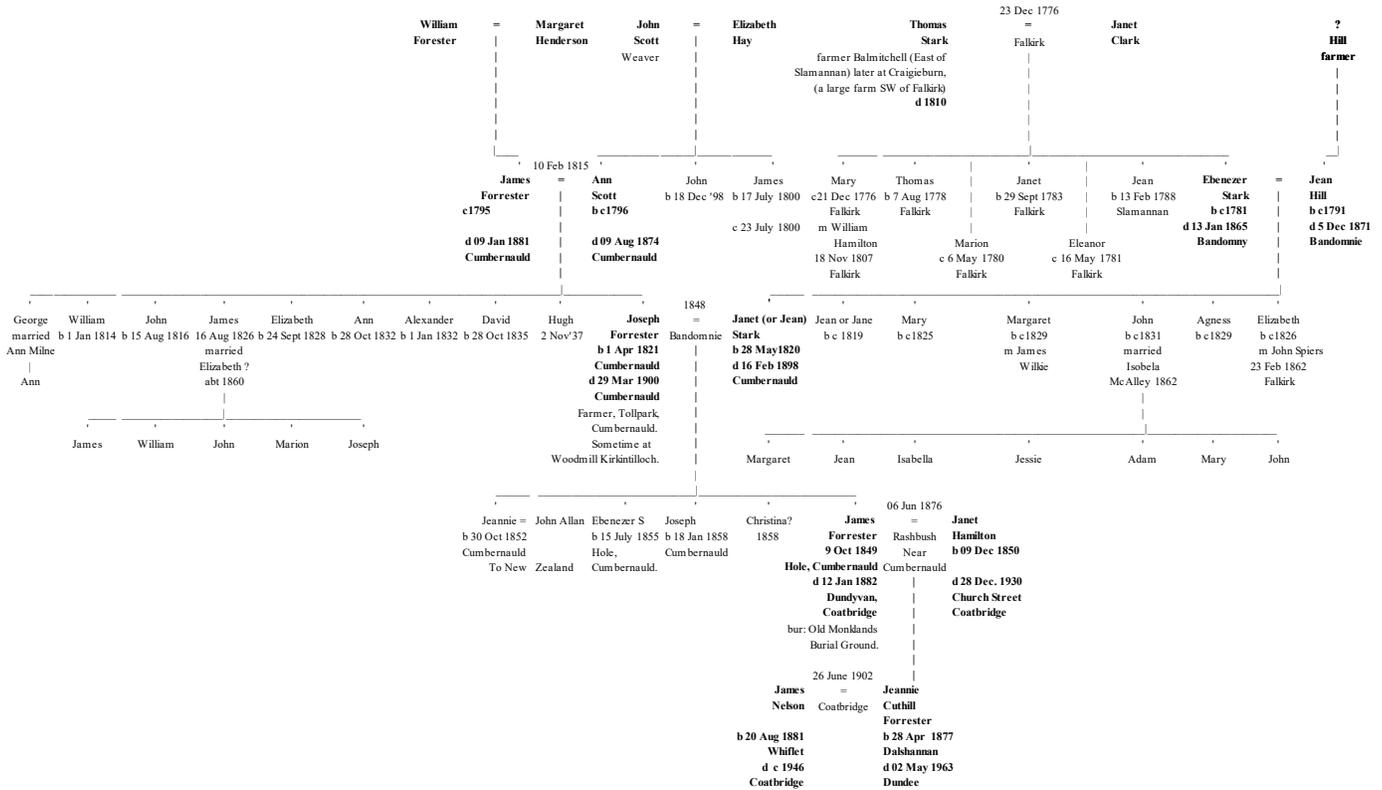


James Forrester and Ann Scott



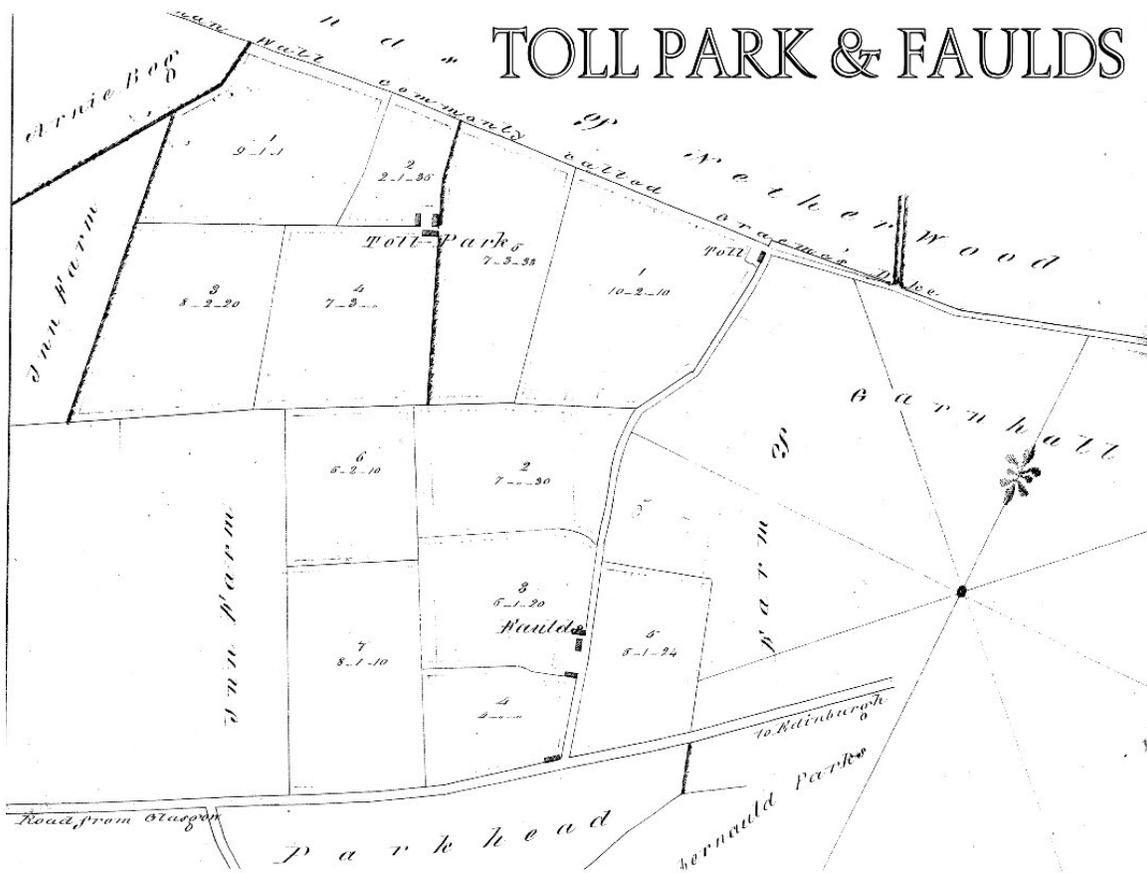
James, the natural son of William Forrester but not of his wife Margaret Henderson could not have been more than nineteen and Ann Scott, daughter of John Scott and Elizabeth Hay no more than eighteen when William, their first child, was born in 1814. Their marriage is recorded in Denny. Stirling:

1815 Jan 21 James Forrester in the parish of Cumbernauld & Agnes Scott, servant Loanhead gave in their names in order to marriage & were proclaimed on three Sundays & were married on the 10th February following.

The births of their children are all recorded together in 1837 in the parish of Cumbernauld 495/3 FR 593

- 1 Jan 1814 Forrester James & Ann Scott Tollpark had a child born & baptized after named William.
- 15 Aug 1816 Forrester James & Ann Scott Tollpark had a child born & baptized after named John
- 1 April 1821 Forrester James & Ann Scott Tollpark had a child born & baptized after named Joseph
- 16 Aug 1826 Forrester James & Ann Scott Tollpark had a child born & baptized after named James
- 24 Sept 1828 Forrester James & Ann Scott Tollpark had a child born & baptized after named Eilizabeth
- 28 Oct 1830 Forrester James & Ann Scott Tollpark had a child born & baptized after named Ann
- 1 Jan 1832 Forrester James & Ann Scott Tollpark had a child born & baptized after named Alexander
- 28 Oct 1835 Forrester James & Ann Scott Tollpark had a child born & baptized after named David
- 20 Nov 1837 Forrester James & Ann Scott Tollpark had a child born & baptized after named Hugh.

Tollpark is shown in the map below and Parkhead, which was at one time farmed by James, is at the bottom of the map.



By 1851 there is something of a mystery! Who is the twenty-six year old George? He did not appear among the births or in the 1841 census but is clearly named here as a son of James and Ann. James's will later confirmed that George was a son but why was his birth never recorded?

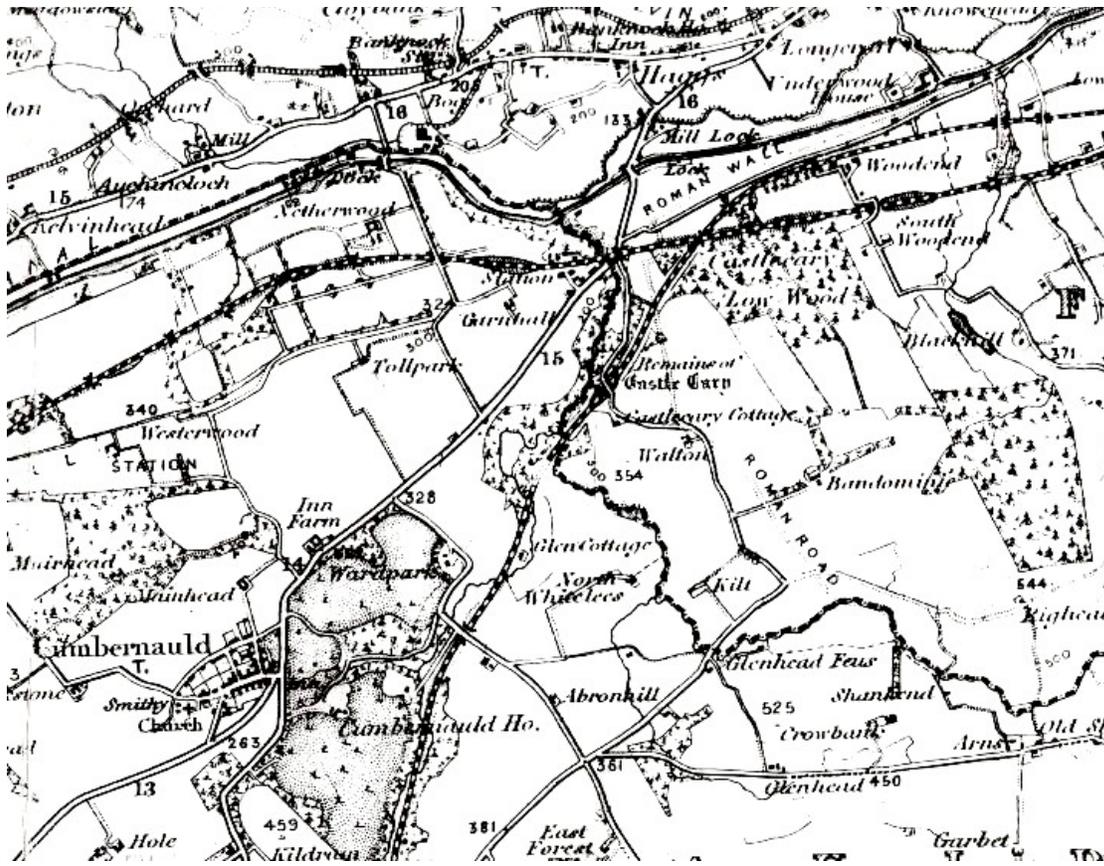
1851 census 398 (under 495) Book 3 Page 20

Tollpark farm.

Forrester	James	h m	56	farmer of 40 acres	DNB, Cumbernauld
Forrester	Ann	w u	55		STI, Denny
Forrester	George	s u	26	farmers son	DNB, Cumbernauld
Forrester	James	s u	24	farmers son	DNB, Cumbernauld
Forrester	Ann	d u	20	farmers daughter	DNB, Cumbernauld
Forrester	Alexander	s u	18	farmers son	DNB, Cumbernauld
Forrester	David	s u	16	farmers son	DNB, Cumbernauld
Forrester	Hugh	s u	13	farmers son	DNB, Cumbernauld

Tollpark farm had 3 rooms with windows at this time.

Tollpark farm is shown on the map below. It is now part of the site of Cumbernauld Airport and nothing remains of the farm buildings.



Ten years later again, and James senior has retired from the farm and he and Ann are living nearby at Faulds Cottage where there is one inhabited house and one uninhabited.

1861 495 book 7 page 2

Faulds Cottage

Forrester	James	h	m	67	retd. farmer	DNB, Cumbernauld
Forrester	Ann	w	m	66	wife	STI, Denny
Forrester	Ann	g-dau	u	10	scholar	DNB, Cumbernauld

Granddaughter, Ann is the daughter of their now deceased son, George. Son James, has now taken over the farm although his age is given incorrectly.

1861 census Dist495 Book7 page2

Tollpark farm

Forrester	James	h	m	24	farmer 50 acres	DNB, Cumbernauld
Forrester	Elizabeth	w	m	25	farmers wife	LKS Airdrie
Forrester	James	s	u	2	farmers son	DNB, Cumbernauld
Forrester	William	s	u	1mo	farmers son	DNB, Cumbernauld
Forrester	Hugh	serv	u	21	ploughman	DNB, Cumbernauld
Yule	Helen	serv	u	18	domestic servant	LKS, Airdrie
Bryson	William	serv	u	13	labourer	DNB, Cumbernauld

3 rooms with windows

By the 1871 census, James and Ann have moved into Cumbernauld village. The address is not given but the house they are occupying is between the United Presbyterian Church and the manse in the census.

1871 Census 495 book 8 pg 1

Forrester	James	h	m	76	retired farmer	DNB, Cumbernauld
Forrester	Ann	w	m	75	retired farmers wife	STI Denny

1 room with a window

Ann died three years after the 1871 census at the age of seventy-eight. After this James survived more than six years, dying at the age of eighty-six.

Death: Cumbernauld (495) No. 42

Ann Forrester	F	78	1874	John Scott	old age and	John Forrester
married to			Aug 9 th .	weaver	general debility	son
James Forrester			9h p.m.	(deceased)	3 years	
late farmer			at	Elizabeth Scott	as cert. by	
			Cumbernauld	M.S. Hay	David Coutts	
					Physician.	

Registered Aug 14 Cumbernauld.

Death: Cumbernauld (495) No. 4

James Forrester	M	86	1881	William	senile decay	Joseph Forrester
portioner			Jan.9 th .	Forrester		son
widower of			Cumbernauld	farmer (deceased)		Hole farm
Ann Scott			 Forrester		Cumbernauld
				M.S.		
				(deceased)		

No inventory or confirmation has been found for Ann but James left estate valued at £87-2s-3d (worth around £4300 in 2001) and the Confirmation and Inventory are included as an appendix. In brief, the will confirms the names of all James's family, including that of George, who had died before 1858, when the will was written. It also makes clear that Ann Forrester, the granddaughter of James and Ann, mentioned in the 1861 census was the daughter of George and Ann Milne. Heritable property would not be included in the will as, at that time it passed automatically to the eldest son.

Two references to James have been found in Sasines Abridgements:

Jan 21 1881

Not. Instrument. Trustees of the late James Forrester, sometime residing at Parkhead, thereafter farmer, Tollpark, thereafter residing at Abronhill cottage and latterly in Main Street, Cumbernauld – of part of a tenement and steading of ground described in the original title deeds as consisting of a fore dwelling house and barn and stable contiguous thereto on the North, and yard, bounded on the South by the High Street, in town and parish of Cumbernauld; - on Gen. Trust Disp. & settl., dated 29th Dec. 1858 by said James Forrester; and another writ, with warrant of registration thereon, on behalf of the trustees.

140.86

July 17 1846

James Forrester, farmer, Toll Park near Cumbernauld, Seised – in 20 falls of ground with dwelling house thereon part of the lands of Longcroft par. Of Denny.; on disp & Settl by William Forrester tenant, Parkhead, with consent of Margaret Henderson, his spouse to trustees, Mar 14. 16. 1812 & disp. & Assig. By them, Sept 14. 27 1818.

The full sasine reveals all that has been discovered about James's father, William Forrester and Margaret Henderson, his wife, and about William's brother, Adam, and nephew, William. A summary of the main points is given below.

RS59/240/3 “At Stirling the seventeenth day of July in the year eighteen hundred and forty six the sasine underwritten being presented.....is registered as follows vis: At Falkirk and written within my writing Chambers there was by or on behalf of James Forrester farmer Toll Park near Cumbernauld natural son of the deceased William Forrester tenent in Parkhead in the Parish of Cumbernauld presented to me Notary Public subscribing a Trust Disposition and Settlement granted by the said deceased William Forrester to and in favour of Margaret Henderson his spouse, John Henderson Garanhar, Alexander Kirkwood farmer Haggs, Matthew Allan wright Cumbernauld and William Stevenson Innkeeper there and the acceptors or acceptor and survivors or survivor of them as trustees and trustee for the ends use and purposes therein mentioned bearing date as in the precept of sasine and testing clause hereinafter inserted by which trust disposition and settlement the said William Forrester assigned, disposed conveyed and made over to and in favour of the said Margaret Henderson, John Henderson, Alexander Kirkwood Matthew Allan and William Stevenson and the acceptors or acceptor and survivors or survivor of them as trustees forsaid

“.....All and whole that piece of ground part of the lands of Longcroft situated upon the south side of the turnpike road leading to Glasgow by Cumbernauld consisting of twenty falls of ground and extending in front along the south side of the said turnpike road to forty feet bounded as follows vis^l. on the east side and west by the lands of James Russell of Longcroft and on the north by the said turnpike road conform to pit stones meiths and marches infixed with the dwelling house lately built thereon possessed by James Hair and Janet Adam spouses all lying within the Parish of Denny and Shire of Stirling.”

Margaret Henderson retains “lifetime rent use allenarly during all the days and years of her life as particularly expressed in the conveyance granted in her favour by Andrew Adam late Carter at Parkfoot of Falkirk then in Larbert dated 11th and 12th May 1808 and recorded in the Particular Register of Sasines of Stirling and Clackmannan on fourth June eighteen hundred and ten years”.

In the Trust Disposition and Settlement he (William Forrester) willed and declared that it was his intention that William Forrester lawful son of his brother Adam Forrester should succeed to the forsaid heritable subjects before described and directed that upon the said William Forrester attaining the age of twenty five years the property should be made over to him, subject to the liferent of his spouse before mentioned.

If she dies before he reaches the age of twenty five he gets the rents and produce of the said subjects until he is twenty five. If he dies before twenty five and has no heirs of his body or in the event of his leaving the country to go to and arriving in America even although with the intention to return he forfeits all rights and title to the forsaid heritable subjects and the same should fall and belong to James Forrester the son of William Forrester. Upon the said William Forrester attaining the age of twenty five years the property should be made over to him, subject to the liferent of his spouse before mentioned. If she dies before he reaches the age of twenty five he gets the rents and produce of the said subjects until he is twenty five.

William had gone to America, James had attained twenty-five years so the land was made over to him “All and whole the forsaid piece of ground and house thereon.”

There follows a declaration that “Alexander Kirkwood farmer Faulds though named in the before written deed is notwithstanding thereof to have no rights whatever to act in the capacity of one of my trustees or to interfere in any manner with the application or management of the subjects before conveyed and that his name was deleted before subscription by William Forrester at Parkhead the fourteenth March eighteen hundred and twelve years.”

The whole document was:

“Witnessed by Malcolm Brown road contractor at Muirhead near Cumbernauld Angus Malcolm groom to Lord Elphinstone at Cumbernauld House and by the said Margaret Henderson at Cumbernauld Inn sixteenth March year forsaid.” Margaret Henderson did not sign – ”she declares she cannot write from her never having learned to do so and she having as token of the authority given to us touched each of our pens.” (Before this the deed had been read over to Margaret).

Sasine Abridgement:

June 4 1810

6435

William Forrester tenant Parkhead & Margaret Henderson his spouse seized in fee and liferent respectively Apr 5 1810 – 20 falls of the lands of LONG CROFT and dwelling house thereon on the south side of the Turnpike road leading to Glasgow by Cumbernauld par. Denny on disp. By Andrew Adam late carter Parkfoot of Falkirk then in Larbert and Janet Adam with consent of Janet Hair Late in Hags of Bankier, her husband, May 11, 12 1808
PR 51.20

The full 1810 sasine (RS59/51/20) contains no further information. The description of the plot and house are exactly the same as in 1846. The 1846 phrase “lately built thereon” is even copied from this sasine.

Appendix

Folio page 328

At Dumbarton the twelfth day of February Eighteen hundred and Eighty one years.

The personal estate of James Forrester.

The Inventory and Trust Disposition and Settlement underwritten were presented by Russell & Aitken, Writers, Falkirk and are recorded herin conform to Act of Parliament, viz^t.

Inventory of the Personal Estate of James Forrester, sometime residing at Parkhead, thereafter Farmer at Tollpark, thereafter at Abronhill Cottage, and latterly residing in Cumbernauld, who died at Cumbernauld on the ninth day of January, Eighteen hundred and eighty one.

1. Cash in bank in name of John and James Forrester, belonging to the deceased	£65 – 00 - 00
2. Proceeds of Sale of Household Furniture and other effects which belonged to the deceased, sold on 22 nd January 1881, per Roup Roll and State of Sale	£21 – 00 - 7
3. Rents of Heritage in Cumbernauld due by the following tenants falling under Executry	
Mrs McLeod	5s 0d
Mr Sawyer	5s 0d
Janet Russell	4s 8d
Margaret Allan	7s 0d
	<u>£1 – 1 - 8</u>
Total amount of deceased's Personal Estate	<u>£87 - 2 - 3</u>

Signed Joseph Forrester, Thomas Kier, J.P.

At Falkirk, the tenth day of February, Eighteen hundred and eighty one: in presence of Thomas Kier Esq of Linns, one of Her Majesty's Justices of the Peace for the County of Stirling, appeared Joseph Forrester, farmer, Hole, Cumbernauld, one of the Executors of the deceased James Forrester, sometime residing at Parkhead, thereafter Farmer at Tollpark, thereafter at Abronhill Cottage and latterly residing in Cumbernauld, who being solemnly sworn and examined, depones that the said James Forrester *Folio page 329* died at Cumbernauld on the ninth day of January eighteen hundred and eighty one and the deponent has entered upon the possession and management of the deceased's Estate as Executor

nominated by him along with John Forrester, sometime Manager, Newarthill Colliery, now Coal Merchant, Bathgate and James Forrester, Farmer Tollpark, all sons of the said late James Forrester, in a Trust Disposition and Settlement executed by him upon the twenty ninth December, eighteen hundred and fifty eight, which is now exhibited and signed by the deponent and the said Justice of this date as relative hereto. That the Deponent does not know of any Testamentary Settlement or writing relative to the disposal of the deceased, personal Estate or Effects or any part thereof other than the said Trust Disposition and Settlement, that the forgoing Inventory signed by the Deponent and the said Justice as relative hereto as a full and complete Inventory of the Personal Estate and Effects of the said deceased, James Forrester, wheresoever situated and belonging or due to him beneficially at the time of his death, in so far as the same has come to the Deponents knowledge. That the Deponent does not know of any money or property belonging to the deceased liable to the duty imposed by the Acts 23 Vict, C.15 & 23 & 24 Vict. C.80 that the value at this date of the said Personal Estate and Effects situated in Scotland, including the proceeds accrued thereon down to this date, is eighty seven pounds, two shillings and three pence and under One hundred pounds Sterling, That confirmation is not at present refuted, All which is truth as the Deponent shall answer to God.

(signed) Joseph Forrester, Thomas Kier, J.P.

Follows Trust Disposition and Settlement before referred to.

I, James Forrester, sometime residing at Parkhead, thereafter Farmer at Tollpark, now residing at Abronhill Cottage, all in the Parish of Cumbernauld, son of the late William Forrester, sometimes tenant in Parkhead, in order to prevent disputes in relation to my affairs after my death, do hereby dispose, assign, convey and make over to and in favor of

Folio page 330 Mrs. Ann Scott or Forrester, my wife, John Forrester, Manager Newarthill Colliery, my son, Joseph Forrester, Farmer Hole Cumbernauld, also my son and James Forrester, Farmer Tollpark, also my son and the acceptors or acceptor and survivors or survivor of them and to such other person or persons as may be assumed by virtue of the powers under written, the major number accepting and surviving being always a quorum, as Trustees for the ends uses and purposes after specified, and to his assignees, All and sundry lands, tenements and heritages, tacks, goods, gear debts and sums of money and in general the whole estate and effects heritable and moveable of what kind or nature soever, or wheresoever situated including Bonds and Dispositions in Security and heirship moveable, and goods in Communion, at present belonging or which shall belong to me at my death (with the whole vouchers and instructions, writs titles and securities and rents, mails and duties and interest and profits thereof, with all that has followed or that may be competent to follow thereon. And I bind and oblige myself, my heirs and successors to grant, subscribe and deliver all writings and deeds necessary in favor of my said Trustees and their foresaids for implementing and carrying into effect the general conveyance above written. But declaring that these presents are granted in trust for the ends, uses and purposes and with the powers, privileges and exemptions after written, viz^l:

In the first place, for payment of my sickbed and funeral expenses and all my just and lawful debts, which my Trustees are hereby empowered to pay without these being legally constituted, if they are satisfied of the justness thereof, and for payment and retention of the expenses they or their doers may incur or be put to under these presents and in the execution of this Trust. In the second place, I direct and appoint my Trustee before to the said Mrs. Ann Scott or Forrester, my wife, in the event of her surviving me, and so long as she remains my widow unmarried, the liferent of my whole means and estate heritable and moveable and that for her liferent alimentary use allenary and which liferent shall not be assignable

Folio page 331 by her nor affected by her debts or deeds nor subject to the diligence of her Creditors, all which debts, deeds and diligence are hereby expressly excluded. Declaring that on my said Spouse again marrying, the provision in her favor above written shall thereupon co ipso cease and become void and null. In the third place, I direct and appoint my said Trustees within three months after the death or second marriage of my said Spouse in the even of her surviving me, or after my death in the event of her predecease to make payment to my son William Forrester and to my said son John Forrester of a legacy or sum of twenty pounds sterling to each of them in addition to the provisions herinafter conceived in their favor and I leave and bequeath accordingly Declaring and hereby specially providing in reference to the provisions herein, that my son James Forrester is to receive nothing farther than he has already received of my means and estate heritable and moveable. I having already given him the lease of Tollpark Farm and the stocking thereof and thereon and in full of his share of my means and estate heritable and moveable And in the fourth place, I direct and appoint my said Trustees, after the death or second marriage of my

said Spouse, in the event of her surviving me, or after my death in the event of her predecease to realize and convert into money my whole heritable estate and such part of my moveable estate as they may not previously have realized and to divide the same between and among the said William Forrester, the said John Forrester, the said Joseph Forrester and Elizabeth Forrester, Ann Forrester, Alexander Forrester, David Forrester and Hugh Baird Forrester, my children and Ann Forrester, daughter of my deceased son George Forrester by Ann Milne equally among them nine share and share alike. And which provisions in favor of my said spouse in the terms before written are hereby declared to be and shall be accepted by her in full of all terce of land, half or third of moveable and every other claim which she, her heirs, executors, next of kin and representatives can have or produced in and through my death, *jure relicta* or otherwise *Folio page 332* or out of my means and estate heritable and moveable or out of the goods in communion. And I provide and declare that in case of the death of any of the said William Forrester, John Forrester, Joseph Forrester, Elizabeth Forrester, Ann Forrester, Alexander Forrester, David Forrester and Hugh Baird Forrester, my children or of the said Ann Forrester daughter of my said deceased son George, who may predecease me without leaving lawful issue, then the share which would have fallen to such deceiver shall be equally divided among the whole of my surviving children and including my son James and the said Ann Forrester, daughter of my son George, share and share alike. And in the event of any of the said William Forrester, John Forrester, Joseph Forrester, Elizabeth Forrester, Ann Forrester, Alexander Forrester, David Forrester and Hugh Baird Forrester and Ann Forrester daughter of my said deceased son George, dying whether before or after me, leaving lawful issue, then such issue shall receive equally among them the share their deceasing parent would have received had he or she been in life, which provisions hereinbefore made in favor of my children above named and each of them and what I have already given to my son James Forrester are and is hereby declared to be in full to them respectively of all claim of lifetime portion natural, vairus part of gear, executry or any other claim or demand of whatever kind or denomination whatsoever competent to them or any one of them or the said George Forrester, my son, or their, his or her heirs executors or next of kin at by and through my death and the death of their mother if before me and from my means and estate heritable and moveable and out of the goods in communion. And I hereby give and commit full power to my said Trustees and their foresaids to enter into possession of the said Estate and Effects heritable and moveable above conveyed and assigned and to call, sue for, recover and receive the same to uplift the rents and profits thereof and to discharge and assign the same and to let the said heritable subjects, at such rents and for such period, and to make such repairs and alterations as they shall deem advisable

Folio page 333 Fand to appoint a Factor either of their own number or some other person for the management of the said Trust Estate, with a suitable remuneration for his trouble, As also to settle any claim they may have for behoof of the said Trust Estate against any person or persons, by accepting a composition in full thereof, and to compound for any claim which any party may have against my said Estate, and to submit to arbitration all claims or questions in any way connected with the said Estate or with these presents. With full power to them also to sell all or any part of my said heritages and trust estate real and personal by private bargain or public roup and with or without advertisements as they shall consider most expedient and to execute and grant all dispositions and other deeds necessary for carrying into effect the purposes aforesaid binding my heirs in absolute warrandice thereof; with power to them also to lend out the Trust funds upon each heritable security as they may see proper, And to call up such loans and again to lend out the money when ever?? so often as they may consider necessary. And farther with power to my said Trustees and the survivors and survivor of them accepting as often as they shall conceive the same to be necessary to nominate and appoint any other person or persons to be a Trustee or Trustees with them or after their death for executing this Trust who shall profess all the powers hereby granted to my Trustees above named. And farther, I hereby nominate and appoint the said Mrs. Ann Scott or Forrester, John Forrester, Joseph Forrester and James Forrester and the acceptors or acceptor and survivors or survivor of them and such person or persons as may be assumed as Trustees by virtue of the power above written and their quorum forsaide to be not only my sole Executors and Universal intromitters with my moveable estate and effects, with power to give up Inventories thereof, to confirm the same and to do everything competent to the office of an Executor But also to be Tutors and Curators to the said Ann Forrester, daughter of my said deceased son George Forrester and it is hereby declared that the Trustees and Executors, *Folio page 334* Tutors and Curators appointed or to be appointed in virtue hereof or any of them shall not be responsible for the securities they may take nor shall they be liable for omissions, errors or neglect of management, nor for waste, rents, nor *singular in solidum* but each for his own acts and intromissions only, conform to receipts, under their own hands, respectively, Reserving always not only my own liferent use

possession and enjoyment and disposal of the Estate and Effects heritable and moveable above conveyed but also full power to me at any time of my life and even on deathbed to alter, innovate, burden and revoke these presents in whole or in part as I shall think proper, Declaring that these presents in so far as not altered or revoked by me shall be a valid and effectual deed though found lying in my repositories or in the custody of any other person undelivered at my death with the delivery whereof I have dispensed and hereby dispense for ever. And I consent to the registration thereof in the Books of Council and Session or other competent for preservation and that all necessary execution may pass upon a Decree to be interponed hereto in common form and thereto constitute my Procurators.

In Witness Whereof these presents written upon this and the two preceding pages of duly stamped paper by Walter Ure, Clerk to James Finlayson, Writer, in Glasgow are subscribed by me the said James Forrester at Glasgow, the twenty ninth day of December in the year eighteen hundred and fifty eight before these Witnesses, the said Walter Ure, writer hereof, and Archibald McKinnen also Clerk to the said James Finlayson.

(signed) James Forrester, Walter Ure Witness Arch^d. Mckinnon witness:

I the before designed Mrs. Ann Scott or Forrester do hereby declare my satisfaction with the provisions in my favor, conceived in the foregoing Deeds and do hereby accept of the same as in lieu and in place of all the legal claims which may hereafter be competent to me, as the Widow of James Forrester, my Husband also before designed in the event of my surviving him. In Witness whereof, I have signed these presents written by Alexander Syme, Apprentice to William Johnston, Solicitor, Bathgate at Bathgate the nineteenth day of June, Eighteen hundred and sixty nine years before and in presence of Thomas Grainger Ferguson, Printer, Bathgate

Folio page 334 and the said Alexander Syme (signed) Ann Forrester, Tho^s. G. Ferguson Witness, Alexander Syme Witness, Falkirk, 10th February 1881 This is the Trust Disposition and Settlement of the late James Forrester, Cumbernauld, referred to in the Inventory of the Personal Estate of the said deceased and docquetted and subscribed with reference thereto (signed) Joseph Forrester, Thomas Kier, J.P.