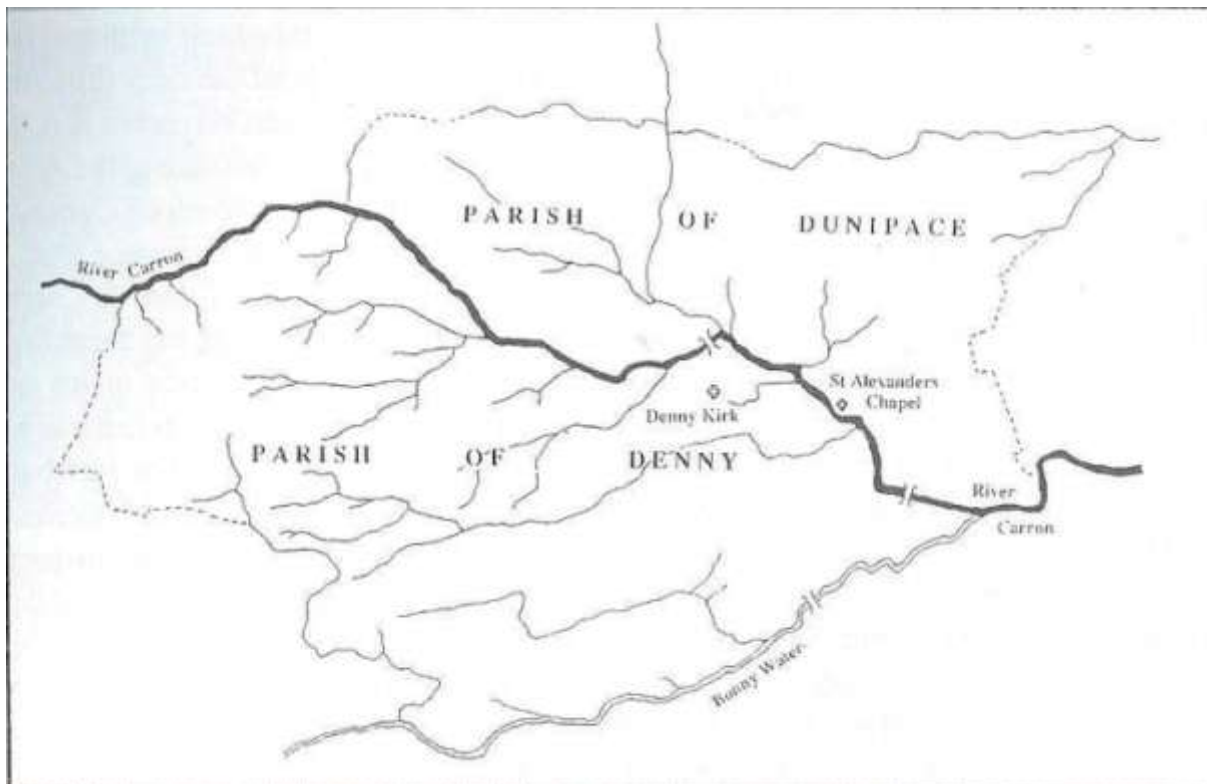


# *The Feudal Land Divisions of Denny and Dunipace Part 1*

**John Reid**

From the earliest records for Denny and Dunipace, we find that the area had three distinct divisions: Herbertshire, Temple-Denny and Torwood. Herbertshire comprised a significantly greater area than the other two and, in the later feudal period, came to be further divided with the creation of lesser estates such as Dunipace-Livingston and Little Denovan. Each of the major divisions is discussed here. As we should expect, these in turn had numerous subdivisions and they will be the subject of part 2.



**The Parishes of Denny and Dunipace**

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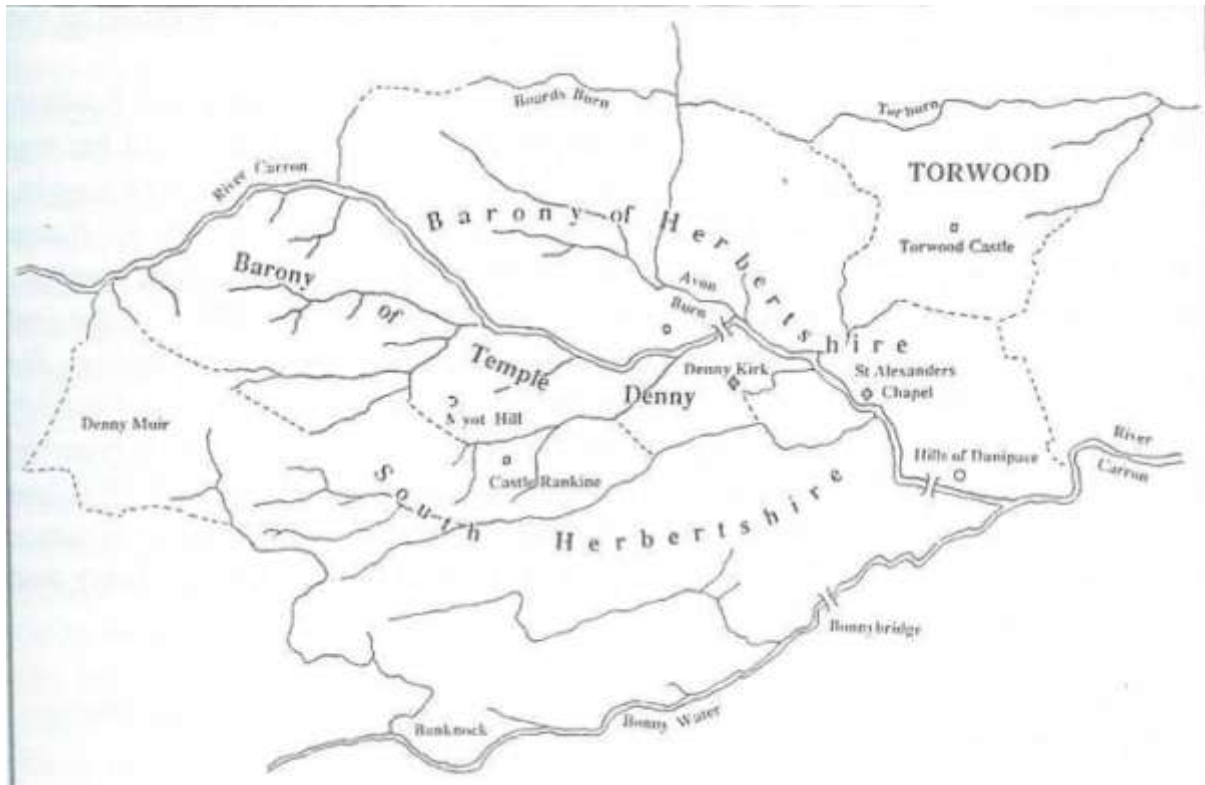
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[The Ancient Barony of Dunipace or Herbertshire](#)

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## THE ANCIENT BARONY OF DUNIPACE OR HERBERTSHIRE



The Barony of Herbertshire

The records of the area which we know today as the parishes of Denny and Dunipace reach no further back than the twelfth century. Then, probably all of the parish of Denny and certainly the greater part of the parish of Dunipace comprised a tract of land which in the earliest documents is named "the lands of Dunipace" and, some time later, "the barony of Dunipace" but which by the middle of the fourteenth century came to be known as the "barony of Herbertshire". Much later, as we shall see, a significant part which lay in the parish of Denny took the name of South Herbertshire. The remainder of the parish of Denny came into the hands of one of the orders of mediaeval knights at some time prior to the fourteenth century and was known as the Barony of Denny or Temple-Denny.<sup>1</sup> Lying in the north-west of Falkirk District, Herbertshire was the second-largest of the [baronies in East Stirlingshire](#). At the time of the earliest surviving records, the superiorship was held by the de Umfravilles who, through marriage, became the Earls of Angus but the greater part of the land seems to have been held as a feudal tenancy by the family of Malherb, or de Moreham, as they were more often titled. Evidently members of the family, acting in the capacity of local lairds, lived there and took titles from places within the barony.

The family of Malherbe had originally settled in Morham in East Lothian sometime in the twelfth century and, while they continued to take their principal title from there, they held their lands in Dunipace area from at least the early thirteenth century through to the middle of the fourteenth. Among the earliest on record is Adam de Moreham who, in about 1200, gave two oxgangs of land in Dunipace to the

Abbey of Cambuskenneth.<sup>2</sup> Among the signatories to this grant is one 'Thoma de Dunipais' who may have been a son of Adam in permanent residence in Dunipace and in practice the laird of Dunipace. Ada, the widow of Adam, married William de Colville who is said to have possessed the lands of Kinnaird in Larbert parish but these lands also lay within the superiority of the de Umfravilles and so the question arises as to whether Colville held them in his own right as vassal or whether the lands came to him with Ada. It was William and Ada who feued the lands of Kinnaird to Newbattle Abbey.<sup>3</sup> Ada had a daughter, also called Ada, by her marriage with Adam de Moreham.<sup>4</sup> There must also have been male progeny for in the second half of the thirteenth century Adam de Moreham, who was presumably the grandson of the earlier Adam, made a grant of lands in Stenhouse in Larbert parish, including the mill of Stenhouse, which were then described as being within the barony of Dunipace.<sup>5</sup> The next to appear on record is Sir Thomas de Morham, who may have been the son or grandson of the later Adam and an account of his life appears below.

The de Umfravilles, like the Malherbs, had come over to Britain with William the Conqueror and settled in England. Unlike the Malherbs, the de Umfraville's principal holdings were in England and they only took the title of Angus through the marriage of Matilda, Countess of Angus in her own right, to Sir Gilbert de Umfraville in 1243.<sup>6</sup> Robert de Umfraville, a grandson of the early Norman Warrior, had accompanied King David I on his return to Scotland after his many years at the English Court. Robert's son is said to have received from King David the manors of Kinnaird and Dunipace, as well as other lands in Stirlingshire.<sup>7</sup> Throughout the Scottish Wars of Independence they remained loyal to the English kings and, as we should expect, they consequently lost their Scottish title and possessions. During their lordship of the lands of Dunipace, they made several gifts of lands and tithes to the Abbey of Cambuskenneth.

Among others who donated land in Dunipace to Cambuskenneth in this early period was Herbert, son of Herbert de Camera, who is recorded in or about the year 1200 as having made a gift of half of a plough-gate and two oxgangs of land in Dunipace and it was largely these lands which were to become in 1495 the Barony of Dunipace held by a branch of the Livingston Family.<sup>8</sup> This estate must not be confused with the greater one which became the Barony of Herbertshire and within which Livingston's holding lay. It is possible that this Herbert may have been a de Morham as *de Camera* was used as by-name for holders of the office of chamberlain to the king during the twelfth century.<sup>9</sup>

Towards the end of the thirteenth century, during the period of the Scottish Wars of Independence, the de Morehams, in the shape of Sir Thomas and his son Herbert came to the fore among those Scots of Anglo-Norman descent who fought, for the most part, under the Scottish banner. The qualification is necessary, for it was a politically complex struggle in which many of the participants found their loyalties divided between the two camps. They often held lands on both sides of the border and were, therefore, vassals both of the Scottish and English crowns. Nevertheless, Sir Thomas de Morham cannot be accused of perfidy: he was one of the few Scottish nobles who are not named in the Ragman Roll; in other words he refused to bow his knee to Edward. Not only that, he and his son Herbert, along

with the great Sir William Wallace, were the only Scotsmen to be specifically excluded from the terms of peace defined in the Treaty of Stratford in 1303. In an edict to the sheriffs of Lanark and Perth, the English king ordained:

*all prisoners are to be released with the exception of Sir Herbert de Morham and his father*<sup>10</sup>

The reason behind this may have been that Sir Thomas was among the few who tried to resist Edward's invasion in 1296. He seems to have been engaged in a protracted and determined campaign of guerrilla warfare which led to him becoming a marked and hunted man. He was eventually betrayed and captured by Hugh de Saint John. A contemporary French narrative relates:

*On Saturday [14 July] to the city of Aberdeen, a good castle and a good town upon the sea, and there he [King Edward] tarried for five days. And there was brought to him his enemy, Sir Thomas de Morham, whom Sir Hugh de Saint John took, and eleven others in arms with him.*<sup>11</sup>

Either Sir Thomas was given no opportunity to submit or he refused, unlike several others who are recorded as having so done on that occasion in Aberdeen. From that city, he was taken to the castle of Berwick on Tweed and incarcerated in its dungeons. In the following year, 1297, he was taken to the Tower of London where he was imprisoned and where he was to remain for the next seventeen years.<sup>12</sup> His eventual release, we must presume, was as part of an exchange of prisoners in the aftermath of the battle of Bannockburn, for he was certainly back in Scotland and administering the affairs of his estate by October 1314.<sup>13</sup> He must take his place along with Wallace, Bruce, Sir James Douglas and Thomas Randolph as one of the great heroes of Scotland.

So too should his son, Sir Herbert de Morham, albeit his career appears, by comparison, somewhat tainted. However, it would be wrong to judge a man's idealism and motives at a distance of some seven hundred years. Herbert, one of the two sons of Sir Thomas was also captured by the English. This took place in 1296 when Dunbar Castle surrendered to Edward's forces.<sup>14</sup> He was imprisoned in Nottingham Castle from May 1296 until June 1297. At that time he must have sworn allegiance to Edward, for he was released and fought with the English army in Flanders. During the course of this campaign, he was knighted by the English king.<sup>15</sup> Continuing in Edward's service, he was posted in 1299 to Edinburgh Castle, where his brother Thomas was serving as one of the garrison.<sup>16</sup> This was when he secretly went over to the Scottish camp where, in all likelihood as his father's son, his heart had truly lain. It was at this time he became involved in a remarkable escapade when in 1299, he met with Johanna de Clare, the widowed Countess of Fife and, it is alleged, asked for her hand in marriage. Had he actually done so, it is highly unlikely she would have accepted his offer for, although a contemporary account described him as "*the tallest and most handsome of the Scots*", not only was he the younger son of a man who was imprisoned by King Edward, Johanna's self appointed protector, his family's lands had been forfeited by Edward. Even had she desired to so accept, she could not have, for she had been placed under a bond by

Edward, forbidding her to remarry without his consent. A dire penalty was written into the bond should she act in disregard of his wishes. Herbert's response seems quite astonishing. Johanna, who was travelling under letters of protection and safe conduct from the English monarch, left Stirling Castle where she had been entertained by the garrison and, as she passed through Torwood, Sir Herbert 'arrested her' and interned her in *Gertranky*, which place is to be associated with the Castle Ranky – or [Castlerankine](#) as it came to be known. From there she sent a letter to Edward notifying him of her 'plight'. He in turn issued an order to Patrick, Earl of Dunbar and John de Kyngesone, constable of Edinburgh Castle, to bring Sir Herbert before them and inquire into the charges brought by Johanna, which were:

*while she and her retinue under the king's safe conduct were on their way to England, Sir Herbert laid in wait for them between Stirling and Edinburgh and took her by force to his brother Thomas's house of Gertranky, where he imprisoned her because she would not consent to a marriage with him, under her oath to the King not to marry without his licence, and seized her jewels, horses, robes and goods, to the value of 2000 lib., to her grave loss and scandal, and in contempt of the King, who is greatly commoved thereat*<sup>17</sup>

These events beg certain questions: how, for instance, was Sir Herbert in a position to take by force one of the most powerful nobles in the country at a time when she was making a major journey and carrying a large quantity of valuables? No doubt her retinue would have been large and well armed – considering the state of the countryside at that time. Having been captured, how did Johanna manage to send a letter complaining of her plight to the English king while she was imprisoned? Was the whole episode, in fact, contrived simply as yet another thorn in Edward's flesh? In a later document we learn that Johanna gave this encounter as a reason for her inability to redeem a pledge for 960 merks sterling from John de Hastings, lord of Abergavenny. She had to sign over all her rights in her lands, both in England and in Scotland, to him as she was: *"unable to pay the debt aforesaid, by reason of the grievance of the war in Scotland and of the devastation of Sir Herbert de Morham, who has taken my goods and chattels from me"*. We might also suppose that this had been done to prevent these very goods and chattels falling into Hastings' hands. We must also remember that it was the Earls of Fife who by tradition and constitution placed the crown upon the heads of Scottish monarchs. At the coronation of Robert the Bruce this was not possible as the Earl of Fife, Johanna's son Duncan, was still in his minority and held in England as a ward of court. However, when Johanna's other child, nineteen years old Isabel who was married to the Earl of Buchan (at that time an adherent of Edward), heard of the event she seized her husband's best horses and made a dash for Scone where, at a second ceremony, she took the golden circlet, held it aloft and placed it upon Bruce's head.<sup>18</sup> Sometime later Duncan and his mother, Johanna, came out openly for Bruce. Well may the Chronicler have said: *But all those who were with the English were merely feigning, for their hearts were always with their own people, although their persons might not be.*<sup>19</sup>

When Kyngestone received his order from King Edward he, being aware of Sir Herbert's absence, asked his brother, Sir Thomas de Moreham, where he was,



whereupon he was informed of the young knight's defection to Bruce. At that very moment, Herbert was in charge of a cordon drawn around Stirling Castle and was in the midst of arranging a truce between the Scots and the garrison.<sup>20</sup> It must be remembered that Herbert probably had access to the current state of the garrison and its level of provision from the lips of Joanna. As far as implementing the order was concerned, Kyngstone was impotent; as was his master in this matter, for Stirling could not be saved. A force of English barons had been sent to relieve the castle but they only got as far as Berwick on Tweed before refusing to go any further. The Commander of the castle, John Sampson, was ordered by Edward to surrender it to the Scots and, when he did so, it was into the hands of Gilbert Malherbe, presumably a kinsman of Sir Herbert.<sup>21</sup> If the involvement of Johanna and Herbert was a ploy to provoke Edward, the outcome of which was designed to demonstrate that Scotland had not bowed and capitulated, then it worked admirably.

It was not until 1301 that Edward once more made an attempt to regain control of Scotland. His only success of the campaign was the capture of Bothwell Castle. Having achieved that, he then turned his attention to the key of the northern kingdom: Stirling Castle. During the late summer and autumn of that year, he made preparations for its recovery but getting siege engines across the River Carron seems to have presented difficulties. During this period there are records of payments to waggoners to carry the engines between Bothwell and Dunipace.<sup>22</sup> They seem to have got no further. Other records are concerned with the construction or repair of a bridge over the Carron at Dunipace, as well as road making and improvement. A force of some 6,800 men were engaged in this, of whom the majority were archers along with a small detachment of light cavalry. The foot soldiers, presumably, not only laboured on the roads but they must also have been responsible for the protection of the sappers, masons and carpenters who were building the bridge.<sup>23</sup> Nevertheless, his efforts were to no avail and a truce arranged through the King of France was eventually signed at Dunipace.<sup>24</sup> However, this did not last long and Edward once more raised an army to march into Scotland. In 1303 the new campaign began and few opposed the English army; indeed many submitted to Edward and Stirling Castle fell to their siege. It must have been at this time that Sir Herbert de Moreham became a prisoner once more but how he came to be so is unrecorded. What is known is that he lost his freedom prior to the Battle of Methven, which was fought on 18 June 1306, for in that battle Sir Simon Fraser was taken prisoner. This, for Sir Herbert, was a cruel quirk of fate for many of the Scots had believed in Sir Simon's invincibility; so much so that Sir Herbert had wagered that if Sir Simon was taken or defeated or taken, he would place his own head on the executioner's block. It was to prove his undoing; before executing the old warrior, they flaunted him before Sir Herbert. After the axeman had done his gory task, Sir Simon's head was placed on a spike on London Bridge next to that of Sir William Wallace – they could have given him no greater accolade. Shortly after his death, Sir Herbert, along with his squire, Thomas de Bosco, was also beheaded.<sup>25</sup>

Little is known of Herbert's brother, the young Sir Thomas. He was, as we have seen, a member of the English garrison at Edinburgh Castle.<sup>26</sup> His name appears in an entry of the Ragman Roll for 1296 when he is said to be "of the county of Stirling". He was certainly at the Battle of Falkirk where, according to the English records, his great black horse was killed under him.<sup>27</sup> The last thing that is heard of

Thomas is a note in a transaction between him and the Keeper of the King's Stores at the castle of Berwick on Tweed in December 1300.<sup>28</sup> Under normal circumstances we should have expected the younger Sit Thomas, had he survived the war, to be pardoned by King Robert. The Scottish king refused this to very few: he needed to have the best and strongest in the land with him. The fact that there are no further mentions of Thomas must imply that he died before the end of the war. Was he a traitor to his country? In those days it was the norm to have apparently divided loyalties within families. This usually ensured that the estate remained within the family, whichever faction proved victorious.

In 1322 we find King Robert confirming a charter to Thomas senior, which appears to be combining the barony of Dunipace and those of Duncanlaw and Morham into one lordship.<sup>29</sup> To achieve this, it was necessary for the superior of the barony of Dunipace to resign the lands to the king and similarly for Sir Thomas to resign his East Lothian baronies. This was done and in the process we discover that the superiority which, it will be recalled, was forfeited by the de Umfravilles through their adherence to the English king, was then held by Sir Thomas Randolph. By then, Randolph had been honoured with the Earldom of Moray; reward for his support of Bruce from the earliest days of the campaign. He was Bruce's nephew and a man of great standing in the nation but it must be mentioned that he too had been captured by the English during the war and, like Sir Herbert, had gone over to the English camp for a short time.

His actions upon his return, however, were beyond reproach and he proved one of the ablest and bravest of the Scottish commanders. Upon the death of Bruce, it was Earl Thomas who assumed the office of Guardian of Scotland. It is difficult not to infer from his willingness to resign his interest in Dunipace, an action of regard and recognition for the role of the de Morehams in Scotland's struggle for independent nationhood. Within the terms of the charter, it was ordained that Euphemia de Moreham, the granddaughter of the elder Sir Thomas and her husband, John Giffard, should succeed to the new joint lordship. Euphemia was the daughter of the younger Thomas; a fact established in a charter of confirmation of a gift to Holyrood Abbey in 1345.<sup>30</sup> She and her husband acquired by virtue of their succession "*all of the lands and tenements with their pertinent in the barony of Dunipace*" as well as those in the baronies of Duncanlaw and Moreham in East Lothian. Hugh Giffard is styled in 1345 as "*sonne and air of umqhile [the late] Sir Johne Giffart, knight, Lord de Yester*", which shows that the marriage resulted in the baronies of Herbertshire, Duncanlaw, Morham and Yester being united.<sup>31</sup> Euphemia survived John, who died before 1340.<sup>32</sup> Their son Hugh was still alive in 1350 but had died before 1374.<sup>33</sup>

Having no male heirs, his property descended to his four daughters.<sup>34</sup> One of these, Johanna, married Sir Thomas de Hay and they founded the line of Hays of Yester, Moreham and Duncanlaw.<sup>35</sup> Another daughter, Jonet, married *Nigel de Cunynhame*, who styled himself *Lord of Yester* and he speaks of "*all my tenants of Morhame, Duncanlaw and Yester*".<sup>36</sup> And so Jonet can be seen to have received a fourth share of her father's estates. A fragmentary notice of a charter belonging to the same period exists: it is a charter of resignation by "*Eupham Giffart, daughter and one of the heirs of Hew Giffart*" which is concerned with the lands of *Yhester*,

*Duncanlaw, Morhame, Telyne and Polgavy in the sheriffdoms of Edinburgh, Forfare and Perth.*<sup>37</sup> Three quarter parts of Sir Hugh Giffart's estate have now been accounted for. It is the fourth daughter and the remainder of the estate which concerns us, however, and the appropriate remainder of the lands are found in an indexed charter of circa 1350 wherein John Douglas, son of James, Lord Douglas was granted the lands of *Zester, Morehame, Duncanlau in the sheriffdom of Edinburgh, Telin in the sheriffdom of Forfar, Polgavite in the sheriffdom of Perth and Herbertshire in the sheriffdom of Stirling.*<sup>38</sup> Unfortunately it does not name his wife but we may infer that he married the remaining heiress.

This last charter gives us the first instance of the use of Herbertshire as the name of the lands which formerly appear simply as Dunipace. These should not be confused with the later estate of Dunipace, which was comparatively small, held by a branch of the Livingston family and which was originally a feu derived from the lands of Herbertshire, which had been gifted to the Abbey of Cambuskenneth. It has been suggested that the name Herbertshire is to be associated with Sir Herbert de Moreham but some difficulties are observed in accepting this proposition.

The history of the barony subsequent to the time when it was held by John Douglas becomes much clearer. In 1369 it came into the hands of Archibald, Earl Douglas, although the relationship between John and Archibald is not known, nor do we know on what basis Archibald came to be in possession.<sup>39</sup> Sir William Douglas, Lord of Nithsdale, the natural son of Archibald, married Giles, daughter of King Robert II in 1388 and was granted a charter of the barony of Herbertshire.<sup>40</sup> Sir William and his princess had a daughter, also called Giles and she married Henry Sinclair, Earl of Orkney, to whom the lands passed in 1407.<sup>41</sup> Archibald's charter reads:

*Charter by Archibald, Earl of Douglas, Lord of Galloway and of the barony of Herbertshire, granting to his dearest kinsman, Sir Henry, Earl of Orkney, Lord of St Clair, for his help and counsel, all and the whole of his barony of Herbertchire, with the pertinent, in the sheriffdom of Stirling, to be held to the foresaid Earl and Lady Giles, his spouse, the granter's neice, the longer liver of them, and the heirs lawfully procreated or to be procreated betwixt them, whom failing, to the granter and his heirs, in fee and heritage forever, in one whole and free barony, in moors, marshes etc., with pit and gallows etc., bonds, bondages, and their sequels, and the natives, fugitives, and services of free tenants, heryhelds, etc., for rendering a pair of white spurs*



Herbertshire was to remain with the Sinclairs for the next two hundred years. They had acquired the Earldom of Orkney through marriage and, like most of those of Anglo-Norman descent in Scotland, had originally been settled in East Lothian where their principal seat, Rosslyn, was situated. Their Orkney title was first gained from the King of Norway but, when James II entered into an agreement to marry Margaret, the daughter of King Christian, the Northern Isles were pledged as part of her dowry by her father. The earldom, which had long been a source of worry and embarrassment to the Scottish kings, was relinquished by William Sinclair, son of the above mentioned Henry Sinclair, who had fallen heir to his father's titles and estates and in exchange was given land in Fife. When he died, his estates were divided among his three sons, with the lands south of the Forth going to Sir Oliver Sinclair, who had previously received the title *Rosslyn*.<sup>42</sup>

All seems not to have gone as well with the Sinclair's stewardship of the estate as two centuries of continuous ownership might suggest. Over the years, portions of the estate had been alienated, mostly by being feued or wadset. This was not a new problem, however, for as early as 1314 we find that Seamore in South Herbertshire had been impignorated to the Flemings.<sup>43</sup> By the eighteenth century, the Flemings were in possession of the superiority of the greater part of the parish of Denny. It was such circumstances which led to complications, compounded by the sub-feuing of these lands. This, eventually, was solved by the Sinclairs having their barony redefined and granted anew by the crown.<sup>44</sup>

In 1608 the last of the Herbertshire Sinclairs was bought out by Alexander Livingston, Earl of Linlithgow.<sup>45</sup> During the early seventeenth century, the estate briefly changed hands on two more occasions.<sup>46</sup> Things settled once again when, in 1632, it was purchased by John Stirling, son of William Stirling of Achyle.<sup>47</sup> It continued in the hands of the Stirlings into the following century when, once again, history repeated itself with the barony falling to an heiress, Lady Jean Stirling of Herbertshire. She, we are told, 'sold it to Mr Morehead'.<sup>48</sup> This took place in 1768 and the Morehead referred to was William Morehead of Herbertshire who is on record in 1771.<sup>49</sup> He died in or around 1793 in which year his will and testament was executed.<sup>50</sup> He was succeeded by his son William who is noted in 1831.<sup>51</sup> William survived until 1835 when he, in turn, was succeeded by Dr Robert Morehead who only held the lands for a month before selling them to the Trustees of William Forbes of Callendar.<sup>52</sup> The greater part of the estate remains with Forbes' descendants to this day.

**NEXT : [The Barony of Denny or Temple Denny](#)**

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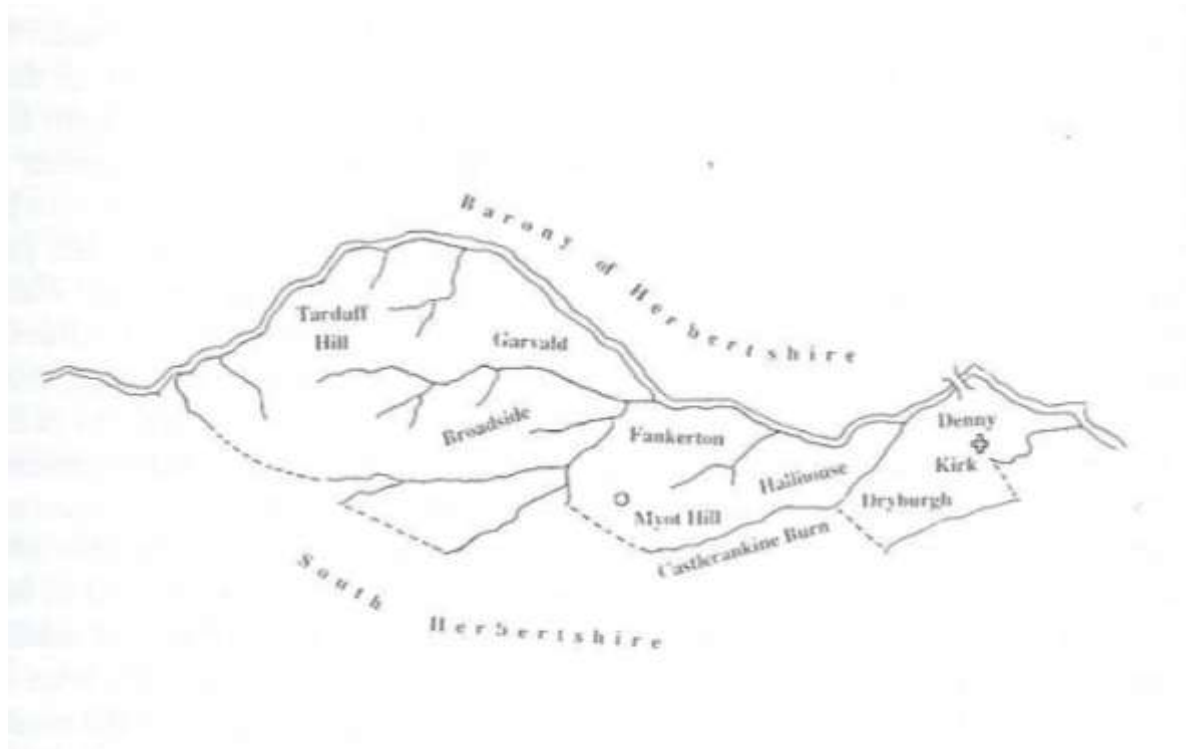
### **NOTES : The Barony of Dunipace or Herbertshire**

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- 1 see infra: "The Barony of Denny or Temple-Denny"
- 2 *Cartulary of Cambuskenneth*, 81
- 3 Chalmers, G., *Caledonia ii*, 510
- 4 *Registrum S. Marie de Newbotle* 233
- 5 *ibid* 236-7
- 6 *ibid*

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- 7 Balfour-Paul, J., *Scots Peerage*
  - 8 *Cartulary of Cambuskenneth*, 79
  - 9 see Duncan, A.A.M., *Scotland: The Making of the Kingdom*, p208
  - 10 Bain, J. *Calendar of Documents relating to Scotland* ii, 1469; 1473
  - 11 Stevenson, J., *Documents Illustrative of the History of Scotland*, p29
  - 12 *ibid* p235
  - 13 *Charter Chest of the Earldom of Wigton*, 625
  - 14 Bain, J. *Calendar of Documents relating to Scotland* ii, 742
  - 15 *ibid* ii, 940
  - 16 *ibid*, 1132
  - 17 *ibid*, 1066
  - 18 Scott, R.M., *Robert the Bruce*, p75
  - 19 Stevenson, J. *Chronicon de Lanercost*
  - 20 Bain, J. *Calendar of Documents relating to Scotland* ii, 1949
  - 21 *ibid*
  - 22 *ibid*
  - 23 *ibid*, 1229
  - 24 Rymer, T., *Foedera* ii, 892
  - 25 Transactions of the Stirling Natural History and Archaeological Society, 1938, p51
  - 26 Bain, J. *Calendar of Documents relating to Scotland* ii, 1132
  - 27 Gough, H., *Scotland in 1298*, p160
  - 28 Bain, J. *Calendar of Documents relating to Scotland* ii, 1180
  - 29 The Register of the Great Seal of Scotland i, Appendix i, 39
  - 30 Liber Cartarum Sancte Crucis, 97
  - 31 Registrum S. Marie de Newbotle, 236-7
  - 32 *ibid*, 26-27
  - 33 Balfour-Paul, J., *Scots Peerage* viii, p422
  - 34 Chalmers, G., *Caledonia* iii, p432
  - 35 Calendar of Writs preserved at Yester House, 32
  - 36 Robertson's Index of Charters, p166, No.4
  - 37 *ibid*, p61, No.32
  - 38 The Register of the Great Seal of Scotland i, Appendix 2, 1068
  - 39 Fraser, W., *The Douglas Book* i, p355
  - 40 *ibid*
  - 41 *ibid* iii, 351
  - 42 Crawford, B.E., *William Sinclair and his Family* in: Stringer, K.G., *Essays on the Nobility of Mediaeval Scotland*
  - 43 Charter Chest of the Earldom of Wigton, 626
  - 44 The Register of the Great Seal of Scotland ii, 3444
  - 45 *ibid* vi, 2192
  - 46 *ibid* vii, 788: vii, 2048
  - 47 *ibid* viii, 2104
  - 48 Nimmo, W., *A General History of Stirlingshire* 3<sup>rd</sup> Edition; New Statistical Account for Scotland; Stirlingshire Inventory; p268, No216
  - 49 Hearth Tax, Scottish Records Office, E106/31/3
  - 50 Commissariat Records of Stirlingshire: Register of Testaments
  - 51 Valuation Roll, Central Region Archives, SC4/3/1
  - 52 Register of Sasines for Stirlingshire, Nos 1796; 1799; 1850

## THE BARONY OF DENNY OR TEMPLE DENNY



Temple-Denny lies in the northern half of the parish of Denny. During the feudal period, this tract of land had the status of a barony, with the formal title of Barony of Denny and belonged at one time to the Knights of St John of Jerusalem. Apart from the place-name, which is retained in a few local street names, it has been virtually forgotten and any memory of its existence has tended to be replaced by vague myths. While it is possible to reconstruct the extent of the holding from the surviving evidence, a greater problem arises when any attempt is made to recognise how the barony came into being as its origins are obscure. Nevertheless, given the evidence which does exist, combined with parallel notices for the adjoining lands, it is possible to indulge in a little conjecture concerning its beginnings. To do so, it is necessary to first look at the history of the orders of Knights which arose in the twelfth century as a consequence of the Crusades. These were the *brother knights of the Temple of Solomon* – known as the *Templars* and the *poor brethren of the Hospital of St John of Jerusalem*, commonly called the *Hospitallers*. Both orders, like the monastic institutions, became the recipients of grants of land from the rich and powerful and consequently became wealthy in their own right. This was to lead to jealousy on the part of some, a jealousy which was expressed through attacks on their integrity and virtue. As an outcome of this, the Templars were outlawed throughout Europe in the early fourteenth century; they were abolished in both Scotland and England in 1312. It would seem that most of the Templars' former holdings were passed to the Hospitallers. However, due to the paucity of early records, it is often difficult to determine to which of the orders' particular lands were first granted; the term *Templelands* being no indicator as the title has come to be used of all lands pertaining to the Knights. Nevertheless, as far as Temple-Denny is concerned, one unprovenanced reference which deserves mention comes from Nimmo's editor when, quoting Spottiswood, he states that King David I erected a barony with a fort for the Templars in Stirlingshire at a place called *Oggerstone*.<sup>1</sup> This place has never been identified but several points must be made: place-names

do change, either by substitution or by evolution and frequently even vanish from use; it is not uncommon to find them mistranscribed; and perhaps worthy of the greatest consideration is the fact that it is difficult to lose a barony entirely.

It is equally essential in seeking the origins of Temple-Denny to look at the history of the territory which now forms the parishes of Denny and Dunipace. Denny, formerly part of the parish of Falkirk, did not become an independent parish until 1641.<sup>2</sup> The parish of Dunipace was created much earlier, sometime before 14267; prior to this it had been part of the parish of Kirkton or St Ninians.<sup>3</sup> It is possible to demonstrate that the bounds of parishes often relate closely, if not exactly, to the geographical extent of baronies or estates which lay within their bounds, a circumstance which is certainly observable in this instance, for the parish of Denny was comprised jointly and exactly of the baronies of South Herbertshire and Temple-Denny, while Dunipace parish contained Herbertshire proper along with the barony of Torwood, which last had formerly been a royal forest. The two largest of these were Herbertshire and South Herbertshire and, indeed, these two are really parts of one and the same, for the southern part of the parish of Denny, the lands between the Castlerankine burn on the north and the Water of Bonny to the south, were formerly part of the greater barony and, indeed, the superiority remained with Herbertshire until the early part of the seventeenth century. It will be seen from the relevant map that the barony of Temple-Denny lay sandwiched between the two portions of Herbertshire and, consequently, it would be difficult to ignore the probability that it originated as a gift by an early owner of that estate to one or other of the orders of Knights. This would not be at odds with the notion that David I had some involvement in the exercise for, as ultimate superior of the lands, he would have issued a postulated but now lost charter of confirmation.

In the immediate period following upon the Wars of Independence, the ownership and possession of lands in Scotland was in a somewhat chaotic state. Several people who, prior to the Wars had been Scottish land-owners, fell from grace and were forfeited. Others who had remained loyal to Bruce were rewarded by grants of land. Some who had previously held land in the northern kingdom but who had chosen the wrong camp managed to come to the King's peace and were allowed to retain their possessions: Robert needed to hold on to such men as they had the strength and resources to consolidate this newly won authority. To this end, a great number of charters were issued by the king, either gifting property, issuing it anew within his terms, or confirming existing holdings. All of these circumstances came into play within the lands and barony of Dunipace. Before the war these had been held within the superiority of the Earls of Angus, represented at that time by the de Umfraville family, who had fought throughout for Edward. They would not, or could not bring themselves to come to terms with King Robert and so lost their Scottish lands and titles. Sir Thomas de Morham had been a vassal of de Umfraville and active possessor through feu of the barony. He was an unrelenting defender of the Scottish cause and suffered great hardship as a consequence. For this reason he not only had his lands returned to him but, in 1314, also gained the lordship of the barony; in effect he now held his feu directly from the king.<sup>4</sup> Sometime between 1315 and 1321, yet another charter relating to Dunipace was drawn up. As it stands, this charter has been described, like the others of this period, as 'drastically abridged' which, for the present purpose, is an unfortunate circumstance. It was issued by King Robert in favour of William Lindsay and grants

*"omnem statum dominie"*, which had been held by Robert de Umfraville, 'formerly Earl of Angus', in the barony of Dunipace. Now it is obvious from all prior and subsequent charter evidence that the Lordship and possession of the barony remained with Sir Thomas Moreham and his successors for at least three generations and so this particular grant is not of the barony of Dunipace in its entirety. Neither is it a grant by Sir Thomas to Lindsay via the king or it would mention him and not de Umfraville. This had to relate to a tract of land which had been within the superiority of Dunipace at the time of the de Umfravilles but was no longer so. It is not beyond the powers of possibility to suggest that the lands in question were the Templelands and that Lindsay was the recipient as agent of the Hospitallers.

It is also necessary to look at the role of the orders of Knights in the Wars of Independence. By and large the brethren appear to have fought on the side of the English king; at the time, the Knights in Britain were ruled from England and their richest possessions lay south of the border. The question has posed as to how, given their role in the War the surviving order, the Hospitallers, were able to re-establish themselves in Scotland and not only retain their lands but also acquire those formerly held by the Templars.<sup>5</sup> The answer is surely the same, in part at least, as that for individuals who, despite their lack of support, were encouraged to settle in Scotland. There may have been yet another reason apart from their stabilising effect on the country: King Robert had always had the desire to take part in a Crusade and he may have seen the support of an organisation having the ethos of the Hospitallers as an essential part of any army which he might raise in future for such a campaign. Whatever the reason, they did return. It is a period in their Scottish history where their records are scant. However, it is of interest that the first recorded post-War master of the order was Ralph Lindsay.<sup>6</sup> From subsequent material we can see instances of this post being handed down from father to son. It was also the custom of the day for relatives to be given offices within baronies, both secular and monastic and so it may not be stretching conjecture too far to suggest that William Lindsay, who had received the grant of land 'in the barony of Dunipace' and Ralph Lindsay were connected in some way. Assuming this to be correct, then we may have in Lindsay's charter of the holding in Dunipace the essence of the grant through which the Hospitallers acquired these lands gifted at some time to the Templars: the lands known as Temple-Denny.

In Scotland the headquarters of the Hospitallers was the barony of Torphichen. From there, the preceptor of the order ruled over several dependent baronies, estates and other properties. A small amount of relevant documentary material pertaining to these has survived, the most important for the present purpose being a rental compiled sometime between 1539 and 1562.<sup>7</sup> This summarised the annual revenues from the Hospitallers' lands and, in an incidental fashion, provides some useful insights which show that some disquiet was then being expressed over the state of affairs in Temple-Denny. Amongst these is an entry relating to Myothill which complains: *"This toun aine Kincaid hes it againis my weill and pais bot 11j merkis and a half quill [god] send ressoun"*. It was almost certainly circumstances such as this which was to result in Walter Lindsay, then Preceptor of Torphichen and the man responsible for the compilation of the Rental, being given the authority of the Grand Master of the order in 1532 to feu to the best advantage any lands which lay detached from Torphichen. The reason given for this was that 'much effusion of



Christian blood had been caused by the inability of the Preceptor to defend the possessions of the Preceptory with the armed hand'.<sup>8</sup> We may presume that Myothill was one of these so dealt with, for when it emerges next, in 1557, it had become the seat of James Forrester, a cadet of the family of Torwood, who then styled himself 'of Myathill'. It may be that in this instance the administrators of the estate had cleverly used "fire to fight fire". From the pages of the rental, the interest of another influential local family is apparent: the Bruces of Airth bestowed the property upon his son Robert, who took 'Garvald' as his title. The title and possession persisted for some considerable time. In 1638, Alexander Bruce of Garvald was retoured heir to Robert.<sup>9</sup> Towards the end of the seventeenth century, the Hearth Tax returns contain 'Garvals part of Pocknave'.<sup>10</sup> As late as 1831, Garvald was still accounted as part of Airth in the Valuation Roll. The title was even formalised by the enrolment of a coat of arms.<sup>11</sup> Bruce of Airth held properties other than Garvald within Temple-Denny; there are records of the family acquiring lands there throughout the second half of the sixteenth century.<sup>12</sup> In 1572, Sir Alexander Bruce obtained a precept of sasine of lands in West Borland in which he installed his third son, John Bruce of Kincavil and sometime around the same period he took possession of lands in East Borland and Burnside.<sup>13</sup> We also find John in 1601, retoured heir to his father in lands which included a part of Fankerton, which we know today as [Randolphill](#), then known as Garvald and Cochranes Mailing, which possessions were described at that time as being annexed to the barony and regality of Torphichen.<sup>14</sup>

As with all monastic lands, the Hospitallers' estates reverted to the crown in the wake of the Reformation. In most instances these properties were sold off to the person who was in occupation at the time of their reversion. Such was the case in 1564 when Torphichen, along with its dependent properties including the barony of Denny, was sold by Queen Mary to James Sandilands, then Master of the Knights of St John, for 10,000 gold crowns.<sup>15</sup> Temple-Denny remained in the hands of the Sandilands for the best part of fifty years until, in 1609, James Sandilands sold the barony to John, first Earl of Wigton.<sup>16</sup> This was the end of the formal association of the barony of Denny with Torphichen. Although it had effectively been secularised by the reversion of the monastic lands to the crown in the mid-sixteenth century, Temple-Denny had nevertheless continued to be part of the temple-lands while in the ownership of the Lords of Torphichen. Now it was to become part of the Earl of Wigton's barony of Cumbernauld.

The earliest surviving notice of Temple-Denny by that name comes from the Wigton connection. In 1515 John, second Lord Fleming, had a tack of all the lands of 'Temple Denny, with the pertinents, lying within the sheriffdom of Stirling, with a power of bailiary within the bounds of the said lands'.<sup>17</sup> This was by no means the Flemings first property transaction in the Denny area. As early as 1357 Malcolm Fleming, Earl of Wigton granted to Malcolm Fleming, Lord of Biggar, his kinsman, the lands of Seamore with the pertinent which had been wadset to him by Sir Thomas Morham.<sup>18</sup> This wadset, a form of mortgage, was drawn up in 1314 and was a subject of a charter which has not survived but, we are told, was sealed and witnessed at Dunbarton on All Saints Day (28 October) of that year.<sup>19</sup> This means that when the particular tack referred to above was agreed, the Flemings had been actively in possession of part of the barony of Dunipace for some two hundred years. Any doubt that Seamore was part of the barony is removed in a later writ which, in

making specific reference to the earlier charter, describes Seamore as 'in the tenement of Dunipace'.<sup>20</sup> That the barony of Dunipace and Herbertshire were indeed one and the same was confirmed by yet another of the Fleming family's papers when, in 1450, Seamore is stated as being in 'the barony of Harbertshire'.<sup>21</sup> The Flemings were to remain the bailies of Temple-Denny for some considerable time. It was not uncommon for these offices to become hereditary. Nor was it unusual for monastic baronies to have secular administrators drawn from illustrious families. Their connections meant greater security for the protection of the estates and it provided the incumbent with a position of power and considerable income. However, there was a brief interruption in their administration. John Fleming, fifth Lord Fleming, grandson of the earlier John who had taken the tack of Temple-Denny, was granted in 1585 a Disposition and Commission of bailiary by James Sandilands, Lord of Torphichen, which made him bailie of the lands and barony of Denny.<sup>22</sup> The grant allowed him to retain half of the casualties of the court, that is the monies from fines and costs. However, Lord John suffered forfeiture, probably because of his allegiance to Mary, Queen of Scots, who by that time was held in England by Elizabeth. Upon his return to favour in 1588, he found Robert Lindsay of Dunrod and John Livingston of Dunipace and his son had 'intruded into the office and bailiary in the barony of Denny'.<sup>23</sup> Two months later, Lindsay had renounced his claim to the office in favour of Lord Fleming but it was to be over a year before John Livingston, the younger, took the same step.<sup>24</sup> The Flemings' grip on Temple-Denny slowly but, inevitably strengthened and, as mentioned above, John Fleming, first Earl of Wigton, succeeded in purchasing the barony from Lord Torphichen in 1608. In 1634 the lands and barony of Denny, with "the castles, mills, etc.," were incorporated into the lordship and barony of Cumbernauld.<sup>25</sup>

Although the Flemings had obviously secured outright possession of Temple-Denny, their superiority was apparently contested. Within the Valuation Roll for Stirlingshire for the year 1831 appears this somewhat curious note:

*"It is proper to remark that J.B. Gracie, W.S. claims the superiority of the feuars of Temple Denny, as having acquired right to the superiority of the whole of the Temple lands in Scotland but Admiral Fleming and his predecessors have exclusively exercised the rights and enjoyed the privileges attached to the superiority of the lands."*

Presumably this is the same J.B. Gracie, W.S. whose handwritten notes concerning his researches into the history of the Knights are still held in the National Library.<sup>26</sup>

From various sources, it is possible to define the extent of Temple-Denny. The northern boundary of the lands is patently the River Carron and the southern the Castlerankine Burn. This last is noted as such in the mid nineteenth century.<sup>27</sup> The earliest indications come from the Torphichen Rental of 1539-62 wherein rents of feu-duties from the barony of Denny are recorded as:

*"East Boreland, West Boreland, Holehouse, Stonywood, Wester Mailings, the Corthy, Fokkerton, Garvald, Myothill, Bullshill, the Meadow and Drum."*

Confirmation of some of these, plus additional material, is found in the later sixteenth century:<sup>[28](#)</sup>

*“Garvald, Garvald and Cochranes mailing, East and West Boreland, Garth, the mill of the barony of Denny, Drum, Burnside, Greens, Hillhouse [recte Hallhouse] Sandyhill and Denny Muir, Wester Mailings, Stoniewood.”*

When the Flemings purchased the barony from Lord Torphichen in 1608, their investment in the lands included:

*“all and sundry the lands and barony of Denny, houses, yards, parts, pendicles and pertinent thereof, pertaining to him either in property or tenure, with the castle tower, fortalice &c., mill, mill-lands, millhill, multures, sucken and knaveship thereof, coals, coalheughs, &c., free privilege of regality of the said barony, with all other privileges, and the whole pertinent of the same.”*

While there is mention of a castle, tower and fortalice, this may be simply a convention. However, the military survey of Scotland, prepared sometime around 1755, shows an otherwise unrecorded ‘Castlehill’ lying on the south-western edge of the town of Denny and roughly in the middle of the barony. Although there was a need for detached dependent baronies to have centres of administration, this function was occasionally carried out at a local church, as was the case with the barony of Abbotskerse: a dependency of Holyrood Abbey. Nevertheless, we should bear in mind the eighteenth century mention of the erection of a Templar barony with a fort in Stirlingshire by King David which, it may be recalled, was named *Oggerston*. The similarity of this place-name with the early forms for Fankerton might raise the suspicion, given the report to be correct, that this was indeed the land which was to become known as Temple-Denny.

**NEXT : [The Barony of Torwood](#)**

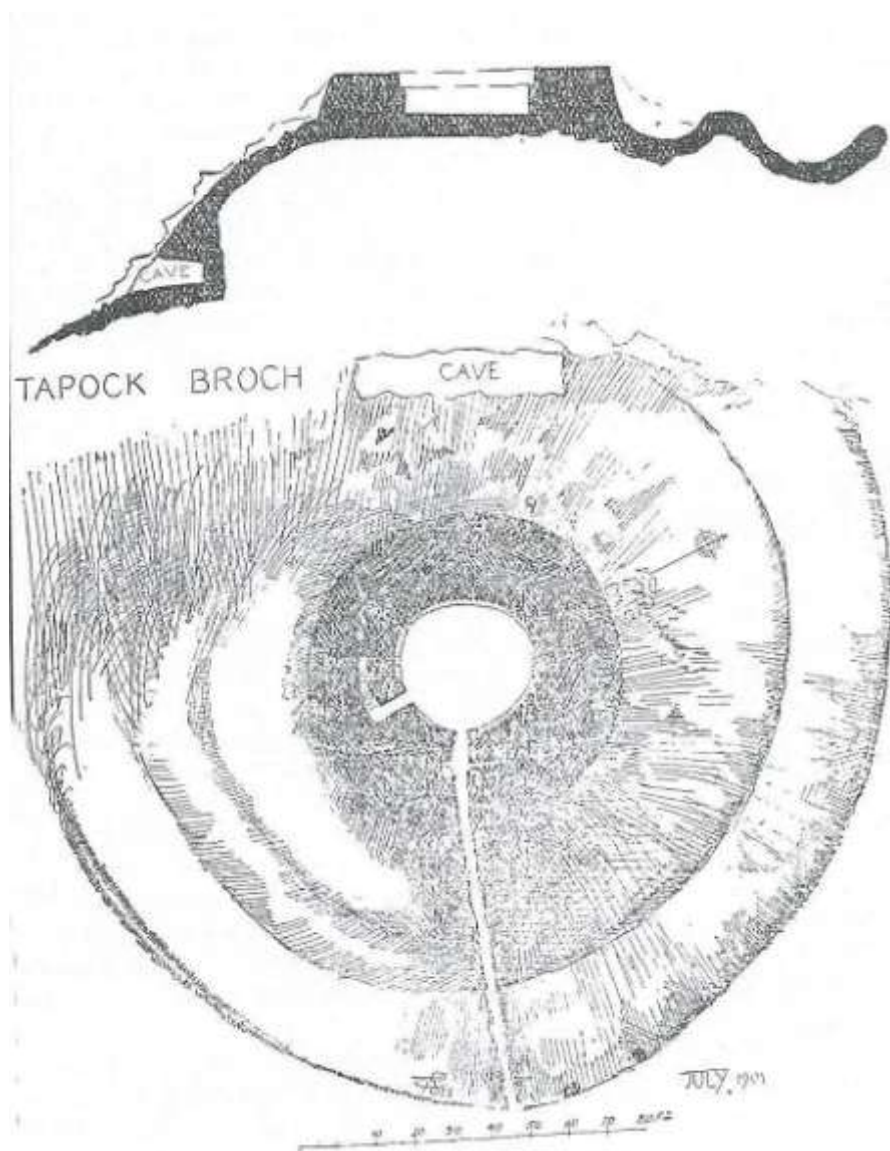
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**NOTES: The Barony of Denny or Temple-Denny**

- 1 Nimmo, W., *The History of Stirlingshire*, 2<sup>nd</sup> Ed. (1817)
- 2 *Acts of the Parliament of Scotland* V 224
- 3 Cowan, I.B., *The Parishes of Mediaeval Scotland*
- 4 *Register of the Great Seal of Scotland* I, app.1, 39
- 5 Cowan, I.B., *et al*, *The Knights of St John of Jerusalem* pXXX
- 6 *ibid*
- 7 Scottish Records Office GD247/101/1a
- 8 Scottish Records Office GD119
- 9 Stirlingshire Retours 8629
- 10 Scottish Records Office E106/31/3
- 11 Lyon Register, pp1-254; Bruce of Garvald 1672-1678
- 12 Scottish Records Office GD37
- 13 Gracie, J.B., Abstracts of the Charters and other papers recorded in the Cartulary of Torphichen from 1581-1596
- 14 Stirlingshire Retours 27
- 15 *Register of the Great Seal of Scotland* iv 1499
- 16 Charter Chest of the Earldom of Wigton – 751, 752, 753
- 17 *ibid* 741
- 18 *ibid* 4
- 19 *ibid* 62
- 20 *ibid*
- 21 *ibid* 627
- 22 *ibid* 744
- 23 *ibid* 746
- 24 *ibid* 747, 748
- 25 *Register of the Great Seal of Scotland* ix 22
- 26 Gracie, J.B., Abstracts of the Charters and other papers recorded in the Cartulary of Torphichen from 1581-1596
- 27 New Statistical Account, Denny parish
- 28 Gracie, J.B., Abstracts of the Charters and other papers recorded in the Cartulary of Torphichen from 1581

## THE BARONY OF TORWOOD

When the Romans occupied Britain, Torwood was almost certainly the seat of a Celtic prince or noble; at the highest point of the wood lie the remains of a fortified structure which could only have been constructed by a person of influence and power. The broch, as it is known, is arguably the finest archaeological monument in East Stirlingshire. Evidence from excavations suggest that the people associated with the tower were living harmoniously with the Romans, an assumption which is strengthened by the close proximity of the Roman road which led northwards from the fort at Camelon to Perth. The ancient name for Torwood was Keltor, which translates as 'wood [of the] *tor*'. Without any doubt the *tor* is the broch – the tower



Section and Plan of Torwood Broch (1901)



Sometime between 1147 and 1153, David I made a gift to the Abbey of Cambuskenneth of "easements in my wood of Keltor".<sup>1</sup> Evidently the Celtic name was still recognised at that time, Torwood anciently was a royal hunting forest. It was also an area which loomed large throughout the troubled times of the Scottish Wars of Independence lying, as it does, straddled across the route from Edinburgh and the south to Stirling. Its pivotal position is demonstrated in an edict from Edward I to Patrick, Earl of March and Dunbar:

*"But now we pray you and we charge you as much as we can, upon the faith which you owe us, that you take up your abode about Donypas and about Torres [Torwood] and the Polles [Pows], and about all these parts, as best you may, to watch the enemies as thoroughly as possible by your own troops and those of the district, and so that they should not by any means be able to regain Stirling Castle nor come near between you, without their great loss."*<sup>2</sup>

Blind Harry places many of the episodes of Wallace's life within the Torwood. On one occasion, for instance, while hiding from the English he was given shelter in a woman's humble cottage in Torwood while her sons attempted to contact Wallace's friends. To this day a tradition exists of an ancient oak tree at Torwood in which he is said to have hidden. We know too that King Robert the Bruce, in the lead-up to Bannockburn, conducted many of the operations from there. Torwood was the place of hosting.<sup>3</sup> On the day that the English army arrived at Falkirk, the Scots were assembled in Torwood in four brigades.<sup>4</sup> From this wood, Bruce led them along the ancient Roman road to the field of Bannockburn. It was along this road that Edward's vast army came; and it was also to become the means of escape for a great many of them on the following day. In the days before the leadership of Bruce, the Guardians of Scotland operated through necessity from many bases, including Torwood. It was from there that they sent a letter to Edward of England containing an offer to cease hostilities at the mediation of the King of France signed by the Bishop of St Andrews, the Earl of Carrick and John Comyn the younger, at the 'Forest of Torre'.<sup>5</sup> Any doubt that Torres and Torre refer to Torwood are dispelled by a contemporary document of 1359 concerning hay from the wood, described as "*fogagio del Torr*" and which is said to be in the hands of Lord William More of Abercorn.<sup>6</sup> Especially so when we consider that the earliest record recovered from Torwood being held in feu comes from 1381, when it was then in the possession of Sir William.<sup>7</sup> He was the grandson of Gilchrist More and son of Rannald More, one time Great Chamberlain of Scotland. Unusually for the time, his pedigree was Celtic rather than Norman. He owned a number of estates. Obviously, by virtue of his title, his main estate was Abercorn in West Lothian. Dene in Mid Lothian was also his while, in Stirlingshire, he owned huge parts of the lands of Airth, Cambusbarron, Cragforth and Skeok as well as Torwood. His possession of Abercorn followed on the resignation of John Graham.<sup>8</sup> There is a strong, although not overt, Graham connection with some at least of the Stirlingshire lands. Sir William had an illegitimate son, also called William. Although he is named in the line of succession, it was Sir William's daughter, Christian, who was the principal heir. She married Sir William Lindsay of Byres, who flourished between 1366 and 1413 and carried all of her father's lands to that prominent East Lothian family. William and Christian had a son, John Lindsay, who succeeded to all of his parents' heritable lands, with the exception of Torwood. Probably in 1398 but certainly

sometime between 1390 and 1406, Sir William More of Abercorn granted to David Fleming of Biggar, a forerunner of the Earls of Wigton:

*“his hail lands of the Forest of Torwood, with pasturage and foggage and with the office of Forrestrie of the same, to be holden of the king as he himself had holden it for service used and wont”.*<sup>9</sup>

Given the conventions of the day, we might be forgiven for presuming that David Fleming had married a daughter of William and Christian and that Torwood was part of her dowry. It is of interest to note that this is the earliest record recovered for the office of Forester of Torwood. David was succeeded in Torwood by Malcolm Fleming of Biggar, his son.<sup>10</sup> Malcolm met a violent death sometime around 1443 and Sir Alexander Livingston of Callendar was required to swear an oath before four bishops, in the presence of Malcolm's son, Robert, that he had not given council, assistance or consent to “the death and slaughter” of Malcolm.<sup>11</sup>

The Flemings, despite their titles of Wigton and Biggar, had local connections. Their principal seat became Cumbernauld Castle and, from at least as early as 1314, they held several properties north of the Water of Bonny, such as Seamore and Castlerankine. Indeed, as will be seen in the relevant section, they went on to possess virtually all of [South Herbertshire](#). Malcolm was probably the last of the family to own Torwood. He was succeeded by Robert but there is no mention of that property in writs pertaining to him. Robert was still alive in 1472 but in 1468 reference is made to Robert Forrester of Torwood and his son, Alexander Forrester of Torwood.<sup>12</sup> For the next two hundred years the story of Torwood is the story of the Forresters.

In the fourteenth century custodians of royal forests other than Torwood are noted on seven occasions while in the following century a further six appear. In most instances the office of forester seems to have been a hereditary post. Evidently, at some time in their past, the family of Forester must have held such a position in society. The most prominent holder of the name in the second half of the fourteenth century was Adam Forrester. He was a burgess of Edinburgh and held the office of Justiciary Clerk of Scotland. In 1376 William More of Abercorn granted him the lands of Corstorphin and he and his heirs were from then on designed ‘of Corstorphin’. Perhaps he too had married well. He went on to acquire numerous properties, including Castlecary in 1376 and it may be that there is a connection between Adam and the local branches of the family.

Robert Forrester is the first of the name recorded as occupying Torwood. By the time of that notice, 1468, he had died and he was succeeded by his son, Alexander. Only a few years later, the incumbent was another of Robert's sons, Malcolm Forrester, who had bought the estate from his brother, Alexander.<sup>13</sup> He was certainly titled ‘of Torwood’ as early as 1472.<sup>14</sup> Malcolm and his kinsman, Alexander Forrester of Airthbeg, along with William Monteith of West Kerse and his brother Thomas, were brought before the sheriff of Stirlingshire charged with the slaughter of William Barton. This is but one instance of the Forresters' behaviour which was to bring the family notoriety in the district. But if the Forresters treated others in a callous fashion, they did not always have it all their own way. As well as Torwood, they feued adjacent lands in Dunipace. The feudal superior of these was

Sir Oliver Sinclair of Rosslyn: he was powerful enough to treat the Forresters with arrogance, as can be seen in the following instance:

*“Instrument narrating that James Forster, son and procurator of Malcolm Forster of Torwood, passed to the gate of the castle of Rosslyng and sought the presence of Sir Oliver Sinclair of Rosslyng, knight, baron of the barony of Herbertschir, asking James Sclatter, gatekeeper of the said castle, if he could have admittance to the said Sir Oliver; the said gatekeeper replied that Sir Oliver was in the castle, but was then at his dinner, and therefore refused to give admittance; notwithstanding, the said James Forester waited for an hour near the castle, and because he could not have either entry or reply, he asked that the lands of Donypace, lying in the barony of Herbertschir and sheriffdom of Striveling, sometime recognosced in the hands of the said Sir Oliver, superior of the same, should be set in pledge to him as procurator for his said father; he offered to do for the said lands what he aught to do in law, and protested that the absence of the said Sir Oliver should not prejudice his father.”.*

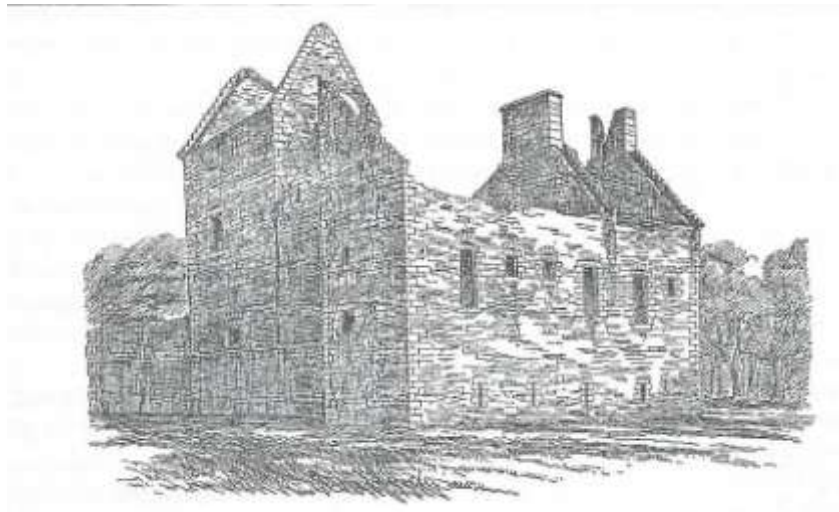
In 1476 Malcolm's son and heir, David, acquired the lands of Torwood and the office of forrester.<sup>15</sup> It seems that David did not survive his father, however, for when Duncan Forrester of Gunnershaw bought the lands and office in 1488, they had most recently been held by Henry Forrester, son of Malcolm. These were troubled times. The Scottish nobles had long been in dispute with James III and, on more than one occasion rebelled against him. One episode touched upon Torwood:

*“The king raised and his consall and lordis that was witht him and passit fordwart to the Torwode in arrayit battle and planted doun qutill ma come to him. Bot the kingis enemies on the wther side come pairt lve fordwart to the watter of charrane abone the brige”.<sup>16</sup>*

There is a suggestion that Henry may have perished at the later and decisive Battle of Sauchieburn. A manuscript pedigree of the family gives the new owner, Duncan Forrester, as a grandson of Robert, albeit via the wrong side of the blanket. He served in the court of James IV, among other things as Comptroller of the King's Household. Records show that he was a skilful opponent at *“the cartis”* and at one session took *“10 Franch crownis”* from the king. It was during this time that King James was establishing a Scottish Navy. He had one dockyard at Newhaven near Edinburgh and a second at *Polerth*, that is the Pow of Airth. It is stated that every wood in Scotland, with the exception of the hunting forest of Falkland, was laid bare to provide the necessary timber for the building of the ships. Further records show that 60 horses were stabled at Airth for two years for the purpose of drawing timber; Torwood lies about 4 miles from the Pow of Airth as the crow flies. In the following century a Jesuit priest, journeying from Edinburgh to Stirling, passed through Torwood, of which he said:

*“now hath nothing but some scattered oackes, dying from antiquity, which conserve the name and memory of that sometimes so famous a wood especially in the history of Wallace”.<sup>17</sup>*

Above all else, it was probably the proximity of Torwood to the Forth which caused the dockyard to be sited at Airth. The king spent a lot of time in the area, do doubt keeping a close watch on the proceedings but also indulging in recreation. As well as playing cards he went hawking; in fact he lost a hawk in Dunipace. His wife, Queen Margaret, hunted in the Torwood. No doubt Sir Duncan's status at that time owed much to his possession of the office of forrester.



**The Ruins of Torwood Castle (c 1901)**

Duncan Forrester acquired the estate of Garden-Sinclair in Perthshire in 1496, after which he and his heirs assumed the title of Forrester of Garden. He disposed Torwood with the office of forester along with other lands in 1497 to his son Walter. The remainder of his lands were resigned in favour of Walter in 1508, at which time all of the lands, including Torwood, were erected into the barony of Garden-Forester. Walter seems to have died sometime around 1528 and was succeeded by his son, James Forrester of Kincardine. We may infer that James by that time was of a considerable age, for he almost immediately resigned the family lands and the office of forester to his son David, who was married to Elizabeth Sandilands.

The next custodian of the forest was Alexander. He was most certainly the grandson of Duncan but whether David or one of his two brothers, Robert or John, was the father is unknown. If, by then, the Forresters had established a reputation for being ruthless, Alexander was the man who reinforced it. His name echoes and rebounds from page after page of the sixteenth century records of the courts of Scotland. He succeeded to Torwood in 1588, by which time he was married to Jean Erskine. They produced at least 5 sons and 2 daughters. Amongst his feuds was one with his neighbour, Thomas Bruce of Larbert Shiells. Bruce's cattle were in the habit of straying into the wood, due to Alexander's neglect of the dykes. His servants "*schot and hochit his guidis to his great skaith and heaveie dampnage*". This led to bad blood between them and so Thomas took the matter to the Court of the Privy Council, who ordered Alexander to "*big and hald up ane sufficient dyke*". Another neighbour was John Drummond of Slipperfield, who held part of the estate in tack. A dispute arose between them concerning the marches of the lands and tempers rose. Forrester and his immediate followers, along with "*a grite nowmer of armet personis, bodin in feir of weir*" - that is, armoured and clad for battle - had



threatened Drummond. This too was brought to the attention of the Privy Council, who sent three lords to investigate the disputed bounds and reconcile the argument. When they came to Torwood, they were met by Alexander at the head of "*ane thowsand men on horse and fute, bodin in feir of weir*". Despite entreaties to Alexander over a period of days, the deputation had to retire frustrated. Two years later, he and one of the Bruces of Airth fell out over a woman who was the object of both of their affections. In the middle of Stirling, a battle ensued between Alexander with his cohort and the Bruces along with their allies, the Livingstons of Dunipace. Several people were injured, including one of the Livingstons. This led to a feud between the Forresters and the other two families, which resulted in the murder of a man named David Forrester, a Baillie of Stirling. The Baillie was also a servant of the Earl of Marr and he was greatly displeased. So much so that he had a banner painted, portraying the dead David, displaying each of the numerous gun shots and knife wounds which had ended his life. Marr had the murdered man's corpse carried to his funeral through the lands of his murderers: Dunipace and Airth. The banner was carried to the fore and Marr, dressed in armour, was accompanied by 600 followers clad for battle. Livingston and Bruce did not issue forth to the challenge. They were cited to appear in Edinburgh to answer for the deed. Marr allied with Alexander Forrester and they and their followers, as well as those of the other parties, were rumoured to be threatening to come to the capital to add their weight to the proceedings. This led to great alarm. It was felt that open warfare was about to break out in the streets. Even the crown became involved and all parties were ordered to stay away from the trial, other than those actively engaged in it.

Alexander did not mellow with advancing years. Cited upon certain charges, he refused to appear and was consequently "put to the horn". John Roishill, the officer-at-arms who delivered the letters of horning to the mercat cross of Stirling was brutally attacked by John and Alexander Forrester, sons of Alexander, along with other kinsmen. All of them, including the Laird of Garden, were outlawed and Alexander remained so until his death.

He died in January 1598 and was succeeded by his son James, who had not been involved in that final episode. During his father's stewardship, the estate had got into financial difficulties. Several of the family lands, including Garden, were lost and James reverted to the title of "Torwoodhead". He had a son, Alexander, who did not succeed to Torwood; instead it went to his sister, Margaret Forrester and her husband, Lord William Ross of Murieston. This was in 1635 and he seems to have cleared the debt on the estate. Having done that, he then sold it in the following year to Lord George Forrester of Corstorphin. As mentioned above, there is a suspicion that the two families, Corstorphin and Torwood, came from a common stem and it may be that Lord George saw Torwood as the original hereditary font from which their lineage had sprung. He had a son, John but he died before his father without producing a family. Of his two daughters the elder, Jean, married James Baillie, son of Lieutenant-General William Baillie of Letham in 1649 and, as part of the terms of the contract of marriage, all Lord George's estates, including Torwood with the office of forester, went to the young couple. If the circle was completed for the Forresters, so too had history once more repeated itself insofar as Torwood had changed hands once more through marriage. In this instance, however, the new owner, James Baillie, was required by the terms of inheritance



written into his charter to take the name of Forrester, as were his descendants. It is of interest to note that Jean's younger sister, Lillias, married William Baillie, younger brother of James.

It was during the occupancy of Jean and James that Torwood, once more, was touched by the hands of war. This was the time when Cromwell's army was confronting the Scottish army supporting King Charles. In 1651, the Scots lay on the north side of the River Carron, where they constructed a strong defensive line. An English trooper made the following entry in his journal:

*"21 July – Scots returned to their old quarters and leaguer at Sterling where they kept their whole body within their trenches, and not above 40 horsemen that appeared to look upon us, we march through both their leaguers, the one in Torwood and the other about one and a half miles further east, where we find that besides the advantage they had of a river, very impassable where an army stands to defend, they had covered themselves with a line almost as regular as most I ever saw."*<sup>18</sup>

James not only acquired the estates of his father and father-in-law, but a patent was gained allowing him to take the title of Lord Forester upon the death of Lord George. He met a gory end when he was stabbed to death by his own sword by a young woman with whom he had a liaison. The grand-daughter of Lord George, she was tried and found guilty of the crime and beheaded in Edinburgh in 1679. James had a son who died as a child and so, by the terms of the inheritance, the estates fell to William and Lillias, brother of James and sister of Jean but he did not take the title. Instead, it went to their son, William. The titles and lands further descended through two Georges, son and grandson. The first served in the army under Marlborough and the second in the navy. The last did not marry and was succeeded firstly by his cousin who, like George, had no family and so everything went to George's sister, Caroline, baroness Forrester. She, with the consent of her husband and the remaining members of the family, sold Torwood in 1749 to Thomas Dundas, younger of Fingask. The Forrester connection with the wood had come to an end.

Thomas Dundas was a predecessor of the Earls of Zetland, the family who played a major role in the building of the [Forth & Clyde canal](#) and in the founding of [Grangemouth](#). His father had previously taken possession of other lands in the district, including Letham. Torwood remained with the Dundas family until 1882.

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### NOTES: The Barony of Torwood

- 1 Cartulary of Cambuskenneth
- 2 Documents Illustrating the History of Scotland ii p468
- 3 Barbour, *Bruce* p197
- 4 *ibid* pp200-1
- 5 Bain, Calendar of Documents Relating to Scotland ii p1109

- 6 Exchequer Rolls of Scotland I 697
- 7 Register of the Great Seal of Scotland I 697
- 8 *ibid*, appendix ii 815
- 9 Wigton Charter Chest 227
- 10 *ibid* 229
- 11 *ibid* 29
- 12 Register of the Great Seal ii 978
- 13 *ibid* 2388
- 14 Abstract of the Protocol Book of the Burgh of Stirling
- 15 Register of the Great Seal of Scotland ii 1249
- 16 Bailey, G.B., *Along and Across the River Carron*, [\*Calatria\* 2](#)
- 17 Fleming, J.S., *Ancient Castles and Mansions of Stirling*
- 18 *Cromwelliana* p106-7