
The Muir of Falkirk

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Until the middle of the eighteenth century, prior to the agricultural and industrial revolutions, the greater part of the population of Scotland lived outwith urban settlements. Theirs was a largely agrarian life. People lived for the most part in hamlets known as *toons*.

Each township usually comprised, over and above the dwellings, portions of croft-land or infield, that is the best land of the holding wherein was grown the staple crops of the community, outfield land which was mostly fallow but intermittently grazed and cropped on a cyclical basis and meadows from which hay was cut. The actual fashion in which these lands were held by the joint tenants and or feuars is often referred to as *run-rig*. This term is used loosely for the agricultural structure and methods of the period but there is a great need for a proper study of the system for it has been sadly neglected. What is indisputable is that each *toon* belonged to a larger land holding: an estate or barony. It follows that each of these estates consisted of a number of *toons*, central to which, in a figurative sense at least, was the *commonty* or common muir

In the earlier period the arable lands were not enclosed and the crops growing upon them were susceptible, as a consequence, to damage by domestic animals. Because of this the agrarian system of *transhumance* evolved. This involved the grazing animals being driven from the *toons* during the growing season to a common grazing area some distance removed. Traditionally this was on the higher, more marginal parts of the land, hence the elements *hill* or *muir* are often found in the names of places associated with these grazings. In Falkirk District, the most spectacular of these places is found on a high ridge south of the town of Falkirk where three great commonties lie cheek by jowl. This is the area within which lies the present village of [Shieldhill](#), its very name, albeit somewhat corrupt, being a reminder of this activity. Shieldhill stands within what was the commonty of the barony of Abbotskerse, a dependent barony of Holyrood. To the south marched the commonty of Muiravonside, which itself was common to several [baronies](#), while to the west the lands of Wester Shieldhill lie within the barony of [Callendar](#), thereby demonstrating that these lands were the part of the ridge which formed at some early period the commonty of that estate.

During the feudal period Falkirk, as a settlement, was unusual. Despite the fact that it did not formally become a burgh until the early seventeenth century, it is patently obvious from earlier notices that it performed many of the functions of one. Built, as it was, around a church whose origins lie in the dark ages, it was the focal point for the greater part of East Stirlingshire. It was also unique insofar as it was divided between two major baronies, Callendar and Abbotskerse, and remained so until the seventeenth century. One feature which normally distinguished a burgh

from lesser settlements was its independence from surrounding baronies and for this reason each burgh had its own commonalty; usually called "the burgh muir". Despite the town bearing many of the attributes of a burgh, as far as the compilers of charters and sasines were concerned, it was treated for all legal purposes as a *toon* and yet Falkirk had two commonalties: the south muir and Grahamsmuir which, although held by baronies, seem to have been used in the same fashion as burgh muirs. The southern one lay on the high ground above the town and pertained to that part of Falkirk which belonged to Callendar, while Grahamsmuir lay to the north and was part of the towns and lands possessed by Abbotskerse.

Some of the earliest references to the muir are found in the records of the baron court. For instance, it is noted that the townspeople were obliged to employ a herd to take their cattle to the muir each day during the hours of daylight.² In 1643 it was ordained that:

the awner of ilk kow that sall be fund to pastour and feide upone the comone mwiris of Falkirk to pey to the comone hird weiklie 1ss

The use of the muir in this fashion persisted for several centuries. Even the unification of the town in the seventeenth century is unlikely to have had any marked effect upon the usage of the muirs. Those who previously had right or privilege upon either of the muirs would have continued to use them in their customary way. It was the agricultural revolution which saw the beginning of the end. Several acts passed through parliament for the division of commonalties. In the earliest days of feudalism in Scotland the commonalty was the sole possession of the baron but on every occasion upon which he sub-feued a parcel of land he was obliged to endow the new feuar a right to the muir proportionate to the value of the land disposed of. Hence, when the divisions began in the eighteenth century each of the users of the muir who had a heritable possession within the barony was entitled to an appropriate share of the muir. This right would usually be written into the feu charter of each land-holding. On many occasions this led to disputes; often long and protracted. Such was the case with the South Muir of Falkirk. When [William Forbes](#), who had bought the [estate of Callendar](#) in 1783, brought an action for its division in 1798, some two hundred people declared a heritable interest.

Although the court records cease in the first quarter of the eighteenth century, the memorial or account of the legal proceedings of Forbes' action to divide the muir, or more accurately to take it into his sole possession, provide many insights into the uses for which the south muir was used, over and above the obvious one of grazing livestock.¹ Many of the examples found within its pages reinforce the rights or privileges implied in charters and sasines and from these we may assume a model for most commonalties throughout the country.

Among the facts revealed was that the use of the common herd mentioned above continued beyond the time of the '45 rising. One witness, James Gilchrist, a shoemaker in Falkirk, who at that time was about 66, recalled:

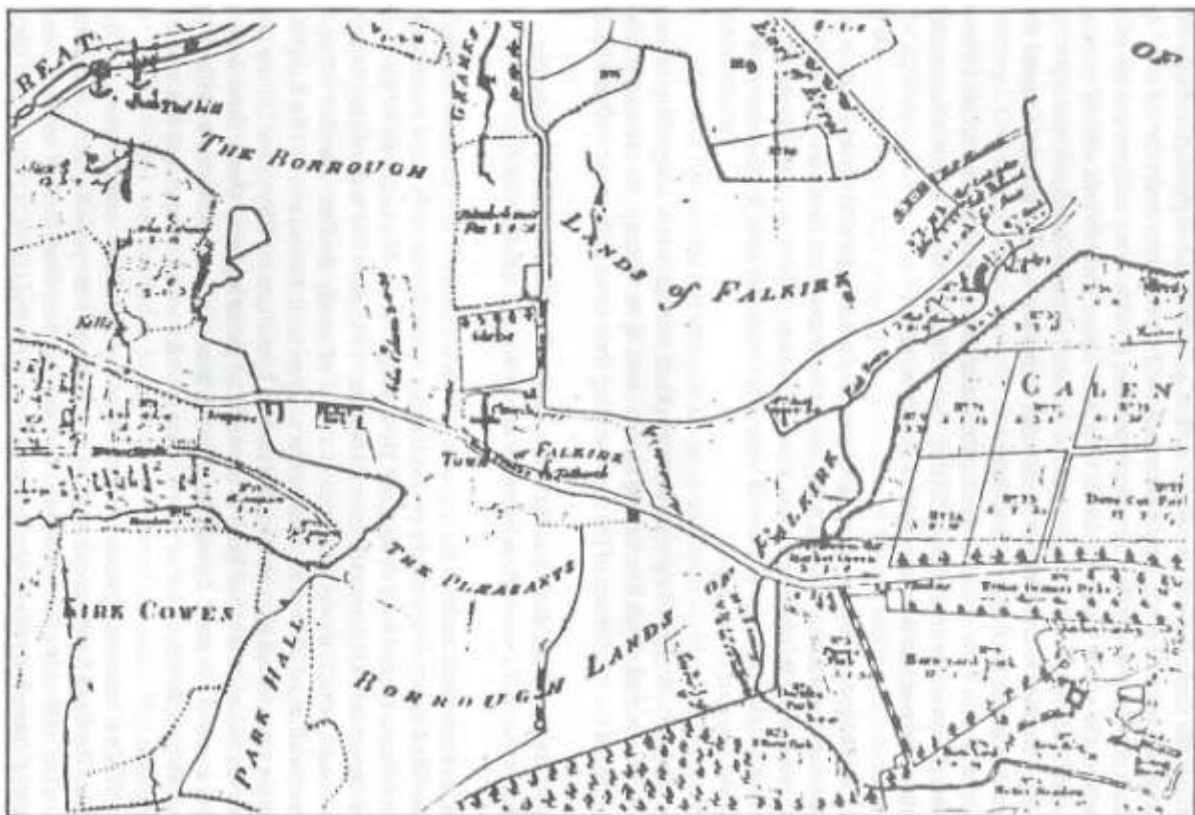
"about Thirty of Forty years ago numbers of the inhabitants of Falkirk sent their Cows out to graze on the said Muir, under the charge of a Common herd, and he remembers this herd having a custom of

blowing a Horn to warn the people to put out their Cows to be carried to the Muir under his care, for the most part in the forepart of the day”

Similarly, William Dalglish, weaver in Muttonhouse, who was aged 70 years had known the muir all of his life, having always lived in its vicinity. He too said that he remembered the inhabitants of the town sending their cows to the muir with the herd:

“who used to blow a horn to collect them about nine o’clock in the morning, but that he had not known the horn much used since the rebellion of 1745”

What becomes obvious from the testimony of the witnesses is that the use of the muir had declined dramatically; in the period leading up to the case only a few individuals had continued to send their cows there. However, the reduction in the use of the muir for pasturing animals during the interval between 1745 and 1798 is shown not to have been instantaneous: it was rather more a time of steady decline. Another witness, Robert Small, aged 60, was a tenant farmer at Lyonthorn. He had married the daughter of the previous tenant who in turn had farmed Lyonthorn for fifty years. During that period, his father-in-law had been in the habit of pasturing sixty sheep, three horses and six cows on the muir. Lyonthorn, it is worth noting, only extended to around 10 acres. Without the provision of the common it could not have supported that amount of livestock.



While it becomes obvious from the testimony of the witnesses that the use of the muir had declined for the purpose of grazing animals in the period immediately prior to the case, with only a few individuals still sending their cows there, it had

continued to be used extensively for other purposes. Certain *servitudes*, that is rights of use, upon the muir were still then being exercised. The cutting of turves, known as *feal and divot*, was an ancient privilege which was still of importance. Turf was used extensively for thatching roofs and some dwelling houses still seem to have been so covered at that time for one witness, John Graham, described as “a resider in Falkirk”, stated that he had driven turf from the muir to William Hodge for the purposes of:

“manuring land and facing up barns, coping dykes, and rigging houses”

The claim of one of the contenders to his right of the “*liberty of casting feal and divot upon the Common Muir of Falkirk*” was in respect of houses “*lying upon the north side of the Backrow*” [now Manor Street] and that this material was specifically for “*thatching and upholding*” of these houses, albeit at the time they were described as “*partly ruinous*”. One of the most important uses to which the turf was put was as a fertiliser on arable land. John Cowie, the former tenant of Lyonthorn mentioned above, had been in the habit of taking in any one year “upwards of One hundred Carts of Turf” for this purpose.

Another product of the muir was clay, although we are told nothing of the use to which it was put from this account. It may be presumed that it was largely used for building purposes; the discovery of clay-bonded walls in an excavation within Falkirk in 1985 would tend to support this. Subsequently other fragments of such walls in situ within portions of buildings still in use in the town centre have been recognised. It may be that it was still being used in non-residential situations to construct clay and wattle structures, or even being used in this fashion within dwelling houses for partition walls. The use of clay and wattle construction has been noted in the landward area. Although there is earlier evidence for potters operating in the town, not all clays lend themselves to the manufacture of ceramics. Some may have been used for *puddling* the many malt kilns which lay in the town.

The muir also provided some fuel. Despite the fact that the “coal-hill” of Falkirk lay upon the muir and evidence shows that coal was commonly being used locally for domestic purposes from at least the middle of the seventeenth century, some peat was still being taken from it. But peat and coal were not the only fuels to be exploited on the muir: it appears that whins were the favourite fuel of the baxters or bakers, who had been in the habit of cutting them and taking them from there to use in their ovens. At least they did when the local children had not burnt them before they got the chance, for they would seem to have occasion to attempt to prevent them from doing so. Whin was a most useful commodity. It wasn't only used to fire the baxters' ovens. John Kerr, the parish bellman, related that he had taken whins from the muir for the Reverend Mr. Wilson's “houses and stacks”. Just in what way they might have been used in the structure of houses is not clear but, from the evidence of other witnesses it is clear that they were placed under corn and hay stacks as *footings*. This allowed air to circulate under the stacks, thereby prevented the stored crops from being in contact with the ground, which would have led at best to rotting and at worst to burning by spontaneous combustion.

An ancient privilege which, it was claimed, was still practised but which, the evidence would suggest, was almost obsolete, was of quarrying of stones from the

common. So we might deduce from the further evidence of Robert Cowie, who remembered:

“the building of Doctor Deniston’s houses in Falkirk, and he thinks the stones were got in the Coalheughbraes quarry, as there was no other place at that time where they could be got, and this quarry is not in the Muir in dispute, and he dares say it is forty years since Doctor Deniston’s house was built”

The process of growing flax, converting it to lint and weaving it into linen is one of the oldest known to man. It was certainly practised in this area from early times but the late eighteenth century saw its encouragement as a major industry in Scotland. Much of the money for this came from the proceeds of the estates sequestered in the aftermath of the two risings. Part of the procedure involved was softening the flax after harvesting by placing it in water-filled pits dug in the ground before being taken to lint-mills, where the stalk was bruised to separate the fibres. The Memorial notes that the muir was used by most of the defendants for this purpose for “a number of years”. This might suggest such usage upon the South Muir was related to the recent growth of the industry rather than earlier traditions.

It is possible to determine one other use to which the townspeople put the muir, and one which was almost certainly a latter-day exercise. This was the supply of water to the town. As Falkirk grew, it became increasingly difficult to supply all of the inhabitants from the town wells alone. It fell to the feuars and stentmasters to try to establish an alternative water supply. We are told that one of the “rights” of the feuars was:

“To the privilege of traversing the whole Muir as they saw cause in search of water to supply the Town without being bound to abide by any particular track, and without any interruption for these last fifty years”

But, it would seem, the feuars need not have feared on this score, for Mr Forbes responded:

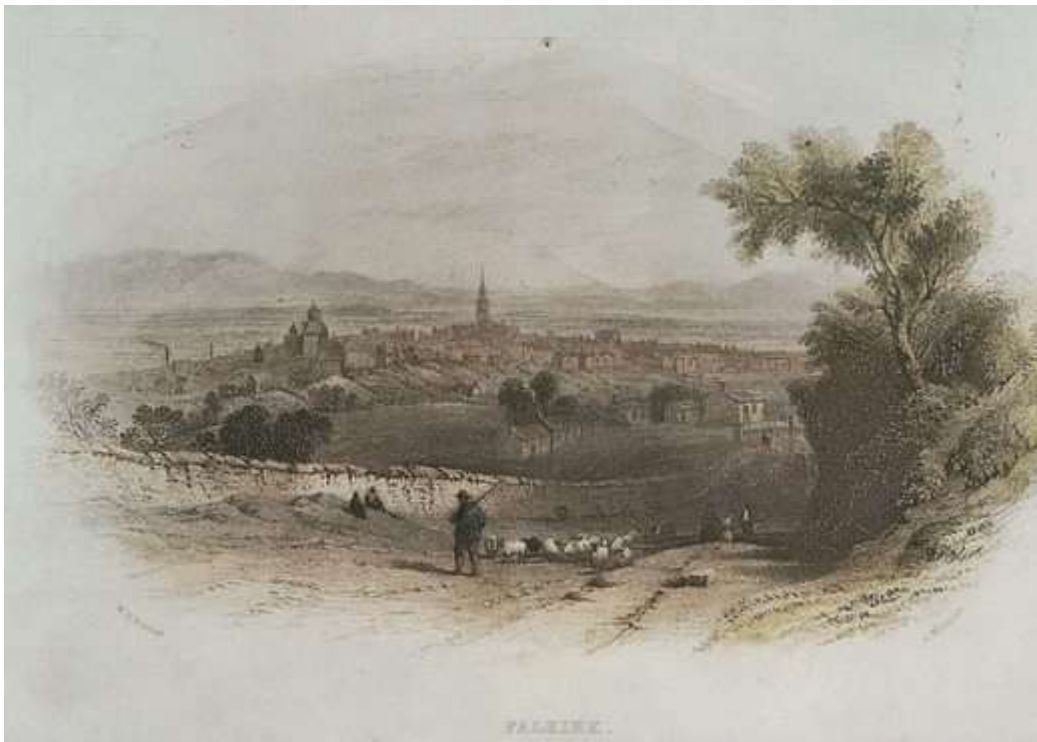
“that although the Town is at present supplied with water, partly from the common Muir, and partly from the Park at Callendar, he has not least intention to alter the track of water or in any shape to diminish the ordinary supply of the Town

Although apparently comforting, in the event this matter was to cause considerable disquiet over the next few years.³

This attempt to divide the commonalty was extremely complex and contentious. An enormous number of documents were required to be produced. Eventually it became so bogged down in a quagmire of conflicting evidence that it fell into abeyance but was eventually “wakened” in 1807, by which time several of the original feuars and other defendants had died. So too, it would seem, had the will of the survivors, although in all likelihood they had by then come to terms with the new way of life and probably felt more confident in their ability to sustain themselves at a greater distance from the land. The new industries and the need to provide support

services almost certainly had succeeded in distracting them from their backward glance at the old order. While Forbes was successful on this occasion in obtaining the decision to divide the muir and although he gained the greater part of it, the defendants managed to retain certain portions and concessions. Principal among these was a part amounting to 20 acres which was to be “fallowed by five ploughings” and was to be enclosed and limed at Forbes’ expense before taking a crop of oats from it and subsequently to have it sown with grass and then given up to the feuars to be:

“possest and enjoyed in all time coming as the Common property of the Feuars having an interest in the said Common, and the Inhabitants of the Town of Falkirk”



Sheep on the Road to the South Muir in the Early 19th Century

This portion is still recognisable in part today as Princess Park on the south side of Slamannan Road. The southern extremity of the portion is occupied by Lochgreen Hospital or, as it is known locally, “the Burgh Hospital”, the origin of which latter name becomes apparent in light of the above. A further 10 acres intended for the provision of “feal and divot” and the quarrying of stones was also set aside. This too is still largely in the public domain and is recognisable as Blinkbonny Park on the south side of Gartcows Road. The siting of the now demolished Windsor Hosppital, at one time used as the “poor’s house” by the burgh, was probably a consequence of this.

These were the only parts of the muir to come within “Forbes’ package” but outwith the muir there was the piece of land upon which the fairs were held at that time, amounting to about an acre, which was to be retained for use as the market ground and was to be held in feu for payment of “a penny Scots”. This was to be

made over to “*Trustees to be chosen by the said Feuars and Proprietors of Land in and about Falkirk, and by their successors in office for ever*”. This plot of land is that known as Market Square. Finally, Forbes was to hand over to the same body:

“all right and interest he has in the Customs presently payable, or exigible by him in the Town of Falkirk, with the power to the said Trustees, or any other person to whom they may let the same to levey the said duties and customs, and to apply the profits thereof resulting therefrom, for the common good of the Town, in such manner as the said Proprietors of Land or the Trustees appointed by them shall deem most for the interest of the said Town”

In the event of these parcels of land along with the various rights were administered by the feuars throughout the first half of the nineteenth century, although latterly this was in conjunction with the stentmasters. In the administrative void created after the traumatic events of the previous century, these two bodies of men (in reality often composed of the same individuals) had governed the town and, following upon [Parliamentary statute](#), when they were obliged to hand over their powers to the newly created Town Council, the various rights and privileges which had issued forth of the division of the muir were passed to the new body.

NOTES :

- 1 Decreet of Division of the Muir of Falkirk; William Forbes Esq., Against James Kincaid & Others, 1807
- 2 The Falkirk and Callendar Regality Court Book, Vol,i, 73.6, The Stair Society, Edinburgh, 1991
- 3 Reid, J., The Stentmasters of Falkirk, [Calatria 5](#) pp 25-44