

The 1896 ‘disposition’ (so-called because it ‘disposes’ of the property from one owner to the other) by Benjamin Hunter, merchant of St Boswells, ‘to Trustees for behoof of the Saint Boswells Public Hall’. Punctuation and capitalization have been lightly modernized.

At Edinburgh the twenty-first day of May in the year One thousand eight hundred and ninety six between the hours of ten and eleven forenoon the Disposition under written with Warrant of Registration thereon was presented by Jas. [=James] A. Masterton¹ Register of Sasines and is with said Warrant of Registration recorded as follows vizt. [=videlicet, as may be seen]. I Benjamin Hunter (merchant, Saint Boswells), heritable proprietor of the piece of ground herein after disposed, considering that Miss Mary Theresa Baillie of Dryburgh House² Saint Boswells, daughter of the late Honorable Charles Baillie of Dryburgh House (one of the Senators of the College of Justice by the title of Lord Jerviswoode)³ has agreed to purchase from me the said piece of ground for the purpose of making a free gift of the same (on the declaration and condition after specified) to the Village of St Boswells as a site for the Public Hall which is about to be erected thereon.

And considering that at a Public Meeting of the inhabitants of Saint Boswells held on the thirtieth day of December Eighteen hundred and ninety five it was unanimously agreed to accept the / generous gift and to thank the said Mary Theresa Baillie for the same in a suitable

¹ James Adam Masterton (1868-1932). Assistant keeper, Register of Sasines. See <http://www.themastertons.org/james-adam-masterton-register-keeper.html>

² Now Dryburgh Abbey Hotel. (Not to be confused with Dryburgh Abbey House, a private residence.) It dates from 1845 and was remodelled in 1892. The Baillie Lords Jerviswood held the property until 1929, when it was sold and then used as a hotel.

³ Charles Baillie, Lord Jerviswoode (1804–1879), lawyer and politician, was born at Mellerstain, Berwickshire, on 3 November 1804, the second son of George Baillie of Mellerstain, Berwickshire, and of Jerviswoode, Lanarkshire, and his wife, Mary, the youngest daughter of Sir James Pringle, baronet, of Stichill, Roxburghshire. One of Charles’s sisters was Lady Grisell Baillie (1822–1891), who became the Church of Scotland’s first deaconess; she was named after her great-great-grandmother (1665-1746), a heroine of the covenanting period. Charles married the Hon. Anne Hepburn Scott (d. 1880), daughter of the fourth Baron Polwarth, on 27 December 1831. They had a son and two daughters who survived to maturity, one of whom was Mary Theresa. Baillie was advocate-depute from 1844 to 1846, in Sir Robert Peel’s second ministry, and again in 1852 in Lord Derby’s short-lived first administration. He was appointed sheriff of Stirlingshire on 2 March 1853, and he acted in that capacity until, on the re-accession of Lord Derby to power, he was made solicitor-general for Scotland in February 1858. Later, in July of that year, he was appointed lord advocate of Scotland. In April 1859 he was raised to the Scottish bench as a judge of the court of session, a position he held, under the courtesy title of Lord Jerviswoode, for the following fifteen years, from 1872 serving in the first division of the court. For twelve of these years he also sat in the supreme criminal court, having been appointed, in June 1862, a lord of justiciary. He was distinguished more for his deliberation than for his forensic ability, and he discouraged lengthy, contentious litigation. As a judge he had a reputation for courtesy, sagacity, patient and painstaking investigation, competent learning, and probity. He was held, however, to lack originality and to be so habitually laconic in his explanations that one commentator described him as ‘deficient in the arts of expression’. Jerviswoode officiated as convenor of the acting committee of the Wallace monument, a symbol of the mid-century revival of interest in Scottish national identity, erected on the Abbey Craig, Stirling. In 1861 he was elected assessor of the University of St Andrews. He was a trustee of the Board of Manufactures of Scotland. For a number of years he was the president of the Edinburgh Border Counties Association and in that capacity took an active part in the movements to celebrate the centenary of the birth of Sir Walter Scott. Owing to ill health, in 1874 Jerviswoode retired with a pension from the bench and from public life to his country residence, Dryburgh House. Here he lived in some seclusion until his death on 23 July 1879, and is buried in the family vault at Mellerstain House. His wife died the following summer. Jerviswoode’s more general significance as a political and judicial figure lies in his being one of a number of Scottish Tories whose political careers were very much limited by the dominance of the Liberal Party in Scottish politics at this time, but who found an alternative prominence and influence on the Scottish bench. (Mainly verbatim from *The Oxford Dictionary of National Biography*).

manner. And now seeing that the said Mary Theresa Baillie has made payment to me of the sum of One hundred pounds sterling,⁴ being the agreed on price of the said piece of ground, whereof I do hereby acknowledge the receipt and discharge the said Mary Theresa Baillie and that she has requested me to grant the conveyance of the said piece of ground as after specified which it is right and proper I should do.

Therefore I with the special consent of the said Mary Theresa Baillie do hereby dispone to: Robert Somervaille of Charlesfield Saint Boswells⁵ (the present elected member of the County Council of Roxburghshire for the Parish of Saint Boswells), John James Fairbairn of Fens (the Chairman of the present Parish Council for the said Parish of Saint Boswells), Thomas Lawrie (Clerk to the said Parish Council)⁶ and the Reverend William Henry Rankine⁷ (Minister of the Established Church of the said Parish of Saint Boswells), and to their successors in office as Member of the County Council of Roxburghshire, Chairman of the Parish Council, Clerk to the Parish Council and / Minister of the Established Church all of said parish of Saint Boswells respectively, as Trustees ex officio for behoof of the said Saint Boswells Public Hall.

And also to Walter Ballantyne (merchant, Saint Boswells),⁸ John Urquhart MacGregor (Free Church Minister in Saint Boswells),⁹ Stuart Erskine Stirling (draper, Saint

⁴ Probably worth around £13k in today's money.

⁵ Listed as a farmer, <https://digital.nls.uk/directories/browse/archive/90665936?mode=transcription> Somervaille Died 1903. Married to Jessie (Davidson) Somervaille (died 1912). Parents of John Somervaille, born 1881 in St. Boswells; rifleman (302789) 1/5th Battalion, London Regiment (London Rifle Brigade). John joined his battalion in France in 1916 but was killed, aged 35 years, at Les Boeufs on the Somme. <http://warmemscot.s4.bizhat.com/warmemscot-post-89650.html> His name appears on St Boswells' war memorial.

⁶ Grandfather of Jean S. Lawrie, author of *Old St Boswells* (1974). Thomas Lawrie 'resigned in 1906 as clerk to the Deacon's Court and treasurer to the Sustentation Fund after 30 years' service and 35 years connection with the Church' (p. 42).

⁷ Born at Falkirk on March 27, 1862; died on July 11, 1921 aged 59 years. Ministered at St Boswells 1891- 97. Rankine's evangelistic style of preaching inspired many members of his congregation to take up mission work. W. Henry Rankine had a very personal interest in Foreign Missions. His younger brother, Dr. David Rankine, served in China as a medical missionary of the Church of Scotland in I-Ch'ang while his former colleague and friend, the Rev. William Affleck Scott, M.A., M.B., C.M., worked in Africa at the Blantyre Mission. Both these young doctors died in the mission fields at 33 years of age. The best-known of the numerous works written by W. Henry Rankine was the biography of Dr. Scott entitled *A Hero of the Dark Continent* (Edinburgh: W. Blackwood, 1896). <https://www.pollokshieldschurch.org.uk/the-church/history/ministers-of-pollokshields/the-rev-w-henry-rankine-ma-bd.php>

⁸ The store now known as The Mainstreet Trading Company (comprising a bookshop, café and deli) was originally owned by Walter Ballantyne & Son, Grocers, Wine Merchants and Italian Warehousemen. The founder of the firm was Walter Ballantyne, born in 1806. In 1836 he opened a shop in St. Boswells although it was only a fraction of the size it later became. It is probably no coincidence that he did so the year that the Duke of Buccleuch's Hunt kennels were built in the village which brought many hunting people to the area during the season, adding to the demand for high class food and drink. Ballantyne's began blending whisky in 1875 under the labels of 'Hunting Squire' and 'The Dryburgh'. Walter died in 1891. His son, Walter, took over and was responsible for the very considerable extensions made in 1896 when the shop frontage was at least doubled with a manager's house built and an archway constructed leading to a yard and storage buildings behind. This quadrangle included a lemonade house, sugar house, meal house with bran loft above, beer cellar, paraffin house, salt house and soap house. There was also a wash house, and access to stabling and a hay shed. This Walter Ballantyne died in 1901 and was succeeded by his son, W.E. Ballantyne, grandson of the founder. WEB was sole proprietor, something he made quite clear on letter heading etc. and that remained the position for many years. His brother, J.K. Ballantyne, who was for a number of years in banking, was then appointed to take responsibility for the hardware, china and furnishing departments and later, when it was decided to form a limited company, JKB, along with his two sons, Walter (Watto) and Norman, came fully into the business. W.E. Ballantyne (who took over in 1901) never married. He held a wide and varied range of public duties over the

Boswells),¹⁰ Doctor William Liang Cullen¹¹ and William Hood (butler at Dryburgh House Saint Boswells), and to the survivors and survivor¹² of the said Walter Ballantyne, John Urquhart MacGregor, Stuart Erskine Stirling, William Laing Cullen and William Hood as Trustees along with the said ex officio Trustees for behoof of the said Saint Boswells Public Hall (which trustees ex officio and otherwise are herein after denominated as “the said Trustees”), and to such other person or persons as the said Trustees or their foresaid shall from time to time nominate and assume as Trustees foresaid to act in conjunction with or in succession to the survivors or survivor of the said Walter Ballantyne, John Urquhart MacGregor, Stuart Erskine Stirling, William Laing Cullen and William Hood. Declaring that the said Trustees shall be bound and obliged to assume a new trustee immediately on any / vacancy occurring in their number and disclosing further that there shall never be fewer than two of their number (other than the said ex officio Trustees) always resident in Saint Boswells.

All and whole that piece of ground measuring seven hundred and twenty square yards or thereby – being a part of the piece or share of Saint Boswells Green belonging to me as after described which piece of ground is bounded as follows vizt.[=videlicet]. On the north by the Roadway or Village Street along which it extends sixty feet or thereby on the East by a part of the said piece or share of Saint Boswells Green still belonging to me, along which it extends One hundred and twenty eight feet or thereby on the South, also by a part of the said piece or share of Saint Boswells Green belonging to me along which it extends Fifty-five feet or thereby, and on the West by a Roadway running through Saint Boswells Green known as ‘Jenny Moores Road’ along which it extends One hundred and eight feet or thereby. Which piece of ground above disposed (which has been marked off to my satisfaction) lies in the said Parish of / Saint Boswells and County of Roxburgh and is delineated and coloured pink on the sketch or plan hereto annexed and signed as relative hereto, and which piece of ground hereby disposed forms a part and portion of all and whole the piece or share of Saint Boswells Green acquired by James Cochrane Portioner¹³ Saint Boswells from John Mercer sometime residing at Lessudden, apparent heir of the deceased Nichol Mercer Cooper in and Portioner there and of the deceased Jean Weens or Weems his Father and Mother, with the

years, in addition to being a keen sportsman. These included being president of the Scottish Border Amateur Athletic Association, Scottish Hockey Association, Borders Golfers Association, the Border Cricket league, Chairman of the Scottish Grocers Federation, Captain of the Melrose Rugby team and St. Boswells Golf Club. He represented the south of Scotland v. England in an international curling match, was secretary and treasurer of St. Boswells Cricket Club, a member of the School board, a trustee of St. Boswells Public Hall, a treasurer of the St. Boswells Free Church and a member of the District Council. This is verbatim from:

<http://www.calmview.eu/Hubcat/CalmView/Record.aspx?src=CalmView.Catalog&id=SBA%2f119>

⁹ Free Kirk Minister at St Boswells 1894-1906.

¹⁰ “‘Stirling the drapers’” was between what is now “Hillside” house and “Trends” hairdressing. Stuart Stirling dressed in a frock coat to serve his customers. It was a good business employing a full-time milliner and a dressmaker as well as the shop staff. On the counter used to stand a big brown bag of pandrops – for sale. The Stirlings came from Dryburgh originally and their forefathers are buried in the Abbey’. Lawrie, *Old St Boswells*, p. 48.

¹¹ The house on the Croft originally known as ‘Fairholm’ and now as ‘Croftlands’ was built for Dr Cullen, who in 1893 was given permission, by the West Croft Trustees, ‘to make a service road across the Green to his house, 12’ [feet] wide at a proportionate rent’. Lawrie, *Old St Boswells*, p. 17.

¹² This simply means that, in the event of the death of one of these non *ex officio* trustees, that person’s responsibilities would be taken over by the remaining trustees.

¹³ The owner of a portion of an estate.

special advice and consent of John Mercer Schoolmaster in Dunse, apparent Heir of the deceased Andrew Mercer Portioner of Lessudden, conform to Disposition granted by them in favor of the said James Cochrane dated the twenty third and twenty sixth days of November Eighteen hundred and thirty two, and therein said to be bounded as follows videlicet on the South by the share of Saint Boswells Green belonging to Andrew Brydone,¹⁴ on the North by the properties belonging to John Hamilton and James Brodie, on the West by the property belonging to Peter Mills, and on the East by the property belonging to the said James Cochrane, with the parts / privileges and pertinents thereof lying in the Town and Territory of Lessudden Parish thereof and County of Roxburgh, which piece of ground now forms number one hundred and twelve of the Ordinance Survey Plan of the Parish of Saint Boswells, together with my whole right title and interest present and future therein. But always with and under the real burden and declaration specified in the Disposition by George Cleghorn Esquire of Weens in the County of Roxburgh, with consent as therein mentioned in my favor dated twenty first and twenty fifth and recorded in the Division of the General Register of Sasines applicable to the County of Roxburgh on the twenty seventh, all days of April Eighteen hundred and eighty three.

Declaring as it is hereby specially provided and declared that the gift of the said piece of ground is made by the said Mary Theresa Baillie and this Conveyance is granted by me on the express Condition that neither the said Public Hall nor any other building to be erected thereon shall ever at any time be licensed for the sale of spirituous or intoxicating liquors. Declaring as it is hereby specially provided and declared that the said / Trustees shall be bound as they by acceptance hereof do hereby bind and oblige themselves and their foresaids to observe and fulfil this condition in all time coming under pain of nullity.

And declaring further that in the event of me or my heirs or assignees at any time building or opening the piece of ground to the South of the said piece of ground hereby disposed I hereby reserve full powers to me and them to connect free of all claims or charges the drainage system and pipes connected with any house or houses that I or my foresaids may build to the drains and pipes of the said Public Hall which are to be connected with the main drain running through said Village of Saint Boswells. And the said Trustees shall be bound to use a pipe of not less than six inches in diameter so that the same may be large enough to carry off the water from said Public Hall and any house or houses to be erected by me or my foresaids. Which declarations condition and reservation are hereby declared to be real burdens upon and affecting the said piece of ground hereby disposed and shall be inserted or / validly referred to in all future deeds of transmission, decrees, instruments or other writs of or relating to the said piece of ground or any part thereof, otherwise such deeds, decrees, instruments and writs shall be void and null with entry at the date hereof. And I assign the writs and in respect that the title deeds of said piece of ground hereby disposed contain other subjects of greater value than the said pieces of ground herein before disposed and so cannot be delivered up. I hereby oblige myself and my successors to make the same so for us in any possession forthcoming to the said Trustees and their foresaids as Trustees foresaid at their expense on all necessary occasions and that on a receipt and obligation to redeliver the same within a reasonable time and under a suitable penalty. And I bind myself to free and relieve

¹⁴ Also known as Andrew Bryden.

the said Trustees as Trustees foresaid and their foresaids of all their duties, casualties and public burdens. And I grant warrandice¹⁵ and I consent to registration hereof for preservation.

In Witness Whereof these foresents written on this and the two preceding pages of Stamped paper by William / Alexander Galloway, Clerk to Alexander Pott Stevenson Solicitor Kelso, are together with the sketch or plan hereto annexed subscribed as follows vidt.[=videlicet] by me the said Benjamin Hunter at Saint Boswells on the sixth day of May Eighteen hundred and ninety six before these witnesses Walter Duarry and John Duarry both bakers in Saint Boswells aforesaid. And by the said Mary Theresa Baillie at Dryburgh House Saint Boswells on the eleventh day of said month of May and year last above written before these witnesses, the said Alexander Pott Stevenson and Alexander Buchan gardener at Dryburgh House aforesaid (signed), Benjamin Hunter, Mary Theresa Baillie, Walter Duarry witness, John Duarry witness, Alex Pott Stevenson witness, Alex Buchan witness. _____ Register on behalf of Robert Somervaille of Chesterfield Saint Boswells, John James Fairbairn of Fens, Thomas Lawrie Clerk to the Parish Council for the Parish of Saint Boswells, and the reverend William Henry Rankine minister of the Established Church of the said Parish of Saint Boswells as trustees *ex officio* within mentioned and Walter Ballantyne merchant Saint Boswells, John Urquhart MacGregor Free Church Minister in Saint Boswells, / Stuart Erskine Stirling draper Saint Boswells, Doctor William Laing Cullen Saint Boswells, and William Hood butler at Dryburgh House Saint Boswells, as Trustees within mentioned in the Register of the County of Roxburgh (signed), Alex Pott Stevenson solicitor Kelso agent.

Collated by Alfred Mortimer

Collated by J.R. Lyle

Written by Alex Finlay.

¹⁵ In Scottish law, the obligation by which a party conveying a subject or right is bound to indemnify the grantee, dis-ponnee, or receiver of the right in case of eviction, or of real claims or burdens being made effectual against the subject, arising out of obligations or transactions antecedent to the date of the conveyance.