

with the Burgh of Rattray to become the Burgh of Blairgowrie and Rattray in 1929. The first mention of the common good is on page seventeen where the chain of office of the newly merged burgh is discussed. In 1953, it was decided to commission a new chain at a cost of no more than £400. Not more than £200 was to be taken from the Common Good Fund and local businesses were invited to subscribe to the cost of the chain, each link of which was to cost £12. Page seven lists the subscribers who, I was delighted to read, included my grandfather, Mr Robert W. Lowe, who contributed £12.

Other interesting information from this local history included the fact that, in the mid 1960s, the Town Council bought the former Clydesdale Bank in Leslie Street and turned this into their new Council Chambers, selling off the old Mechanics Institute which they had hitherto been using. This building should probably form part of the Common Good Fund.

Mention is also made of the Well Meadow, an area of green space in the heart of the town. This land was conveyed by a feu disposition from William Macpherson to the Bailies and Council of Blairgowrie on 26 June 1824. The deed stated that it should always be used for holding the public markets and fairs of Blairgowrie and that it shall not be in the power of the said Bailies' Council 'to convert the same into arable or garden ground or to build upon the same or feu the same to others'.

Davie Park is another local park. An area close to the former bleaching green on the Loon Braes – more common good? – was gifted to the town by the Davie family to mark the Golden Jubilee of Queen Victoria in 1887. In handing over the land, William Davie and his sister stipulated that it was 'for the use of the inhabitants of Rattray and Blairgowrie' and Chief Magistrate Bridie, later to become Provost, accepted the 11.5-acre site on behalf of the Council. In 1946, an additional 4 acres was bought and developed into two football pitches, a cricket pitch, a hockey pitch and a putting green. From this useful information, the next stage would be to obtain the Search Sheet for the burgh and to examine the relevant deeds to establish whether or not such areas and others form part of the common good of the joint burgh.

Also in the pile are press reports about the Rattray Arrow, an archery prize forged by Thomas Ramsay of Perth in 1612. In 2006, Robert Mercer-Nairne, the owner of Meikleour Estate, asked Sotheby's to auction the arrow. Residents of Rattray claim it was presented to the people of the town in the seventeenth century and, therefore, it belongs to them. If so, it would form part of the common good of the town.

Finally, I had a quick look at the question of commonties and the first place to look is the *Directory of Former Scottish Commonties* by Ian Adams. On page 198, we find the entry for the Parish of Rattray as follows:

COMMONTY OF BROAD MOSS

The commonty of Broad Moss, consisting of nearly 300 acres, occupied a hill of the same name north of Rattray (NO1947). A summons of division of commonty was raised in 1826 by Alexander Whitson of Parkhill against Thomas, Earl of

Kinnoul (Whitson v Kinnoul – CS238 W/11/32). Commission was granted to Charles Husband, sheriff-substitute of Perthshire. Few documents remain in this process which appears to have been abandoned in 1828. In 1837 it was still undivided and the only commonty in the parish (NSA x, 244).

This is interesting. There may be an extant commonty as well as common good land! Does it still exist? A quick search in the catalogue of the National Archives reveals a 'Plan of Broad Moss Common'⁴ dated 1863. Was it ever finally divided?

The above is typical of many Scottish burghs. In the countryside and smaller villages, there may be less to uncover but who knows?

DUNBLANE

In 2006, I went to a conference in Dunblane. Months previously, my survey of common good land had been published. Stirling Council denied there was a Common Good Fund for Dunblane and continues to deny the existence of any common good assets. However, Dunblane is a burgh and had a Town Council up until 1975. It is extremely unlikely that there is no property defined as common good in Dunblane. While chatting with a local resident of Dunblane, the subject of the common good came up. He had an allotment at the Laighills, a large area of parkland to the north-west of the town, and was currently trying to persuade the Council to expand the site. My brother also has an allotment there and so I was curious to find out more. Was the park common good? We decided to make some initial enquiries. To begin with, the man with the allotment at Laighills uncovered a local history volume which reported:

The Laighills were the site of the town's first golf course, laid out as a nine hole course in 1892, and in use until the present course was built in 1923. The club house was at the foot of Laighill Loan.

In 1909 Mr RH Martin of New York, a native of Dunblane, bought the Laighills for £1,000 from Cromlix Estate, and presented them as a gift to the people of Dunblane. There had been earlier plans to build houses here.

This extract demonstrates the usefulness of local history sources since it provided a name – Mr RH Martin – a year – 1909 – and a property – Cromlix Estate – that could be used to conduct further research in the Register of Sasines.

I then located the Search Sheet for the Burgh of Dunblane in the Register of Sasines (Search Sheet number 2122 in the County of Perthshire). On page three of the Search Sheet, there is a Minute referring to the subjects of 'Laighills', part of the 'lands and estate of Cromlix' accompanied by a detailed description of the boundaries. The Minute begins thus:

2. Disp. by ARTHUR WILLIAM HENRY HAY DRUMMOND of Cromlix, with consent of and by (1) Trustees of the deceased JOHN WILLISON, Farmer, Acharu, Parish of Killin and Parishholm, Parish of Douglas (in right to the extent of £9900, of Bond, dated 3rd, and recorded in this Register 13th Apr. 1883, for £15,000, by the Hon. Arthur Drummond of Cromlix, with consent, to Dugald Stuart), (2) AGNES

Following this is the Minute of the disposition or sale, from Arthur William Henry Hay Drummond of Cromlix, with consent of various third parties with an interest in the property, to the Provost, Magistrates and Councillors of the Burgh of Dunblane. It begins thus

recorded in this Register 11th Mar. 1905 (for £1500), by said Arthur William Henry Hay Drummond, to the effect of discharging the lands and others after mentioned of said respective securities—To The Provost, Magistrates and Councillors of the Burgh of Dunblane,—Witnesses Dated Jan. 20, 25 and 28 and Jul. 1, 3, 4, 6, 7, 13, 18, 24 and 27, 1911; with Warrant of Registration thereon, on behalf of said Provost, Magistrates and Councillors.

And continues . . .

II (1.) parts of the lands and Estate of CROMLIX, known as LICHELL or the LAIGHILLS, which lands of Laighills are divided into 2 parts, viz., (1) a portion to the east of the line of the Caledonian Railway Company, (2) a portion to the west of said line of said Railway Company, and bounded on the north, north west, west and south west by the River Allan following the curve thereof until the point where the Laighill Burn joins said River, and again on the east by said Burn until it

This Minute contains the evidence we were looking for – namely, that the land was disposed to the Provost, Magistrates and Councillors of the Burgh of Dunblane

Now we needed to locate the relevant deed. This, we hoped, would explain what had happened to Mr Martin who, according to the local history source, had been the seller of the land. This is contradicted by the Minute that shows that it was, in fact, Mr William Drummond.

The deed is twenty-eight pages long and the first twelve pages are concerned with outlining the legal and financial positions of the seller. The juicy bit – the dispositive clause – is at the foot of the reverse of Folio 44 – pages of deeds of this antiquity are numbered as physical pages with each page having a front and a reverse, a recto and a verso

In consideration of the sum of Nine hundred and forty pounds Sterling instantly paid to me the said Honourable Arthur William Henry Hay Drummond by the Provost Magistrates and Councillors of the Burgh of Dunblane said sum being provided to the latter by Robert Hay Martin Asbestos Mine Owner New York United States of America a native of Dunblane as a gift for the purpose of enabling the said Provost Magistrates and Councillors to acquire the said lands and others for the public behoof as the price of the said lands and others and of

This provided the explanation we were looking for – namely, that the role of Robert Hay Martin was to have provided a gift of money to the Burgh to acquire the land. We also found the following burdens in the title

under the special condition that the said lands hereby disposed shall be used as a Public Park and Recreation Ground for the public behoof and shall not be used for building dwelling houses thereon or for any other purposes than of a Public Park and Recreation Ground

It is clear that Laighills is unambiguously part of the common good of Dunblane. What's more, it was acquired using a gift of money from a wealthy benefactor who stipulated that it was for public benefit and should be used as 'a Public Park'

It is common good land!