held by Adam Rolland, advocate. After the division, which took place around 1795, most of the land was planted with soft yellow pine but, through lack of attention, the trees did not thrive. There were no other commonties in the parish.

1. MOR. (Local) pt. 1, 136
2. RHP. 611
3. NSA. ix, 416
5. NSA. ix, 31
Crail

Crail Muir

The royal burgh of Crail possessed an extensive moor but by 1835 this had been somewhat reduced. At that time all that remained was a limestone quarry, about two acres between the lands of Airdrie and Kippo and eight acres of mill lands.¹

Culross

Commony of Culross

The commony of Culross (also Muir of Culross), consisting of 182 acres, was situated two miles northeast of the royal burgh (NS9587). Originally the moor was of much greater extent but in 1749 a process had been initiated by Cochrane of Culross 'to adjust respective rights to a tract of waste called Culross Muir'. A decreet arbitral was pronounced setting aside 182 acres for the common use of the petitioners and the remainder was to belong exclusively to Mr Cochrane.² In 1800, James Erskine of Cardross, with consent of Lord Keith, instituted an action of division of commony of that part of the Muir set aside in the earlier process.³ Commission was granted to William Erskine, advocate. A plan showing scheme of division, made in 1807, was produced by Robert Drysdale, land surveyor, Dunfermline.⁴ The commony was divided, after some delay, in 1817.

Culta

In 1838 there was no land in the parish in a state of undivided common.⁵

¹  MOR. (Local) pt. i, 156
²  Keith v. Dundas (EP. F.S.P. 28/8/1817 [report in a petition])
³  Keith v. Dundas (EP. F.S.P. 28/8/1817); SPSL. 248:13
⁴  NRA. (Scot.) 0126
⁵  NSA ix, 569
Cupar

Cupar Muir

At one time the burgh of Cupar possessed a moor, consisting of about 1000 acres, and extending three miles to the west (N03514). At the beginning of the eighteenth century much of this land was feued by the burgh for nominal sums, the highest being around 1s per acre.¹ In 1713 division of the Muir was proposed by David Clephan of Carslogie to the provost and bailies of the burgh.² A rough sketch plan, dated 1760, shows 15 acres of the Muir still commony between the town and Carslogie.³ By 1810 the Muir had been reduced to two fields called East and West Commons.⁴

In 1834 there were no commons in the parish.⁵

Dairsie

Commony of Drone Muir

The commony of Drone Muir (Dronsuir, Drensuir), consisting of 177 acres, lay to the northeast of the village of Dairsie, lying partly in Leuchars parish (N04117). A summons of division of commony was raised in 1761 by Charles, Earl of Elgin, and others against Philip Anstruther of Inverkeithing, Henry Barclay of Culhairney and others.⁶ Commission was granted to James Dalgleish of Scoilsraig, sheriff-depute of Fife. In 1762 John Gray, land surveyor, was appointed to measure and make a plan of the commony.⁷ It was divided in 1765.

In 1843 there was no undivided common in the parish.⁸

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1. MCR (Local) pt. 1, 177  2. SRO. Cupar Burgh Records (B.13/57)
3. RHP. 6154  4. SRO. Cupar Burgh Records (B.13/67)
5. NSA ix, 10  6. Elgin v. Barclay & ors (EP. Mack. 20/2/1765)
7. RHP. 3904, 3905  8. NSA. ix, 773
Dunfermline

In 1835 the burgh owned the farms of Highholm, Muirlockhall, Lilliehill, Cairncubie and part of the town's muir, with the coal under these lands, which extended to about 882 acres.\(^1\)

In 1844 there was no land in the parish in a state of undivided common.\(^2\)

Dunbog

Unidentified common

See Flisk parish.

Elie

Earlsferry Links

In 1835 the burgh had a servitude of playing golf over Earlsferry Links (NT4799). The leasing of rights to catch rabbits on the commonty brought in a small revenue to the burgh.\(^3\)

Falkland

The Common

A place-name shown on modern Ordnance Survey maps, situated immediately to the north of Newton of Falkland, is the only record of a common in this location (N02607).

Common of the Lomonds of Falkland

The commonty of the Lomonds of Falkland, consisting of 2578 acres, occupied a greater part of the Lomond Hills including the summits, East and West Lomond (N02206). Because Falkland was a royal burgh having rights in the commonty it was not

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1. MCR. (Local) pt. i, 255
2. NSA. ix, 883
3. MCR. (Local) pt. i, 278
Falkland contd

possible to divide it under the Act 1695 c. 38. Consequently, an Act of Parliament was passed in 1815 in which Sir William Rae of St Catherines, Bart., advocate, was appointed to arbitrate.1 Alexander Martin was appointed surveyor and he made a plan in 1818 showing the scheme of division.2 The final division was entered into the Register of Deeds on 18th January 1819.3

Freuchie Common

The commony of Freuchie (Fruchie), consisting of 17 acres, was situated in the centre of the village (N02806). A summons of division of commony was raised in 1871 by George Johnston of Lathrisk against the Lord Advocate and others.4 Commission was granted to John Morton, writer in Cupar. He appointed David Storrar, land surveyor in Cupar, to measure and make a plan of the commony.5 A small piece of ground was set aside for the school in the final division which took place in 1874.

Ferry-Port-on-Craig

Unnamed common

In 1836 there was 18 acres of undivided common, lying in the immediate vicinity of the village, to which all within the parish had right of common.6

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1. RHP. 489; engraved copy RHP. 1028
2. SRO. Register of Deeds, vol. 150, pp. 45-101
4. RHP. 3949; RHP. 3948, 3950 show scheme of division; RHP. 3951 shows detached portion of commony at west end of the village
5. NSA. ix, 84
FIFE

113

Fisk

Unnamed common

Sometime before 1837 a common extended from somewhere in the vicinity of Logie farm into the parishes of Dunbog and Abdie (N02820). Eight acres of the former common were attached to Logie farm. 1

Forgan

Back common of Inverdovat

A rough sketch plan, dated 1791, refers to the Back common of Inverdovat about which David Lyon had petitioned the Court of Session (N04328). 2

Inverkeithing

In 1836 there were no commons in the parish. 3

Kennoway

Devon Common

See Kettle parish.

Kettle

Bankton Commonty

The commonty of Bankton (or Bankton Myre), consisting of c. 20 acres, was situated on the flood plain of the River Eden north of Bankton Park (N03008). A plan, dated 1796, shows the Myre with a common loan from Kingskettle. 4 In 1846 the Edinburgh and Northern Railway Company paid £397 3s 3½d in compensation to Bankton feuers in order to build a railway through the commonty. 5

1. NSA. ix, 603
2. RHP. 614
3. NSA. ix, 243
4. RHP. 4454
5. RHP. 4451 [not a plan but scheme of allocation of compensation]
Kettle cont'd

Common Muir of Burnturk

The common Muir of Burnturk, whose extent is not known, was bounded by the lands of Burnturk on the east, Downfield on the south, Kingskettle on the north and Coilpot Burn on the south and west (N03207). A summons of division of communty was raised in 1791 by Alexander Murray of Ayton against Thomas Arnot of Chapel and others.¹ Interest in the communty was heightened by the availability of coal beneath the common's surface.² Few documents have survived in this process.

Devon Common

Devon (Dovan) Common, consisting of 693 acres, was situated on the southern flanks of Clatto Hill (N03405). A summons of division of communty of both Devon and Drummy Commons was raised in 1776 by Dr William Piteairn of Forthar, physician in London, against John Balfour of Balbirnie and others.³ Commission was granted to Robert Stark, writer in Cupar. In 1795 Robert Mitchell, land surveyor, was appointed to measure and make a plan of the Devon Common.⁴ It was finally divided in 1797.

Drummy Common

Drummy (Drummie) Common, consisting of 381 acres, was situated on the central hill ridge of Fife, east of the Freuchie gap (N03205). It was divided in the same process as Devon Common (see above). A plan of the communty was made by Alexander Brown, land surveyor in Cupar, in 1793.⁵

1. Murray v. Arnot (UP. 1 Shield M/6/53)
2. OSA. i, 373
3. Piteairn v. Balfour (EP. Dal. 18/2/1797)
4. RHP. 2580
5. RHP. 2581
Kettle contd

Commony belonging to the feuars of Kettle

A plan by John Skinner, dated 1846, shows a commony belonging to feuars in Kettle, consisting of a rectangular plot of 9 acres.¹

In 1836, notwithstanding the above item and that of Bankton Commony, it was reported that there were no undivided commons in the parish and that Burnturk Common was a plantation.²

Kilmany

In 1838 there were no undivided commons in the parish.³

Kilrenny

Kilrenny Common

Only the place-name, Kilrenny, Common, survives as to the former commony in the vicinity. It is situated on low-lying ground north of the village (N05705). In 1835 it was reported that the burgh owned 2½ acres of ground which may be the above common.⁴

Kinghorn

Common farm

A farm called Common is the only indication of a possible commony located in the vicinity (NT2387).

Kinglassie

Unidentified commons

In 1791 there were two moors in the parish 'both covered with stones, heath and furze; but being commonties, no attempt is made

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1. RHP. 4450
2. NSA. ix, 107
3. NSA. ix, 546
4. MCR. (Local) pt. ii, 145
Kinglassie contd

to divide or bring them into a better state.¹ One of these may have been the commony of Bighty Muir which was divided in 1813 (see below).

Commony of Bighty Muir

The commony of Bighty Muir, consisting of 75 acres, was situated on the ground between Easter Pitteuchar and the parish boundary at Glenrothes (NT2899). A summons of division of commony was raised in 1810 by Alexander, Earl of Leven, and John Balfour of Balbirnie against Andrew Wishart and others.² Commission was granted to David Douglas, advocate, and David Monypenny. In 1812 David Martin, land surveyor in Craigrothes, was appointed to measure and make a plan of the commony.³ It was divided in 1813.

Kirkcaldy and Dysart

A charter, dated 1644, conveys to the burgh the lands of Easter and Wester Muirhouses, the lands of Hunger-him-out, John Miller's Pendicle, Middle Commony and South Commony, containing in all about 487 acres. All of these lands were feu'd out in 1723, except South Commony, which was feu'd in 1750.⁴

Largo

Teasses Common

A plan by James Horne, dated 1829, shows the coal workings on Teasses Common under which the minerals were the property of Lady Mary Craufurd of Craufurd and Kilbirnie (N04107).⁵

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¹ OSA. iv, 502
² Leven v. Wishart & ors (EP. Mack. M.H.B. 10/8/1813)
³ RHP. 4995
⁴ MGR. (Local) pt. ii, 157
⁵ RHP. 320
Leslie

The Common

The Common, which is still marked on Ordnance Survey maps, consisted of 27 acres of ground on the county and parish boundary northwest of Leslie (N02102).¹

Leuchars

Commony of Drons Muir

See Dairsie parish.

Leuchars Common

Leuchars Common, consisting of c.50 acres, lay to the east of Leuchars village on the coast at Shelly Point (N04720). Its boundaries were shown on an estate plan dated 1789.² Nothing else is known of this common.

Commony of Seggie Muir

The commony of Seggie Muir, consisting of 148 acres, was situated on the Moonzie Burn between the lands of Lucklaw and Seggie (N04219). A summons of division of commony was raised in 1779 by Philip Anstruther of Inverkeithing and James Morison of Naughton against the York Buildings Company and others.³ Commission was granted to John Lindsay of Wormiston. In 1780 William Bell and John Clark, land surveyors, were appointed to measure and make a plan of the commony.⁴ It was divided in 1787.

Logie

Commony of Lucklawhill

The commony of Lucklawhill, whose extent is not known, occupied a prominent hill of the same name, half a mile to the northwest

¹. NSA. ix, 119  ². RHP. 1275  ³. Anstruther v. York Buildings Co. & ors (EP. Mack. 17/2/1787); SPSL. 178:2  ⁴.Missing
Logie contd

of the village of Balmullo (N04121). Only an inventory survives of a process raised in 1778 by Sir Robert Henderson of Fordel against the York Buildings Company and others.¹ A plan of the commonty was made in 1781.²

Markinch

Devon Common

See Kettle parish.

Monimail

In 1836 there were no undivided commons in the parish.³

Newburgh

Newburgh Common

The burgh of Newburgh possessed 218 acres of land, of which half was arable.⁴ The name Newburgh Common, which survives on present day Ordnance Survey maps, may relate to this land.

St Andrews and St Leonards

Commonty of Craigton

The commonty of Craigton (or Denhead Common), whose extent is not known, was situated in the vicinity of Denhead and Denbrae farms (N04614). A summons of division of commonty was raised in 1774 by Robert Melville of Strathkinness against David Martin of Denbrae and others.⁵ Few documents survive in this process.

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¹ Henderson v. York Buildings Co. & ors (UP. 1 Shield H/4/42)
² Missing [surveyor unknown]
³ NSA. ix, 43
⁴ MCR. (Local) pt. ii, 263
⁵ Melville v. Martin (UP. 1 Shield M/4/21)
St Andrews and St Leonards contd

but a petition indicates that much interest was aroused by the abundant supplies of coal and limestone in the commony to which the proprietors of Edenside and Denbrae claimed exclusive ownership.

**Commony of the Muir of Magask**

The commony of the Muir of Magask (or Magus Moor), consisting of over 700 acres, was situated on the low ridge rising to the south of Strathkinness and extending into Ceres parish (N04514). A part of the commony was detached and known as the South Common or Craigton Common which included Drumcarro Myre (see above). Between 1754 and 1772 the proprietors with interest in the Muir, Sir John Anstruther, John Bethune of Blebo and Henry Scrimgeor of Over Magask, tried to reach an amicable settlement amongst themselves in a division of the Muir. However, the detached portion, commony of Craigton, was made the object of a separate process in 1774.

**Pilmour Links**

Part of the burgh lands of St Andrews, which included the North Haugh (44 acres), South Haugh, the Scores, etc., included Pilmour Links and commony (N04918). These were feued, by public roup, in 1797 to pay off debts incurred by the town council. The Links have since become world famous as the home of the Royal and Ancient Golf Club. Two plans, dated 1821 and 1836, show the layout of the early golf course.

**Commony of Prior Muir**

The commony of Prior Muir, consisting of 99 acres, was situated two miles south of St Andrews (N05213). A summons of division

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1. SRO. Blebo writs (GD. 7/2/454)
2. MOR. (Local) pt. ii, 377
3. RHP. 404/1-2, 414
St Andrews and St Leonards contd

of commonty was raised in 1774 by Robert Melville of Strathkinness against William Thomson of Priorlethem but the action does not seem to have been proceeded with.\(^1\) A new summons of division of commonty was raised in 1791 by David Morrison of Allanhill against William Bethune of Blebo and others.\(^2\) Commission was granted to Robert Meldrum, sheriff-substitute of Fife. In 1800 William Watt, junior, land surveyor in St Andrews, was appointed to measure and make a plan of the commonty.\(^3\) It was divided in 1802.

Commonty of Rummond Marsh

The commonty of Rummond Marsh, whose extent is not known, was located on ill-drained ground to the northeast of Strathkinness village (N04716). A summons of division of commonty, raised in 1774 by Robert Melville of Strathkinness against William Thomson of Prior Lethem, was found in the process relating to the division of the commonty of Craigton (see page 123). There is no other record of this commonty.

Commonty of Strathkinness

The commonty of Strathkinness, whose extent is not known, was situated in the vicinity of Ballone (N04815). A summons of division of commonty was raised in 1774 by Robert Melville of Strathkinness against Alexander Turnbull of Casterdonald, Arthur Martin of Edenside and others.\(^4\) This process lacks further documentation but there are references to commission being granted and a plan made in the early months of 1775.\(^5\)

In 1838 there were no lands in the parish in undivided common.\(^6\)

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1. Summons found in the process relating to the division of Craigton Muir
5. Missing [surveyor not known] 6. NSA. ix, 473
Bishop's Forest

A charter, dated 1450, records the grant of lands to the burgh, called the Bishop's Forest, that lay to the north and west of the city. A portion of the original forest appears to have survived as late as 1795, for in a description of the newly founded village of Anderson it is reported that it 'is bounded on the north by the wood of Blythswood, the only remains of a forest formerly belonging to Glasgow'. Prior to the Reformation there seem to have been four commons around the city - Easter and Wester Commons, the Burgh Muir and the district known as Garnaged Hill. In 1568 the magistrates took possession from the Church, amongst other things, of the common lands and proceeded to dispose of them to the inhabitants. A contemporary letter tells how 'all the burrow muir of Glasgow on the south syde of the towne, ar distribuit by the provost, baillies and communitie of the towne to the inhabitant that iro, every ane his own portion conforme to his degrie...'. Much of the land was disposed of at exceedingly low prices, even for the time. The process of alienation of the Bishop's Forest continued unabated until the Easter Common appears on a nineteenth century manuscript plan as a mere field-name adjacent to the Monkland Canal at St Rollox, on the verge of being obliterated for ever.

Glasgow Green

Until the mid seventeenth century Glasgow Green, or the Laigh Green as it was then known, was little used by the burgh as it lay so low as to be flooded by every spring tide. To prevent

1. Marwick, Sir J.D., 'Charters and other documents relating to the City of Glasgow', Scottish Burgh Records Society, 1894, i, 28-31
3. Ibid. 4. MCR. (Local) pt. ii, 8 5. RHP. 125
Glasgow contd

these inundations it was improved between 1638 and 1661. In 1664 the town purchased many plots beside the Leaigh Green to form the foundation of Glasgow Green. In 1730 a public washing-house was erected with a lead taken from the Camlachie Burn. This essentially functional feature was later surrounded by a formal park which, according to contemporary newspaper reports, suffered from considerable vandalism. Skinner's Green, the western portion of Glasgow Green, was used for many years by the tanners for drying their hides. Flesher's Haugh, consisting of 26 acres, was acquired in 1782 for £4000, a figure which contrasts with the selling prices of thirty years earlier. In the nineteenth century the Green became the pride and joy of Glasgow's inhabitants but this did not deter the town council from exploring the geological strata beneath the Green to find if it was worth exploiting for coal. Evidently it was the public outcry, when the plans were known, that prevented the council from fulfilling their designs.

1. Macgeorge, op. cit.; RHP. 3965
2. NSA. vi, 223
Boleskine and Abertarff

In 1835 it was reported that there was no undivided common in the parish. ¹

Daviot and Dunlichity

In c. 1840 it was reported that there was no undivided common in the parish. ²

Duirinish

Hill grazings of Glendale

The hill grazings of Glendale, consisting of 771 acres of rough moorland, were situated on the flanks of Ben Vratabreck (NG1645). Although this land was not comonny, a summons was raised in 1807 by John McLean of Boreraig against Major Alexander Macdonald of Gallay in order to clarify the title of the land in dispute. ³ The action had arisen from an earlier joint purchase of the lands of Glendale by the pursuer and defender from General McLeod of McLeod. In 1808 James Chapman, land surveyor in Melbost (Lewis), was appointed to make a plan of the disputed lands. ⁴ The hill grazings were divided between the two parties in 1809. However, although it was reported that there was no undivided common in the parish in 1841, ⁵ the dispute does not seem to have terminated as a plan, dated 1849 and which was partly copied from Chapman’s plan, shows the area marked as disputed ground. ⁶

¹ NSA. xiv, 20
² NSA. xiv, 520
³ McLean v. Macdonald (EP. Mack. 11/3/1809)
⁴ Missing
⁵ NSA. xiv, 349
⁶ RHP. 746
Inverness and Bona

Common moor of Inverness

The common moor of Inverness, situated on the south bank of the River Ness north of Waterton, was one of many pieces of land belonging to the burgh and recorded in early charters (NH6643). A plan by John Home, dated 1774, shows the common as 'barren muir ground covered with heath'.

In 1835 it was reported that there was 'scarcely any undivided ground in the parish'.

Kilmorack

Commony of Boah

The commony of Boah, consisting of 741 acres, was situated northwest of Lochan Fada in Erchless Forest (NH4243). A plan by Hector Morrison, land surveyor in Inverness, dated 1843, shows the commony divided between Lord Lovat and The Chisholm.

Kilmuir

In 1840 it was reported that there was 12,101 acres of hill pasture common to the whole parish. This considerable area of ground appears to be common hill grazing rather than commony.

Kirkhill

March between Lentran and Newton

The march between Lentran and Newton consisted of an area of hill grazing over which ownership was contested (NH5744). In

1. MCR. (Local) pt. ii, 98
2. RHP. 672
3. NSA. xiv, 20
4. RHP. 1296
5. NSA. xiv, 276
Kirkhill contd

1808 two processes of declarator and division of commonty were respectively raised by Archibald Frazer of Lovat and Thomas Fraser of Newton against each other.¹ Both sought to declare that part of the ground in dispute was their exclusive property and the remainder was commonty. In fact they were simply trying to establish a mutual boundary to their estates. The process fell asleep and was not awakened until 1842 when Hector Morrison, land surveyor in Inverness, was appointed to make a plan of the march.² This plan was used as the basis for the settlement soon after.

Moy and Dalarossie

In 1836 it was reported that a considerable portion of the hill pasture in the parish was 'in common', especially where there were two or three tenants in one farm. The common was estimated to extend to 23,000 acres.³ It appears that this was common grazing rather than commonty.

North Uist

In 1837 it was reported that there was no undivided common in the parish as it belonged to the one proprietor.⁴ However, up to that time the moor had been grazed as common pasture but even that was being divided.

Petty

Common shorelands

An estate plan, dated 1760, by Thomas Winter shows common shorelands, covering 41 acres, extending eastwards from Petty Bay to Balnaglack farm (NH7350).⁵

1. Lovat v. Fraser (EP. 106/2/1842) 2. Missing
3. NSA. xiv, 109 4. NSA. xiv, 174
5. R.S.G.S. photocopy of estate plan
Portree

Unidentified common

In 1841 there was a great area of hill grazing which was occupied as a common, not only by the small tenants to whose farms the common was attached, and who had paid rent for it, but also by cattle dealers and others, who sent cattle and horses to graze there in the summer months. The commony, however, was the property of a single proprietor and it could have been divided without legal process at any time, yet from as long as man could remember till that date it had been used as a common.

South Uist

It was reported in 1841 that there was 'very little undivided common in the parish' but a dispute existed between Clanranald and Bornish as to a servitude claimed by the latter over a considerable tract of hill ground belonging to the former.

1. NSA. xiv, 227-8
2. NSA. xiv, 190
Arbuthnott

In 1838 there were no undivided commons in the parish. ¹

Banchory-Ternan

Glencommon

Situated to the east of Bridge of Canny is a farm called Glen¬
common (N06696). There is only this place-name evidence to
suggest a commonty located in the vicinity.

Commony of the Hill of Fare

The commonty of the Hill of Fare (Fair), consisting of 7700
acres, occupied most of the prominent hill mass, that reaches
1429 ft O.D. at Craigrath, situated three miles north of the town
of Banchory (NJ0368). The commonty extended over the county
boundary into the parishes of Midmar and Echt, Aberdeenshire.
In 1730 an agreement was reached between Sir Thomas Burnett and
Alexander Forbes of Ballogie to divide the commonty between them. ²
This agreement was registered in the Sheriff Court Books of
Aberdeen and the division was mapped by John Wilson in 1739. ³
However, continued use of the commonty by adjacent proprietors
eventually led James Mansfield of Midmar to raise a summons of
division of commonty in 1810 against George Primrose and others. ⁴
This action was not proceeded with and a new summons was raised
in 1826 by Sir Robert Burnett of Leys against James Forbes of
Echt and others. ⁵ Commission was granted to Alexander Moir,

¹. NSA. xi, 161
². Documents in process Gordon v. Burnett (EP. 171/2/1837)
³. RHP. 9
⁴. Mansfield v. Primrose (UP. 1 Adams Mack. P/3/76 [inventory
only])
⁵. Gordon v. Burnett (UP. 1 Skene G/31/7 [no process]; EP.
171/2/1837)
Banchory-Ternan contd

sheriff-depute of Aberdeenshire. In 1828 William Innes, land surveyor, was appointed to measure, value and make a plan of the commonty. It was finally divided in 1837.

Benholm

**Common**

William Garden's map of the county of Kincardine, dated 1774, shows a common situated on the rough moorland around Long Cairn (N08170). There is no other reference to a commonty in this location but to the present day the exact area, as shown on Garden's map, remains as rough grazing.

In 1837 there were no undivided commons in the parish.

Dunnottar

**Commons of the barony of Dunnottar**

The commons of the barony of Dunnottar consisted of several pieces of moorland and marshy ground which included: the common moor or hills of Carmont; Cloch-na-hill (Clochnashiells) and Criggie (N08183); the peat moss of Lairfields; the common moor lying between Brackmuir and Whittlestack and the cottar town of Gallaton (Gallowtown) and Chapelton, consisting of 48 acres; and the Loch of Lumgair (Gallaton), consisting of 37 acres; the common moors of Crawton, Cotthill and Fowlsheugh (N08780); the commonty of Barras (N08580); and finally, the muir lying between the tack called [blank] and part of Brackmuir Hill, on the east side of the road from Stonehaven to Laurencekirk (N08583). A summons of division of commonty was raised in 1813 by Alexander Keith of Dunnottar against Miss Eleanor Allardice.

1. RHP. 6156
2. RHP. 284
3. NSA. xi, 59
4. RHP. 41
5. Keith v. Allardice (UP. 1 Drysdale K/6/6)
Dunnottar contd

documents are known to have survived relating to this process but it does not seem to have been settled by 1828 for a plan of the Muir of Fowlesheugh is shown in common with the lands of Uras. ¹

Commony of Smithy Muir

The commony of Smithy Muir, consisting of 49 acres, lay a mile to the west of Stonehaven to which it was connected by a track called the Milk Road that crossed the lands of the York Buildings Company (N06785).² A movement to divide the commony started in 1793 when the feuers of Stonehaven voluntarily renounced their rights to the moor with the exception of collecting clay from a small part of the moor for building purposes. However, there seems to have been some dissent from this procedure for in 1799 a summons of division of commony was raised by Lord Keith of Stonehaven against Alexander Keith of Ravelstone and others.³ In 1800 John Innes, land surveyor, was appointed to measure and make a plan of the commony.⁴ Although Innes's plan showed a scheme of division with intakes on the moor, it still was not divided in 1828 for an estate plan of that date shows Smithy Muir as whin and pasture common to the town of Stonehaven.⁵

Durris

Commony of the Moss of Mulloch

The commony of the Moss of Mulloch, whose extent is not known, occupied the ridge extending from Craig of Affrusk to West Mulloch (N07193). It consisted of the Moss of Mulloch, Milne Moss, Bogforran (Bogfurries), Rhindbuckie Wood (Rainbuckie) and the Shank of Tilquhillie. William Garden's map of the county, dated 1774, shows the boundary of this common.⁶ A summons of

1. RHP. 5401
2. RHP. 41
4. RHP. 4215
5. RHP. 5401
6. RHP. 284
division of commonty was raised in 1797 by Charles Henry Peterborough against John Douglas of Tilquhillie. Few other documents survive of this process but it includes an extract decreet, dated 1701, between John Douglas of Tilquhillie against Sir Peter Frazer of Doors relating to the division of the Mosses and Muirs of the Forest of Culperso.

Forest of Cairn-mon-earn

William Garden's map of Kincardineshire, dated 1774, shows the Forest of Cairn-mon-earn (Kermansarn) common to the circumadjacent estates (N07892). No other reference to this commonty has yet been discovered.

Fettercairn

Common moss

William Garden's plan of Kincardineshire, dated 1774, shows a common moss south of Meikle Strath (N06470). There is no other documentary evidence relating to this moss.

Fetteresso

Commony of Cowie

The commonty of Cowie, consisting of 2605 acres, occupied a wide sweep of high moorland including Meikle Carewe, Culethney Hill, Hill of Allochie and White Hill (N08391). William Garden's map, dated 1774, records the common including a common moss, which lay in the northeast corner of the commonty. A summons of division of commonty was raised in 1799 by Lord Keith of Stonehaven against Alexander Allardice of Dunnottar and others. This

1. Peterborough v. Douglas (UP. 1 Adams Dal. P/5/10)  
2. RHP. 284 3. Ibid. 4. RHP. 284  
5. Keith v. Allardice (EP. F.S.P. 29/1/1821); SRO. Airlie muniments (GD. 16/27/463)
process established that the Forest of Cowie was a commony but this did not go uncontested - for the next eighteen years there were petitions and cross-petitions claiming the ground was either exclusive property or commony. What really clouded the title of this land was its earlier history as a part of the York Buildings Company's land holdings. The action concluded on an acrimonious note when the Court of Session, in 1817, found that the Forest of Cowie was indeed a commony. A new summons of division of commony was raised in 1857 by Alexander Innes of Cowie against Dame Georgina Keith and others. James Forbes Beattie, land surveyor in Aberdeen, was appointed to measure and make a plan of the commony. He was assisted by Alexander Smith, land surveyor. The commony was finally divided in 1860.

**Commony of Muir of Farrochie**

The commony of the Muir of Farrochie, consisting of 33 acres, lay between the east end of the Loch of Farrochie (Ferrochie) and the lands of Arduthie and Redcloak and the Mill of Forest (N08586). A summons of division of commony and straightening of marches was raised by Robert Barclay of Ury against the York Buildings Company and others. Commission was granted to Sir Alexander Ramsay Irvine of Balmain and David Scott of Nether Benholm. Peter May, land surveyor, was appointed to measure and make a plan of the commony and marches. The commony was divided in 1766.

1. Innes v. Keith (UP. 1 Adams Dal. I & J/6/58); SRO. Fetteresso papers (GD. 105/418-468); NSA. xi, 254, 259
2. RHP. 4216, 4217, 4218; copy in Dept. of Geog., University of Aberdeen
4. Missing
Fetteresso contd

Hawkhill Common
William Garden's map of the county, dated 1774, shows Hawkhill Common, situated on a hillock now called Hawkhill Wood (N08394). No other documentary evidence has been discovered giving the fate of this common.

Red Moss
The Red Moss east of Netherly was recorded, by William Garden in 1774, as a common moss (N08594). No other evidence has been found relating to this reference.

Burgh Common
In 1835 the burgh of Stonehaven had a right of common and pasturage of trifling extent.

Fourdoun

Knockhill Common
Knockhill Common is shown, on William Garden's map of the county of Kincardine, dated 1774, as occupying a prominent hill of the same name south of Glenbervie village (N07679). No other record of this common has been discovered.

Unidentified common
In 1835 about 200 acres of ground in the parish remained as undivided common.

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1. RHP. 284
2. Ibid.
3. MOR. (Local) pt. ii, 153
4. RHP. 284
5. NSA. xi, 93
Glenbervie

Commonty of Drumlithie

The commonty of Drumlithie, consisting of 97 acres, was situated to the east of the village of Drumlithie and included Drumlithie Common, Booth Moss, Foggy Moss and mosses called Lairs (N07980). An estate plan, dated 1850, unrelated to division of commonty, shows its boundary. A summons of division of commonty was raised in 1857 by John Miller of Drumlithie against Archibald Ogilvy, merchant in Edinburgh, Andrew Murray, advocate in Aberdeen, and David Murray, farmer at Kaebog. Commission was granted to John Lorimer, advocate. In 1859 James Forbes Beattie, land surveyor in Aberdeen, was appointed to value the commonty and make a plan of the scheme of division. Few documents survive of this process.

Commonty of Inchbreck

The commonty of Inchbreck (also Hill moss of Inchbreck), consisting of 858 acres, was situated on the moorlands marking the Highland Boundary Fault north of the Mains of Inchbreck (N07485). A summons of division of commonty was raised in 1810 by Robert Duff of Fetteresso and John Stuart of Inchbreck against Helen Nicolson of Glenbervie and others. Commission was granted to George Douglas, sheriff-substitute of Kincardineshire. In 1819 John Innes, land surveyor in Aberdeen, was appointed to measure and make a plan of the commonty. It was divided about 1820.

Commonty of the hill ground of Dillavaird and Mergie

The commonty of the hill ground of Dillavaird (Dilheraird) and Mergie, consisting of 216 acres, was situated on Droop Hill, 732 ft O.D., a mile northwest of Glenbervie (N07581). An

1. RHP. 5404  2. Miller v. Murray (UP. 1 Shield M/18/30)
3. Missing  4. SRO. Fetteresso papers (GD. 105/403-415)
5. Missing
Glenbervie contd

unsuccessful arbitration was undertaken by Hugh Fullerton, sheriff-substitute of Kincardineshire, prior to the raising of a summons of division of commony in 1843 by Andrew Gammell of Countesswells and Drumtochty against Robert Duff of Fetteresso. Commission was granted to Thomas Innes, advocate, who persuaded the parties to agree to the proofs of possession and marches established in the earlier arbitration. In 1844 James Corsar, land surveyor in Arbroath, was appointed to measure and make a plan of the commony. It was divided in 1847.

Fiddes Common

William Garden's map of the county of Kincardine, dated 1774, shows Fiddes Common situated north of Castle of Fiddes (NO8281). No other reference has been found relating to this common.

Marykirk

Commony of Luthermuir

The commony of Luthermuir, consisting of 185 acres, was situated on the flood plain of the Luther Water at the Feus of Caldhame (NO6769). A summons of division of commony was raised by Sir Alexander E. Ramsay against the Earl of Kintore. A plan was made showing a scheme of division in which 104 acres were allocated to the pursuer. The commony was divided in 1890.

Maryculter

In 1833 there was no land in the parish in a state of undivided common.

1. Gammell v. Duff (EP. 67/2/1847); SRO. Fetteresso papers (GD. 105/416-7)
2. Missing
3. RHP. 284
4. Missing
5. SRO. Deed (Register of Sasines) 11/8/1890
6. NSA. xi, 191
St Cyrus

Unidentified common

In 1840 there were 2000 acres of undivided common in the parish.¹

Strachan

Common

William Garden's map of the county of Kincardine, dated 1774, shows a common situated in the triangular projection of the county boundary west of the Hill of Tillylair (N06394).² Nothing else is known of this common.

Unidentified common

In 1842 there were 6000 acres of undivided common in the parish. Peat for fuel was obtained from mosses of excellent quality to which all parishioners had a right.³

¹ NSA. xi, 287 ² RHP. 284 ³ NSA. xi, 238
Cleish

In 1791 there were three commons in the parish, containing between 200 and 300 acres. By 1839 the greatest part of them had been divided. Only one has been positively identified, Cleish Common, but from its total of 216 acres, one can assume that the other two were not very large.

Cleish Common

Cleish Common, consisting of 216 acres, was situated to the north of Lurg and Dow Lochs in the Cleish Hills, west of Navington Craigs (NT0997). Only a plan by John Bell, land surveyor in Edinburgh, dated 1799, survives of a process of division of commonty. It bears the note 'Barns 27th August 1804. This is the plan referred to in my decreet arbitral of this date. Henry Burt.' An early nineteenth century plan of Blairadam estate shows a portion of Cleish Common, which was allocated to Robert Curror, marked as Kirkhill Common.

Fossoway

Commonty of Innerdouny and Blacklaw

The commonty of Innerdouny and Blacklaw, consisting of 699 acres, lay on the watershed of the North Queich Water and the Water of May marked by Innerdouny, Slugie and Black Hills (N00408). In 1716 a decreet declarator was obtained by Sir Lawrance Mercer, John Stewart of Grantully and James Anderson of Golland against James Grahame of Garvock declaring the Hills called Blacklaw and Innerdouny to belong exclusively to the pursuer. However, in 1732 James Anderson of Golland raised a summons of division of commonty against Sir George Stewart of Grantully. Commission

1. OSA. iii, 553  2. NSA. ix, 43  3. RHP. 1319  4. RHP. 1318  5. Anderson v. Stewart (EP. Dur. 3/12/1736)
Fossoway contd

was granted to David Grame of Pitcairns and Adam Mercer, writers in Edinburgh. In 1734 James Murray, overseer of the Duke of Atholl's coal-works at Blairengowe, was appointed to measure the extent and quality of the commonty and make a plan. The commonty was divided in 1736.

Unidentified common

In 1843 a common, consisting of 75 acres, was reported as undivided in the parish of Fossoway and Tulliebol, Perthshire. This united parish, lying partly in both Perthshire and Kinross-shire, was later transferred wholly to Kinross. No other reference has been discovered as to the identity of this common.

Kinross

Commony of Lochside and Myre

The commonty of Lochside and Myre, whose extent is not known, lay between the burgh of Kinross and Loch Leven (NO1201). A decreet of division was obtained on 3rd March 1830 by George Henry Templer, trustee for late Thomas Graham of Kinross, against Dr James Beveridge, John Wright Williamson, writer in Kinross, and others. The defenders in that action found it necessary to petition the Court to set aside the decreet.

Portmoak

Commony of the Forehill of Balgedie

The commonty of the Forehill or Forebrae of Balgedie, consisting of about 200 acres, occupied the steep western slope of Bishop Hill (NO1804). A summons of division of commonty was raised in 1829 by George Henry Templer, trustee for late Henry Graham of

1. Missing
2. NSA. x, 1020
3. Petition (EP. 240/3/1830)
Portmoak contd

Kinross and Burleigh, against Edward Young and others.¹ The action was withdrawn in 1830 when it was discovered that the trust deed did not allow the pursuers to raise this action.

Commonty of Portmoak Moss

The commonty of Portmoak Moss, consisting of 12 acres, was situated on the plain of the vale of Leven immediately to the west of Scotlandwell (N01701). Part of this moss was known as Kinneswood Commonty or Peat-pots. A summons of division of commonty was raised in 1830 by George Henry Templer, trustee for late Thomas Graham of Kinross and Burleigh, against John Greig of Lethangie and others.² Commission was granted to Andrew Clephane, sheriff-depute of Fife. He appointed Ebenezer Birrell, land surveyor in Dunfermline, to measure and make a plan of the commonty.³ It was divided in 1831.

In 1839 there were no 'general' commons in the parish.⁴

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¹. Graham's trustees v. Young & ors (UP. 1 McNeill G/24/12)
². Graham's trustees v. Greig & ors (EP. 48/5/1831); SRO.
   Bruce of Kinross muniments (GD. 29/835)
³. Missing; sketch of moss - RHP. 6162
⁴. NSA. ix, 34
Girthon

In 1844 there were no commons in the parish and significantly, 'nor ever has been'.

Kirkbean

Commony of the Fell of Preston

The commony of the Fell of Preston, consisting of 1166 acres, was situated on the southern flank of Griffell (NX9560). An action was raised as early as 1704 to divide the joint commony of the Fell of Preston when the Lady and co-heirs of Murray of Cavens summoned Paterson of Kinhavvie and others. Commission was granted to Alexander Ferguson who took proof. The process fell asleep and it was not until 1739 that it was awakened by William Maxwell of Preston raising an action of declarator against Thomas Goldie, W.S., and others. Commission was granted to Joseph Corrie, town clerk of Dumfries. Four very rough sketches dated from this period. The action was pursued intermittently until 1761 when, after considerable cross-petitioning, it fell asleep from 1764 to 1773. From this date, however, the action was renewed by Richard Oswald of Auchencruive against Andrew Grant of Torrie. In 1775 John Goldie of Craigmuis, steward-substitute of Kirkcudbright, was granted commission and he, in turn, appointed James Wells, land surveyor in Dumfries, to measure and make a plan of the commony. It was finally divided in 1777.

1. NSA. iv, 301
2. RHP. 13/3-6
3. Oswald v. Grant (EP. Mack. 6/3/1777)
4. RHP. 13/1-2
Kirkbean contd

Commonty of Merse of Preston

The commonty of the Merse of Preston, consisting of about 1200 acres, was situated on the carselands at the foot of the hill of Griffell (NX9455). The early part of the process for the division of the Fell of Preston included the Merse but in the latter part of the process the Merse was left out. A very rough sketch of the Merse, giving its acreage as approximately 1200 acres, was made between 1740 and 1750.¹

Kirkmabreck

In 1844 there was no land in the parish in a state of undivided common.²

Minnigaff

In 1842 there were no commons in the parish.³

¹ RHP. 13/4
² NSA. iv, 336
³ NSA. iv, 135
Avondale

In 1835 there remained in the parish about 2000 acres of undivided common. ¹ This total included the commonties of Dykes and Dykehead Muirs, Kypemuir and Sydemuir which, at that time, had not been divided.

Commonty of Dykes and Dykehead Muirs

The commonty of Dykes and Dykehead Muirs, whose extent is not known, lay on the western slopes of the saddle between Hawkwood Hill and Side Hill (NS6837). A summons of division of commonty was raised in 1841 by James Lindsay of Dykehead against Alexander, Duke of Hamilton, and others.² In 1848 Thomas Fleming, land surveyor in Strathaven, was appointed to measure and make a plan of the commonty.³ In the early part of the process the Duke of Hamilton had employed Joseph Cochrane, land surveyor in Strathaven, to survey the commonty but he died before the commonty was divided in 1849.

Commonty of Kype Muir

The commonty of Kype Muir, consisting of 1084 acres, lay on the saddle between Middle Rig and Martinside (NS7138). A summons of division of commonty was raised in 1874 by Francis Gebbie, advocate in Edinburgh, against Thomas Rowat of Bonanhill and others.⁴ In 1875 Hugh Kirkwood, land agent at Killermont, was appointed as judicial referee. In turn, he appointed John Strain, G.E. in Glasgow, to measure and make a plan of the commonty.⁵ It was divided in 1877.

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1. NSA. vi, 307  
2. Lindsay v. Hamilton (EP. 44/4/1849)  
3. Missing  
4. Gebbie v. Rowat (UP. 2 Skene G/7/2 [no process]); (UP. 2 Skene G/14/1 [no process]); (1913/B/54); D. of C. 1  
5. Missing
Avondale contd

Commonty of Side Moor

The commonty of Side Moor (Sydemuir), consisting of 310 acres, lay to the south of Dykes Burn on the north-western flank of Side Hill (NS6737). A summons of division of commonty was raised in 1837 by William Martin of Burnside against Alexander, Duke of Hamilton, and others. Commission was granted to James Veitch, sheriff-substitute of Lanarkshire. In 1840 Joseph Cochran and Thomas Fleming, land surveyors in Strathaven, were appointed to measure and make a plan of the commonty. It was divided in 1841.

Biggar

Biggar Common

Biggar Common, whose extent is not known, occupied the hill rising to 1273 ft O.D. two miles northwest of Biggar (NT0139). Liberty and privilege of the commonty of Biggar and Quothquan was granted by John Chancellour of Shieldhill in a bond of tailzie, dated 1727. The name Biggar Common appears twice on modern Ordnance Survey maps, first as a farm name and secondly as the name of a hill.

Blantyre

Blantyre Moor

Blantyre Moor was at an early date a common but by an agreement between Lord Blantyre and his vassals, it was subdivided and greatly improved. The peat on this moor became too dry for use and was exchanged for Edge Moss in about 1760.

1. Martin v. Hamilton (EP. 128/7/1841) 2. RHP. 3911
3. See Libberton parish 5. NSA. vi, 321-2
4. SRO. Shieldhill writs (GD. 118/p.118)
Blantyre contd

Unidentified common

In 1835 there were 4 or 5 acres of undivided common at Blantyre Farm. There were also a few other small patches scattered in different parts of the parish.¹

Cadder

By 1836 all the commonties in the parish had been divided, except for three acres at Muirhead near Chryston (NS6870) on which the old feuars of Chryston had a servitude for feal and divot, to keep their houses in repair.²

Cambusnethan

Commonty of Auchtermuir

The commonty of Auchtermuir, consisting of 1781 acres, lay on the high moorland in the east of the parish (NS8754). Rights and possession of the commonty were ascertained by decreet, dated 1732. A summons of division of commonty was raised in 1748 by John Gray of Darngavel against James Kedder, eldest son and heir to the deceased Robert Kedder portioner of Daviesdykes and others.³ Commission was granted to John Meek, James Walker of Halkwoodburn, James Waddell of Wester Holehouseburn, Nicol Somerville, tenant of Stobielee, and William Forrest in Leeshields. Alexander Forrest, merchant in Carluke, was appointed to measure the commonty. It was divided in 1754.

Common Muir of Cambusnethan

The common muir of Cambusnethan, whose location and extent are not known, was divided in 1619 when a decreet arbitral for the division of the commonty was extracted in the action raised by

1. NSA. vi, 321-2
2. NSA. vi, 409
Cambusnethan contd

Carluke

Unidentified common
In 1839 86 acres remained in the parish as undivided common.

Carmichael
In 1838 there was no land in the parish in a state of undivided common.

Carmunnock
In 1839 there was no land in the parish in a state of undivided common.

Carnwath

Commony of Carnwath
The commony of Carnwath, whose extent is not known, was situated on the fluvio-glacial outwash deposits north of the village (NS9748). Rights of pasturage on this commony, as well as on Dunsyre, were renounced by the proprietors of the lands of Blackcastle, Barbrae and Dykehead in 1685 and received, in lieu of these rights, part of the commony of Dunsyre called Hyndshawhill.

1. SRO. Coltness writs (GD. 140)
2. NSA. vi, 587
3. NSA. vi, 528
4. NSA. vi, 603
5. SRO. Bertram of Nisbet collection (GD. 5/511)
Carnwath contd

Runrig lands of Newbigging

The runrigs of Newbigging, whose extent is not known, were situated in the vicinity of the village of Newbigging (NT0145). A summons of division of runrig was raised in c.1735 by Malcolm Bell, earlier merchant in Carnwath but then in Glasgow, against George Lockhart of Carnwath and William Bertram of Nisbet. Commission was granted to George Sinclair, sheriff-depute of Lanark and John McQueen of Braxfield.¹

Unidentified common

In 1834 there was a common, consisting of 88 acres, still undivided in the parish.²

Carstairs

Commonyt of Muir of Carstairs

The commonyt of the Muir of Carstairs, whose extent is not known, was situated between Muirfoot and Muirhead, west of Blacklaw Moss (NS9148). A process of division of commonyt was instituted but only a submission between William Lockhart and John Sommerville has survived.³ Commission was granted to George Lockhart of Benstrather and Nicol Sommerville. James Cook was appointed to measure and make a plan of the commonyt.⁴

Unidentified common

In all the parish only a small common, consisting of 4 acres, remained undivided in 1839.⁵

1. SRO. Bertram of Nisbet collection (GD. 5/513)
2. NSA. vi, 85
3. SRO. Miscellaneous writs (GD. 1/59/141)
4. Missing
5. NSA. vi, 556
Covington and Thankerton

In 1840 there was no land in the parish in a state of undivided common.¹

Crawford

Commonly and runrics of Crawford

The commony and runrics of Crawford, consisting of c.1100 acres, were situated on the steeply rising slopes west of the village of Crawford including Mid Hill, Kirton Rig, Craig Dod and Harryburn Brae (NS9419). The town of Crawford was divided into 25 freedoms which were partly infield lying runrig, partly outfield and the remainder commony. A summons of division of commony and runrig was raised in 1768 by Dunbar, Earl of Selkirk, against Archibald Douglas of Douglas and others.² Commission was granted to Robert Newbigging, writer in Lanark. In 1769 James Smith, land surveyor in Biggar, was appointed to make a plan of the runrics and commony.³ They were divided equally between the 25 freedoms in 1772.

Crawfordjohn

Common Hill

A hill, half a mile west of Glespin, bears the name Common Hill (NS8222). There is no known record of this hill being a commony.

Common lands between Liscleuch and Myres

The common lands between Liscleuch (Liscleugh) and Myres, consisting of 178 acres, lay on the left bank of the Snar Water between the two farms (NS8621). A joint summons of division of commony and runrig was raised in 1810 by Alexander Irving of

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1. NSA. vi, 875
2. Selkirk v. Douglas (EP. Dal. 5/3/1772)
Crawford: John contd

Newton against Belinda and Georgiana-Harriett Colebrooke of Crawford. The pursuer raised two separate actions before the Court of Session, the first for division of common lands of Liscleuch and Myres and a division of runrig of certain parts of these lands still lying in runrig. Commission was granted to David Williamson, advocate. In 1810 he appointed Joseph Udny, land surveyor in Moffat, to measure and make a plan of the lands in question. They were divided in 1812.

Culter

Common of Culter

A feu charter, dated 27th November 1630, by Alexander, Earl of Linlithgow, in favour of William Bertram of Nisbet granted specified privileges in the common of Culter.

White Common of Culter

The location of White Common, consisting of 248 acres, has not been established but it seems that it was situated in the vicinity of Coulter village (NT0233). A diary kept by Andrew Hay of Craignethan, a country gentleman, who arbitrated in the division, notes that he drew a map of the common. It was divided in 1659.

In 1835 there were no undivided commons in the parish.

Douglas

Commony of Kirkton of Douglas

The commony and runrigs of the tenpound land of the Kirkton of Douglas, consisting of 621 acres of commony and 392 acres of

1. Irving y. Colebrookes (EP. Dur. W.B.P. 26/12/1812)
2. RHP. 148
3. SRO. Bertram of Nisbet collection (GD. 5/278)
5. NSA. vi, 348
Douglas contd

runrig, were situated in a strip running from the Douglas Water at Douglas up to Middle Muir over Pagie and Auchensaugh Hills (NS8528). A summons of division of commonty and runrig was raised in 1774 by Archibald Douglas of Douglas and Thomas Forrest, writer in Douglas, against John Inglis and others, feuars of Douglas. Commission was granted to William Porteous of Carmalieu and John Bannatyne, commissary of Lanark. In 1777 Charles Renton, land surveyor, was appointed to make a plan of the commonty and runrigs and in the following year to make a plan of the consolidated and enclosed lands. The division was completed in 1779.

Common Hill

The highest hill, reaching 1598 ft O.D., in the hill mass west of Douglas bears the name Common Hill (NS7930). No other record of a common in this location has been discovered.

Dunsyre

Commony of Dunsyre

The commonty of Dunsyre, whose extent and location are not known, must have originally occupied a considerable area of high moor north of the South Medwin (NT0449). Part of the commonty, Hyndshawhill, was exchanged in 1685 for rights on the commonty of Carnwath. A process was raised in 1720 by George Lockhart of Carnwath and William Bertram of Nisbet against John Wilkie and others. Commission was granted to Alexander Menzies of Coulterallors and Allan Lockhart of Cleghorn. The commonty was divided in 1726.

In 1834 there was no undivided common in the parish.

1. Douglas v. Inglis & ors (EP. Dal. 16/2/1779) 2. RHP. 273/1
3. RHP. 273/2 4. SRO. Bertram of Nisbet collection (GD.5/511)
7. NSA. vi, 71
In 1840 there was 'not much' undivided common in the parish.  

**Hamilton**

**Burgh Moor of Hamilton**

The earliest known charter of the burgh of Hamilton, dated 1475, relates to a grant of lands to the then existing burgh of regality including a common green lying on the northern part of the burgh and also a common muir with its pertinences in the barony of Hamilton. In 1835 the whole of the common muir conveyed by this charter, with exception of certain portions of it feued out by the council, was still in possession of the burgh.

**Lamington and Wandel**

In 1840 there was no undivided common in the parish.

**Lanark**

**Lanark Common**

Lanark Common, consisting of 756 acres, lay on the moorland situated a mile to the east of the town (NS9043). On Lanemar or Landmark day, there were processions to inspect the marches of the town lands.

**Lesmahagow**

**Broken Cross Common**

Broken Cross common, whose extent is not known, was situated two miles southeast of Lesmahagow (NS8437). The only knowledge of

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1. NSA. vi, 895  
2. MCR. (Local) pt. ii, 73  
3. NSA. vi, 824  
4. Acreage given in NSA. vi, 20 but MCR. (Local) pt. ii, 181 gives it as 500 acres  
5. NSA. vi, 20
Lesmahagow contd

This commony is derived from a plan, dated 1808, made by James Whiteford showing a scheme of division.¹

Dunsdie Common and Plea Moss

Dunsdie Common and Plea Moss, consisting of 941 acres and 119 acres respectively, were situated to the far west of the parish boundary between the Kype Water and Blaeberry Burn (NS7236). Only a copy of a plan by Mr Wilson, dated 1843, survives from a process of division of commony.²

Commonty of Lesmahagow

The commonty of Lesmahagow, whose extent and location are not known, was possessed by Anne, Duchess of Hamilton, and neighbouring heritors. She raised a summons of division of commonty in either 1700 or 1701. In 1701 a commission was granted to the Lords Pollock and Halcraig to perambulate the commonty. The commission was renewed for the years 1702 to 1705. The process continued until 1714 but no documents have survived.⁴

Libberton

Commonty of Quothquan

The commonty of Quothquan, whose extent is not known, was situated in the vicinity of Quothquan Law (NS9838). It is referred to in a contract between James Hamilton of Libberton and James Somerville of Cambusnethan dated 1598.⁵ Privileges of commonty were recorded as late as 1727 but no process of division has been found.⁶

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1. Plan penes Factor, Estate Office, Springhill, Douglas
2. RHP. 255
3. Petition by Anne, Duchess of Hamilton (UP. 1 McNeill H/1/21)
4. Lesmahagow, commonty of (1 McNeill L/1/29 [no process])
5. SRO. Shieldhill writs (GD. 118/p.34)
New Monkland

Commonhead

A continuation of North Bridge Street, Airdrie, which runs northward from the High Street, is known as Commonsid and Commonhead Streets at a point it crosses the railway line at Commonhead railway station (NS7566). From these relic place-names one can conclude that at one time a commonty was located in what is now the northern suburbs of Airdrie but, as yet, no documentary evidence has yet been discovered relating to this commonty.

Old Monkland

Commonhead

A farm, called Commonhead, is situated 300 yards west of Heathery Knowe House (NS6965). There is no other record of a commonty in this location.

Rutherglen

The Green

In 1835 part of the property of the burgh of Rutherglen consisted of 32 acres called the Green.

Shotts

Unidentified common

In 1839 there were 5 or 6 acres of undivided common in the parish.

Wiston and Roberton

In 1834 there was no undivided common in the parish.

1. O.S. 6-Inch (2nd edn.)
2. MCR. (Local) pt. ii, 371
3. NSA. vi, 630
4. NSA. vi, 96
MIDLOTHIAN

Currie

Commony of Baberton Muir

The commony of Baberton Muir, whose extent is not known, appears to have been part of or immediately adjacent to the commony of Currie (NT1868). A summons of division of commony was raised in 1725 by James Craig of Baberton and others against James Brand of Castlebrand and others. Few other documents have survived in the process.

Commony of the Red Moss of Balerno

The commony of the Red Moss of Balerno, consisting of 56 acres, was situated south of Balerno near Bavelaw reservoir (NT1663). The Red Moss was a relic of the much more extensive commony of Balerno which was divided in 1768. Exception in this division was made of the Red Moss and roads running through the commony, both of which were pronounced to be common 'for all time'. However, this did not deter John Johnson, writer in Edinburgh, from raising a new action of division of commony in 1829 against Thomas Scott of Malleny and others. There is no reference in this process of a plan having been made of the Red Moss.

Commony of Balerno

The commony of Balerno (which included Harelaw which was also known as Killeith Muir), whose extent is not known, was divided in 1768. A process of division was pursued by Mrs Margaret Cochrane of Revelrig, David Ross of Inverchasly, against Charles Scott of Bavelaw and John Scott of Malleny. The parties mutually

2. Johnson v. Scott (UP. Currie Mack. 4/17)
3. Decreet arbitral dated 11th and 22nd August 1768 (copy in Johnson v. Scott)
Currie contd

chose James Balfour of Pilrig, John Swinton and Alexander Murray of Murrayfield to act as arbiters. James Richmond, land surveyor in Edinburgh, was appointed to divide and allocate the commonty, with the exception of the Red Moss of Balerno, and to make a plan.\(^1\) The commonty was divided in 1768.

**Commony of Currie Muir**

The commonty of Currie Muir, consisting of 55 acres, was a relic of a much larger commonty of an earlier date that covered most of the northern flanks of the Pentlands (NT1868). A plan by Thomas Johnston, dated 1797, shows the division of Currie Muir.\(^2\) The commonty of Currie is referred to in the process of division of Baberton Muir.\(^3\)

**Glencorse**

**Commony of Glencorse**

The commonty of Glencorse, consisting of 176 acres, was situated on the southern flanks of the Pentland Hills, north of Marchwell, on the site of the Battle of Rullion Green (NT2262). A volume of plans of Sir John Clerk's estate of Penicuik by John Ainslie, dated 1796, shows the commonty under the name Marchwell Common.\(^4\) A summons of division of commonty was raised in 1785 by William Caddell of Greenlaw against Sir John Clerk of Penicuik.\(^5\) Few documents remain in the process but a plan was made in 1795 showing the scheme of division.\(^6\) This must have been conclusive, as a plan in the volume mentioned above shows 'Common House in Sir John's part of the common'.\(^7\)

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1. Missing
2. RHP. 546
4. RHP. 6064/8 (photocopy) [Original penes Sir John Clerk, Penicuik House, Penicuik]
5. Caddell v. Clerk (UP. 1 Potts 0/6/18)
6. RHP. 2579
7. RHP. 6064/10
Glencorse contd

Commonty of Turnhouse Hill

The commonty of Turnhouse Hill, consisting of 396 acres, occupied most of the hill bearing the same name (NT2162). A summons of division of commonty was raised in 1805 by Sir George Clerk of Penicuik against John Trotter of Glencorse. Commission was granted to Dr Andrew Coventry, professor of agriculture in the University of Edinburgh. In 1806 James Knox, land surveyor in Edinburgh, was appointed to measure and make a plan of the commonty. Another Edinburgh surveyor, John Legate, was employed to lay off pits along the march lines and mark Knox's plan with a revised scheme of division in 1810. The commonty was divided in 1814.

Inveresk

Commonty of Cousland Myre

The commonty of Cousland Myre, consisting of 69 acres, was situated in the vicinity of Chalkieside farm (NT3668). A summons of division of commonty was raised in 1758 by John Fullarton of Carberry against Henry, Duke of Buccleuch, and Sir William Dalrymple of Cousland. Commission was granted to Lewis Douglas of Garvald, advocate, and John Watson, writer in Edinburgh. In 1759 John Lawrie, land surveyor, was appointed to measure and make a plan of the commonty. It was divided in 1760.

Common Moor and Haugh of Inveresk

The common moor and Haugh of Inveresk, consisting of 693 acres, comprised of arable ground in runrig, haugh ground beside the

2. RHP. 2578; engraved copy - RHP. 94
4. Missing
Inveresk contd

River Esk and moor (NT3471). A summons of division of commonty and runrig was raised in 1755 by the Trustees of the Orphan Hospital or Workhouse of Edinburgh against William, Earl of Sutherland, and others, heritors of the lands of Inveresk.¹ Commission was granted to George Brown of Colstoun, advocate, and John White, depute Clerk of Session. They appointed William Jeffrey, schoolmaster in Musselburgh, to measure and make a plan of the commonty.² The runrig lands were pointed out to the surveyor by members of the Boorlaw Court. The commission decided in 1756 that only a part of the haugh should be divided and that the remainder, in the meantime, should continue to be possessed in common. This situation continued until 1811 when a new process of division was raised by the Trustees of Sir Archibald Hope of Craighall and others against Thomas Clarke of Crookston and others.³ Commission was granted to Harry Davidson, W.S. In the interlude between the two processes, the river had encroached considerably on the haugh until in 1824 only 29 acres of common were left. This was discovered by John Bell, land surveyor in Edinburgh, when he made a plan of the haughs showing a scheme of division.⁴ The haugh remaining in common was divided in 1824.

Musselburgh Common

Musselburgh Common consisted of various properties within the burgh including Links of Musselburgh and Fishersrow, Goose Green or Common, the haugh on north side of Esk at Boglehole, and various other pieces of ground.⁵ The Links has had a long

1. Orphan Hospital v. Heritors of Inveresk (EP. Mack. 4/8/1756)
2. RHP. 6270 (photocopy), original penes National Library of Scotland, Edinburgh (MS. 5115 f.25); undated plan of 'Fields of Inveresk' - RHP. 3562
4. Missing
5. MGR. (Local) pt. ii, 247; boundary between Musselburgh Common and Inveresk - RHP. 6020
Inveresk contd

history of providing recreation facilities for the inhabitants of the burgh; the butts, race-course and golf course were all based on the Links and the last two continue to the present day. The riding of the marches of Musselburgh Common was first recorded in the town council minutes in 1682 and has continued down to the twentieth century as a day of civic celebration.¹

Kirkliston

Runrig lands of Old Liston

The runrig lands of Old Liston (Auldliston), consisting of 229 acres, were situated south of the Edinburgh to Glasgow road at Newbridge (NT1272). A summons of division of communty and runrig was raised in 1777 by General James Lockhart of Lee and Carnwath against Edward Marjoribanks of Lees and others.² Commission was granted to David Armstrong, advocate. In 1781 he appointed William Bell, land surveyor in Edinburgh, to measure and make a plan of the runrigs.³ The lands were consolidated and enclosed in 1782.

Kirknewton

Commonty of Calderclear

The commonty of Calderclear (Caldercleir), consisting of 762 acres, lay to the south of Mid Calder on the northern flanks of the Pentland Hills including Selm Muir Forest, Corstor Hill and Auchinnoon Hill (NT0863). A summons of division of commonty was raised in 1805 by James Hare of Calderhall against Henry, Duke of Buccleuch, George, Earl of Morton, William Pagan of Spittleton and others.⁴ Commission was granted to Robert Bell, W.S. He

¹ Wilkie, J., Historic Musselburgh, Edinburgh, 1919 (appendix gives detailed list of ridings from 1682 to 1893)
² Lockhart v. Majoribanks (EP. Mack. 9/8/1782) ³ Missing
⁴ Hare v. Buccleuch (EP. 199/3/1840)
Kirknewton contd

appointed Robert Bauchope, land surveyor, to measure and make a plan of the commonty.¹ It was divided in 1840.

Lasswade

Commonty of Preston

The commonty of Preston, whose extent is not known, was subject to a process of division brought by Sir John Clerk of Penicuik and Lockhart of Carnwath and others against Sir Andrew Ramsay, some time before 1721.² The commonty was situated in the middle of the barony of Preston with the lands of Ankrielaw, Newbigging, Gourlaw (Courtlaw), Lee, Hawthornden, Auchenden, and Penicuik on its perimeter (NT2659). Sir John's allocation of the commonty appears, on later evidence, to have been 30 acres on the northern boundary of Fallhills, for a plan of this farm by John Ainslie, dated 1796, shows a moss named 'The Common'.³

In 1843 there was no undivided common in the parish.⁴

Mid Calder

In c.1839 the writer of the New Statistical Account reported that there were no commons in the parish.⁵ Unfortunately he overlooked the commonty of Broadbent.

Commonty of Broadbent

The commonty of Broadbent (or Braidbent), consisting of 493 acres, lay across the parish boundary of Mid and West Calder between Torweaving and Colziumhills (NT0757). A summons of division of comonnty was raised in 1866 by James Hunter of Easter Colzium

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¹ RHP. 523, 533, 738; also O.S. (1:10,560) marked to show boundary of comonnty
² SR0. Clerk of Penicuik muniments (GD. 18/1363)
³ RHP. 6064/26 (photocopy), original pones Sir John Clerk, Penicuik House, Penicuik
⁴ NSA. i, 353
⁵ NSA. i, 374
Mid Calder contd

against James Cochrane of Harburn. Commission was granted to Francis W. Clark, advocate. Several old estate plans were produced in evidence as well as an Ordnance Survey plan marked with a scheme of division. The commondy was divided in 1870.

Newbattle

In 1839 there were no undivided commons in the parish.

Penicuik

Commondy of Halls

The commondy of Halls, whose extent is not known, lay to the south of the commondy of Penicuik, in what is now called Auchencorth Moss (NT2055). A dispute arose in 1686 between Sir John Clerk of Penicuik and William, Lord Rosse, regarding Sir John's right of common pasturage on the commondy. In 1695 the parties entered into a submission regarding the division of the commondy. Andrew Symson made a rough sketch of the commondy from which two coloured plans were made. The commondy was divided in 1695 by William Whytla, Robert Dick, James Lamond and James Russell.

Commondy of Penicuik

The commondy of Penicuik (Pennycook), whose extent is not known, lay between the River North Esk and Black Burn on the moorland drained by the Hare Burn (NT2157). This is the earliest known division of commondy in which the original plans have survived.

1. Hunter v. Cochrane (EP. 19/1/1870)
2. Some in process - RHP. 3914-3917 - others missing including O.S. sheet
3. NSA. 1, 80
4. SRO. Clerk of Penicuik muniments (GD. 18/1338)
6. RHP. 3833, 3834, 3835
Penicuik contd

In this case they are two very simple sketches, dated 1687, one showing the whole commonty\(^1\) and the other showing the line of division between Auchencorth and Dykeneuk.\(^2\)

In 1839 there was no undivided common in the parish.\(^3\)

Stow

**Commonty of Luggate**

The commonty of Luggate (or Galfhope), consisting of 500 acres, lay on Symington Hill with the lands of Plenploth, Symington and Over and Nether Shiels on its perimeter (NT4147). A summons of division of commonty was raised in 1763 by John Tait of Pirn against Adam Fairholm of Greenhill, Robert Pringle of Symington and others.\(^4\) Commission was granted to Charles Hay of Hopes, Alexander Dalziel of Hartleside, Thomas Potts, sheriff clerk of Roxburgh, James Pringle of Bowland and George Adinston of Carcant. In 1764 John Laurie, land surveyor, was appointed to measure and make a plan of the commonty.\(^5\) It was divided in 1767.

**Commonty of Stow**

The commonty of Stow, consisting of 764 acres, lay on the steep western valley side along the Gala Water from Bow to Killochytett (NT4543). A summons of division of commonty was raised in 1754 by Robert Waddell of Muirhouse against John Horsburgh of Horsburgh and others.\(^6\) Commission was granted to George Pringle, one of the principal Clerks of Session. From a witness's deposition it appears that there was some sort of common riding ceremony, as he states he saw 'the marches of the common ridden

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1. RHP. 3836; SRO. Clerk of Penicuik muniments (GD. 18)
2. RHP. 3837; ibid.
3. NSA. i, 42 4. Tait v. Fairholm (EP. Mack. 5/3/1767)
Stow contd

by Jorsonie and others' when he was about 12 years old (i.e. c.1704). James Jamieson, land surveyor, was appointed to measure and make a plan of the commonty. It was divided in 1757.

West Calder

Commonty of Briston

The commonty of Briston (Briston, Bristonmoss), consisting of 66 acres, lay between the lands of Gavieside and Bristonhill (NT0264). A summons of division of commonty was raised in 1780 by John Davie of Gavieside against William Alexander and others.

Commonty of Broadbent

See Mid Calder parish.

Commonty of Woodmuir

The commonty of Woodmuir, whose extent is not known, was situated in the moorland between Woodmuir farm and Nether Longford (NS9761). A summons of division of commonty was raised c.1783 by Alexander Lawrie, portioner of Drumcross, against Alexander Waddell of Holehouseburn and John Graham. The process had originally been pursued by John Chatto of Mainhouse. Only an act and commission survive of this process.

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1. Missing: an O.S. 6-Inch, dated 1853, shows the area of the commonty marked for leasing - RHP. 872, 883
2. Davie v. Alexander & ors (EP. Dal. 23/2/1786)
3. Missing
MORAYSHIRE

Alves

Garden Common

Garden Common, consisting of 248 acres, was situated on a ridge rising from the coastal plain east of Crook of Alves (NJ1462). Only a copy of a plan by George McWilliam, land surveyor in Sheriffston, dated 1835, survives of a process of division of commonty between the Earls of Moray and Fife.¹ The commonty was divided in 1836.

Commonty of Muirton and Kinloss

See Kinloss parish.

Duffus

Commonty of Muirton and Kinloss

See Kinloss parish. In 1835 there were no commons in the parish.²

Dyke and Moy

In 1842 there were no commons in the parish.³

Edinkillie

In 1842 there were no commons in the parish.⁴

Elgin

Commonty of Blackhills

See St Andrews-Lhanbryd parish.

1. RHP. 1416
2. NSA. xiii, 39
3. NSA. xiii, 223
4. NSA. xiii, 188
Forres

Commony of Muirton and Kinloss

See Kinloss parish.

Commony of Mundole

The commony of Mundole, consisting of 847 acres, was situated two miles southwest of Forres on the now forested slopes south of Mundole farm (NJ0156). A summons of division of commony was raised in 1813 by Sir William Gordon Cumming of Altyre and Gordonstown against the Earl of Moray and William Leslie of Belnageith. ¹ Commission was granted to Sir George Abercromby of Birkenbog. In 1814 George Brown, land surveyor, was appointed to measure and make a plan of the commony. ² It was divided in 1822.

Cluny Hills

The burgh possessed the Cluny Hills, in the immediate neighbourhood of the town, which were under forest planted by the town. ³ In 1842 there was no ground in the parish in a state of undivided common. ⁴

Kinloss

Commony of Muirton and Kinloss

The commony of Muirton and Kinloss, consisting of 1765 acres, was situated on the links north of Kinloss, extending over into the parishes of Alves, Duffus and Forres (NJ0561). A summons of division of commony was raised in 1844 by William Gibson-Craig of Riccarton and others against Hugh Munro of Novar and Muirton

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¹ Gumming v. Moray (EP. 9/7/1822)
² RHP. 4004, 4005
³ MCR. (Local) pt. i, 450
⁴ NSA. xiii, 170
Kinloss contd
and others. Commission was granted to C. Innes, advocate. In 1845 Alexander Duncan, land surveyor in Banff, was appointed to measure and make a plan of the commony. It was divided in 1846.

Knockando
In c.1835 there was no undivided common in the parish, except where turf and peat were cut for fuel.

Rothes

Unidentified common
In c.1842 there was an undivided common, consisting of 625 acres, belonging to the Duke of Richmond and pastured by the tenants of Inchberry.

St Andrews–Lhanbryd

Commony of Blackhills
The commony of Blackhills and Coxtown (Cockston), consisting of 4112 acres, lay to the south of Lhanbryde village rising to the high moorland at Brown Muir (NJ2655). Considerable controversy developed over the question whether Blackhills was a commony or not: the Earl of Fife, in 1803, claimed the lands as his exclusive property but he was opposed by Lauchlan Cumming of Blackhills who contended it was a commony. To illustrate Cumming's case he produced a rough sketch of the controverted ground. At the

1. Gibson-Craig v. Munro (EP. 8/8/1846); NSA. xiii, 207, 208; further disputes arose in 1863 over part of the former boundary of the commony (CS. 249/3475) (D. of C. 4)
2. Missing; the part of the commony in Duffus parish is shown on an estate plan dated 1749 - RHP. 2016
3. NSA. xiii, 73 5. SRQ. Bill Chamber process (BC. 48,113)
4. NSA. xiii, 235 6. RHP. 559
St Andrews-Lhanbryd contd

same time, however, all the parties involved in the dispute were making considerable encroachments on Blackhills, and the Earl of Fife even went as far as building a cottage in a remote part of the moor in order to keep an eye on his opponents. Another plan of the commonty was made by George Brown, in 1808, which showed all the intakes and improvements within its boundaries. This plan was made for the process of division between the Earl of Fife and Lauchlin Cumming of Blackhills. The commonty was divided c.1830. Immediately after division large tracts of it were tenanted and brought into cultivation, even though the western part of it was almost inaccessible to wheeled traffic.

Speymouth

In 1797 the extensive moor adjoining Garmouth, called the Common, was divided among the feuars and a portion was allotted to the Duke of Gordon. An estate plan, dated 1772, shows this moor under the names Moor of Essle, Corskie Moor and Flat Level Moor. This plan was marked at a later date to show the line of march with the Garmouth feuars as settled on 2nd August 1797. See also Urquhart parish.

Spynie

Commonty of Spindle Muir

The commonty of Spindle Muir, or Muir of Westfield, was situated on the Moray Firth coastal plain on the boundary between the parishes of Spynie and Duffus (NJ1465). A summons of division of commonty was raised in 1782 by Francis Russell of Westfield against Alexander, Duke of Gordon, James, Earl of Fife, and

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1. RHP. 858
2. Not located
3. NSA. xiii, 12
4. NSA. xiii, 51
5. RHP. 1423
Spynie contd

others. Commission was granted to Alexander Gordon of Whitelay, sheriff-depute of Moray. He appointed George Brown, land surveyor, to measure and make a plan of the commonty. It was divided in 1783.

Urquhart

An estate plan, dated 1772, showing the village of Garmouth and adjacent runrig lands, notes the boggy ground beside the River Spey was used as commonty by the feuars of Garmouth. Another plan, dated 1788, shows a small area of ground, north of the town, marked as a common.

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1. Russell v. Gordon (EP. Dur. 18/7/1783)
2. Missing; and estate plan, dated 1749, shows a part of the commonty - RHP. 2016
3. RHP. 1423
4. RHP. 669
Ardclach

In 1842 there were no lands in the parish in a state of undivided common.¹

Auldearn

Commonty of Hardmuir

The commonty of Hardmuir (Harmuir, Harmoore) and Greenhills, consisting of 439 acres, was situated on the coastal plain to the west of Brodie Castle (NH9556). A summons of division of commonty was raised in 1824 by William Brodie of Brodie against John, Lord Cawdor, Sir James Dunbar of Boath and John Gordon of Cluny.² Commission was granted to Alexander Falconer, sheriff-substitute of Nairn. In 1829 George McWilliam, land surveyor at Sheriffstown, was appointed to measure and make a plan of the commonty.³ It was divided in 1836.

In 1842 all the commons in the parish had been divided.⁴

Nairn

Commonty of Hill of Urchany

The commonty of the Hill of Urchany (Urchuny), whose extent is not known, lay on the northern flanks of The Ord rising from the Moray Firth coastal plain (NH8550). The proprietor of the lands of Geddes, Mackintosh of Geddes, succeeded to the property in 1822 at which time the Hill of Urchany was a common between the adjacent proprietors. Soon after, Mackintosh of Geddes persuaded his neighbours to divide the common and it was then planted.⁵

¹. NSA. xiii, 35  ⁴. NSA. xiii, 14  ⁵. NSA. xiii, 3
². Brodie v. Cawdor (UP. 1 McNeill B/35/20)
³. Missing; an estate plan, dated 1825, shows part of its northern boundary - RHP. 1414
ORKNEY

Birsay and Harray

Commonty of Birsay

The commonty of Birsay, consisting of c.10,000 acres, was situated on the low hills north of Loch of Boardhouse (NY2727). An estate plan, dated 1760, shows the township of Birsay and part of the boundary of the hill ground common to the parish.1 An action of division of commonty was pursued in the second or third decade of the nineteenth century.2 Thomas Douglas was employed to measure and make a plan of the commonty.3 It was divided in 1856.4

Commonty of Harray

The commonty of Harray, consisting of 5294 acres, was situated on the hill ground drained by the Burn of Rusht (HY3421). A summons of division of commonty was raised in c.1849 by Nicol Leith of How and others against Edward Clouston of Kingshouse and others.5 Commission was granted to James Robertson, sheriff-substitute of Orkney. In 1849 John Duguid Miller, land surveyor in Birsay, was appointed to measure and make a plan of the commonty.6 It was divided in 1855.

1. RHP. 6089 (photocopy), original penes The Librarian, Orkney Public Library, Kirkwall
2. Not located
3. Missing; reference given in No. 159 of process, Note for William Graham (Lord Advocate y. Watt (EP. 168/7/1859)
5. Leith y. Clouston (UP. 1 Shield L/8/40 [no process]); (UP. 1' Shield Misc. process Box 33/7)
6. Missing; only a tracing of the mutual boundary between the commonties of Harray and Rendall is known - RHP. 4054
Eday

**Commonty of Eday**

The commonty of Eday, consisting of c.3000 acres, occupied most of the island over 100 ft O.D. (HY5634). An action of division of commonty was initiated some time before 1821 between the two proprietors of the island, James Baikie of Pabdale and Samuel Laing.¹ Commission was granted to William Erskine of Kinnede, sheriff-depute of Orkney. In 1821 William Matheson, land surveyor in Kirkwall, submitted an estimate for surveying the commonty but it was rejected by Laing as too expensive.² The commonty was divided by 1841 for in that year a report in the New Statistical Account states, 'about 1000 acres are arable, 720 green pasture, and the remainder is heath, but not undivided common'.³

**Evie and Rendall**

**Commonty of Evie**

The commonty of Evie, consisting of 4459 acres, occupied a considerable part of the parish of Evie that lay over 200 ft O.D. (HY3621). A process of division of commonty was pursued in the 1830s by William Gordon. James Craig, land surveyor in Kirkwall, and his assistant Francis Taylor, were appointed to survey the commonty in 1840. Plans were made in 1843 and 1844.⁴ The commonty was divided in 1846.

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¹ SRO. Fea of Clestrain (Flett) collection (GD. 31/500)
² Op. cit. (GD. 31/497)
³ NSA. xv, 160
⁴ Document analysing surveyors' accounts in the division of Evie, Rendall, Stromness and Sandwick commonties (Lord Advocate v. Watt ET. 168/7/1859)
Evie and Rendall contd

**Commony of Rendall**

The commony of Rendall, consisting of 3611 acres,\(^1\) was situated on the hill edge between Longiger and Baillie Hill (HY3620). Although not yet traced, a process of division of commony was pursued in the 1840s. Little else is known of this commony other than what is shown on a tracing, dated 1850, of part of a plan by James Craig, land surveyor in Kirkwall, made for the process.\(^2\) Division took place some time before 1850.

**Firth**

**Commony of Firth**

The commony of Firth, consisting of 4778 acres, lay in two parts: the southern portion of the commony occupied the northern slopes of Keelylang Hill (HY3710); the other lay on the hill slopes north of Finstown (HY3515). George Robson was appointed to measure and make a plan of the commony.\(^3\) The process of division of commony has not yet been identified but it took place some time before 1853.\(^4\)

**Holm**

**Commony of Holm**

The commony of Holm, consisting of 4767 acres,\(^5\) extended across the north of the parish from Scapa Flow to coast at Notster (HY4904). A summons of division of commony was raised in 1831 by the Lord Advocate against Alexander Sutherland Graeme of

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1. Document analysing surveyors' accounts in the division of Evie, Rendall, Stromness and Sandwick commonies (Lord Advocate v. Watt EP. 168/7/1859)
2. RHP. 4054  
3. RHP. 228  
4. Documents relating to surveyors' accounts (Lord Advocate v. Watt EP. 168/7/1859); Crown Estate Commissioners' records (CR. 4/196, 223)  
5. NSA. xv, 221
Holm contd

Graemeshall, Robert Heddle of Mellsatter and others.\(^1\) Commission was granted to J.A. Maconochie, sheriff-depute of Orkney.\(^2\) In 1844 a sketch was made of the commonty showing scheme of division.\(^3\) Division took place in 1845. A year later people were being prosecuted for trespass on the Crown's portion of the commonty.\(^4\)

**Commony of Rose Ness**

A sketch plan of the commonty of Holm, dated 1844, has a pencilled addition 'Roseness Commonty'.\(^5\) Nothing else has been discovered relating to this commonty.

**Hoy and Graemsay**

**Commony of Hoy**

The commonty of Hoy (or Rackwick), whose extent is not known, consisted of the mosses, muirs, commonty or common grounds in the former parish of Hoy (HY2300). A summons of division of commonty was raised in 1803 by John Young of Rackwick against Margaret Cruickshank and others.\(^6\) However, in 1808 the pursuer sold his lands of Rackwick to James Macdonald who continued the action. No other documents have survived relating to this case.

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1. Lord Advocate v. Graeme (UP. 1 Shield A/10/3); (EP. 108/3/1845 [retransmitted])
3. RHP. 1739
4. Crown Estate Commissioners' records (CR. 4/224)
5. RHP. 1739
6. Young v. Cruickshank (UP. 1 Shield Y/2/41)
Kirkwall and St Ola

Commonty of Kirkwall and St Ola

The commonty of Kirkwall and St Ola, consisting of 2614 acres, comprised of two separate commonties: the commonty of Kirkwall lay along the western boundary of the parish on the hill slopes rising to Burrey Brae and Berryhill between Lesliedale and Scapa Bay (HY4009); and the other, the commonty of St Ola, lay to the east of Scapa Bay along the southern boundary of the parish from Gaitnipe to Gill of Garth (HY4706). Great encroachments were taking place in the beginning of the nineteenth century, especially on the commonty of Kirkwall, which caused Charles Shirreff, the manager for the crown in Orkney, to request a new act of Parliament to overcome the Crown's exemption from the act of 1695.1

Diminishing numbers of sheep were being put on the commonty which was still undivided in 1841.2 A summons of division of commonty was raised in 1845 by the Lord Advocate against Thomas, Earl of Zetland, and others.3 Commission was granted to Charles Neaves, sheriff of Orkney and Zetland. He appointed in 1848 James Craig, land surveyor in Kirkwall, to measure and make a plan of the commonty.4 After the initial plan was made, it was found to contain 370 acres of ground not part of the commonty. The plan was amended and this land was deleted along with certain peat roads which were to be discontinued at the division. The commonty was divided in 1859.

2. NSA. xv, 7
3. Lord Advocate v. Zetland (EP. 10/8/1859); SRO. Crown Estate Commissioners' records (CR. 4/215)
4. RHP. 2864 (undated and unsigned, showing whole parish with commonty, infield property and burgh lands coloured)
Orphir

Commony of Orphir

The commonty of Orphir (part also commonty of Hobbister), consisting of 8013 acres, covered most of the parish above 200 ft O.D. It lay along the inland parish boundary from Hall of Clestron to Saltpan on the coast in the east (HY3408). A summons of division of commonty was raised in 1802 by Sir William Honeyman of Graemsay and Gilbert Laing of Rothesholm, merchant in Edinburgh, against John Johnstone of Coubister and others. Commission was granted to Robert Baikie of Tankerness and Robert Brown, factor to Macdonald of Clanranald. In 1811 they appointed Charles Stewart, land surveyor, to measure and make a plan of the commonty, but before he took up the appointment he was replaced by James Chapman and Alexander Gibbs, land surveyors in Inverness. In 1813 they made several plans showing the commonty and scheme of division. The commonty was divided in 1823. In 1841 it was reported that the native sheep were of small size and lived on the common at all seasons, on the hills in summer and along the shore in winter. The word common was used to indicate rough moorland rather than true commonty, of which none existed in the parish at that date.

Rousay

Commony of Rousay

The commonty of Rousay, consisting of c.6000 acres, occupied most of the centre of the island (HY4030). As yet, little is known of this commonty, other than it was divided some time before 1821. At that date William Matheson, land surveyor in Kirkwall, was

1. Honeyman v. Johnstone (EP. 4/3/1823); SRO. Fea of Clestrain (Flett) collection (GD. 31/487)
3. NSA. xv, 21
Rousay contd

negotiating a contract for surveying the commonty of Eday in which he noted, 'I consider the work of equal extent as that of Rousay'. However, in a letter replying to Matheson's offer, it was stated that 'the latter [Rousay] to be twice the superficial extent of the former [Eday] ... the difficulty of measuring and allotting away so many heritors also renders Rousay a fourfold more difficult'. No other documents have been discovered that throw any more light on this commonty.

St Andrews and Deerness

Commonty of Deerness

The commonty of Deerness, consisting of 1695 acres, occupied all the higher ground in the north of Deerness peninsula (HY5707). A summons of division of commonty was raised in 1834 by Alexander Graeme Groat of Newhall against Lawrence, Lord Dundas, and others. Commission was granted to Charles Shirreff, sheriff-substitute of Orkney. In 1835 Grainger and Miller, engineers and surveyors in Edinburgh, were appointed to measure and make a plan of the commonty. It was divided in 1839.

Commonty of Kirbusterness

The commonty of Kirbusterness, consisting of 170 acres, was situated on the Mirkady peninsula (HY5406). The farms and townships of Halley, Yarpha, North and South Keigar, Oyce, West Shore, Kirbuster, Brecks and Northouse had rights upon the commonty. The process of division of the commonty of Deerness encompassed Kirbusterness. In 1834 a plan was made by Grainger and Miller, engineers and surveyors in Edinburgh. The commonty

1. SRO. Fea of Clestrain (Flett) collection (GD. 31/497)
2. Ibid.
3. Groat v. Dundas and heritors of Deerness (EP. 216/7/1839)
4. Missing
5. Missing
**St Andrews and Deerness contd**

was divided between Lord Dundas, A.G. Groat and David Cromarty in 1839 but with a strip of ground along the shore which was to remain common for those having right to the 'ware or kelp'.

**Commonty of St Andrews**

The commonty of St Andrews, consisting of 1330 acres, lay in three parts: the largest, 948 acres, extended along the parish boundary in the west adjacent to the commonty of Holm (HY4905); the second largest, 305 acres, lay to the north of the lands of Stembister (HY5302); and, finally, the smallest, 77 acres, lay to the east of Swart Howe (HY5103). A summons of division of commonty was raised in 1834 by Lawrence, Lord Dundas, against James Baikie of Tankerness and others. The summons originally concluded for division of the commonties of Holm, St Ola and St Andrews, but it was restricted by the Court to the latter alone. The process fell asleep in 1835 and was not awakened until 1872. Commission was then granted to James Robertson, sheriff-substitute of Orkney. In 1872 John D. Miller, land surveyor in Kirkwall, was appointed to measure and make a plan of the commonty. A new plan was made in 1874 immediately prior to division.

**Common**

A common, consisting of 108 acres, is shown on an eighteenth century plan of the estate of Sebay belonging to Sir Lawrence Dundas of Kerse. The common is shown as an extension of 'good hill pasture' that was to be divided in the nineteenth century as part of the commonty of Deerness, but this process did not include this piece of ground (HY5106). It appears, therefore, to be part of the Sebay estate and only common grazing.

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2. RHP. 1000  
3. RHP. 2983  
4. RHP. 6098 (photocopy) original pennes The Librarian, Orkney Public Library, Kirkwall
Sandwick

Commonty of Sandwick
The commonty of Sandwick, consisting of 4275 acres, was situated on the low ground west of the Loch of Harrey (HY2220). A summons of division of commonty was raised in 1845 by the Lord Advocate against William Graham Watt of Breckness and others. Commission was granted to Charles Neaves, sheriff of Orkney and Zetland. In 1849 he appointed Francis Taylor, land surveyor in Kirkwall, to measure and make a plan of the commonty. The commonty would have been speedily divided had not the defender objected to the surveyor's account. A new commission was granted to William Aytoun, sheriff of Orkney and Zetland, solely to assess whether the surveyor had overcharged. In the arguments that followed, the merits of the costs of surveying other commonties on the Mainland were examined including Harrey, Birsay, Stromness, Firth, Evie and Rendall. At the same time as surveying the commonty of Sandwick, Taylor held a similar appointment in the division of the commonty of Stromness, for which he had to face similar accusations of overcharging (see page 182). The commonty was divided in 1859.

Commonty of Shapinsay
The commonty of Shapinsay, consisting of 2854 acres, lay in two parts: the smaller in the north, known as North Hill Common, occupied the hillock at Edmonstone (HY5220); whilst the larger part lay in the triangle of pitted moorland at Newfield Cott (HY5317). A summons of division of commonty was raised in 1831 by the Lord Advocate against Samuel Laing of Papdale and others. Commission was granted to J.A. Maconochie, sheriff-depute of Orkney. In 1832 John Miller, surveyor of the firm Grainger and Miller, was appointed to measure and make a plan of the commonty. It was divided in 1844.

1. Lord Advocate v. Watt & ors (EP. 168/7/1859); NSA. xv, 59-61
2. Missing
3. Lord Advocate v. Laing (UP. 1 Shield A/10/2); NSA. xv, 82
South Ronaldsay

Commony of Herston

The commony of Herston, consisting of 201 acres, was situated on the coast at Herston Head and extended from Mai Geo to Harrabrough Head (ND4191). The commony was divided in the same process as the commony of South Ronaldsay in 1825. In 1822 William Matheson, land surveyor in Kirkwall, made two plans of the commony showing the first and second schemes of division.¹

Common of Kirk

The Common of Kirk, a place-name shown on modern Ordnance Survey maps, lay on the southeastern flank of Ward Hill (ND4588).

Commony of South Ronaldsay

The commony of South Ronaldsay, consisting of 4350 acres, occupied most of the moorland over 200 ft O.D. in the parish (ND4488). A summons of division of commony was raised in 1820 by Robert Heddle of Melsetter against Thomas, Lord Dundas, and others.² Commission was granted to William Erskine, sheriff-depute of Orkney. In 1821 he appointed William Matheson, land surveyor in Kirkwall, to measure and make a plan of the commony.³ The surveyor's account, amounting to £306 15s, came as a considerable shock to the pursuer who requested that it should be sent to an independent assessor, Francis Hall, land surveyor in Edinburgh. Hall found that £238 5s would have been a reasonable charge for the work of surveying and drawing of plans. This dispute caused a delay of two years before the decreet of division was pronounced in 1825.

¹. RHP. 6159
². Heddle v. Dundas & ors (EP. No.38 of 11/3/1825)
³. Missing
Stenness

Commonty of Stenness

The commonty of Stenness, consisting of 4492 acres, lay on the moorland in the south of the parish rising to over 800 ft O.D. at Ward Hill (HY3309). A summons of division of commonty was raised in 1802 by Sir William Honyman of Armadale and Thomas, Lord Dundas, against William Halcro of Bea, Thomas Isbister of Bigswall and others. Commission was granted to Robert Baikie of Tankerness. In 1810 Charles Stewart, land surveyor, was appointed to measure and make plans of the commonty, but before he did so his appointment was terminated. Two years later, in 1812, the commissioner appointed James Chapman and Alexander Gibbs, land surveyors in Inverness, to survey the commonty. The trustees for the pursuer objected to paying the surveyors' account and Chapman and his partner were forced to petition the Court for payment. The commonty was divided in 1815.

Stromness

Commonty of Stromness

The commonty of Stromness, consisting of 3841 acres, lay on the moorland rising to over 400 ft O.D. northwest of the town of Stromness (HY2311). A summons of division of commonty was raised in 1845 by the Lord Advocate against James Pollexfen of Cairston and others. Commission was granted to Charles Neaves, sheriff of Orkney. In 1848 he appointed Francis Taylor, land surveyor in Kirkwall, to measure and make a plan of the commonty. The surveyor's account was questioned by both Crown and other heritors. In consequence, William Edmonstone of Aytoun, sheriff of Orkney,

2. RHP. 4002; tracing by J.H. Johnston, dated 1914 - RHP. 757
3. Lord Advocate v. Pollexfen (EP. 169/7/1859)
4. Missing
Stromness contd

was appointed to examine the accounts. The commony was divided in 1859. In the opinion of the writer of the New Statistical Account the commony was capable of very little improvement for much of the surface had been removed to fuel or litter rendering it useless for cultivation.¹

Stronsay

**Commony of Stronsay**

In 1841 part of Stronsay remained common but the extent, boundaries and date of division are not known.²

Walls and Flotta

**Commony of Walls**

The commony of Walls, consisting of c. 2000 acres, lay along the spine of the island of South Walls from Garson to Hackness with an extension to the Hill of White Hamars (ND3189). A plan of the runrig lands of South Walls, dated 1823, shows the boundary of the commony with its area left blank.³ In 1841 the commony was undivided⁴ and a plan dated 1870 shows the commony still undivided.⁵

Westray

**Commony of Westray**

The commony of Westray, consisting of 14,690 acres, was undivided in 1841.⁶

1. NSA. xv, 30
2. NSA. xv, 162
3. RHP. 1703, 2898, 2899
4. NSA. xv, 77
5. RHP. 1740
6. NSA. xv, 128
Broughton, Glenholm and Kilbucho

Commony of Glenholmshope

The commony of Glenholmshope (Wholmshope, Holmshope, Wholms Common), consisting of 1573 acres, was centred on the hill still known as Common Hill (NT0832). A summons of division of commony was raised in 1729 by Murray of Stanhope, James Geddes of Rachan, Robert Hunter of Polmood, and William Bertram of Dukepoole against Sir James Nasmyth of Posso, William Dukston of Kilbucho and others.¹ Commission was granted to David Scott, sheriff-depute of Peebles. In 1736 he appointed David Dowie, surveyor and architect in Edinburgh, to measure and make a plan of the commony.² It was divided in 1736.

Unidentified common

In 1834 there remained in the parish an undivided common of 40 acres.³

Eddleston

Commony of Boreland

The commony of Boreland (Borland), consisting of 698 acres, and the runrigs and commony of Northsliel, consisting of 455 acres, were situated to the east of the Eddleston valley on the ground rising to Dundreich (NT2648). A summons of division of runrig and commony was raised in 1759 by Alexander Hay of Drummelzien against the Earl of Portmore, John Murray of Black Barony and others.⁴ Commission was granted to Sir James Nasmyth of Posso and James Montgomery, advocate. In 1759, Lewis Gordon, land surveyor in Ormiston, was appointed to measure and make a plan of the commony.⁵ It was divided in 1760.

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¹ Geddes v. Nasmyth & ors (EP. Dur. 23/7/1736)
² Missing
³ NSA. iii, 90
⁴ Hay v. Portmore (EP. Dal. 9/2/1760)
⁵ Missing
Eddleston contd

Runrigs of Windylaws
The runrigs of Windylaws, consisting of 148 acres, were situated south of Windylaws township, extending as far as the parish boundary (NT2443). A summons of division of runrig was raised in 1784 by Archibald MacArthur Stewart of Ashcog against John Paterson of Windylaws.¹ Commission was granted to the sheriff-depute of Peebles. In 1786 William Oman, schoolmaster and land surveyor, measured and made a plan of the rigs.² Another survey was made in 1778 by Thomas Johnston, land surveyor in Edinburgh.³

Innerleithen

Innerleithen Common
Innerleithen Common lay to the east of the Leithen valley on the slopes of Priesthope Hill and Kirkie Law (NT3439). The commony must have been divided before the early seventeenth century for in 1638 the Earl of Traquair received a Crown charter including several lands in Innerleithen of which two were named Over and Mid Commons.⁴ A farm still retains the name Common to the present day.

Newlands
In 1834 there were no undivided commons in the parish.⁵

1. Copy of summons and other documents in process of division of Whiteside Edge commony (Stewart v. Elliot UP. 1 Adams Mack. S/13/4)
2. Missing
3. RHP. 4194, 4194A
4. Renwick, R., Historical Notes on Peebleshire Localities, Peebles, 1897, 557
5. NSA. iii, 138
Linton

Commonty of Linton

The commonty of Linton was situated on the southern slopes of the Pentland Hills, north of West Linton village, rising to Byrehope Mount which was shown on Knox's map of Midlothian, dated 1812, as Common Head (NT1154). Rights to the commonty were well regulated, for the 44th section of the Linton Acts of Neighbourhood, entered into by the heritors and tenants of Linton in 1678, relates 'Ther shall no heretor nor tennent within the toune of Lintoun sett nor give libertie to any drift geir to pastour in the Commen of Lintoun, upon the penaltie of ten merk for each persone that gives or setts the samyne'. Ten years later rights to the commonty were granted by Isaac Whytlaw, portioner of Linton, to David Plenderleath of Blyth. The fate of the commonty has not yet been discovered.

Linton Green

Linton Green, consisting of only two acres in 1834, was the resting place of the drovers from Falkirk who had brought their sheep and cattle over the drove road from the Cauldstane Slap and down the Lyne Water.

Peebles

Commonty of Cademuir

The commonty of Cademuir was situated on the isolated hill southwest of the burgh of Peebles (NT2337). The commonty was part of the burgh lands and included Common Struther. In 1458 Cademuir

1. RHP. 1531
2. Renwick, R., Historical Notes on Peeblesshire Localities, Peebles, 1897, 9
3. SRO. Register of Deeds (Mack. 75/1266 writ 1208)
4. NSA. iii, 159
5. Buchan, J.W., History of Peeblesshire (3 vols), Glasgow, 1927, iii, 100
Peebles contd

was soumed by the council and allocated among the burgesses. Then followed nearly four centuries of dispute over the rights and title to the common. The situation was not cleared up until 1845 when the title of Cademuir and the common was sold to the heritors.¹

**Commonty of Eshiels**

The commonty of Eshiels (Eahields), consisting of 463 acres,² lay to the north of the Tweed valley on Falla Brae. In 1774 Dr James Hay of Haystoun, the proprietor of Eshiels, offered to buy the burgh of Peebles' interest in the commonty for a yearly payment of £10, receiving a feu charter, under reservation of a servitude of feal and divot in favour of the inhabitants. The offer was not taken up by the council and it was decided to let both Eshiels and Soonhope commons to the highest bidder, but no offers were received. Arbitration was resorted to and failed and, in consequence, in 1779 Dr Hay raised an action of souming and rouming in order to determine the extent of the burgh's rights of pasturage. In the face of this onslaught a settlement was arranged in which Dr Hay gave up his claim to a share of Soonhope common in exchange for Eshiels common.³

**Commonty of Glentress**

The commonty of Glentress extended over a considerable area of ground east of the Eddleston valley and included the commonties of Heathpool and Winkston at the west end, Pilmuir between Shielgreen and Venlaw, Soonhope and Eshiels.⁴ In the commonties earliest recorded history the burgh had rights of pasturage over this common as a whole but through time, with encroachments, it tended to become fragmented. As the various parts suffered different fates, they are listed separately.

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1. Table of measurement of commonty of Eshiels, dated 1779 - RHP. 8/6


Peebles contd

Commony of Pilmuir

The commony of Pilmuir extended northwards along the ridge from Ven Law to Mailingsland (NT2542). In 1792 it was claimed by Ludovic Grant, who had bought up the soums on Ven Law and demanded a charter from the council but withdrew his claim. In 1795 Williamson of Cardrona, the proprietor of Mailingsland, suggested a division of the common. The council was agreeable to this but delayed implementing the suggestion until 1808 when an excambion was arranged: Pilmuir was conveyed to the proprietor of Mailingsland and the town received ground of equivalent value situated beside their property of Shielgreen which was sold in 1850.¹

Commony of Soonhope

The commony of Soonhope (Sunhope), consisting of 244 acres, lay to the east of Soonhope Burn below Caresman Hill (NT2742). A summons of division of commony was raised in 1779 by John Hay against the magistrates and council of the burgh of Peebles and Sir James Nasmyth of Posso.² Commission was granted to Andrew Hamilton of Spittlehaugh and Gilbert Mair, writer in Edinburgh. In 1781 William Oman, schoolmaster and land surveyor in Peebles, was appointed to measure and make a plan of the commony.³ A decreet of division was obtained in 1782. John Hay's allocation of 20 acres was then conveyed to the council concluding the agreement made in the division of the commony of Eshiels (see page 187).

¹ Buchan, J.W., History of Peebleshire (3 vols), Glasgow, 1927, ii, 267
² Hay v. Magistrates of Peebles (EP. Dal. 8/3/1782)
³ RHP. 6316
Peebles contd

Commony of Venlaw

The commony of Venlaw, a hill overlooking Peebles on the east, was a possession of the burgh as far back as records extend (NT2541). The hill was used for the butts, building stone, bleaching and drying clothes. The commony was soumed out in the early seventeenth century, but by 1792 the soums had been bought up by Ludovic Grant of Smithfield, who requested the council to grant him a charter. After much heart searching on the council's part this was granted but reserving rights of water and quarrying on the commony to the burgh in exchange for Grant giving up his claim to the commony of Pilmuir.

Commony of Whiteside Edge

The commony of Whiteside Edge (including commonties of Windylaws, Milkieston in Eddleston parish), lay along the northeast boundary of the parish (NT2745). The commony was first measured in 1778 by Thomas Johnston, land surveyor, in the division of the runrigs of Windylaws, when he found the joint commony to amount to 414 acres. A summons of division of commony was raised in 1810 by the trustees of Archibald MacArthur Stewart of Ashcog against Misses Elliot of Burahead and John Paterson of Windylaws. Commission was granted to James Wolfe Murray, advocate. He appointed George Buchanan, land surveyor in Edinburgh, to re-measure the commony and make a plan. He found that the acreage was somewhat reduced, about 400 acres. Arguments raged around whether Paterson had encroached from Windylaws. The commony was divided in c.1813.

1. Buchan, J.W., History of Peebleshire (3 vols), Glasgow, 1927, ii, 251-6
2. RHP. 4194 and measurement RHP. 4194a
4. Missing
Peebles contd

Commony of Winkston and Heathpool

The commony of Winkston and Heathpool, a joint commony, lay to the east of the Eddleston valley, two miles north of Peebles (NT2544). They were divided in 1761 between the surrounding heritors and the burgh of Peebles. The burgh was entitled to as much of the common as would be required for the pasturage of 38 score sheep. This became the new commony of Heathpool. In 1765 Alexander Stevenson raised an action of division of the new common. The council were agreeable and suggested voluntary submission to an arbiter, James Montgomery of Stanhope. The action was withdrawn but the arbitration failed and a new summons of division of commony was raised in 1773 by Alexander Stevenson of Winkston against the magistrates of the burgh. In 1774 William Oman, schoolmaster and land surveyor in Peebles, was appointed to measure and make a plan of the commony. The result of this process was inconclusive and a new arbitration was undertaken in 1779 by James Montgomery of Stanhope, the same arbiter as before. The ground allocated to the town, amounting to 135 acres, was situated alongside the commony of Heathpool, and the two properties were thereafter administered as one. Disputes continued over Heathpool until 1845 when title to the common was sold to surrounding heritors for £400.

Skirling

Unidentified common

In 1834 there was only a small common of 10 acres still undivided in the parish.

1. Buchan, J.W., History of Peeblesshire (3 vols), Glasgow, 1927, ii, 262-7
2. Ibid.
4. Missing
5. Buchan, op. cit., ii, 265, 322
6. NSA. iii, 104
In 1834 there were no undivided commons in the parish.  

In 1834 there were no undivided commons in the parish.

In 1834 there were no undivided commons in the parish.

1. NSA. iii, 124
2. NSA. iii, 47
3. NSA. iii, 66
Abernethy

Commonty of Abernethy

The commonty of Abernethy (Town-hill of Abernethy) lay in two parts: the Wester common, consisting of 157 acres, extended up Abernethy Glen; whilst the Easter common, consisting of 124 acres, occupied Tarduff Hill (N01915). A summons of division of commonty was raised in 1811 by John Henderson of Gattaway and others against Lawrence Malcolm, mason in Abernethy, and others.¹ Commission was granted to Charles Husband of Glenearn, sheriff-substitute of Perth. In 1816 he appointed William Crawford, junior, land surveyor in Edinburgh, to measure and make a plan of the commonty.² Four years later, in 1820, the surveyor made another plan showing a scheme of division.³ The commonty was divided in 1821.

Commonty of Carpow

The commonty of Carpow, consisting of 656 acres, lay immediately to the east of the commonty of Abernethy on Pitcairnie Hill (N02016). A summons of division of commonty was raised in 1799 by James Paterson of Carpow against Henrietta Scott, marchioness of Titchfield.⁴ Commission was granted to James Paton, sheriff-clerk of Perth. In 1800 he appointed David Buist, land surveyor in Perth, to measure and make a plan of the commonty.⁵ After considerable delay it was divided in 1825.

¹ Henderson v. Malcolm (EP. 2/6/1821); SRO. Perth Burgh records (papers of Melville of Easter Greenside); SPSL. 561:24
² RHP. 58
³ RHP. 48/1 (engraved copy RHP. 48/2
⁴ Paterson v. Scott (EP. No. 15 of 2/7/1825); SRO. Perth Burgh records
⁵ Missing; mutual boundary with commonty of Abernethy shown on RHP. 48/1; part of commonty next to lands of Easter Greenside - RHP. 5392
Abernethy contd

Commonty of Castle Law

Little is known of the commonty of Castle Law which occupied the hill of the same name lying a half mile to the southwest of Abernethy village (N01815). The commonty is mentioned on a plan, dated 1820, of the division of the commonty of Abernethy.¹

Abernyte

In 1837 there were no undivided commons in the parish.²

Alyth

Runrigs of Aberbothrie and Bardmony

The runrigs of Aberbothrie and Bardmony, consisting of 842 acres, lay to the south of Alyth on ground gently sloping down to the River Isla (N02445). A summons of division of runrig was raised by James Whitson, David Crichton, and John Scott against John Smyth of Balhary, Thomas Law and William Ireland.³ Andrew Thom, land surveyor in Rattray, was appointed by the commissioner to measure and make a plan of the rigs, which he did for a fee of £17 8s. Because some of the parties were absent during the original survey, it was ordered that the lands should be remeasured in the spring and summer of 1791 by William Bell, land surveyor in Edinburgh. When this was done Bell presented a bill for £82 3s 6d for the same amount of work as had been previously undertaken by Andrew Thom. Not unnaturally the respondents regarded this as highly exhorbitant and refused to pay. This resulted in William Bell making a representation to the Court for the payment of his fee which was ultimately settled for £48 2s.⁴

1. RHP. 48/1–2
2. NSA. x, 222
3. Not located; NSA. x, 1122
4. Representation for William Bell (UP. 1 Adams Mack. B/5/85)
Alyth contd

**Commony of Forest of Alyth**

The commony of the Forest of Alyth, consisting of 7946 acres, covered all of the high moorland in the north of the parish and extended over into Kirkmichael parish on the Hill of Easter Bleaton and Glenisla parish, Angus, to include all of Black Hill and Hill of Fernyhirst (N01755). A summons of division of commony was raised in 1719 by James and David Rattray of Rannagulzion and Gilbert Ramsay of Tullymurdoch against Thomas Graeme of Balgowan, Robert Rattray of Drumfornk, Alexander Maccoul in Borland, David Ogilvy of Clunie and John Ogilvy of Muirtoun. Dr John Wilson, professor of mathematics and known skill of geography, was appointed about 1726 to make a map of the forest.

Due process of law was thereafter neglected and more violent means were resorted to: on the 18th of June 1760 the people of Blacklunans and Bleaton pulled down part of the pursuer's mill of Drumturn. A short time after, when the pursuer was about to erect his summer sheiling, the same people turned out a second time in greater numbers than before with clubs and staves, 'and before the sheiling was finished, after abundance of abuse of language bestowed upon the pursuer and his servants ... they raised it to the ground and made a bon-fire of the timber'.

After these episodes the parties returned to legal action when John Leslie, land surveyor, was appointed to measure and make a plan of the commony. In 1787 it appears that a 'large plan of the Forest' was made but no more is known of this plan. A considerable number of documents relating to this process dating from 1765 to 1792 survived in the papers of Messrs Bruce and Kerr, W.S. The commony was divided in 1792.

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2. Missing
3. SPSL. 55:1, 55:7
4. RHP. 6292
5. Missing; Inventory of the division of Alyth Forest (UP. 1 Shield A/4/30 [inventory])
6. SRO. Bruce and Kerr papers (GD. 240 Box 7 Bundle 1)
Alyth contd

North Common of Alyth

The North Common of Alyth, consisting of 120 acres, lay to the north of the town of Alyth on the Hill of Alyth which was also its alternative name (NO2350). The boundary of the commonty can be recreated by assembling fragments shown on separate estate plans in the Airlie muniments. Originally the Hill of Alyth was included in the process of division of the commonty of Alyth but it was dropped from the process which went on to look exclusively at the South Common. The fate of the North Common has not yet been discovered.

South Common of Alyth

The South Common of Alyth (known also as the Muir of Mornity), consisting of 364 acres, lay immediately to the southeast of the town (NO2647). The first attempt at division of this commonty occurred in 1780 when the proprietors of Airlie and Balhary entered into a submission to arbiters mutually chosen. In 1783 they appointed William Panton, land surveyor, to make a plan of the commonty. This attempt failed and a new summons of division of commonty was raised in 1805 by John Smyth of Balhary and others against David Ogilvie of Airlie and others for the division of the Hill of Alyth and Moor of Mornity. Commission was granted to William Macdonald, advocate. However, proof of the South Common only was heard and there was no further reference to the Hill of Alyth. The process was allowed to lie

1. NSA. x, 1122
2. SRO. Airlie muniments - RHP. 5007, 5014, 5028, 5032/6
3. Original missing; lithographed copy - RHP. 6293 with summary of process dated 26th May 1830
4. Smyth v. Ogilvie (UP. Adams Dal. 0/2/22 [few documents]); (UP. Adams Dal. 5/1/98 [inventory only]); (EP. 70/7/1853 [full process]); SRO. Airlie muniments (GD. 16/27/457); SRO. Bruce and Kerr papers (GD. 240 Box 41 Bundle 5); SRO. Lindsay, Duncan and Black papers (GD. 81/418); SPSL. 491:34, 485:16; NSA. x, 1122
Alyth contd

over for many years and was awakened in 1853. A new commission was granted to George Ramsay Ogilvie, advocate, in 1854. He appointed David Henderson Halkett, C.E., to make a plan of the commonty. The surveyor was ordered to mark out six acres of the common as a market stance which was to be suitably situated for easy access to the town. The commonty was divided in 1858.

Ardoch

Commonty of Braco and Feddal

The commonty of Braco and Feddal, consisting of 1038 acres in all, comprised of two parts: the Back Muir, consisting of 607 acres, lay between the Tochie and Froskin Burns north of Bullie Burn (NN7910); and the Fore Muir, consisting of 431 acres, lay to the south of Bullie Burn across the drove road on Feddal Hill (NN8009). A summons of division of commonty was raised in 1808 by James Masterton of Braco against Mrs Graham Burdon and Mrs Murray Stirling and husbands. Commission was granted to John Coldstream, sheriff-substitute in western district of Perthshire. In 1808 Gilbert MacEwan, land surveyor in Callander, was appointed to measure and make a plan of the commonty. The process, although carried on until 1821, was abandoned. A new action was raised in 1853 by Henry Home Drummond of Abercairny and Ardoch against George Mitchell Burdon of Easter Feddal and others. Although the summons purported to apply to the commonty of Feddal only, in fact it applied to the same area of ground as before. Commission was granted to Alexander Scott. In 1854 James Horne, civil engineer and surveyor in Edinburgh, was appointed to measure and make a plan of the commonty. It was divided in 1860.

1. RHP. 6291
2. SRO. Abercairny muniments (GD. 24/1/672, 770, 771); SPSL. 267:12 with plan; Masterton v. Burdon (UP. 1 Adams Dal. M/11/36 [inventory only])
3. RHP. 4068, 6296, 6297, 6298
4. Drummond v. Burdon (EP. 2/5/1860) 5. RHP. 6299
Ardoch contd

Commonty of Cambushinnie

The commonty of Cambushinnie, consisting of 2011 acres, occupied the broad summit of Cambushinnie Hill (NN7709). In 1771 the Commissioners of the Forfeited Estates sent John Leslie, land surveyor, to survey the commonty and make a plan of the annexed barony of Kinbuck showing the disputed ground. Soon after, in 1774, the Commissioners and Robert Drummond of Cromlix raised a summons of division of commonty against Sir William Stirling of Ardoch. Commission was granted to William Mercer of Piteuchar, sheriff-substitute of Perthshire. In 1782 he appointed William Morrison, land surveyor in Edinburgh, to measure and make a plan of the commonty. It was divided in c. 1782.

Auchterarder

Common Moor of Auchterarder

The Common Moor of Auchterarder lay in two parts: the larger extended westwards from the town, covering some 228 acres; the smaller lay amidst the runrigs of Milton (The Mill Farm) and consisted of 16 acres (NN9412). An estate plan of the barony of Auchterarder by William Cockburn, dated 1755, shows part of the larger and the whole of the smaller commons. The division of the commons was made more difficult by the fact that Auchterarder had been a royal burgh, having been created such in 1246, but it seems to have lost its burghal status some time after 1584, for the burgesses of Perth regarded it as a burgh of barony in 1692. Everyone living in the town, who owned a cow, had

1. Missing; report SRO. Forfeited Estates papers (E. 777/240/2)
2. Commissioners of Annexed Estates v. Stirling (E. 777/240/1-8)
3. Missing
4. HFP. 3483
Auchterarder contd

rights of pasturage upon the moor, as well as rights of quarrying stones for building purposes and cutting turf.¹ Up to 1837 there had been frequent attempts at dividing the common, the case having been repeatedly before the Court of Session. About this time the surrounding proprietors came to an agreement and were on the point of division when the inhabitants of the town claimed that the common belonged to a royal burgh and could not be divided under the act of 1695.² This red herring stayed the division and in 1860 an act of Parliament was obtained for vesting the Common Muir in commissioners for the benefit of the burgh.³ Under the powers conferred by the Act the moor was reclaimed and brought into cultivation.

Auchtergaven

In 1838 there was no part of the parish in a state of undivided common.⁴

Balquhidder

Common moor

An estate plan by William Cockburn, dated 1756, shows a moor common to the townships of Achleskine (Auchlesrie), Wester, Middle and Easter Auchtoo (Auchtow) and Guilt (NN5521).⁵ The plan shows the relationship between infield, outfield, haugh, head-dyke and common grazing. Although it does not show a commonty, but common grazing, the plan represents a good example of Scottish rural landscape before the inclosure movement had made any inroads in this area.

1. *NSA.* x, 287, 291
3. 23 & 24 Vict. cap. cxix, 1697-1704
4. *NSA.* x, 437
5. *RHP.* 3482
Bendochy

**Comonty of Hill of St Fink**
The comonty of the Hill of St Fink, consisting of about 200 acres, lay on the Highland Boundary Fault three miles west of Alyth (N02147). In 1843 John Smyth of Balhary possessed a portion of the former comonty which had been divided in [?] 1811. The process of division has not yet been discovered.

Blair Atholl

**Comonty of Glentilt**
The comonty of Glentilt, consisting of 2408 acres, occupied the spur separating Glens Tilt and Fender (NN9070). The first attempt to divide the comonty occurred in 1792 when the Duke of Atholl and James Robertson of Lude agreed to settle the dispute by arbitration and asked Henry Erskine and David Smythe of Methven to be arbiters. They appointed James Chalmers, sheriff-substitute of Perthshire, to take proof. He appointed Robert Reid, land surveyor in Edinburgh, to measure and make a plan of the comonty. However, arbitration failed and in 1796 a summons of division of comonty was raised by James Robertson of Lude against the Duke of Atholl. James Chalmers was invited to remain as commissioner. In 1808 he appointed David Buist, land surveyor in Perth, to re-survey the comonty and make a new plan. The comonty was divided in 1815.

**Comonty of Lekshanbreck**
The comonty of Lekshanbreck, extending to 770 acres, consisted of a deep moss, with very poor grazing, west of the Allt Poll

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1. NSA. x, 1190, 1192
2. RHP. 36/1; part of the boundary of comonty shown on RHP.464
3. Robertson v. Atholl (EP. M.H.M. 14/11/1815); SRO. Dalguise muniments (GD. 38/1/1178)
4. RHP. 36/2-3
Blair Atholl contd

Dubb-ghlas Burn in the hills southeast of Loch Garry (NN6467). The ground was grazed in common by the cattle of Drumchastle, Drumachun (annexed estate of Loch Garry), Leakingpoldulash (Duke of Atholl), and Sleich (Robertson of Auchleeks). A plan of the annexed estate of Loch Garry, made c.1760, shows the commony with shielings built close by. Further common lands were noted on this plan belonging to Reid of Blockfelt and Robertson of Auchleeks.

Blairgowrie

Commonty of Muir of Blair

The commonty of the Muir of Blair, consisting of 712 acres, lay to the South of Blairgowrie on the alluvial plain of the River Isla (N01842). The proprietors of the lands of Meikleour, Rosemount, Ardblair, Welltown, Parkhead, Carsie, Aldie and Blairgowrie had interest in the commony. A summons of division of commonty was raised in 1768 by William Mercer of Aldie and others against Thomas Graham of Balgowan and James Blair of Ardblair and others. Commission was granted to John Swinton, sheriff-depute of Perthshire. In turn, he appointed William Young and James Galloway, land surveyors, to measure and make a plan of the commony. The commonty was divided in 1774 and registered in the Sheriff Court Book of Perthshire on 23rd December, 1774.

Caputh

In 1839 there was 'very little undivided common in the parish'.

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1. RHP. 3398  3. Missing  4. NSA. x, 678
2. Mercer v. Graham (UP. 1 Skene M/18/23); SRO. Breadalbane muniments (GD. 112 Box 13/1); Macdonald, J.A.R., The History of Blairgowrie, Blairgowrie, 1899, 40, 80, 82
Comrie

Runrigs of Ballindalloch and Balnacoul

The runrigs of Ballindalloch and Balnacoul (Balnconill) lay on the steep valley side rising from the River Lednock below Balnacoul Castle (NN7426). A summons of division of runrig was raised in 1822 by Duncan Comrie or Montgomery, gardener at Buchanan, against the Commercial Banking Company of Scotland.1 Few documents have survived in this process.

Unidentified commony

In 1838 there was 1315 acres of common or disputed ground in the parish.2

Crieff

Commony of Knock of Crieff

The Knock of Crieff was a common for the village of Crieff but the feuars gave up this privilege in the latter part of the eighteenth century.3 A plan of the Drummond estates, dated 1755, shows the 'common moor to Crieff and Millnab'.4

The former parish of Monzie, incorporated into Crieff parish in 1891, contained no undivided commons in 1837.5

Dull

Unidentified commons

In 1842 there were two pieces of undivided common in the parish. One lay on the east shoulder of Schichallion in the joint proprietorship of the Marquis of Breadalbane and Garden Campbell of Troop and the other was the joint property of Stewart of

1. Montgomery v. Commercial Bank (UP. 1 Potts M/11/55)
4. NSA. x, 277
5. NSA. x, 587
Dull contd
Dereulich and the neighbouring proprietors in the parish of Logierait.¹ Neither one of these commonties had been measured at that date and nothing, as yet, has been discovered of their fate thereafter.

Dunblane and Leocropt

Commonty of Sheriff Muir
The commonty of Sheriff Muir, consisting of 1654 acres, lay on the northern flanks of the Ochil Hills overlooking Strathallan (NN0383). A summons of division of commonty was raised in 1764 by the Commissioners of the Forfeited Estates against Margaret and Jacobina Drummond and others.² Commission was granted to Thomas Duthie, sheriff-substitute of the western district of Perthshire. He appointed John Lesslie and John Farquharson, land surveyors, to measure and make a plan of the commonty.³ It was divided in 1772.

Unidentified commonty
Only an inventory, dated 1800, has survived of a process of division of commonty raised in 1799 by Alexander Jaffray of Glassingall against James Miller of Craigend.⁴ No name is given and this entry in this parish is only problematical.

Dunning
In 1842 there was no land in undivided common in the parish.⁵

¹ NSA. x, 771-2
² Commissioners of Forfeited Estates v. Drummonds (EP. Dur. 2/12/1772)
³ RHP. 1042
⁴ Jaffray v. Miller (UP. 1 Skene J/10/17)
⁵ NSA. x, 720
Errol

Commonty of Errol

The commonty of Errol, whose extent is not known, lay on the carselands east of the village of Errol (N02623). In 1743 the 14 proprietors having interest in the commonty entered into a submission to have it divided by arbitration.\(^1\) The commonty was divided by decree on 26th August, 1744.

Forgandenny

Commonty of Forgandenny

The commonty of Forgandenny, consisting of 889 acres, lay on the ill-drained surface southeast of Culteuchar Hill, with part extending over into Dron parish (N01014). The commonty lay in two parts - the North and South Commons, consisting of 370 and 519 acres respectively. A summons of division of commonty was raised in 1770 by Thomas, Earl of Kinnoul, and Robert Oliphant of Rossie against James, Lord Ruthven, Lawrence Oliphant of Condie and others.\(^2\) Commission was granted to John Craigie, advocate. In 1774 John Lesslie, land surveyor in Liberton, was appointed to measure and make a plan of the commonty.\(^3\) Lesslie's plan did not satisfy the litigants and William Morison, land surveyor in Edinburgh, and George Brown, land measurer in Bridgend, were appointed to re-survey and make a new plan of the commonty in 1783.\(^4\) The commonty was divided in 1784.

In 1843 there was no land in the parish in a state of undivided common.\(^5\)

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2. Kinnoul v. Ruthven (EP. 20/1/1784)
3. RHP. 59
4. Missing
5. NSA. x, 955
Fortingall

The entry for Fortingall parish in the New Statistical Account, dated 1838, relates that 'not even an approximation to the number of acres of arable, waste, pasture, common, woods, etc., can be given'.

Fowlis Wester

**Commony of Hill of Ardoch**

The commony of the Hill of Ardoch, consisting of c.500 acres, lay on the ridge north of Milquhanszie Hill immediately north of Ardoch farm (NN9126). The hill was mutually owned by the proprietors of Abercairny and Cultoquhey. A plan of the commony was made in 1713 by James Murray, which showed the lands adjacent to the commony including the commony of Fowlis and Lacock. In 1770 James Moray of Abercairny and James Maxton of Cultoquhey entered into a contract of division which was registered in the Books of Council and Session.

**Commony of Fowlis and Lacock**

The commony of Fowlis and Lacock, whose extent is not known, lay to the east of Buchanty Burn (NN9426). Little is known of this commony other than its name which was noted on a plan of the Hill of Ardoch, dated 1713.

Kenmore

In 1838 there were no commonties in the parish but there was still much common grazing as noted in the New Statistical Account: 'There are no undivided commons with reference to landlord and landlord; but there is abundance of them as to one tenant and another; it being no unusual thing, though the practice is fast wearing out, for four, six or even eight occupants of a hamlet to send their cattle to one upland common'.

1. NSA. x, 955
2. RHP. 4069
3. SRO. Abercairny muniments (GD. 24/1/612)
Killin
In 1843 there were no undivided commons in the parish.  

Kilmadock

Commony of Oglegirt Moor
In 1794 it was reported that the commony of Oglegirt Moor, near the bridge of Teith (Teath), was about to be divided. The commony's extent and location are not known and, as yet, no process has been discovered relating to this commony.

Kilspyndie

Commony of Durdie
The commony of Durdie, whose extent is not known, lay on the Braes of Carse in the vicinity of Over Durdie farm (NN2024). A summons of division of commony was raised in 1813 by James Webster of Balruddery against Mrs Margaret Johnstone Blair of Balthayock and others. Commission was granted to Charles Husband of Glenearn, sheriff-substitute of Perthshire. In 1815 Robert Reid, land surveyor, was appointed to measure and make a plan of the commony. It was divided about 1830.

Kincardine

Commony of Boquhapple Moss
The commony of Boquhapple Moss (also Flanders Moss in Kincardine parish, Poldar Moss, Moss of Kings Boquhapple), consisting of 438

1. NSA. x, 1090
2. Robertson, J., General View of the Agriculture in the Southern Districts of the County of Perth, Edinburgh, 1794, 122
3. Webster v. Blair (UP. 1 Innes Mack. W/30/1)
4. Missing
Kincardine contd

acres, lay in the carseland between the Goodie Water and River Forth immediately east of Flanders Moss (NS6598). A summons of division of commonty was raised in 1806 by George Home Drummond of Blair Drummond against John Paterson of Easter Moss-side, John M'Gibbon and John Buchanan. In a supplementary action, the pursuer called Forrester of Polder as a defender. Commission was granted to John Coldstream, sheriff-substitute of Perthshire. In 1808 Robert Bauchop in Kinniel and Thomas Bauchop in Muirhouse, land surveyors, were appointed by the Court to measure and make a plan of the commonty. There is no evidence that they ever fulfilled this commission for, in the following year, John Lauder, land surveyor, was appointed to measure and make a plan of the commonty. It was divided some time after 1816.

Kinloch

**Commony of Cochrage Muir**

The commonty of Cochrage Muir, whose extent is not known, lay on the moorland between the River Erich and Lornty Burn extending into the parish of Blairgowrie (N01349). A summons of division of commonty was raised in 1782 by Alexander Macdonald and James Stormouth against John Campbell of Achalader. The only other document in this process is an inventory, dated 1783, when it appears that the process was abandoned.

**Commony of Muir of Gormack**

A plan by J. Stirton entitled 'Plan, measurement and division of the common south of the Burn of Lornty: 1814-21' shows the

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1. Home Drummond v. Forrester (UP. 1 Innes H/22/1); SRO. Abercairny muniments (GD. 24/1/808A, 809)
2. RHP. 3965, 3966/1-2; an estate plan by Gilbert MacEwen, dated 1804, shows the lands adjacent to the commonty - RHP. 70
Kinloch contd

commony of the Muir of Gormack (N01247). It consisted of 350 acres. The commonty was divided in 1821 between the proprietor of Allalder, Rev. D. Baird, Mr McRitchie, Col. Hogg, Mrs Farquharson and Dr Robertson's heirs.

Kinnoull

Unidentified common

In 1842 there was a small common, consisting of 20 acres, left undivided in the parish.  

Kirkmichael

Commonty of Balmachreuchie

The commonty of Balmachreuchie (Balmacruckie), whose extent is not known, lay above Strathardle in the vicinity of Loch Charles (N00854). A summons of division of commonty was raised in 1797 by Neil Fergusson of Pitcullo and Patrick Small of Kindrogan against Charles Fergusson and others. The process became deadlocked over the question of the right of common of the Mill of Pitcarmick. The process appears to have been abandoned around 1811.

Commonties of Corrydon, Dalhenzean and Corriechreech

The commonties of Corrydon, Dalhenzean (Dalhangan) and Corriechreech, whose extent is not known, lay on the saddle between Meall Uaine and Meall Odhar (N01166). A summons of division of commonty was raised in 1818 by William Macdonald of St Martins against Andrew Keay of Dalhenzean and Alexander Ferguson of

1. RHP. 5301
2. NSA. x, 941
3. Fergusson v. Fergusson (UP. 1 Currie Mack. F/3/10)
Kirkmichael contd

Corrydon. Commission was granted to Joseph Murray, advocate. He appointed a land surveyor to measure and make a plan of the commonty. It was divided some time after 1823.

Unidentified common

In 1842 there was a common, consisting of 1460 acres, still undivided in the parish.

Lethendy

In 1842 there were no undivided commons in the parish.

Logierait

Commons of Ardgie Tenpound land and Ballyoukan

The commons of Ardgie Tenpound land and Ballyoukan, consisting of 4641 acres, lay to the east of Pitlochry rising to Blath Nhalg in Moulin parish (NM9958). Shielings of Ardgie, Colivoulin (Guilvullin), Croftinloan (Croftanlon), Dalmenoch, Millton [of Edradour] and others were erected on the commonty. In 1804 John, Duke of Atholl, and Colonel Archibald Butter applied to the sheriff of the county to arbitrate in the division of the commonty. Commission was granted to William Stewart of Ardvorlick and Robert Stewart of Gairth. In 1829 they appointed Robert Menzies, land surveyor, to measure and make a plan of the commonty. The commonty was divided in 1843.

1. Macdonald v. Fergusson (UP. 1 Potts Mc/13/30)
2. Missing (surveyor not known)
3. NSA. x, 788
4. NSA. x, 1002
5. Submission and decreet arbitral (RHP. 3639A)
6. RHP. 3639
Logierait contd

Commonty of Tulliemet

The commonty of Tulliemet, consisting of 4989 acres, extended eastwards from Tulliemet to Crag Nam Mial (N00253). Shielings of Inch and Balintalier were erected on the commonty. A summons of division of commonty was raised in 1800 by John, Duke of Atholl, against Christian Douglas of Blaircroisk, John Scoll of Craigbea, Alexander Campbell of Ballachraggan, James Douglas of Cragganfearn, Robert Dick of Balnamoan and others.¹ In 1801 commission was granted to two land surveyors in Perth, James Stobie and Robert Reid, who were, at the same time, appointed to measure the commonty and make a plan.² This unusual arrangement led to a very rapid division in 1804.

Unidentified common

In 1842 there was a common, consisting of 768 acres, still undivided in the parish.³

Meigle

In 1837 there was no undivided common in the parish.⁴ Prior to this date, however, there had been some commons, for the New Statistical Account states: 'a small part of what was such [commons] may be profitably improved by tillage or planted with trees'.⁵

Methven

Commonty of Methven Muir

The commonty of Methven Muir, consisting of 1023 acres, lay to the southeast of Methven village on the flood plain of the Pow

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1. Atholl v. Douglas (EP. Mack. 21/6/1804
2. Missing
3. NSA. x, 694
4. NSA. x, 236
5. Ibid.
Methven contd

Water (N00023). A plan of the commonty was made by John Keir, land surveyor, in 1778. A year later, a submission was signed by David Smythe of Methven, the minister of Methven, Sir William Murray of Ochtertyre and Anthony Murray of Crieff for the dividing of the commonty. These proceedings were abandoned and, in 1788, a summons of division of commonty was raised by David Smythe of Methven against Thomas Graham of Balgowan and others. Commission was granted to James Chalmers of Grangemont, sheriff-substitute of Perthshire, and James Paton, sheriff-clerk of Perthshire. In 1792 they appointed Henry Buist, land surveyor in Perth, to measure and make a plan of the commonty. It was divided in 1793.

Monzievaird and Strowan

In 1842 there was no undivided common in the parish.

Moulin

Commony of Kinnaird

The commonty of Kinnaird (Kinhaird), consisting of 223 acres, lay in a narrow strip alongside the Kinnaird Burn north of Auchnahyle (NN9559). A summons of declarator and division was raised in 1833 by Alexander Stewart of Bonskeid and others, trustees of Alexander Stewart of Balnakilly, against Donald Macgregor, residing at Ballinluig, and others. Commission was granted to Patrick McNaughton, land surveyor in Inchmagranacha, to take proof, as well as to measure and make a plan of the commonty. It was divided in 1835.

Muckhart

**Commonedge**
The common, at the southern entrance of Glen Devon, called Commonedge consisted of 700 to 800 acres, on which the adjacent farms had joint right of pasturage.¹ In 1794 the commony had not been divided and, as yet, no information has been discovered regarding its fate. The place-name Commonedge Hill survives on modern Ordnance Survey maps.

**Unidentified common**
In 1835 there was a common of 300 acres still undivided in the parish.²

Perth

**North and South Inches**
The burgh of Perth possessed the North and South Inches, containing together about 100 or 120 acres. These Inches have been the property of the community from time immemorial, but they were specially conveyed de novo in the charter by King James VI, 15th November 1600. By a contract of excambion entered into between the Earl of Kinnoul and the burgh in 1803, the community are bound not to build on any part of the North Inch; and in the charters to the feuars of Marshall Place, the community are bound not to build upon the South Inch, within 400 yards of the front of Marshall Place.³

**Burgh Muir**
The burgh muir of Perth (Burrowmuir) lay to the west of the town to which it was connected by a loan.⁴

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1. Robertson, James, *General View of the Agriculture in the Southern Districts of the County of Perth*, Edinburgh, 1794, 122
2. NSA. x, 307
3. MOR. (Local) pt. ii, 301
4. RHP. 690
Perth contd

In the parish of Perth, outwith the burgh, there were no undivided commons in 1837.¹

Port of Menteith

Commonty of Flanders Moss

The commonty of Flanders Moss, consisting of 2070 acres, lay on the carselands below the Highland Boundary Fault between the River Forth and Goodie Water (NS6398). A summons of division of commonty was raised in 1789 by James Erskine of Cardross against John Campbell of Lochend.² Commission was granted to John Coldstream, sheriff-substitute of Perthshire. In 1792 he appointed Thomas Johnston, land surveyor in Edinburgh, to measure and make a plan of the commonty.³ It was divided in 1793. Part of Flanders Moss, which lay in the parish of Kincardine, was known as Boquhapple Moss and a separate process for its division was pursued in the early nineteenth century (see page 205).

Rattray

Commonty of Broad Moss

The commonty of Broad Moss, consisting of nearly 300 acres, occupied a hill of the same name north of Rattray (NO1947). A summons of division of commonty was raised in 1826 by Alexander Whitson of Parkhill against Thomas, Earl of Kinnoul.⁴ Commission was granted to Charles Husband, sheriff-substitute of Perthshire. Few documents remain in this process which appears to have been abandoned in 1828. In 1837 it was still undivided and the only commonty in the parish.⁵

¹. NSA. x, 90  3. RHP. 3997, 3998  5. NSA. x, 244
². Erskine v. Campbell (EP. Dal. 22/12/1798); SRO. Abercairny muniments (GD. 24/803A)
³. Whitson v. Kinnoul (UP. 1 Shield W/11/32)
Scone

Commonty of Scone

The extent and location of the commonty of Scone are not known (g.N01428). A summons of division of commonty was raised in 1718 by Andrew Murray of Murrayshall against David, Viscount of Stormont, and others.¹ The process was actively pursued until 1721 after which it was abandoned. In 1782 all the documents were borrowed by an Edinburgh writer.

¹ Murray v. Stormont (UP. 1 Adams Mack. M/4/42 [inventory only])
Eastwood

In 1836 there were no waste lands or commons in the parish. ¹

Erskine

Commonty of Moss of Dargavel

The commonty of the Moss of Dargavel (also Inchinnan Moss), consisting of 511 acres, lay on the ill-drained lands north of the Black Cart Water (NS4468). In 1797 John Wilson, land surveyor, made a plan of the commonty showing a scheme of division.² A summons of division of commonty was raised in 1799 by Archibald Campbell of Blythswood against Archibald, Lord Douglas, and John Maxwell of Dargavel.³ The process fell asleep and was awakened in 1801 with a complete reversal of the parties, the pursuer became the defender and vice versa. Commission was granted to John Connell, sheriff-depute of Renfrewshire. In 1804 William Kyle, land surveyor in Glasgow, was appointed to measure and make a plan of the commonty.⁴ It was divided in 1806.

Inverkip

Unidentified common

In 1842 there was one undivided common in the parish, consisting of about 200 acres, on the Gourock estate.⁵

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1. NSA. vii, 39
2. RHP. 4066
3. Campbell v. Douglas (EP. Mack. 28/6/1806); NSA. vii, 54
4. Missing
5. NSA. vii, 499
Kilmalcolm

Commonty of Duchal Moor

The commonty of Duchal Moor (Duchsli Muir), consisting of 5239 acres, occupied a considerable proportion of the northern flanks of the Renfrew Heights (NS2867). A summons of division of commonty was raised in 1798 by Alexander Porterfield of Porterfield against Hugh Blair of Ladymuir and others.¹ Commission was granted to David Hutcheson, sheriff-substitute of Renfrewshire. In 1801 Thomas Richardson, land surveyor in Glasgow, was appointed to measure and make a plan of the commonty.² The case continued for many years - so long, in fact, that in 1860 Richardson’s plan had been lost and the Court ordered a new survey to be made.³ The commonty was divided in 1874.

Lochwinnoch

Commonty of Mistylaw Muir

The commonty of Mistylaw Muir, consisting of 2440 acres, lay to the east of Mistylaw extending across Hannah Law to the River Calder (NS3061). The marches of the commonty had featured in a dispute at the beginning of the eighteenth century and had been fixed by decree in 1736. A summons of division of commonty was raised in 1810 by Robert Orr of Millbank and others against William McDowall of Castle Semple and others.⁴ Commission was granted to Alexander Campbell, sheriff-substitute of Renfrewshire. In 1814 he appointed Thomas Richardson, land surveyor in Glasgow, who had measured and made a plan of the commonty and surrounding lands in 1808,⁵ to mark the marches of the commonty more distinctly.

¹. Porterfield v. Blair (EP. 115/7/1874); NSA. vii, 59
². Missing; southern boundary of commonty shown on RHP. 3632
³. Missing [it is questionable whether this was ever done]
⁴. Orr v. McDowall (EP. 3/6/1823)
⁵. RHP. 2632
Lochwinnoch contd

in the presence of the parties. At the same time, he made a new plan showing the revised scheme of division. The commony was divided in 1823.

Mearns

Commonty of Mearns Muir

The commonty of Mearns Muir, consisting of 1321 acres, lay in the vicinity of Mearns Law (NS5053). Within its bounds lay Little, Brother and Black Lochs which were used for water supplies for public works as early as 1791. A summons of division of commony was raised in 1756 by Sir Michael Stewart of Blackhall against Robert Lyme and others but was abandoned in the following year. A new summons was raised in 1798 by Hugh Hutcheson of Southfield and Margaret Urie of Robshill against James Warnock, portioner of Newton, and others. Commission was granted to John Wilson, residing at Hurlet, and James Strang of Corshill. In 1799 they appointed John Wilson, land surveyor in Stirling, to measure and make a plan of the commony. He was assisted by William Kyle, land surveyor in Glasgow. The commony was divided in 1801 but the quarries within its bounds were to remain common.

Paisley

Commonty of Paisley Moss

A plan from the chartulary of Paisley Abbey, dated between 1490 and 1545, shows the common lands around the town, including Paisley Moss (NS4765).

Renfrew

In 1836 there were no commons in the parish.

1. RHP. 5300 2. OSA. xvii, 307
4. Hutcheson v. Warnock (EP. Dal. 17/6/1801) 5. NRA. (Scot) 0197
6. RHP. 543 7. NSA. vii, 20
ROSS AND CROMARTY

Avoch

**Commonty of Millbuie**

See Cromarty parish.

Cromarty

**Commonty of Millbuie**

The commonty of Millbuie (Millbuay, Mulboy, Wellmoe), consisting of 7117 acres, occupied the central ridge of the Black Isle (NH6861). The commonty extended into the parishes of Rosemarkie, Resolis, Avoch, Urquhart and Logie Wester, Knockbain, Killearnan and Urray and included the commonties of Cromarty and Brae. A summons of division of commonty was raised in 1764 by Lord Elibank against James Stewart Mackenzie of Rosehaugh but it seems to have been abandoned almost immediately.¹ A new summons was raised in 1815 by Sir James Wemyss Mackenzie of Scatwell against the provost, bailies and magistrates of the burgh of Fortrose and others.² Commission was granted to Charles Ross, advocate. In 1816 he appointed Peter Brown, land surveyor at Linkwood, to measure and make a plan of the commonty.³ The process continued until 1825 when the surveyor was directed to erect march stones on the commonty. It was divided in 1828.

Dingwall

The burgh of Dingwall had considerable lands up to the end of the eighteenth century, but most of it was feuëd out to persons connected with or influential in the burgh, without any competition or publication.⁴

In c.1833 there were no commons in the parish.⁵

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1. Elibank v. Mackenzie (UP. 1 Potts E/1/29)  5. NSA. xiv, 225
2. Mackenzie v. Magistrates of Fortrose (EP. 23 of 5/2/1828); SRO. Fraser Mackintosh (GD. 128 Box 10)
3. RHP. 3622, 4045  4. MCR. (Local) pt. i, 189
Glenshiel

In c.1833 there were no undivided commons in the parish. ¹

Killeernan

Commony of Millbuie

See Cromarty parish.

Kilmuir Easter

In 1838 there were no undivided commons in the parish. ²

Kiltearn

Unnamed common

In c.1838 there was one undivided commony in the parish, consisting of about 600 acres, situated between the lands of Foulis and Incheoulter. ³

Knockbain

Commony of Bogallan

The commony of Bogallan, consisting of c.300 acres, lay on part of the ridge now occupied by Kessock Forest (NH6350). A summons of division of commony was raised in 1784 by Fraser Davies of Wester Kessock, Kilmuir and Sligo and others against John Mackenzie of Allangrange, Charles Mackenzie of Kileoy and Roderick Mackenzie of Redcastle.⁴ In 1785 this process was remitted to a previous process depending between the parties. A plan was made by Hugh Kinnaird showing the controverted marches.⁵

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1. NSA. xiv, 203
2. NSA. xiv, 308
3. NSA. xiv, 324
4. Davies v. Mackenzie (UP. 1 Shield D/3/46)
5. RHP. 117/3
Knockbain contd

**Commony of Millbuie**

See Cromarty parish.

**Logie Easter**

**Commony of Brenachie**

The commony of Brenachie (Breannagich), consisting of 682 acres, was also known as the Moor of Garrick (Garrack). It occupied much of the ill-drained land around Brenachie farm (NH7676). A summons of division of commony was raised in 1843 by Sir Charles Ross of Balnagowan against Alexander Fraser.¹ Commission was granted to Robert Sutherland Taylor, sheriff-substitute of Ross and Cromarty. After taking proof a considerable period of inactivity ensued. In 1867 Hector Morrison, land surveyor in Inverness, was appointed to measure and make a plan of the commony.²

**Nigg**

**Commony of Hill of Nigg**

The commony of the Hill of Nigg, consisting of 2031 acres, occupied most of the hill of the same name on the Nigg peninsula (NH8271). It included part of the coastline to which the privilege of making kelp was attached. A summons of division of commony was raised in 1763 by George Ross of Culnauld against John Ross of Balnagown and others.³ Commission was granted to David Ross, town clerk of Tain and sheriff-substitute of Ross. He appointed Peter May and Charles Ross, land surveyors, to measure and make a plan of the commony.⁴ Only Ross appears to have been actively engaged in the surveying. The commony was divided in 1770.

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¹ Ross v. Fraser (UP. 2 Potts R/3/1)
² Missing; small sketch showing part of boundary - RHP. 6161
³ Ross v. Ross (EP. Dal. 28/2/1770)
⁴ RHP. 680 (copy engraved by A. Bell)
Nigg contd

Unidentified common

In 1836 there was a common, consisting of 100 acres, still undivided in the parish.¹

Resolus

Commonty of Millbuie

See Cromarty parish.

Rosemarkie

Commonty of Millbuie

See Cromarty parish.

Tain

Burgh lands

In the eighteenth century the burgh of Tain owned considerable lands, including 5075 acres of moorland, 50 acres of arable and the Morrich Mor, which was overwhelmed by blown sand towards the end of the century.² The inhabitants considered that all these lands belonged to them communally, so that considerable resistance was made to the first attempts of the magistrates to feu them out. However, by 1835 little of the common pasturage remained for communal use, except the barren sandhills along the coast.³

Urquhart and Logie Wester

Commonty of Millbuie

See Cromarty parish.

1. NSA. xiv, 32
2. RHP. 275/1-3 shows the lands in vicinity of Tain in 1750
3. MCR. (Local) pt. ii, 421-2; NSA. xiv, 285, 293-4
Urray

Commonty of Millbuie

See Cromarty parish.

Stornoway

In 1833 there were no undivided commons in the parish. ¹

¹ NSA. xiv, 130
ROXBURGHSHIRE

Bowden

Bowden common

In 1834 the feuars of Bowden and Midlem had 30 acres of undivided common, the pasturage of which was let annually for a small sum.\(^1\) The inhabitants of the villages retained the privilege of cutting turfs, peats and divots on it.

Eckford

Unidentified common

In 1836 there was a common, consisting of 13 acres, still undivided in the parish.\(^2\)

Hawick

Hawick Common

Hawick common, consisting of about 1000 acres, lay immediately to the south of the town of Hawick, extending as far as the Allan Water (NT4810). A summons of division of commony was raised about 1768 by Henry, Duke of Buccleuch, against the magistrates and others heritors of Hawick. Only a receipt, dated 1768, survives from this process.\(^3\) It appears that the burgh had not sufficient funds to pursue this action and it was referred to the arbitration of the lord chief baron of Exchequer.\(^4\) He produced a decreet of division, by which a large portion of the common was found to belong to the Duke of Buccleuch and other coterminous heritors.\(^5\) An undated sketch entitled 'Wm Grieve's modell of division of Hawick common' includes a memorandum

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1. *NSA.* iii, 41
2. *NSA.* iii, 230
4. *MCR.* (Local) pt. iii, 82-3
5. Ibid.
Hawick contd

recommending the restriction of the inhabitants' use of the mooses in the common.\(^1\) The division had taken place by the time the *Old Statistical Account* had been written for it relates that the town received 850 acres in the division.\(^2\) However, all this land did not become open grazing for it was enclosed immediately after division with 250 acres being let as one farm, some more was feu'd for building, and the remainder was available to the burgesses for the pasturing of their cattle on payment of grass-mail.\(^3\) A town herd was still employed in 1835 to look after the burgesses' cattle for which he received £20 per annum.\(^4\)

**Commonty of Wilton**

The commonty of Wilton, consisting of 1211 acres, lay to the east of Smasha and Pisgah Hills (NT4617). A summons of division of commonty was raised in 1764 by Robert Langlands of Langlands and others against Henry, Duke of Buccleuch, and others.\(^5\) Commission was granted to John Douglas of Elderston, William Scott of Wooll, Thomas Scott of Home, John Maxwell of Broomholme, Walter Scott of Howcleuch and John Elliot of Borthwick. In 1764 they appointed Thomas Scott of Nether Boonster and Archibald Rutherford in Jedburgh, land measurers, to measure and make a plan of the commonty.\(^6\) It was divided in 1765.

**Hobkirk**

**Commonty of Templehall and Wauchope**

The commonty of Templehall and Wauchope, consisting of about 300 acres, lay on the ridge between the Lurgies and Wauchope Burns

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1. RHP. 722  
2. OSA. viii, 527  
3. MCR. (Local) pt. iii, 82  
4. Ibid.  
5. Langlands v. Buccleuch (UP. 1 Adams Dal. L/2/49); (EP. Dal. G. & E. (Gilb. Mair) L. Bundle 8); (EP. Dal. 20/11/1765)  
6. RHP. 181
Hobkirk contd

(NT5606). A submission for division of commonty was entered into by William, Lord Cranston, and William Ker of Abbotrule. They requested Patrick Scott of Ancrum to arbitrate. He appointed Andrew Ogilvie of Newlands and Walter Greib in Mealsham to visit the common and make a scheme of division. A farm still bears the name Wauchope Common on modern Ordnance Survey maps.

Hownam

In 1836 there were no undivided commons in the parish.

Jedburgh

**Commony of Lanton Moor**

The commonty of Lanton Moor (Langtown Muir), consisting of 697 acres, occupied the ridge that lies between Jedburgh and Lanton village (NT6321). A summons of division of commonty was raised in 1767 by Robert Scott of Trabroun and others against Henry, Duke of Buccleuch, and others. Commission was granted to Thomas Scott of Stonedge, Thomas Potts, sheriff-clerk of Roxburgh, Thomas Turnbull of Aitchawhill, George Cranston, tenant in Crailling, Walter Elliot of Ormiston, James Haig of Bimmerside and Charles Kerr of Wells. In 1769 they appointed Thomas Wilson, land surveyor, to measure and make a plan of the commonty. It was divided in 1770.

**Runrig lands of Lanton**

The runrig lands of Lanton, consisting of 675 acres, lay surrounding the village of Lanton (NT6221). A summons of

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1. SRO. Elliot of Harwood’s muniments (GD. 53/182)  
3. NSA. iii, 200  
4. Scott v. Buccleuch (EP. Mack. 24/2/1770)  
5. Missing
Jedburgh contd

division of runrig was raised in 1728 by Robert Scott of Lanton and William Douglas against Ann, Duchess of Buccleuch, and others.¹ Commission was granted to Gilbert Elliot of Minto. In 1728 he appointed William Currie in Crailling and Archibald Jardine in Walls, 'persons skilled in surveying and measuring of ground', to measure the runrigs of Lanton. The rigs were consolidated in 1729.

Kelso

Commonty of Kelso

The commonty of Kelso, consisting of 104 acres, lay half a mile to the north of Kelso (NT7235). It included Berry Moss, Back of Bernington, Lilly Loch, West Field, and Syke Loanings. The commonty was divided by Alexander Low at Woodend, Thomas Hood at Kinnehall and William Smith, writer in Kelso, arbiters mutually chosen by James, Duke of Roxburghe, William Dickson of Sydenham and George Waldie of Hendersyde.² Robert Robertson, land surveyor in Sprouston, was appointed to measure and make a plan of the commonty.³ A decreet of division was registered in the Sheriff Court Books of Roxburgh on 17th November, 1817.

Runrigs of Over Fields of Kelso

The runrigs of the Over Fields of Kelso, consisting of the Nether Shott (105 acres), Meikle Caldrig (89 acres) and Little Caldrig (76 acres), lay between the town and commonty of Kelso (NT7234). A summons of division of runrig was raised in 1734 by Charles Ormiston and other heritors of Kelso against John Steart, flesher in Kelso, and others.⁴ In 1735 Andrew Lamb, teacher of mathematics

¹. Scott v. Buccleuch (EP. Dal. 9/7/1729)  3. Missing
². SRO. Waldie-Griffith of Hendersyde Park muniments (GD. 1/378 Box 14)
³. SRO. Waldie-Griffith of Hendersyde Park muniments (GD. 1/378 Box 14)
Kelso contd

in Kelso, and Robert Pinkerton, gardener, were appointed to measure and make a plan of the rigs. ¹ The Over Fields of Kelso were consolidated in 1736.

Lilliesleaf

Common green

A common green, consisting of .393 acres, lay between Nether Raperlaw and Greenhouse farms (NT5523). A plan of Minto estate by Mathew Stobie, dated 1776, shows the very small common which was a milking green for the two farms. ²

Unidentified common

In 1834 the New Statistical Account reported that the 'quantity of undivided common does not exceed two or three imperial acres'. ³

Linton

Community of Linton

The community of Linton, which included Sheeleross Muir, Rodstruther Bog and Roormiden, lay on the western slopes of Highside and Linton Hills (NT7826). A submission, dated 1713, for the division of the common was entered into by Robert Pringle of Clifton and Sir William Kerr of Greenhead. ⁴ No other information survives relating to this commony.

Maxton

In 1834 there were no undivided commons in the parish. ⁵

¹. Missing
². National Library of Scotland, Minto muniments (Minto map 3)
³. NSA. iii, 28
⁴. SRO. Biel muniments (GD. 6/827)
⁵. NSA. iii, 121
Melrose

Runrig lands of Appletreeleaves
and commonty of Longhaugh

The runrig lands of Appletreeleaves and commonty of Longhaugh, consisting of 492 acres, lay on the southern slopes of Blaikie's Hill, a quarter of a mile east of Ladhope house, overlooking Galashiels (NT3946). A summons of division of commonty and runrig was raised in 1777 by John and Alexander Darling, portioners of Appletreeleaves and Longhaugh, against James Blaikie, portioner of Appletreeleaves and Longhaugh, and others.¹ Commission was granted to George Thomson of Burnhouse, John Tait of Pirn and Archibald Dickson of Hassendean Burn. In 1778 they appointed John Ainslie, land surveyor in Edinburgh, to measure and make a plan of the commonty and runrigs.² They were divided and consolidated in 1781.

In 1834 there were no undivided commons in the parish.³

Minto

Commonty of Hassendean

The commonty of Hassendean, consisting of 1211 acres, extended each side of the Dearly Burn surrounding the farm now called Hassendean Common (NT5220). A summons of division of commonty was raised in 1761 by John Douglas of Midshiells and others against Henry, Duke of Buccleuch, John, Duke of Roxburgh, Alexander, Earl of Home, and others.⁴ Commission was granted to Thomas Scott of Stone-edge and John Elliot of Borthwick Brae. In 1762 they appointed Archibald Jerdan of Bondjeedward and Thomas Scott of Nether Boonster, land surveyors, to measure and make a plan of the commonty.⁵ It was divided in 1763.

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¹ Darling v. Blaikie (EP. Mack. 11/8/1781)
² Missing
³ NSA. iii, 65
⁴ Douglas v. Buccleuch (EP. Mack. 22/7/1763)
⁵ RHP. 180/1-3
Minto contd

Common green

A small common green, consisting of 10 acres, lay at the north end of Minto village (NT5620). A plan of the Minto estate by James Jamieson, dated c.1751, shows this small milking green.¹

Common haugh

A small common, consisting of 6 acres, lay on the west bank of the River Teviot (NT5523). It was common to the farms of Deanfoot and Spittal. Mathew Stobie showed it on an estate plan, dated 1766.²

Morebattle

Runrig lands of Morebattle, Cowbog and Otterburn

The runrig lands of Morebattle, Cowbog and Otterburn, whose extent is not known, lay to the south of the Kale Water on the slopes rising to Morebattle Hill (NT7624). A submission was entered into by Sir John Bennet of Grubbet and Thomas Moir of Otterburn for the division of the runrig lands.³ John Scott of Bellford and Andrew Davidson of Grainge were mutually chosen as arbiters. The submission was recorded in the Sheriff Court Books of Roxburgh on 15th March, 1748. No other documents survive in this submission.

St Boswells

St Boswell's Green

St Boswell's Green, consisting of about 40 acres, lies to the south of the town of St Boswells (NT5930). In 1834 the 'lord of

¹. National Library of Scotland, Minto muniments (Minto map 1)
². Op. cit. (Minto map 5)
³. SRO. Biel muniments (GD. 6/828)
St Boswells contd

the manor* retained the right of holding a fair annually on the Green.¹ A plan made for the division of Hassendean Common shows a road passing through that commony called 'St Boswell's Fair Road'.²

Smailholm

Runrigs of Smailholm

The runrigs of Smailholm, consisting of 2342 acres, lay surrounding the village of Smailholm (NT6536). A summons of division of runrig was raised in c.1738 by George Ballie of Jerviswood against Walter Scott of Harden and others.³ Commission was granted to George Carr of West Nisbet, advocate, and Charles Kerr of Challo. In 1738 Andrew McKay and William Cockburn, land surveyors, were appointed to measure and make a plan of the rigs.⁴ The runrigs were consolidated in 1738.

Yetholm

Commony of Kirk Yetholm

The commony of Kirk Yetholm (Yetholm Common), consisting of 200 acres, lay to the east of Kirk Yetholm, on the border between Scotland and England (NT8427). The inhabitants of Kirk Yetholm had the privilege of cutting turf and grazing their cattle upon the common. A process of declarator of property and commony was raised in 1712 by Sir William Bennet of Grubbet and Patrick Murray of Cherrytrees, the contiguous heritors on the Scottish side, against Lord Saltoun, Maxwell Gray and other contiguous heritors on the English side.⁵ Commission was granted to Sir

1. NSA. iii, 108 2. RHP. 180/1 4. Missing
3. Baillie v. Scott (EP. Dal. 13/12/1738)
5. SRO. Biel muniments (GD. 6/829)
Yetholm contd

Gilbert Elliot. A decree was extracted in 1713 delimiting the marches of the commonty so that no more encroachments could ensue. In 1753 the case was reopened by William M'Isbet of Dirleton when a tenant of the Earl of Tankerville began to make considerable encroachments on the commonty. The situation reached boiling point when some of the petitioner's cattle were impounded by Tankerville's tenant for trespassing on the encroachments. They were rescued by a band of 30 or 40 Scots in a 'violent and forcible manner'. In 1835 this commonty was still in existence.

1. SRO. Biel muniments (GD. 6/829)
2. NSA. iii, 170
SELKIRKSHIRE

Ettrick

Tushielaw Common

Tushielaw Common, consisting of 41 acres, lay to the east of Tushielaw Burn between the lands of Tushielaw and Crosslee (NT3018). A plan by Laud, dated 1718, shows it marked as a common between Crosslee (Corslee) and Tushielaw.\(^1\) Another plan, dated 1831, relating to the straightening of marches between Tushielaw, Berrybush and Crosslee, shows the common still in existence.\(^2\) There is no known record of its division.

Galashiels

Lindean Common

Lindean Common, consisting of c.100 acres, lay a half mile to the west of Nether Whitlaw (NT5029). The loch south of the television transmission station was the former Wester Long Moss which was exploited for marl. Only a plan, surveyed by William Bell, records this common.\(^3\)

In 1791 there were no undivided commons in the parish.\(^4\)

Selkirk

Selkirk Common

Claims to Selkirk Common were the cause of constant quarrels in the seventeenth century between the burgh and surrounding proprietors. In 1606, a dispute between the burgh and the 'Gudeman

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2. RHP. 5351

3. RHP. 683

4. OSA. ii, 305; similar report for 1833 - NSA. iii, 19
Selkirk contd

of the Yair' was taken before the Privy Council which found for
the burgh.¹ Again the rights of the burgh to the common were
ratified in 1633 by Act of Parliament.² Arbitration for the
division of the common, a previous attempt two years earlier
having fallen through, was undertaken in 1678 by Sir Alexander
Don of Newtondon and Robert Pringle of Clifton.³ Their report
became the basis for the Act of Parliament, passed in 1681, for
dividing the 'great vast bounds of the common of Selkirk'.⁴
A plan by William Bell in the eighteenth century shows part of
the common set off by the decreet arbitral of 1678 but mistakenly
noted as 1676.⁵ In 1835 the property of the burgh of Selkirk
included two commons, known as the North and South Commons, which
were divided into five farms. However, a portion of the South
Common was reserved for the pasturage of burgesses' cows, as was
Dundsdale Haugh.⁶ Modern Ordnance Survey maps retain many names
relating to this common - Selkirk Common, South Common farm,
Common Burn, Common Burn Plantation and Loanhead.

In 1833 there were no undivided commonties in the parish.⁷

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1. R.P.C. vii, 354
2. APS. 1633 c.85, v, 95-6
3. Brown, T. Craig-, The History of Selkirkshire (2 vols),
   Edinburgh, 1884, ii, 69-72
4. APS. 1681 c.154, viii, 419
5. RHP. 683
6. MGR. (Local) pt. ii, 395
7. NSA. iii, 6
Airth

**Commonty of Letham Moss**

The commonty of Letham Moss, whose extent is not known, lay on the carse lands south of the Pow Burn a mile from Airth village (NS8886). A summons of division of commonty was raised in 1832 by Thomas Graham Stirling of Airth and Strowan against George, Earl of Dunmore, and others.¹ This process was abandoned soon after the summons was executed.

Denny

**Commonty of Denny**

The commonty of Denny, whose extent is not known, occupied Darroch Hill three miles west of Denny (NS7582). A summons of division of commonty was raised in 1765 by James Richardson against Lady Clementina Fleming.² The process fell asleep and was awakened by Mr Graham against Lord Elphinstone in 1773. A plan of the commonty was made about 1780.³ Another plan was made in 1801.⁴ The commonty appears to have been divided some time after 1816.

**Commonty of Tarduffburn**

The commonty of Tarduffburn, consisting of 34 acres, occupied Tarduff Hill with a broad loaning connecting it to Overton (NS7683). A summons of division of commonty was raised in 1804 by Robert Hill, W.S., against Archibald Napier of Randolph Park and others.⁵ Commission was granted to Francis Jeffrey, advocate.

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¹ Stirling v. Dunmore (UP. 1 Adams Dal. S/16/42)
² Inventory (UP. 1 Shield D/5/13)
³ Missing; the mutual boundary of Denny and Tarduffburn commonties shown on RHP. 538/3
⁴ Hill v. Napier (EP. F.S.P. 31/7/1819)
Denny contd

In 1805 he appointed Cumberland Lauder, land surveyor, to measure and make a plan of the commonty. However, the scheme of division shown on this plan caused some heated arguments and the surveyor was obliged to make a new one. Even this did not satisfy the parties at loggerheads and controversy continued until a new surveyor, John Shaw from Falkirk, was appointed in 1818 to make a fresh survey of the commonty. It was divided in 1819.

In 1839 there were no undivided commons in the parish.

Drymen

Comonty of Ballat

The commonty of Ballat, consisting of 927 acres, occupied the flanks of the high ground north of the Endrick Water (NS5191). A summons of division of commonty was raised in 1824 by the trustees of William Maclauchlan of Auchintroig and others against James, Duke of Montrose, and others. Commission was granted to Alexander Irving, advocate. In 1825 he appointed John Legate, land surveyor, to measure and make a plan of the commonty. In December 1826 Archibald Bell, advocate, replaced Irving as commissioner, on the latter's promotion to the Bench. The commonty was divided in 1829.

Falkirk

Comonty of Muir of Falkirk

The commonty of the Muir of Falkirk, consisting of 189 acres, lay immediately to the south of Falkirk on the site now occupied by Falkirk Burgh Hospital (NS8778). Until 1745 the cows belonging to the townspeople grazed on the Muir under the eye of

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1. Missing
2. RHP. 538/2
3. RHP. 538/1 and 3
4. NSA. viii, 125
5. Maclauchlan v. Montrose (UP. 1 Adams Mack. Mc/11/1)
Falkirk

a herd who, in the morning at nine o'clock, blew his horn to signal the inhabitants to turn their cows onto the street. 1

A summons of division of commonty was raised in 1796 by William Forbes of Callander against James Kincaid, merchant in Falkirk, and other feuars. 2 Commission was granted to John McGibbon, sheriff-substitute of Stirlingshire. In 1798 he appointed John Shaw and William Eadie, land surveyors in Falkirk, to measure and make a plan of the commonty. 3 It was divided in 1807. The feuars obtained, in return for a renunciation of their rights of commonty in the moor, ten acres for deal, divot and quarrying of stones, twenty acres, to be enclosed at Forbes's expense, for common property of the feuars and, finally, an acre of ground in which to hold the fairs of Falkirk. 4 This last piece of ground is now known as Callendar Riggs and is used as a car park. In order to manage these lands a committee of feuars was set up.

In 1841 there were no undivided commons in the parish. 5

Grangemouth

Commonties of Reddingrig and Whitesiderig

The commonty of Reddingrig and Whitesiderig, consisting of 1709 acres, lay on the moorland extending from Redding village to Ellrig (NS8874). The commonty was the scene of the Falkirk Trysts from about 1716. 6 A summons of division of commonty was raised in 1761 by Robert Hunter of Ellrig, Robert Johnston of Overtoun and James Beveridge, merchant in Edinburgh, against George, Duke of Hamilton and Brandon, Francis, Lord Napier, and others. 7

1. MCR. (Local) pt. i, 432 3. RHP. 4042
2. Forbes v. Kincaid (EP. Dur. 19/12/1807) 5. NSA. viii, 14
4. MCR. (Local) pt. i, 432
Grangemouth contd

Commission was granted to Alexander Ross, depute clerk of session. In 1761 he appointed John Scott, land surveyor, to measure and make a plan of the commony. Settlement was complicated by the presence of valuable coal seams close to the surface of the moor. Much of the argument revolved around the mineral rights on the commony and the last of these disputes was not heard when it was divided in 1773. In 1841 531 acres belonging to the Duke of Hamilton, but with servitutes held by some other heritors, remained uncultivated. Some of this land, however, had been cultivated, chiefly with the spade, by colliers from neighbouring pits.

Kippen

Unidentified common

In 1841 there was a common, consisting of 200 acres, still undivided in the parish.

Muiravonside

Commony of Muir of Muiravonside

The commony of Muir of Muiravonside (Morvinsyde), whose extent is not known, lay to the west of Maddiston (NS9276). A summons of division of commony was raised in 1697 by John Ross and others against James, Earl of Linlithgow. The commony was divided about 1724.

St Ninians

Common moor of Canglour

The common moor of Canglour, consisting of 155 acres, lay on the

1. RHP. 409, 1545, 1546, 1547, 1548, 1549, 3532, 3535, 3919, 5259
2. NSA. viii, 196
3. Ibid.
4. NSA. viii, 269
St Ninians contd

moorland now occupied by Loch Coulter (NS7686). A summons of division of commonty was raised in 1784 by Alexander Farquharson, trustee for James Cheap of Sauchie, and Alexander Jaffray against William and David Rae, portioners of Hallquarter of Canglour, and Andrew Lidell and James Balloch, portioners of Middle Quarter of Canglour, and others. Commission was granted to James Wilson of Murrayshall and George Brown, writer in Stirling. In 1784 Robert Sconce, land surveyor in Stirling, was appointed to measure and make a plan of the commonty. It was divided in 1786.

Commonty of Muirs of Coltinhove and Touchgorme

The commonty of the muirs of Coltinhove (Goldenhove) and Touchgorme, consisting of 1071 acres, lay on the eastern flanks of Craigengelt Hill (NS7386). A summons of division of commonty was raised in 1764 by James Cheap of Sauchie against Alexander Jamieson and others. Commission was granted to William McKillop, writer in Stirling, David Gourlay of Kipdarroch and David Stewart, commissary in Stirling. In 1771 they appointed Robert Sconce, land surveyor in Stirling, to measure and make a plan of the commonty. It was divided in 1772.

Slamannan

Commonty of Slamannan Muir

The commonty of Slamannan Muir, whose extent is not known, lay to the south of Slamannan village (NS8571). The Muir was divided in 1751, with the Earl of Elphinstone, James Black, John Gillon of Waldhouse, William Walker of Drumbig and others receiving shares.

1. Farquharson v. Rae (EP. Mack. 12/7/1786)
2. Missing
3. Cheap v. Jamieson (EP. Mack. 15/2/1772)
4. Missing
5. SRO. Wigtown charters (GD. 101/882, 951)
Sutherland

The county of Sutherland is remarkable in that virtually all the land was held by a single proprietor, the Duke and Duchess of Sutherland. The account of Golspie parish in the New Statistical Account relates how they owned the whole parish and "by the late purchases of the Reay country, they have become owners of nearly the whole county". Consequently there are few commonties in the county other than common grazing by tenants of the Duke and Duchess.

Creich

Commony possessed by the proprietors of Skibo and Creich

The ground in dispute went by no other name than the Commony, or in gaelic Phars Chomman. It was situated on the hill ground between the Lochs Migdale, Buidhe and Laro (NH6495). It was, however, divided into two parts, North and South Commons consisting of 2591 and 2339 acres respectively. A summons of division of commony was raised in 1815 by Dugald Gilchrist of Ospisdale against George Dempster of Skibo and Hugh Houston of Creich. Commission was granted to Charles Ross, sheriff-substitute of Sutherland. In 1815 George Brown, land surveyor, was appointed to measure and make a plan of the commony. A second survey of the commony was undertaken by Neil Maclean, land surveyor in Inverness, in October 1825. The commony was divided in 1832.

1. NSA. xv, 32
2. Gilchrist v. Dempster (UP. 1 Innes G/30/1)
3. RHP. 4200, 4201, 4204; two identical plans by unknown surveyor - RHP. 4202-3
4. RHP. 4205
Commony of Lonemore

The commony of Lonemore (Loanmore or Moss of Dornoch), consisting of 688 acres, extended westwards from the burgh of Dornoch over ill-drained moss to the River Evelix (NH7789). A summons of division of commony was raised in 1782 by Elizabeth, Countess of Sutherland, against William Gray of Skibo and others.\(^1\) Commission was granted to Dugald Gilchrist of Lothbegg, William Sutherland of Liberscross and Robert Gray of Ardins. Opposition to Dugald Gilchrist's commission was voiced by the defenders, as he was the pursuer's factor. In 1784 David Aitken, land surveyor, was appointed to measure and make a plan of the commony.\(^2\) It was divided in 1786. The moss lay undrained and only a little had been reclaimed in 1791 tainting the air of the parish which was otherwise 'pure and salubrious'.\(^3\)

Dornoch Links

In 1832-3 the burgh owned Dornoch Links which were let by public roup for £2 1s.\(^4\) In 1834, however, it was reported that the burgh had no landed property.\(^5\)

1. Sutherland v. Gray (EP. Dal. 7/3/1786)
2. Missing
3. OSA. viii, 3
4. MCR. (Local) pt. i, 193
5. NSA. xv, 11
Bathgate

Muir of Bathgate

The feuars of Bathgate had right of servitude for feal and divot over the Muir of Bathgate. In 1830 this servitude was discharged by the feuars to the proprietor of the Muir, Patrick Thornton, writer in Bathgate, for £150 for their renunciation of their rights, with the exception of four acres on the south side of the Muir. On this piece of land they retained their servitude of feal and divot. In addition the burgh had another four acres on which it had the right of holding an annual fair.

Bo'ness and Carriden

Common muir of Carriden

All that is known of the common muir of Carriden, other than its existence, is recorded in a series of writs dated from 1623 to 1632. They record that coal heughs and saltpans lay within the comonty; therefore, it must have extended from the shore at Carriden, the site of the seventeenth-century saltworks, up to Muirhouses (NT0280).

Dalmeny

Common muir of Dalmeny

The common muir of Dalmeny (Dalmenie) lay between the village of Dalmeny and Dundas Castle (NT1376). It was divided some time before 1757, as an estate plan of that date has the muir marked as 'formerly common'.

1. SRO. Lindsay, Duncan and Black's papers (GD. 81/409)
2. NSA. ii, 159-60; MCR. (Local) pt. iii, 11
3. SRO. Cardross writs (GD. 15/1623, 1627); Sharp of Houstoun muniments (GD. 30/361, 363)
4. RHP. 3370
Livingston

Commonty of Blackburn

The commonty of Blackburn (or Blackburn Moss), whose extent is not known, lay on the ill-drained ground between Blackburn and Mosside farm (NS9766). A summons of division of commonty was raised in 1802 by William Honyman of Armadale and Thomas Mair of Pottishaw against Alexander Russell of Mosside, William Dick of Standhill and others.¹ Commission was granted to Louis Turner, Alexander Irvine and William Erskine, advocates. Few documents have survived in the process and no plan is mentioned.

Uphall

Common muir of Drumshoreland

The common muir of Drumshoreland (Drumshoreline), whose extent is not known, lay on the undulating till plain south of Broxburn (NT0870). It was divided in 1744 by contract between Thomas Sharp of Houstoun and Edward Burd of Knightsridge.²

¹. Honyman v. Russell (UP. 1 Potts H/8/21)
². SRO. Sharp of Houstoun muniments (GD. 30/371)
Wigtownshire

Inch
In 1839 there were no lands in the parish in a state of undivided common.¹

Kirkcolm
In 1837 there was no land in the parish in a state of undivided common.²

Kirkinner
In 1838 there was no land in the parish in a state of undivided common.³

Kirkmaiden
There was at one time a small common attached to the churchyard but by 1839 it had long been absorbed by the surrounding proprietors.⁴ At that date there were no other commons in the parish.

Penninchame
In 1838 there were no lands in the parish in a state of undivided common.⁵

Portpatrick

The Common
A plan of Dunskey estate, dated 1804, shows a field marked 'The Common' situated a half mile to the south of Portpatrick village (NX0053).⁶ In 1838 there were 12 acres of undivided common in the parish which may relate to the above common.⁷

¹ NSA. iv, 90  ² NSA. iv, 116  ³ NSA. iv, 18  ⁴ NSA. iv, 211
⁵ NSA. iv, 181  ⁶ RHP. 338  ⁷ NSA. iv, 148
Runrigs of Balcrosh and Kevans

The runrigs of Balcrosh and Kevans, consisting of the lands of the two farms lying intermixed, were situated to the east of Kirkland (NX4742). The proprietors of these lands, Sir Tair Agnew of Lochnaw and Alexander, Earl of Galloway, recognised that the rigs would have to be consolidated before agricultural improvements could take place and therefore, in 1772, a summons of division of runrig and straightening of marches was raised by Agnew of Lochnaw against the Earl.¹ Commission was granted to Robert Cathcart of Gainock, Hugh McCulloch of Whitehills, George Campbell of Airies and Hugh Stewart of Tonderghie. In 1773 [William] McCartney, land surveyor in Kirkcudbright, was appointed to make a plan of the rigs.² The lands were consolidated and enclosed in 1775.

In 1838 there were no lands in the parish in a state of undivided common.³

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¹ Agnew v. Galloway (EP. Dal. 22/12/1775)
² RHP. 4091, 6487
³ NSA. iv, 31
Delting

Scattald of Brough

The scattald of Brough lay to the west of Brough township between the Hill of Crooksetter and Mio Ness (HU4277). A summons of division of commonty and runrig was raised in 1862 by Mrs Mary Gifford, wife of late Arthur Gifford of Busta, and others against Thomas Cameron of Annasbrae and others. As well as the scattald of Brough, the process included the scattalds to Burraness, Firth and Laxobigging, the four being treated legally as one. Their area totalled 4833 acres. Commission was granted to William Edmondstoune, sheriff of Orkney and Zetland. In 1865 he appointed Roderick Coyne, civil engineer and surveyor in Edinburgh, to measure and make plans of the scattald. It was divided in 1869.

Scattald of Burra Ness

The scattald of Burra Ness occupied most of the Burra Ness peninsula except for a narrow strip around the south and east coasts (HU4475). It was divided in the same process as the scattalds of Brough, Firth and Laxobigging (see above). Several plans were made during the process showing its boundaries, valuation and scheme of division.

Scattald of Collafirth and Swining

The scattald of Collafirth and Swining, consisting of 1525 acres, extended from the Hill of Dale to Olna Firth (HU4167). Part of it, along the Hill of Dale, was also known as the scattald of Dale (Deal). A summons of division of commonty and runrig was

1. Gifford v. Cameron (EP. 88/7/1869)
2. RHP. 3975, 3976, 3977, 3978, 3979/1-2
3. RHP. 3975, 3976, 3977, 3978
4. RHP. 3975
raised in 1868 by Charles Hay and others, trustees for late Arthur Gifford of Busta, against Thomas, Earl of Zetland, and others. As well as the scattald of Collafirth and Swining, the process included the scattallds of North and South Olnafirth and Trondravoe. Commission was granted to Andrew Mure, sheriff-substitute of Zetland. In 1873 he appointed Francis Taylor, land surveyor, to measure and make plans of the scattald. It was divided in 1876.

Scattald of Crooksetter

The scattald of Crooksetter (Cruxter), whose extent is not known, lay between Orka Voe and the scattald of Brough, north of the Hill of Crooksetter (HU4176). There is no information as to when this scattald was divided but it is shown on a plan dated 1861.

Scattald of Firth

The scattald of Firth lay to the south and west of Firth township, between Neshion Water and Hill of Swinister (HU4373). It was divided in the same process as the scattallds of Brough, Burra Ness and Laxobigging (see page 244). Plans of the scattald were made for this process.

Scattald of Garth

The scattald of Garth, whose extent is not known, occupied all of the lands between North Burn and Hill of Crooksetter around the rooms of Garth (HU4174). There is no information as to when this scattald was divided but it is shown on a plan dated 1861.

1. Giffords trustees v. Zetland (EP. 87/5/1876)
2. RHP. 3924, 3925, 3926, 3927, 3928, 3929, 3930
3. RHP. 3975
4. RHP. 3975, 3976, 3977, 3978
5. RHP. 3975
Pelting contd

Scattald of Gonfirth

The scattald of Gonfirth, whose extent is not known, lay to the east of Gonfirth township (HU3861). It is shown on an undated plan of the scattalds of Delting parish. ¹

Scattald of Laxobigging

The scattald of Laxobigging lay to the south of Laxobigging township and extended as far as Dales Voe (HU4171). It was divided in the same process as the scattalds of Brough, Burra Ness and Firth (see page 244). Several plans were made of this scattald during the progress of this process. ²

Scattald of North and South Olnaflrth

The scattald of North and South Olnaflrth, consisting of 5947 acres, extended each side of Olna Firth (HU4062). The scattald was also known by the names North-the-voie and South-the-voie. It was divided in the same process as the scattalds of Collafirth and Swining and Trondravoe (see pp. 244-5). Several plans show the boundary, valuation and scheme of division of this scattald. ³

Scattald of Scatsta

The scattald of Scatsta, whose extent is not known, lay southwards from Scatsta Ness to Dalescord Hill (HU3871). There is no information as to when this scattald was divided but it is shown on a plan dated 1861. ⁴

Scattald of Trondravoe and Hardwell

The scattald of Trondravoe and Hardwell, consisting of 1902 acres, occupied the hill ground from North Ward to Riding Hill

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1. RHP. 5570
2. RHP. 3975, 3976, 3977, 3978, 3979/1
3. RHP. 3925, 3928, 5570
4. RHP. 3975; disputed march between scattalds of Scatsta and Olnaflrth - RHP. 3930
Delting contd

(HU3769). It was also known as the scattald of Voxter.¹ Trondravoe and Hardwell was divided in the same process as the scattalds of Collafirth and Swining and North and South Olnafirth (see pp. 244-5). Plans were made of the scattald during this process.²

Dunrossness

Runrig lands of Aith

The runrig lands of Aith, consisting of 164 acres, lay around the township of Aith (HU4429). The lands were consolidated in the process of division of the scattald of Channerwick (see below).

Scattald of Channerwick

The scattald of Channerwick (including the scattalds of Deepdale, Maywick, Ireland and Bigtown), consisting of 2552 acres, extended along the ridge of the Dunrossness peninsula from Savers Field to the Burn of Geosetter (HU3923). A summons of division of commony and runrig was raised in 1877 by William Bruce of Symbister and his curators against John Bruce of Sumburgh and others.³ As well as Channerwick, this process included the scattalds of Clift Hills, Fladdabister, Levenwick, North Cunningsburgh, Scousburgh and Rerwick, and South Hill. Commission was granted to Charles Rampini, sheriff-substitute of Caithness, Orkney and Zetland. In 1878 he appointed James William Hepburn, land surveyor in Lerwick, to measure and make plans of the scattalds.⁴ They were divided in 1888.

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1. RHP. 3975
2. RHP. 3924, 3929
4. RHP. 3953-63
Dunrossness contd

Scattald of Clift Hills

The scattald of Clift (Cliff) Hills, consisting of 212 acres, was divided between the scattalas of Fladdabister and North and South Cunningsburgh and in the division was treated as an integral part of these (see above and below).

Scattald of Clumlie

The scattald of Clumlie, whose extent is not known, lay adjacent to the scattalas of Levenwick and Scousburgh, north of Clumlie township (HU4018). A plan of the scattalas in Dunrossness parish, dated 1877, shows only part of the boundary of this scattald. It is not known when Clumlie was divided.

Scattald of Fitful Head

The scattald of Fitful (Fitfill) Head, consisting of 1365 acres, extended eastwards from the massif cliffs of Fitful Head on the extreme southwest coast of Zetland (HU3513). A summons of division of commonty was raised in 1815 by Robert Bruce of Symbister against Andrew Grierson of Quendale. Commission was granted to Andrew Duncan, sheriff-substitute of Zetland. In 1818 he appointed William Crawford, junior, land surveyor in Edinburgh, to measure and make a plan of the scattald. It was divided in 1826.

Scattald of Fladdabister

The scattald of Fladdabister (including part of the scattald of Clift Hills), consisting of 1459 acres, extended across the Dunrossness peninsula, south of the parish boundary, between Clift Sound and Fladdabister township (HU4133). The scattald was divided in the same process as the scattald of Channerwick, etc (see page 247).

1. RHP. 3953
2. Bruce v. Grierson (EP. 11/7/1826)  3. RHP. 4003
Dunrossness contd

Runrig lands of Gord and Everton

The runrig lands of Gord and Everton, consisting of 49 acres, lay around the township of Gord (HU4329). The lands were consolidated in the process of division of the scattald of Channerwick (see page 247).

Runrig lands of Gord, Keotha and Bremner

The runrig lands of Gord, Keotha and Bremner, extending to 183 acres, consisted of the arable land lying in runrig around the townships (HU4230). A summons of division of runrig was originally raised in 1793 by Arthur Nicolson of Lochend and others against Bruce Stewart of Symbister. It would appear that, soon after the action was raised, an agreement was entered into among the heritors interested, consenting to the division. This did not settle the matter, for about 1823 a process of suspension and interdict was raised by Francis Heddell, surveyor of Customs in Lerwick, and Andrew Duncan, sheriff-substitute of Zetland, against Thomas Davidson of Culbinsgarth, claiming that certain of these lands lay in runrig. A completely new summons of division of runrig was raised in 1833 by Andrew Duncan against John Bruce of Sumburgh and others. Commission was granted to James Greig, writer in Lerwick. In 1839 he appointed Andrew Dishington Mathewson, land surveyor in Lerwick, to measure and make a plan of the rigs. They were consolidated in 1842.

Scattald of Hoswick

The scattald of Hoswick, consisting of 944 acres, lay on the hill ground north of Hoswick, extending across the Dunrossness peninsula to Housensellar, immediately north of the Scattald of Channerwick (HU3926). A summons of division of commonty was

1. Nicolson v. Stewart  
2. Heddall v. Davidson  
3. Duncan v. Bruce (EP. 22/3/1842)  
4. RHP. 77, 4291
Dunrossness contd

raised in 1899 by John Bruce of Sumburgh against Nicol Halcrow of Stove and others. Commision was granted to Alexander Moffat, sheriff-substitute of Caithness, Orkney and Zetland. In 1900 he appointed Malcolm Heddle, land surveyor in Kirkwall, to measure and make plans of the scattald. In 1902 a further report was prepared by Joseph Irvine, surveyor, relating to the division of the Meadow and Lea of Swinister and the town lands of South Hoswick. The scattald was divided in 1934.

Scattald of Leebotten

The scattald of Leebotten (Leebiton), whose extent is not known, lay on the high ground to the northwest of Leebotten township (HU4225). It is mentioned in the summons of the division of the scattald of Hoswick as being the sole property of the pursuer, John Bruce of Sumburgh.

Scattald of Levenwick

The scattald of Levenwick, consisting of 811 acres, lay on the steeply rising hill to the west and south of Levenwick township (HU4021). The scattald was divided in the same process as the scattald of Channerwick (see page 247).

Runrig lands of Levenwick

The runrig lands of Levenwick, consisting of 45 acres, lay around the township of Levenwick (HU4021). The lands were consolidated in the process of division of the scattald of Channerwick (see page 247).

1. Bruce v. Halcrow (E. 38/1934)
2. RHP. 4147, 4148, 4149
3. Bruce v. Halcro (E. 38/1934)
Dunrossness contd

Scattald of North Cunningsburgh

The scattald of North Cunningsburgh (including a part of the scattald of Clift Hills), consisting of 2477 acres, extended across the Dunrossness peninsula between Starkigarth and the crest of the Clift Hills (HU4131). It was divided in the process of division of the scattald of Channerwick (see page 247).

Scattald of Sandwick

The Scattald of Sandwick, whose extent is not known, lay across the Dunrossness peninsula, north of the scattald of Hoswick (HU4026). A plan, dated 1877, made for the division of the latter scattald, shows the southern boundary of Sandwick adjacent to the scattald of Channerwick.¹ However, this appears to be in error as the commonty of Hoswick lay to the north of Channerwick (see page 249). In the summons of division of the Hoswick scattald, Sandwick is referred to as the sole property of the pursuer, John Bruce of Sumburgh.²

Scattald of Scousburgh and Berwick

The scattald of Scousburgh and Berwick, consisting of 540 acres, occupied the Ward of Scousburgh south of the Burn of Geosetter (HU3819). It was divided in the same process as the scattald of Channerwick (see page 247).

Scattald of South Cunningsburgh

The scattald of South Cunningsburgh, whose extent is not known, lay to the south of the scattald of North Cunningsburgh (HU4129). A plan, dated 1877, made for the division of the scattalds of Dunrossness, shows the northern boundary of the scattald.³ It is not known when South Cunningsburgh was divided.

1. RHP. 3953  2. Bruce v. Halcro (E. 38/1934)  3. Ibid.
Scattald of South Hill

The scattald of South Hill, consisting of 126 acres, occupied the hill ground rising to the east of Loch of Spigge (HU3816). South Hill was divided in the same process as the scattald of Channerwick (see page 247).

Fetlar

Scattald of Aith

The scattald of Aith, consisting of 605 acres, extended northwards from Aith township to the Wick of Gruting (HU6491). A summons of division of commonty was raised in 1872 by Thomas, Earl of Zetland, against Lady Eliza Nicolson and others. As well as Aith, the process included the scattalds of Grutton, Funzie and Strand. A further summons was raised by the same parties for the division of the scattalds of Dale, Houbie, Oddsta, Russater and Urie. The two processes proceeded as a conjoined action for the division of all the scattalds on the island of Fetlar. Commission was granted to Andrew Mure, sheriff-substitute of Orkney and Zetland. In 1873 he appointed John Duguid Miller, land surveyor in Kirkwall, to measure and make plans of all the scattalds. Before the action was completed an excambion of land, in the year 1880, between the parties involved in the processes rendered it unnecessary to proceed further with the division of the scattalds of Dale, Funzie, Grutton, Oddsta, Russater and Urie. Thus the scattalds of Aith, Houbie and Strand were all that were left for judicial division. These were divided, after a new set of plans had been made, in 1882.

1. Zetland v. Nicolson (UP. 2 Skene Z/4/1)
2. Ibid.
3. Missing; only a tracing of scattald of Strand surviving - RHP. 6163
4. Missing
Fetlar contd

**Scattald of Dale**
The scattald of Dale, consisting of 494 acres, occupied part of the peninsula of Lamb Hoga (HU6088). It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commonty (see page 252).

**Scattald of Funzie**
The scattald of Funzie, consisting of 767 acres, lay to the north of Funzie township on the hill ground of Funzie Ness (HU6690). It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commonty (see page 252).

**Scattald of Grutton**
The scattald of Grutton, consisting of 800 acres, lay somewhere on the island of Fetlar but its exact location has not yet been established. It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commonty (see page 252).

**Scattald of Houbie**
The scattald of Houbie, consisting of 696 acres, lay to the north of Houbie township around Skutes Water (HU6291). It was divided in the same process as the scattald of Aith (see page 252).

**Scattald of Oddsta**
The scattald of Oddsta, consisting of 199 acres, lay on the northwest of the island of Hamars Ness (HU5893). It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commonty (see page 252).

**Scattald of Russater**
The scattald of Russater, consisting of 867 acres, lay somewhere on the island of Fetlar but its exact location has not yet been
Fetlar contd

established. It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commony (see page 252).

Scattald of Strand

The scattald of Strand, consisting of 510 acres, extended from Strand to Strandburgh Ness (HU6691). It was divided in the same process as the scattald of Aith (see page 252). A tracing of a plan of the scattald, showing a scheme of division, is the only plan that has survived in this process.1

Scattald of Urie

The scattald of Urie, consisting of 345 acres, lay to the south of Urie Ness in the north of the island (HU5993). It was being divided in the same process as the scattald of Aith, when an excambion of land made it no longer commony (see page 252).

Lerwick

Scattald of Brindister

The scattald of Brindister, whose extent is not known, lay to the south of the scattald of Gulberwick on the hill slopes west of Loch of Brindister (HU4236). It was divided in the same process as the scattald of Gulberwick in 1874.2

Scattald of Grimista

The scattald of Grimista, whose extent is not known, lay on the hill slopes surrounding the township of Grimista (HU4544). A plan of the scattald of Dale (Tingwall parish) yields the only evidence relating to this scattald.3 It shows the mutual boundary of the two scattalds running along the parish boundary between North and South Corse.

1. RHP. 6163  3. RHP. 3922
2. Court of Session Minute Book, 93 (1873-4), 361
Lerwick contd

**Scattald of Gulberwick**

The scattald of Gulberwick, whose extent is not known, lay to the west of Gulberwick township (HU4338). A summons of division of commonty was raised in 1874 by William Robertson of Wick against Thomas, Earl of Zetland, and others.¹ As well as Gulberwick, the process included the scattald of Brindister and others not specified.² A decree of division was extracted on 17th March 1874.³

**Scattald of Quarff**

The scattald of Quarff, whose extent is not known, lay between the scattalas of Fladdabister (Dunrossness parish) and Uradale (Tingwall parish) with the parish boundaries marking the northern and southern limits of the scattald (HU4135). References to Quarff were made in the division of both Fladdabister and Uradale and a plan was produced to show the disputed boundary with the former.⁴ No information has been discovered as to when the scattald of Quarff was divided.

**Scattald of Sound**

The scattald of Sound, whose extent is not known, lay to the west of Lerwick on the hills rising from Loch of Clickimin (HU4541). Lerwick was originally built on the scattald and with the growth of the town, constant encroachments were made upon it.⁵ A summons of division of commonty was raised in 1837 by Charles Ogilvy, merchant in Lerwick, against Lawrence, Lord Dundas, and others.⁶ This process was abandoned in 1838. Part of the scattald is shown on a plan of the Scattald of Dale (Tingwall parish).⁷

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1. Robertson v. Zetland (EP. 11/5/1874 [retransmitted])
2. Court of Session Minute Book, 93 (1873-4), 361
3. Ibid. ⁴. RHP. 6450
5. NSA. xv, 3
6. Ogilvy v. Dundas (UP. 1 Skene 0/9/4)
7. RHP. 3922
Lerwick contd

Scattald of Trebister
The scattald of Trebister, consisting of 272 acres, occupied the Ness of Trebister (HU4538). A summons of division of commony was raised in 1850 by James Greig of Sandsound against Thomas, Earl of Zetland, and others.¹ Commission was granted to Robert Bell, sheriff-substitute of Orkney and Zetland. In 1857 he appointed Thomas Irvine, land surveyor in North Yell, to measure and make a plan of the scattald.² It was divided in 1859.

Burgh lands of Lerwick
In 1835 there were some common lands within the limits of the burgh of Lerwick which belonged to the burgh heritors, but the other burgesses had no interest in the lands.³

Nesting

Scattald of Lunnasting
The scattald of Lunnasting, whose extent is not known, lay to the east of the scattald of Collafirth (Delting parish) extending eastwards across the Lunnasting peninsula (HU4665). It is shown on a rough sketch of the scattalds of north Mainland.⁴ No information has been discovered as to when this scattald was divided.

Scattald of North Nesting
The scattald of North Nesting, consisting of 5375 acres, lay to the south of Dury Voe (HU4559). A summons of division of commony was raised in 1877 by William Bruce of Symbister against Lawrence

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¹ Greig v. Zetland (UP. 1 Skene G/39/8 [no process]); (EP. 10/9/1859)
² Missing
³ MCR. (Local) pt. iii, 123
⁴ RHP. 5570
Nesting contd

Dundas, Earl of Zetland, John Bruce of Sumburgh and others. ¹ Commission was granted to Charles Rampini, advocate. In 1878 he appointed James William Hepburn, land surveyor in Lerwick, to measure and make plans of the scattald. ² It was divided in 1880.

Scattald of Skellister

The scattald of Skellister, whose extent is not known, lay to the northwest of Skellister township (HU4655). It is mentioned as lying to the east of the scattald of South Nesting. ³ No information has been discovered as to when this scattald was divided.

Scattald of South Nesting

The scattald of South Nesting, consisting of 3542 acres, lay to the north of Cat Firth extending across the parish to the scattald of Skellister on the east (HU4654). It was divided in the same process as the scattald of North Nesting (see page 256).

Scattald of Island of Whalsay

The scattald of the Island of Whalsay, consisting of 3537 acres, occupied most of the island with the exception of the arable ground around the township (HU5664). An action of division of commonty was pursued in the Court of Session in 1833. ⁴ Commission was granted to Andrew Duncan, sheriff-substitute of Zetland. In 1833 he appointed William Matheson, land surveyor, to measure and make a plan of the scattald. ⁵ Only a valuators' report has been discovered relating to this process. ⁶

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¹ Bruce v. Zetland (UP. 2 Skene B/7/3 [no process]); (UP. 2 Skene B/7/4 [no process]); (EP. 52/4/1880)
² Missing; part of scattald shown on RHP. 5570
³ Bruce v. Zetland (op. cit.)
⁴ Not located
⁵ RHP. 210/1
⁶ RHP. 210/2
Northmavine

Scattald of Hamar
The scattald of Hamar (Hammer), whose extent is not known, lay surrounding the township of Hamar (HU3176). A summons of division of commonty was raised in 1869 by the Rev. James Rose Sutherland, minister of the parish of Northmavine and others against Thomas, Earl of Zetland, and others. The action also included the scattalnds of Hillswick, Murrion and Ura. Only the summons has survived of this process.

Scattald of Hillswick
The scattald of Hillswick, whose extent is not known, occupied most of the hillside rising from Burnside to the Mill Lochs of Stovabreck (HU2779). A sketch produced in the division of the Ness of Hillswick shows the complete boundary of Hillswick. It was divided in the same process as Hamar, Murrion and Ura (see above).

Scattald of the Ness of Hillswick
The scattald of the Ness of Hillswick, consisting of 412 acres, occupied the whole of the Ness of Hillswick south of Hillswick township (HU2775). A summons of division of commonty was raised in 1856 by Henry Cheyne, W.S., trustee for Arthur Gifford of Busta against Thomas, Earl of Zetland, and others. Commission was granted to William Edmondstoune Aytoun, sheriff of Orkney and Zetland. In 1859 he appointed Roderick Coyne, civil engineer and surveyor in Edinburgh, to measure and make plans of the scattald. It was divided in 1861.

1. Sutherland v. Zetland (CS. 250/5960 [summons only])
2. RHP. 6452
3. Cheyne v. Zetland (EP. 34/1/1861)
4. RHP. 532; also rough sketches - RHP. 6451, 6452
Northmavine contd

**Scattald of Murrion**

The scattald of Murrion, whose extent and location are not known, was divided in the same process as the scattalds of Hamar, Hillswick and Ura (see page 258).

**Scattald of Ura**

The scattald of Ura, whose extent is not known, lay around the township of Urafirth (HU3078). It was divided in the same process as the scattalds of Hamar, Murrion and Hillswick (see page 258).

**Sandsting**

**Scattald of Aithsting**

The scattald of Aithsting, consisting of 16,401 acres, occupied nearly all of the parish north of a line from Loch of Voxterby to Russa Ness (HU3354). A summons of division of commonty was raised in 1874 by Andrew Grierson of Quendale against Lawrence, Earl of Zetland, and others. Commission was granted to Andrew Mure, sheriff-substitute of Zetland. In 1874 he appointed George Mackenzie, land surveyor, to measure and make plans of the scattald. It was divided in 1878.

**Scattald of Browland**

The scattald of Browland, consisting of 917 acres, occupied the hill ground between the Lochs of Voxterby and Murraster (HU2752). A summons of division of commonty was raised in 1856 by Thomas, Earl of Zetland, against James Greig of Sandsound and others. As well as Browland, the process included the scattalds of

2. RHP. 3970, 3971, 3972, 3973, 3974
3. Zetland v. Greig (EP. 90/1/1863)
Sandating contd

Garderhouse and West Houlland. Commission was granted to William Edmondstoune Aytoun, sheriff of Orkney and Zetland. In 1858 he appointed Roderick Coyne, civil engineer and surveyor in Edinburgh, to measure and make a plan of the scattald. It was divided in 1863.

Scattald of Culswick

The scattald of Culswick, whose extent is not known, occupied the Ward of Culswick and surrounding hill ground (HU2645). Nearly all the boundaries of this scattald are shown on two plans dated 1856. It is not known when Culswick was divided.

Scattald of Easter Skeld

The scattald of Easter Skeld, consisting of 2308 acres, lay on the hill ground of Foglatougs to the east of Gossa Water (HU3146). A summons of division of commonty was raised in 1856 by Andrew Umphray of Reawick against George Johnston of Westerwick and others. As well as Easter Skeld, the process included the scattalds of Effirth, Grutton and Wester Skeld. Commission was granted to William Edmondstoune Aytoun, sheriff of Orkney and Zetland. In 1856 he appointed Roderick Coyne, civil engineer and surveyor in Edinburgh, to measure and make plans of the scattald. It was divided in 1863.

Scattald of Effirth

The scattald of Effirth, consisting of 935 acres, lay to the south of Effirth township on the hill ground of Moor Field and Crooie Hill (HU3150). It was divided in the same process as the scattald of Easter Skeld (see above). Plans of the scattald were made by Roderick Coyne.

1. RHP. 6453, 6454 4. RHP. 6453, 6457
2. RHP. 6453, 6457 5. RHP. 6453, 6460, 6461
3. Umphray v. Johnston (EP. 91/1/1863)
Sandsting contd

Scattald of Garderhouse

The scattald of Garderhouse, consisting of 1258 acres, occupied the hill ground lying between Sand Water and Loch of Semblister (HU3248). It was divided in the same process as the scattalds of Browland and West Houlland (see page 259). Roderick Coyne made plans showing the scattald and scheme of division.1

Scattald of Grutton

The scattald of Grutton (also known as Grutting or Ayres of Selivoe), consisting of 2733 acres, occupied the hill ground drained by the Burn of Selivoe (HU3049). It was divided in the same process as the scattalds of Easter Skeld (see page 260). Roderick Coyne made plans showing the scattald and scheme of division.2

Scattald of Reawick

The scattald of Reawick (Raewick), whose extent is not known, extended southwards from Muckieyard to Roe Ness (HU3244). Nearly all of the boundary of this scattald is shown on a plan dated 1856.3 It is not known when Reawick was divided.

Scattald of Sand and Semblister

The scattald of Sand and Semblister, consisting of 1279 acres, extended from Hagmark Hill to Bekka Hill (HU3449). A summons of division of commonty was raised in 1858 by Adam Dickson of Effirth against Joseph Leask of Sand.4 Commission was granted to William Edmondstoune of Aytoun, sheriff of Orkney and Zetland. In 1860 he appointed Roderick Coyne, civil engineer and land surveyor in Edinburgh, to measure and make plans of the scattald.5 It was divided in 1862.

1. RHP. 6453, 6455, 6457
2. RHP. 6453, 6457, 6459
3. RHP. 6453
4. Dickson v. Leask (EP. 107/7/1862)
5. RHP. 3912, 3913, 6462
Sandeting contd

**Scattald of West Houlland**
The scattald of West Houlland, consisting of 1492 acres, occupied the hill ground between Scutta Voe and Hulma Water (HU2851). It was divided in the same process as the scattald of Browland and Garderhouse (see page 259). Roderick Coyne made plans showing the scattald and scheme of division.¹

**Scattald of Wester Skeld**
The scattald of Wester Skeld, consisting of 2141 acres, lay between the Stead of Culswick and Skelda Voe (HU2843). It was divided in the same process as the scattald of Easter Skeld (see page 260). Plans of Wester Skeld were made by Roderick Coyne.²

**Tingwall**

**Scattald of Brunt Hamarsland**
The scattald of Brunt Hamarsland, whose extent is not known, lay between Cat Firth and the Loch of Girlsta (HU4351). It is mentioned as lying adjacent to the southern boundary of the scattald of South Nesting (Nesting parish).³ No information has been discovered as to when this scattald was divided.

**Scattald of Dale**
The scattald of Dale (Deal), consisting of 1361 acres, extended around the head of Dales Voe, including the Hills of Herrislel, Tagdale and Dale (HU4342). A summons of division of commonty was raised in 1830 by William Hay, merchant in Lerwick, against Sir Arthur Nicolson of Nicolson and others.⁴ This process was allowed to lie over until 1854 when Hay raised a summons of transference against Thomas, Earl of Zetland, and others. Commission was

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1. RHP. 6453, 6456  
2. RHP. 6453, 6457, 6458  
3. See page 257.  
4. Hay v. Nicolson (UP. 1 Skene H/46/7)
Tingwall contd

granted to William Sievwright, writer in Lerwick. In 1856 he appointed Thomas Irvine, land surveyor, to measure and make a plan of the scattald. It was divided in 1858.

Scattald of Girlsta

The scattald of Girlsta (Geraldsta), whose extent is not known, lay to the east of the scattalds of Weisdale and South Whiteness to the north of Voe-head (HU4251). Parts of the scattald's boundary are shown on several plans, but nothing has been found, as yet, to indicate when it was divided.

Scattald of Griesta, Houlland and Burwick

The scattald of Griesta, Houlland and Burwick, whose extent is not known, lay on the eastern flanks of the Hills of Griesta, Setter and Burwick (HU4043). Only a part of the boundary of the scattald is known where it lies adjacent to the scattald of South Whiteness. It is not known when it was divided.

Scattald of Hamarsland

The scattald of Hamarsland (including North and South Hamarsland, Easthouse, Vatster and Wadbister), consisting of 889 acres, occupied the Wadbister peninsula to the east of the scattald of Laxfirth (HU4348). A summons of division of commony was raised in 1848 by Charles Hay of South Hamarsland against James Mouat of Wadbister and others. Commission was granted to Robert Bell, sheriff-substitute of Zetland. In 1853 he appointed Thomas Irvine, land surveyor, to measure and make a plan of the scattald. It was divided in 1854.

1. RHP. 3922
2. RHP. 3934, 4049
3. RHP. 6463
5. Missing
Tingwall contd

**Scattald of Laxfirth**

The scattald of Laxfirth, whose extent is not known, lay on the hill ground around Longa Water to the northwest of Laxfirth township (HU4147). Part of the scattald's boundary is shown on plans made for the division of South Whiteness scattald, but nothing has been found, as yet, to indicate when it was divided.

**Scattald of North Whiteness**

The scattald of North Whiteness, consisting of 570 acres, lay on the ridge between the Lochs of Hellister and Strom (HU3949). A summons of division of commony was raised in 1868 by Thomas Gifford of Busta and Magnus Irvine of Strombridge against Thomas, Earl of Zetland. The process included the scattald of South Whiteness. Commission was granted to Andrew Mure, sheriff-substitute of Zetland. In 1871 he appointed John S. Houston, land surveyor, to measure and make plans of the scattalds. They were divided in 1875.

**Scattald of South Whiteness**

The scattald of South Whiteness, consisting of 2291 acres, occupied the hills overlooking Whiteness Voe, between Maggie Black's Loch and North Water of Wormadale (HU4044). It was divided in the same process as the scattald of North Whiteness (see above).

**Scattald of Sweenister**

The scattald of Sweenister (including the scattalds of Linkster and Ballister), consisting of 303 acres, lay to the north of the Burn of Strand (HU4246). A summons of division of commony was divided.

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1. *RHP.* 3934, 6464
3. *RHP.* 3931-9, 6463-4
Tingwall contd

raised in 1871 by James Taylor of Bailister against Charles Duncan, writer in Lerwick, and others. ¹ However, instead of a lengthy legal action, it was decided to appoint John S. Houston, schoolmaster in North Yell, to divide the scattald. He made a plan of the scattald showing a scheme of division.² Sweenister was divided in 1872.

Scattald of Uradale

The scattald of Uradale (including Easterhoull, Sunderbanks and Tow), consisting of 713 acres, lay on the hill ground surrounding Uradale township and rising eastwards to Flossy Loch (HU4138). A summons of division of commonty was raised in 1840 by Peter Lesslie of Northness against Thomas, Earl of Zetland, and others.³ Commission was granted to William Sievwright, writer in Lerwick. In 1841 he appointed Gilbert Spence, land surveyor, to measure and make a plan of the scattald.⁴ It was divided in 1842.

Scattald of North and South Weisdale

The scattald of North and South Weisdale, consisting of 8009 acres, occupied the hill ground on both sides of the valley of Kergord from Loch Strom to the parish boundary at Hag Mark Stone (HU3955). A summons of division of commonty was raised in 1848 by Archibald Horne, trustee for the sequestrated estate of Messrs Hay and Ogilvy, against David Black of Hoy, Thomas, Earl of Zetland, and others.⁵ Commission was granted to William Sievwright, writer in Lerwick. No proceedings took place under that commission and, with the death of several parties, Arthur Gifford of Busta brought an action of transference in 1853. Again

1. Taylor v. Duncan (EP. 26/8/1872)
2. Missing; parts of boundary shown on RHP. 3934, 3932, 6463, 6464
4. RHP. 6465, 6466
5. Horne v. Black (EP. 12/10/1860)
Tingwall contd

the commission was granted to William Sievwright. In 1857 he appointed Thomas Irvine, land surveyor, to measure and make a plan of the scattald. It was divided in 1860.

Unst

Scattald of Baliasta

The scattald of Baliasta (also known as Mid Parish), consisting of 4807 acres, occupied the hill ground extending southwards from Milldale Burn to White Hagmark and then eastwards to the Wick of Hagdale (HP5909). A summons of division of comonnty was raised in 1837 by William Henderson of Petester against Mrs Margaret Mouat or Cameron of Garth and others. Commission was granted to Andrew Duncan of Tow. In 1846 he appointed Andrew Dishington Mathewson, land surveyor, to measure and make plans of the scattald. It was divided in 1850.

Scattald of Burrafirth

The scattald of Burrafirth, whose extent is not known, extended northwards from Milldale Burn to Herma Ness (HP6015). A plan made for the division of the scattald of Baliasta shows the mutual boundary between the two scattalds. It is not known when Burrafirth was divided.

1. RHP. 512, 4048, 4049, 5570
2. A map of the scattald marches of Unst was compiled by the late Professor A.C. O'Dell from Scatt Records and can be found in his book, The Historical Geography of the Shetland Islands, Lerwick, 1939, 264. Johnston, A.W., 'Scattald Marches of Unst', Viking Club, Old-Lore series, iii, 100-2, 162-3, 217-9; iv, 33-6, 91-3, 192-3; v, 125-9
3. RHP. 6470
4. Henderson v. Cameron (EP. 22/4/1850) 5. RHP. 237/1-3, 6467
5. RHP. 6467
Scattald of Caldback

The scattald of Caldback, whose extent is not known, lay immediately to the south of the scattald of Baliasta and extended as far as the Loch of Watlee (HP5906). It is not known when Caldback was divided.

Scattald of Clibberswick

The scattald of Clibberswick, consisting of 495 acres, extended eastwards from Haroldswick to The Nev (HP6512). A summons of division of commonty was raised in 1861 by Mrs Ursula Edmondston of Buness against Thomas, Earl of Zetland, and others. Commission was granted to William Edmondstoune of Aytoun, sheriff of Zetland. In 1862 Roderick Coyne, civil engineer and surveyor, was appointed to measure and make plans of Clibberswick and Northwick. Both scattalds were divided in the same process in 1864.

Scattald of Cliff

The scattald of Cliff, whose extent is not known, lay to the east of the Loch of Cliff (HP6011). The mutual boundary between Cliff and the scattalds of Haroldswick are recorded on plans made for the latter two's division. It is not known when Cliff was divided.

Scattald of Colvadale

The scattald of Colvadale, whose extent is not known, lay between the coast and the Hill of Colvadale (HP6205). It is not known when it was divided.

1. See footnote 2, page 266
2. Edmondston v. Zetland (EP. 85/7/1864)
3. RHP. 6468, 6469
4. RHP. 6468, 6470
Scattald of Haroldswick

The scattald of Haroldswick, consisting of 1173 acres, extended northwards from Nikka Vord to Ungirsta (HP6211). A summons of division of commonty was raised in 1833 by William Spence, surgeon in Lerwick, against Lawrence, Lord Dundas, and others. Commission was granted to Andrew Duncan, sheriff-substitute of Zetland. In 1835 he appointed William Matheson, land surveyor, to measure and make a plan of the scattald. It was divided in 1840.

Scattald of Heogland and Moula

The scattald of Heogland and Moula, whose extent is not known, lay southwards from Gallow Hill to Point of Burkwell (HP5700). It is not known when this scattald was divided.

Scattald of Hoversta and Mailand

The scattald of Hoversta and Mailand, whose extent is not known, lay between the sea and Loch of Hoversta (HP6001). It is not known when it was divided.

Scattald of Muness

The scattald of Muness, whose extent is not known, occupied the Muness peninsula (HP6200). It is not known when it was divided.

Scattald of Norwick

The scattald of Northwick, consisting of 1140 acres, extended northwards from Valsgarth to The Noup (HP6414). It was divided in the same process as the scattald of Clibberswick (see page 267). A plan was made showing Northwick and the other scattalds in the northeast of Unst. It was divided in 1864.

1. See footnote 2, page 266
2. Spence v. Dundas (EP. 136/3/1840)
3. RHP. 6470; also named on RHP. 273/2, 6467
4. RHP. 6468
Unst contd¹

Scattald of Queyhouse

The scattald of Queyhouse (Kewhouse), whose extent is not known, occupied the Ness of Queyhouse (HP6012). A plan made for the division of Haroldswick shows part of Queyhouse's boundary.² It is not known when this scattald was divided.

Scattald of Sandwick and Framgord

The scattald of Sandwick and Framgord, whose extent is not known, occupied the hills surrounding Sandwick Bay (HP6102). It is not known when this scattald was divided.

Scattald of Sellasetter

The scattald of Sellasetter, whose extent is not known, lay on the steep slopes rising to the east of Newgord township (HP5806). It is not known when it was divided.

Scattald of Skaw

The scattald of Skaw, whose extent is not known, lay in the extreme northeast of Unst on the hills draining into the Burn of Skaw (HP6416). The boundary of the scattald is shown on a plan, dated 1860, made for the division of the scattalds of Clibberswick and Northwick.³ There is no information as to when Skaw was divided.

Scattald of Snabrough

The scattald of Snabrough, whose extent is not known, lay on the hill ground between Brei Geo and Loch of Stourhoull (HP5702). There is no information as to when it was divided.

¹. See footnote 2, page 266
². RHP. 6470
³. RHP. 6468
Unst contd

Scattald of Sound

The scattald of Sound, whose extent is not known, lay to the north of Gallow Hill surrounding the township of Uyeasound (HP5801). It is not known when this scattald was divided.

Scattald of South the Voe

The scattald of South the Voe, whose extent is not known, lay to the south of Balta Sound adjacent to the scattald of Balista (HP6207). The mutual boundary between these two scattalds is shown on a plan made for the division of Balista. It is not known when South the Voe was divided.

Scattald of Underhoull

The scattald of Underhoull, whose extent is not known, occupied the southern tip of the Valla Field ridge between the coast and Loch of Watlee (HP5804). It is not known when this scattald was divided.

Scattald of Ungersta

The scattald of Ungersta, whose extent is not known, lay on the hill ground rising to the east of Burra Firth to Houslfiel (HP6214). A plan, made for the division of the scattald of Haroldswick, shows the southern boundary of Ungersta. It is not known when the scattald was divided.

Scattald of Uva and Murrister

The scattald of Uva and Murrister, whose extent is not known, occupied the hill ground rising to the east of Clivocast (HP6000). It is not known when the scattald was divided.

1. See footnote 2, page 266
2. RHP. 237/1-3, 6467
3. RHP. 6470
Unst cont'd

Scattald of Wadbister

The scattald of Wadbister, whose extent is not known, occupied the hill ground surrounding Belmont (HP5601). It is not known when this scattald was divided.

Scattald of Wick

The scattald of Wick, whose extent is not known, occupied the hill ground south of Lunda Wick (HP5603). It is not known when this scattald was divided.

Walls and Sandness

Scattald of Footabrough

The scattald of Footabrough (Putteburgh), whose extent is not known, was situated to the north of the Voe of Footabrough and included the rooms or towns of Watsness, Swinister, Goster, Bakka (Bacca), Gord, Turdale, Finnigarth, Skarpigarth and Footabrough (HU1850). A summons of division of commonty was raised in 1868 by the Rev. Archibald Nicol, minister of Walls and Sandness parish, and others against Robert Scott of Melby and others.1 A plan was made of the commonty in 1868.2 Only a summons survives in this process.

Yell

Scattald of Brough

The scattald of Brough, consisting of 4014 acres, lay to the south of Culivoe and extended across Yell from coast to coast north of a line through Gossa Water and Tittynans Hill, which was the

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1. See footnote 2, page 266
2. Nicol v. Scott (CS. 250/5036 [summons only])
3. Missing
mutual boundary between the scattalds of Brough and Sandwick (HP5100). A summons of division of commonty was raised in 1867 by Mrs Margaret Mouat or Cameron of Garth against Thomas, Earl of Zetland, and others.¹ As well as Brough, the scattald of Sandwick was included in the process. Commission was granted to Andrew Mure, sheriff-substitute of Zetland. In 1868 he appointed G. Cooper Roger, land surveyor, to measure and make a plan of the scattald.² It was divided in 1872.

**Scattald of Houlland**

The scattald of Houlland, consisting of 3937 acres, occupied the hill ground in the northwest of Yell around Gloup Voe (HP5002). A summons of division of commonty was raised in 1848 by Robert Spence of Windhouse against Thomas, Earl of Zetland, and others.³ Owing to changes in proprietorship, no active proceedings were had in the process until 1854, when the process was wakened and commission was granted to William Sievwright, writer in Lerwick. In 1855 he appointed Andrew D. Mathewson, land surveyor in Lerwick, to measure and make a plan of the scattald.⁴ It was divided in 1858.

**Scattald of Lumbister**

The scattald of Lumbister, whose extent is not known, lay to the south of Evra Loch (HU4796). It is mentioned as being adjacent to the scattald of Sandwick in the latter's summons of division.⁵ It is not known when Lumbister was divided.

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1. Mouat v. Zetland (CS. 250/3929 [summons only]); (EP. 19/4/1872)
2. RHP. 3952
3. Spence v. Zetland (EP. 35/12/1858)
4. RHP. 513, 4047
5. Division of Sandwick - Mouat v. Zetland (EP. 19/4/1872)
Yell contd

Scattald of Otterswick

The scattald of Otterswick, whose extent is not known, lay to the south of the scattald of Reawick on the hills surrounding Otterswick Bay (HU5085). The mutual boundary between the scattalds of Otterswick and Reawick is shown on a plan made for the latter's division.\(^1\) It is not known when Otterswick was divided.

Scattald of Reafirth

The scattald of Reafirth, consisting of 6181 acres, extended southwards from Mid Yell Voe to Stoura Scord and the Ness of Quheyin (HU5088). A summons of division of commonty was raised in 1833 by Charles Ogilvy, merchant in Lerwick, against Mrs Barbara Ogilvy Robertson of Gossaburgh and John Ogilvy of Quarff and others.\(^2\) Commission was granted to Andrew Duncan, sheriff-substitute of Zetland. In 1837 he appointed Andrew D. Mathewson, land surveyor in Lerwick, to measure and make a plan of the scattald.\(^3\) It was divided in 1848.

Scattald of Sandwick

The scattald of Sandwick, consisting of 6150 acres, occupied a broad strip across the island of Yell from Fugla Geo to Burra Ness (HU5098). In 1868 G. Cooper Roger, land surveyor, made a plan of the scattald.\(^4\) It was divided in the same process as the scattald of Brough in 1872 (see page 271).

Scattald of Windhouse

The scattald of Windhouse, whose extent is not known, lay to the south of the scattald of Sandwick along the Hill of Colvister

1. RHP. 256
2. Ogilvy v. Robertson (EP. 87/8/1848)
3. RHP. 236
4. Missing; parts of boundary shown on RHP. 236, 3952
Yell contd

(HU5096). The boundary of the scattalds of Windhouse and Reafirth is shown on a plan made for the latter’s division.¹ Windhouse is also mentioned in the summons of the division of Sandwick as they had a mutual boundary somewhere in the vicinity of Evra Loch.²

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1. RHP. 236
2. Division of Sandwick (summons) - Mouat v. Zetland (EP. 19/4/1872)
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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>D. of C.</td>
<td>Division of commony</td>
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<td>EP.</td>
<td>Extracted process of Court of Session</td>
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<td>GD.</td>
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<td>Municipal Corporations (Scotland) Local and General reports from commissioners (in 4 parts)</td>
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National Grid references are quoted in the form of two letters followed by four digits, giving a unique area of one kilometre square.

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