

2243/3

W. No. number of 2243/20.

en

REGION / DISTRICT WARD 24/33

SITUATION	ROSEBURN	
DESCRIPTION	ROSEBURN PUBLIC PARK (G. ROSEBURN TRUST - (11/17)	
DISTRICT COUNCIL INTEREST	OWNERS	ACCOUNT PARKS
AUTHORITY FOR ACQUISITION	ACT OF COUNCIL 44 OF 26.4.1997	SELLER/LESSOR EDWARD BALTHAZAR & OTHERS
PRICE	48954	RECORDED G.R.S. 18.11.1998
		ENTRY MAY 1898
		GAS 22.11.1998
GROUND BURDENS TO BE USED ONLY AS A MARK		
TYPE	PAYABLE TO	AMOUNT
PERIOD OF LEASE	COMMENCING DATE	BREAKS AT
REMARKS :-		

O. S. SHEET	GRID REF.
MT 2242/1	2243/1
MT 2243/5	

AREA OF SUBJECTS AS PER DEED	
Hectares	10.33 Acres
Sq. Metres	Sq.

AREA OF SUBJECTS AS PER SURVEY	
4.18 Hectares	Acres
Sq. Metres	Sq.

D.O. PLAN	REG. FILE
R9	11134/9

DEED REFERENCE
10/113

Thomas Hunter W. S.
Town Clerk
City Chambers.

Robert Fenton
99th November 1898
3 & 4.

ap^d 2/11/11 1/4 1/4
Sol^d lib 35 24. 173- 178.
11 pp @ 24 n min 57- £1 7/4
5 Jan'y 1899

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	2	2	7	3	
		3			

ID/123

Deposition

Edward Ballfour and others
in favor of
The Lord Provost, Magistrates
and Council of the City of
Edinburgh

1898

ID.

Books of Deposition

177

Thomas Hunter W. S. Town Clerk



a

We the parties following, viz: (First) Edward Balfour Esquire of Balmuirie (Second) Major John Colin Wardlaw residing at Corbie ton, Castle Douglas, formerly Lieutenant and Adjutant of the 10th, South Regiment now called 1st Battalion Border Regiment, and (Third) Gilbert Melville Robertson Esquire of Numbur Toth, Seven Lennox Gardens London, Sir Archibald Spencer Lindsay Campbell of Succoth, Baronet and Lieutenant Colonel James Ramsay Campbell residing at Garrachie Glasgow, sometime Captain in the Kings Light Infantry Shropshire Regiment, original and assumed Trustees of the now deceased Sir George Campbell of Succoth Baronet acting under (First) his Trust Disposition and Settlement dated the Twenty second day of October Eighteen hundred and seventy three and registered in the Books of Council and Session the seveneenth day of March Eighteen hundred and seventy four (Second) Deed of Assumption and conveyance dated Twenty sixth and Twenty ninth days of March and registered in the Books of Council and Session the 1st day of April Eighteen hundred and eighty and (Third) Deed of Assumption and Conveyance dated the sixteenth and eighteenth days of March and seventh day of June and registered in the Books of Council and Session the eleventh day of June all in the year Eighteen hundred and eighty six: heritable Reversions of the subjects and others herein after described, in Consideration of the sum of eight thousand seven hundred and sixty four Pounds Sterling instantly paid to us by the said Provost, Magistrates and Council of the City of Edinburgh as the price thereof of which sum we hereby acknowledge the receipt and discharge them. Do hereby Sell and Dispose to the said said Provost, Magistrates and Council of the City of Edinburgh and their successors in office, as representing the community of said City, and their Assignees whomsoever hereafter shall enredeem all All and Whole that area of ground part of the lands of Roseburn extending to ten acres and thirty three decimal or one hundredth parts of an acre or there by Imperial measure lying within the City Parish of Edinburgh and County of Edinburgh and bounded as follows viz: on or towards the north by the medium filium of the Water of Firth on or towards the west by the centre of the Eye wash of the lead serving Murrayfield Corn Mills on or towards the south east by the property belonging to James Thomson Architect and Land Valuator residing at Roseburn House near Murrayfield aforesaid on or towards the north east by the property of the Trustees for the firm of James Waddie & Sons Coal Merchants Edinburgh and on or towards the east partly by the property of the Trustees for the said firm of James Waddie & Sons partly by a roadway leading into the area of ground here described from Roseburn Place and partly by the property of David King Florist Osborne Nursery Murrayfield aforesaid and partly by the medium filium of the Water of Firth all as the said area of ground is delineated and coloured pink on the plan annexed and signed as relative hereto together with all right of property or other right which we have in and to the foresaid roadway leading into the said area of ground from Roseburn Place.

This Disposition with instrument of registration Assession also presented for registration at Edinburgh on the twenty second day of November One thousand eight hundred and ninety eight and duly registered in the Books of Council and Session on the 17th 17th and intervening dates of the Thrice mentioned four hundred and ninety fourth Books of the Division of the public Register of Sasines applicable to the County of Edinburgh.

Edward Balfour
John Colin Wardlaw

G. M. Robertson
Archibald Campbell

1842-

1829-74

4th Baronet from Success in Dunbarton county

= Fossil Supra

Spencer

Kepler

Place and the bridge carrying the same over the mill lead and all rights of access to the said area of ground to which we have right to, together also with the tithes parsonage and vicarage of the said area of ground and also with the whole parts and pertinents thereof and our whole right title and interest present and future therein, which subjects and others before conveyed form part and portion of All and Whole the lands of Roseburn and Dalrymills with the three corn mills upon the Water or Leith called Dalrymills with all other mills built upon the said lands with the mill lands and millhouses pertaining thereto and also with the astricted millhouses of those acres of the lands of Tolleross formerly belonging to Patrick Brown, as also All and Whole the lands of Thomyknows with the houses buildings yards orchards dovecots dams and dam braes aqueducts bridges sluices kilns barns byres stables and all other parts pertinents and pertinents whatsoever of the said lands and others lying in the Parish of Saint Cuthberts and Sheriffdom of Edinburgh, which lands were by a Charter under the Great Seal dated the Second day of August sixteen hundred and ninety seven in favor of Sir James Scougall one of the Senators of the College of Justice obtained to be called then and in all time coming the lands of Roseburn together with the tithes parsonage and vicarage of the said lands of Roseburn Dalrymills and Thimstknows with full power of craching feal and divot upon the banks of the dams and aqueducts of the said mills on either side thereof not exceeding two ells in breadth upon each side of the same and that only for upholding the dams and aqueducts so far as they pass through the bounds of Dalryhaugh and Damhead in all time coming, as also All and Whole these eight acres of land or thereby of the lands of Coates commonly called Langlands with the pertinents lying between the Crossburn upon the south and west parts the lands formerly belonging to Gideon Russell afterwards to Sir James Douers of Larmithe and Jane Kerr his spouse upon the north the lands belonging to Clement Kincaid and afterwards to John Ayres Merchant Burgess in Edinburgh upon the east lying within the Barony and late Regality of Broughton Parish of Saint Cuthberts and Sheriffdom of Edinburgh, Declaring always as it is hereby specially provided and declared that our said dispoyses and their foresaids shall not be entitled to erect on the ground hereby disposed any buildings of any description except such as may be required in connection with the use of the said lands which are disposed for the purpose of being used by our said dispoyses solely as and for a public park and for no other use or purpose whatsoever unless with the consent in Writing of the proprietors for the time being of the ground lying immediately to the west of the ground hereby disposed. And that the sittings in the Parish Church allocated to the lands and subjects hereby disposed shall be allowed to the Kirk Session to use let or dispose of in all time coming as they may think fit. And we assign our said dispoyses in and to the real burdens servitudes conditions provisions

Edinburgh, second January, sixteen hundred and ninety nine. We acknowledge to have received on behalf of the Right Honourable William James Earl of Mar, Viscount Seaforth of Wulteringham, K. G., as regent of the subject aforementioned, from the Corporation of Edinburgh, (by the hands of the said Robert) the sum of five pound sterling as the equivalent of the great Casualties of Roseburn founde fees due and payable by the said Corporation in respect of All and Whole the lands of Roseburn, Dalrymills, Thimstknows and others lying in the County of Edinburgh of which the subjects within the bond form a part, and (Second) the sum of fifteen shillings being the redemption price of all future casualties payable for the said lands of Roseburn and others in terms of the Statute Casualties (Statute) Act. Written, Witness our hands and seals at Edinburgh, the first day of January in the said year.

Robert Blair

James Balfour
 John Colin Ker
 Robert Blair

Jm Robertson
 Archr Campbell

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provisions and stipulations contained in or created by the Dispositions granted by us or our predecessors or authors of ground adjoining the area of ground before disposed so far as the same are conceived in favor of us or our forebears or are enforceable by us and particularly and without prejudice to the foregoing generality we assign our said dispoones in and to the real burdens servitudes conditions provisions and stipulations contained in or created by the following Dispositions granted by us or our forebears viz: First Disposition in favor of the School Board of the Parishes of Saint Guthberts and Dean dated thirty first May First, Sixth, Eighth and Fourteenth June Eighteen hundred and ninety three. Second Disposition in favor of David Waldie Coal Merchant in Edinburgh dated Twenty second, twenty fifth and Twenty eighth November and Fourth and Seventh December Eighteen hundred and ninety three. Third Disposition in favor of the foresaid David King dated Fifth, Ninth, Sixteenth and Seventeenth May Eighteen hundred and ninety four. Fourth Disposition in favor of the said David King dated eighth, eleventh, fourteenth, twentieth and twenty second August Eighteen hundred and ninety four. and Fifth Disposition in favor of the said David Waldie dated Twenty ninth October First, Third, Seventh and Ninth November Eighteen hundred and ninety seven. But declaring always notwithstanding the terms of the foregoing Assignment that these presents shall in no way prejudice or affect the right of us or our forebears to enforce the said Burdens, servitudes, conditions, provisions and stipulations or any of them in so far as we may have an interest to do so. With this we the subjects and others before disposed at the term of Martinmas 5 Eighteen hundred and ninety eight. And we assign the Writs conform to Inventory thereof annexed and signed by us as relative hereto but in respect the same contain other subjects than those before disposed and are not to be delivered up we our selves and our successors to make the same forthcoming to our said dispoones and their forebears on all necessary occasions upon a receipt and obligation for redelivery thereof within a reasonable time and under a suitable penalty and to take the party to whom the said Writs may be ultimately delivered bound in like manner. And we assign the rents. And we the said Edward Balfour and John Colin Wardlaw bind ourselves and our forebears and we the said Trustees of the said deceased Sir George Campbell bind ourselves as Trustees foresaid and our forebears to free and relieve our said dispoones of all duties, Casualties and public burdens. And we the said Edward Balfour and John Colin Wardlaw grant warrantice. And we the said Gilbert McKeale Robertson, Sir Archibald Spencer Lindsay Campbell and James Ramsay Campbell as Trustees foresaid grant warrantice from fact and deed only and bind the Trust Estate under our charge and the beneficiaries interested therein in absolute warrantice, but excepting always and reserving from the warrantice herein before granted the easement or servitude of way, leave three yards broad with relative rights granted to the Water of Luth Purification and Sewerage Commissioners in and over part of the lands before

Edward Balfour
John Colin Wardlaw

John Robertson
Archibald Campbell

before disposed as the same are specified and contained in the Disposition granted by us and the now deceased John Balfour Esquire of Edinburgh in their favor dated the second sixth and ninth and recorded in the Division of the General Register of Sasines applicable to the County of Edinburgh the days of January Eighteen hundred and ninety two and in the servitudes or covenants which may affect the subjects hereby disposed and specially excepting from the Warrandice herein before granted the bye wash of the lead along the west boundary of the subjects hereby disposed. And the consent to the registration hereof for preservation. We Witness Whereof these presents written on this and the three preceding pages by Robert William Norman Clerk to Thomas Hunter Writer to the Signet Down Clerk of Edinburgh are together with the Inventory of Title and plan annexed hereto subscribed in us the said Sir Archibald Spence, James Campbell and Gilbert Mestralle Robertson being a majority and quorum of the Trustees of the said deceased Sir George Campbell Baronet as follows vizt. By me the said Sir Archibald Spence, Lord of Saltoun at Edinburgh on the ninth day of November Eighteen hundred and ninety eight before these Witnesses George Binny Mearns Clerk to the Signet, David Buchanan Writer to the Signet Edinburgh and William Glen my brother. And by me the said Gilbert Mestralle Robertson at London on the tenth day of said month and year last mentioned before these Witnesses Amelia Louisa Robinson Spinster and Alfred Steel my brother and both residing at forty seven Lennox Gardens London. And they are also subscribed together with the said Inventory and Plan by us the said Major John Colin Hardlaw and Edward Balfour as follows vizt. By me the said Major John Colin Hardlaw at Colchester Castle Douglas aforesaid on the twentieth day of said month and year last mentioned before these Witnesses Mabel Hardlaw my wife and Agnes Dickson Housemaid in my service. And by me the said Edward Balfour at Edin on the Eighteenth day of said month and year last mentioned before these Witnesses John Jamieson Bone (subscribing for John Bone) Bone, James Balfour and Andrew Balfour Esquires all of the said Bond and Sheriff's Office respectively London.

9/11/1898
10
14
18

James Bone Witness
 Frederick Ashe Esquire Witness
 Mabel Hardlaw Witness
 Agnes Dickson Witness
 A. Steel Witness
 P. Binny Mearns Witness
 William Glen Witness

Edward Balfour
 John Colin Hardlaw
 John Robertson
 Archibald Campbell

Register on behalf of the Lord Provost Magistrates and Council of the City of Edinburgh and their successors in office as representing the Community of said City in the Register of the County of Edinburgh.
 Thomas Hunter
 W. Down Clerk
 Edinburgh Agent

Disposition
= number
title

Page Fifth

Inventory of Writs referred to in
the foregoing Disposition.

1. Precept of clare constat by James Balfour Esquire of Wiltburgham in favor of John Balfour Esq. of Balhinnit dated 23rd February 1841.
2. Instrument of Sasine in favor of the said John Balfour dated 23rd and recorded in the Particular Register of Sasines 9th for the Sheriffdom of Edinburgh 26th February 1841.
3. Disposition by the said John Balfour and others in favor of Sir Archibald Dalrymple Campbell of Seccoth, Baronet, as Trustee for the Heirs of the Heiresses of the late Andrew Balfour or Ramsay Esquire of the third part of the lands of Roseburn dated 9th 12th 14th 21st 27th & 29th days of October 13th November and 1st and 3rd December 1863 and recorded in said Particular Register of Sasines 21st September 1864.
4. Extract Decree of Special Service of Sir George Campbell of Seccoth Bart. in trust to his brother the said Sir Archibald Dalrymple Campbell dated 5th and recorded in Chancery the 8th days of July and in the Division of the General Register of Sasines applicable to the County of Edinburgh 3rd August 1869.
5. Extract Decree of Special Service of Sir Archibald Spencer Lindsay Campbell of Seccoth Baronet in trust to his cousin the said Sir George Campbell dated 1st and recorded in Chancery 4th and in the said Division of the General Register of Sasines the 24th all days of June 1874.
6. Inventory of the Deeds of the Lands of Roseburn dated 13th November 1863.
7. Disposition and Assignation by the Trustees of the late Miss Ann Balfour of Kingsdale in favor of the said John Balfour Esquire dated 2nd and 13th October 1873.
8. Disposition by the said Sir Archibald Spencer Lindsay Campbell in favor of the said John Balfour dated 3rd and recorded in said Division of the General Register of Sasines 23rd November 1874.
9. Disposition by the said Sir Archibald Spencer Lindsay Campbell in favor of the Trustees of the said late Sir George Campbell dated 3rd and recorded in the said Division of the General Register of Sasines 21st November 1874.
10. Disposition by the said Sir Archibald Spencer Lindsay Campbell in favor of Major General Robert Wardlaw C.B. dated 3rd and recorded in the said Division of the General Register of Sasines 21st November 1874.
11. Notarial Instrument in favor of the Trustees of the said General Robert Wardlaw C.B. recorded in the said Division of the General Register of Sasines 20th February 1886.
12. Notarial Instrument in favor of the Trustees original and assumed of the late Sir George Campbell of Seccoth Bart. recorded in

1820-1856

Enrolled
- M.P.
Balfour
Prime Minister
Arthur Balfour
1st Earl of Balfour

Trust Acts

Page Sixth

- of John Colin Wardlaw dated 27th February and 19th April
and recorded in said Division of the General Register of Sasines
18th May 1886.
14. Notarial Instrument in favor of the Trustees original and assumed
of the said deceased Sir George Campbell recorded in the said
Division of the General Register of Sasines 30th June 1886.
15. Extract Decree of General Session the said Edward Balfour to his father
the said John Balfour dated 23rd and recorded in Chancery 25th
September 1895.
16. Notarial Instrument in favor of the said Edward Balfour recorded
in said Division of the General Register of Sasines 15th January
1896.
17. Notarial Instrument 10th 20th 20th recorded in said Division of
the General Register of Sasines 15th January 1896.

Edward Balfour
John Colin Wardlaw.

John Robertson

Archibald Campbell

Please sign Wardlaw

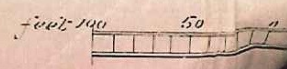
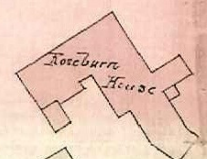
WATER OF 660' 0" LEITH

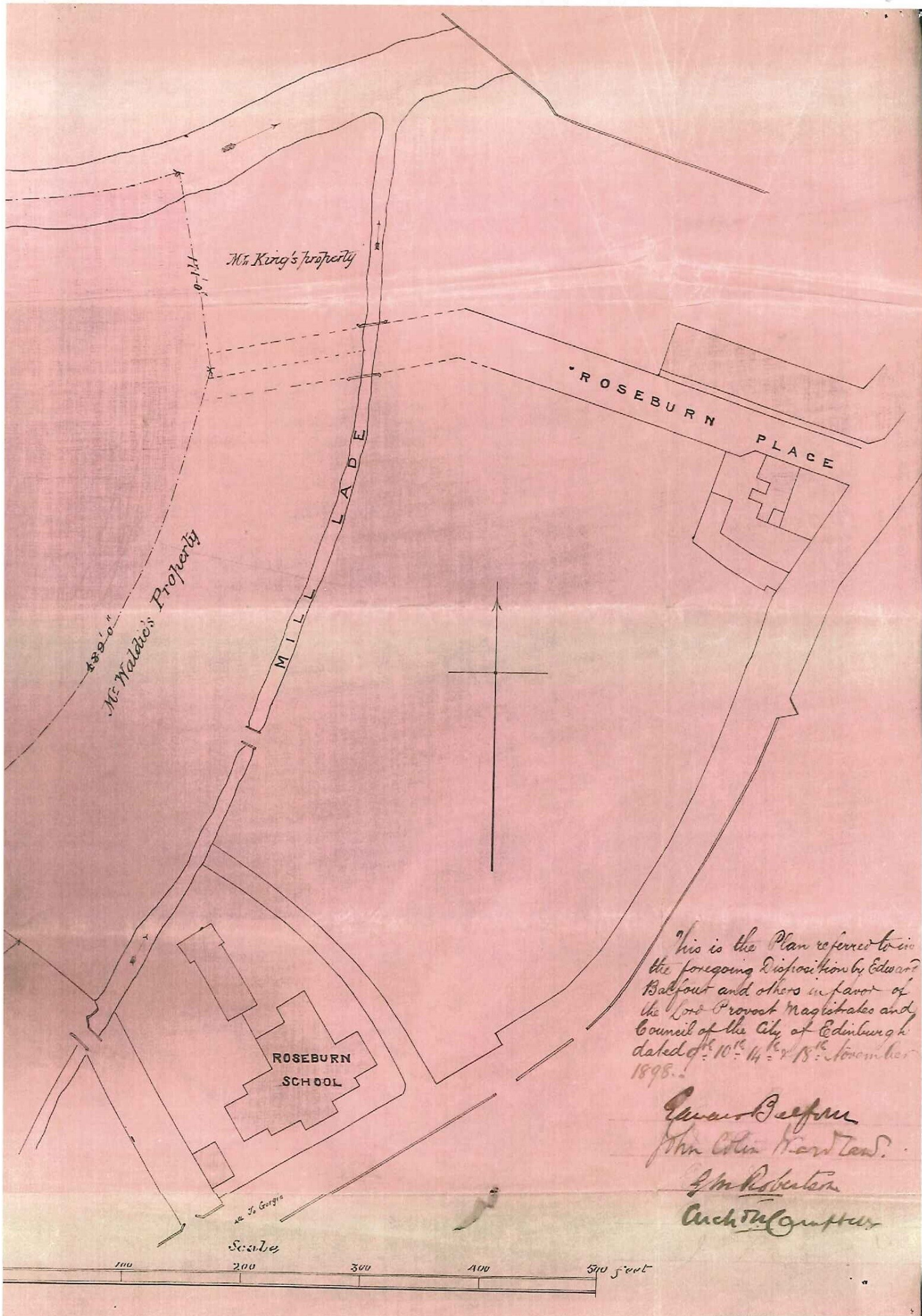
Ac. Dec.
10.330

9.90' 0"

1.54 M
EXB

406' 0"
Mc Thomson's Property





This is the Plan referred to in the foregoing Disposition by Edward Balfour and others in favor of the Lord Provost Magistrates and Council of the City of Edinburgh dated the 10th 14th & 18th November 1898.

Edward Balfour
 John Colin Hart Lead.
 J. M. Robertson
 Arch. Dalgleish