BOUNDARY STONES IN THE LOMOND HILLS:

ENCLOSURE OF THE FALKLAND COMMONTY

Fieldwork Report

Conservation Assessment

by

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Funded by:

REPORT INFORMATION SHEET

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Front page: The inscribed surface of a 'W.R. 1818' boundary stone positioned by Act of Parliament under the oversight of the act's commissioner Sir William Rae.

CONTENT

1.0 Introduction

Anyone who has walked the Lomond Hills cannot have failed to notice in passing the occasional neatly carved stone topped with the inscription "W.R. 1818". What do the initials "W.R." stand for and what is the significance of the date 1818? If they are boundary stones, how many of them are there and what can they tell us about life and landscape in times past in the Lomond Hills?

Only passing references have been made in local histories to these stones which are neither listed as scheduled monuments nor recorded in the list of buildings and archaeological sites in the National Monuments Record of Scotland created by the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). Two hundred years after they were planted in the Lomonds, this project sets out to explore the historic context of the "W.R. 1818" stones and to find, describe and photograph as many of them as can be found. By doing this, we will be able not only to tell the story of a significant period in the changing pattern of land holding and land use in the Lomond Hills but also help preserve and protect the stones which provide lasting evidence of what actually took place in 1818.

2.0 Commonties in the Lomond Hills

Until the Agricultural Revolution, the Lomond Hills largely comprised areas of extensive open grazing land known as commonties. In Scottish law a commonty was a form of common land owned by one or more proprietors with rights of servitude, such as the privilege of pasturing livestock and cutting feal (turf) and peat, extending to others. George Kay, for example, in obtaining a feu holding in Freuchie in May 1797, had with this low-lying property the "privilege of pasturage, feal and fuel in the Lomonds."

The two principal commonties in the Lomond Hills by the beginning of the 18th century were the Commonty of the Bishop Hill, which extended over 1,111 Scots acres, originally in West Fife and later in Kinross-shire, and the much larger Commonty of the Lomond Hills of Falkland which covered an area of 2,578 Scots acres that stretched west to east from the western foothills of West Lomond to the hill slopes east of East Lomond.

The latter commonty had formerly been held by the King as royal land associated with other crown properties in and around Falkland, but on 7 June 1605, at a Parliament in Perth, there was passed an *Act of Dissolutioun of Lowmondis* later recorded in the Parliamentary Register on 9th July 1606 (NAS, PA2/16, f.70r). Noting that this land "quhairof his majestie ressaves na yeirlie proffeitt" was generating little if any income to the Crown, it was decided, "for the augmentatioun of his majesties proper rent within this realme," to dissolve "frome his majesties crowne and patrimonie of the samin, all and hail the hillis of the Lowmoundis and mures of Falkland" and then proceed to "sett in fewferme heretablie, in hail or in pairt, to sic persone or persones as will gif maist thairfoir in augmentatioun of his majesties proper rent." Those who subsequently ended up with rights in this commonty were the principal Heritors or landowners contiguous to the Lomonds as well as smaller feu holders in the burgh of Falkland and the villages of Newton of Falkland, Freuchie and Strathmiglo who were willing to "gif maist thairfoir" to King James VI.

This 'Act of Dissolutioun' represents an appreciation of the potential monetary value of, as yet, unimproved hill grazing, much of which was considered to be waste land. During the 17th century landowners wishing to improve their farms and increase their income began to press for the dividing

up of commonty land. A handful of commonties were to be divided in that century by legal process, the Division of the Commonty of Selkirk, for example, being carried out in September 1681. Over a decade later, in July 1695, the Scottish Parliament passed the Division of Commonties Act "for preventing the disscords that arise about Commonties and for the more easie and expedit deciding thereof in time coming." This legislation made it unnecessary for those pursuing a division of commonty to resort to individual acts of Parliament to enable division and subsequent enclosure to take place, as in England. Excluded from the 1695 Act, however, were "Commonties belonging to the King and Royal Burrowes (Burghs)." These could only be divided by separate acts of parliament.

3.0 Division of the Commonty of the Lomond Hills of Falkland

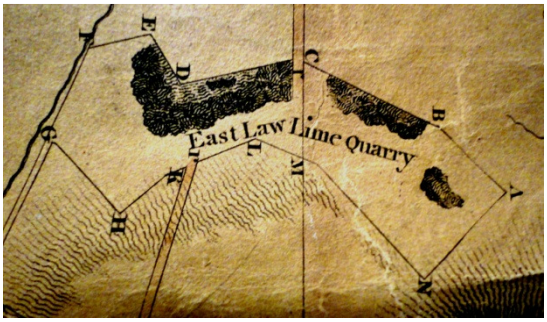
It took a while for the process of division of commonty under the 1695 Act to gather momentum but by the time Sir John Sinclair came to write his *General Report of the Agricultural State, and Political Circumstances of Scotland* for the Board of Agriculture and Industrial Improvement in 1814, he was able to note that "Almost the whole commons in Scotland, except those in the Highlands and Isles, have long ago been divided by means of that wise and salutary law; and where the rights to any part of any of these commons are still held *pro indiviso*, it is easy for anyone having interest, to force the rest, to reduce the whole into a state of severalty, at the joint expence of all the proprietors." (Section IV, p.392)

Sir John went on to point out why the Commonty of the Lomond Hills of Falkland had not yet been divided while the neighbouring Commonty of the Bishop Hill had been divided amongst the various townships of the Bishopshire as early as 1729. "The only legal obstacle to the division of wastes is that the act gives no power to divide commons belonging to the Crown and royal burghs," he wrote. "accordingly we find that the Lomond Hills, in the County of Fife, extending to 3,500 acres, all covered with green sward, from grasses of excellent quality, formerly attached to the royal palace of Falkland, still continue undivided, to the great loss of the proprietors and the public." He went on to illustrate the potential for improvement, noting, "The intelligent surveyor of that County mentions that a proprietor, by inclosing 170 acres of similar land, in that neighbourhood, which till then brought only 1s 3d Sterling per acre of rent, was enabled to let the same piece of land thereafter, at fifty guineas. It was found capable of maintaining 70 head of cattle, from which, it would appear, that upwards of 1,400 cattle might be grazed on the common of the Lomond Hills, if it were merely enclosed."

Within a year of Sir John Sinclair singling out this undivided Commonty in the Lomond Hills a bill had been presented to Parliament and an act had been passed to enable the division to proceed. *An Act for dividing and allotting the common or Commonty of the Lomonds of Falkland in the parishes of Falkland and Strathmiglo in the County of Fife* was passed on 28th June 1815 (Cap. 55) and the commonty was finally divided by 30th December 1818. This act appointed Sir William Rae, Bart., as Commissioner in charge of the process of division. Sir William Rae (1769-1842), the younger son of Lord Eskgrove, had a distinguished career as an advocate and politician. Between 1819 and his death in 1842 he represented various parliamentary constituencies and during the periods 1819-30 and 1834-35 he held the position of Lord Advocate. Described by his friend Sir Walter Scott as "sensible, cool-headed, and firm, always thinking of his duty, and never of himself," his most notable court cases included the prosecution of Andrew Hardie and others for high treason in 1820 and the trial of the body-snatcher William Burke in December 1828.

Much of the ground work for the division of commonty was carried out by Alexander Martin, a land surveyor from Cupar, who produced a detailed plan of the Commonty and marked out the shares both large and small to be allocated to proprietors with a claim to ownership. The initial survey indicating the outer boundary of the commonty was completed by 27th July 1816 and 57 boundary stones were eventually to be laid marking "the points by which the Boundaries of the Common were fixed." Sir William Rae reviewed all the claims to land, looking at proof of possession, before producing a plan allocating shares in the hill which he circulated amongst interested parties on 31st January 1817. George Brown, who had been appointed valuator, produced a report on the valuations of all the allocated shares on 23 July 1817 and on 7th May 1818 Rae, having listened to all objections and claims, made the final subdivision and allotment of shares in the commonty.

The process by which the final division was carried out was detailed in a document entitled *Award of Sir William Rae, Baronet, Dividing the Commonty of the Lomonds of Falkland 1818*. This document notes how, initially, the land surveyor Alexander Martin was to set apart three limestone quarries – East Law Quarry, Wilkie's Quarry and Long Craig Quarry - whose limits were to be marked on the ground by boundary stones referred to on the plan by the letters A to W. Also set apart were existing roads to these quarries and new roads designed to give access to the allocated shares on the hill. Mostly 20 feet wide, these roads were designated in lower case letters on the surveyor's plan and marked on the ground by boundary stones.



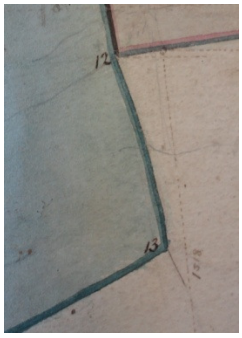
East Law Limestone Quarry delineated on the printed plan of the division of commonty with letters 'A-N' which identify the locations of boundary stones planted in 1818. The letter 'r' denotes a roadway (Falkland Society).

Finally the Commissioner divided the remainder of the commonty into 83 shares, some of which were to be allocated to individual landowners such as Lieutenant-General George Moncrieff of Falkland and Major-General Robert Balfour of Balbirnie, while others were to be held *in cumulo* by groups of feuars, as in the case of share No.17, an area of 20.251 acres allotted to 'The Club', a group of 39 people in Falkland.

4.0 In search of boundary stones

In summary, the field search for boundary stones planted in 1818 by the land surveyor Alexander Martin was assisted by information drawn from the following documents:

1. *Award of Sir William Rae, Baronet, Dividing the Commonty of the Lomonds of Falkland 1818* (Fife Archive, 131/1/15/544). This document describes the allocation of shares.
2. A large, coloured, untitled and undated working plan of the Division of the Commonty of the Lomond Hills of Falkland held in the Map and Estate Plan Collection at Kinross (Marshall) Museum. This document delineates allocated shares and identifies the location of the 57 stones on the margin of the commonty as well as stones marking the limits of the three limestone quarries and the routes of roadways.



Commonty boundary stones number 12 and 13 marked on the working plan of the division of commonty (Kinross (Marshall) Museum).

3. A printed copy of a *Plan of the Commonty of the Lomonds of Falkland in the County of Fife*, 1818, made available courtesy of the Falkland Society. There are occasional discrepancies between the printed plan and the working plan which may be explained by the subsequent post-division alteration, for example, of the alignment of roads.

Although it is not yet known where the boundary stones were quarried, they are easily identified as quality made cuboid or rectangular stones with fine linear chiselling on all four sides and the inscription "W.R. 1818" on the top face. The initials "W.R." stand for Sir William Rae, Commissioner for the Division of Commonty appointed by the 1815 Act. The date 1818 is the year in which the final award of shares in the hill was made.

5.0 Field Survey and Community Training

The field survey of the boundary stones formed part of the *Discover the Ancient Lomonds Project* and provided opportunities for community volunteers to receive training in basic archaeology recording techniques. A proforma was used to standardise the recording process and a photographic record kept. A written record was taken of the characteristics of each stone discovered during the 12 days of survey. This field record was then entered into a digital gazetteer of the stones.

Volunteers learning to record stones that they helped to discover in the Lomond Hills and surrounding farmland.

GPS readings were taken to record the location of each stone. The date of the discovery was noted and the initials of the member of staff or volunteer who undertook the written record were taken down on each form. A photographic record was also made of the stone and its settings. Each photographs digital file number was linked to the associated stone's record and stored in a digital photographic archive. The relevant landowner's contact, where known, was also recorded. Each stone was given a unique survey number. Each stone's historic function and feature that it was thought to correlate with was also recorded (e.g. road r, allotment 65). A total of 134 stones were recorded in this way, which amounted to around 60 percent of the total number of stones indicated on Alexander Martin's original 19th-century plans. The remaining stones were not accessible for survey due to land-use constraints, or are presumed to have either been destroyed or remain to be discovered.

6.0 Conservation Assessment

A key aim of the survey was to assess the state of preservation of the stones and to identify which stones were at risk and may require conservation. The stones were graded on a simple scale of conservation priority, 1 meaning 'very good' and in a stable condition, and 5 'at risk' and requiring urgent attention. The extent to which the surface carving survived was also recorded as part of the assessment. The outcomes of the survey, including this report, will be useful for future conservation and public management of these fascinating artefacts of the recent past (see conservation map over page). When considered together the boundary stones are an unusually large group for an enclosed Scottish commonty and as a collection are potentially of national significance and worthy of preservation.

Examples of boundary stones identified as 'at risk' during the field survey. Conservation threats included stones lying prone, overgrown by vegetation or at risk due to their location such as within commercial forestry that may be affected by future felling operations. Sadly a small number of stones had also been damaged by recent vandalism.

7.0 Acknowledgments

Professor Munro (Kinross Museum) and Dr O'Grady (OJT Heritage) and the Living Lomonds team would like to thank all the volunteers who helped make the survey a success and the landowners who gave permission for access so that the field work could take place.