

FALKIRK ARCHIVES

Russel & Aitken Papers (25): Papers of Robert Russell of Dalnair, 1691-1858

The finding aid for the Russel & Aitken Papers has been divided into 59 parts. This part contains a list of records relating to Robert Russell of Dalnair.

Family history

Robert Russell of Dalnair was a cloth merchant in Falkirk and lived in Grahams Road. He was also an active and acquisitive landholder.

He owned lands in Seabegs and also acquired adjacent subjects at Underwood from Major –General Straton, which included the Distillery of which More was a tenant. He also owned subjects in Baillie Swords Close in Falkirk and there was a long standing family interest in the Lands of Garbethill in east Dunbartonshire, dating from 1763 and probably earlier. Robert Russell frequently acquired properties by exercise of rights deriving from Bonds in his favour following non-payment of sums due by the granters including family members who had interests in the lands, much of which reverted to Robert Russell subsequent to his lending to them and their granting Bonds in his favour for sums which they were unable to repay. Much of the material relating to family succession is complex but it is clear that Robert Russell was a successful, but hard and uncompromising, businessman, whether dealing with family members or others.

The papers provide evidence of Robert Russell's antecedents from the beginning of the 18th Century when John Russell, son of William Russell, Woodseller in Langside, married Margaret Gilmore of the family which owned Seabegs. The Russell family also had a landholding at Garbethill in Dunbartonshire which dated from the early 18th century or earlier.

Robert Russell married Janet Melville, daughter of Robert Melville, wood merchant in Falkirk, and Elizabeth Callander. There was subsequently a post-nuptial Marriage Contract Trust. The papers show some evidence of distrust and antipathy from the Melville family, particularly A Melville, a writer in Edinburgh.

Robert Russell had a number of brothers and sisters and a number of children. He died in 1855.

Scope & Contents Note

Writs and title deeds for lands in Seabegs, Forresters Quarter, Aboon the Well (known as Dalnair by 1830), Lochdrom, Underwood, purchased by Russell from General Straton; Titles, searches and inventories of subjects in Bailie Sword Close Correspondence; Corn Exchanged in Bailie Swords Close, the farm of Dalnair(sale bills etc) and other subjects in the High St/West Port

Date range: 1691-1858

Reference Code: A1825

Item list

- A1825.001 1691-1771 Writs for Seabegs. Includes Precept of Clare Constat by William Brown of Seabegs in favour of Margaret & Marion Gilmore, only lawful daughters of Robert Gilmore, 1691; writ in favour of Mary Russell only daughter of John Russell, portioner, Forrester Quarter of Seabegs, 1771, Inventory of writs of Forrester Quarter of Seabegs and Discharge & Assignment by George Binnie to John Anderson.
Also includes notes about the Anderson family.
- A1825.002 1730-1847 Writs for Seabegs, Dalnair & Forrester Quarter of Seabegs. Includes Sasine in favour of John Smith & John Dobbie and his Spouse, Precept of Clare Constat of part of the lands of Forrester Quarter of Seabegs by Charles Innes (WS Commissioner) appointed by Thomas Dundas in favour of John Anderson as heir of Mary Russell his Mother, Disposition by William Gillespie of part of his property of Seamores in favour of Robert Russell; and Inventory of Writs for the Lands of Dalnair belonging to Robert Russell purchased from Major-General Straton.
- A1825.003 1741-1842 Writs for Seabegs. Includes Contract of Excambion & Division between John Smith & James Dobbie, Disposition by Robert McKell to John Anderson, Disposition or Discharge & Renunciation by William Hamilton to Robert Russell
- A1825.004 1820-1846 Inventories of writs for properties of Forrester Quarter, Above the Wood, Calfcrucks and Aboon the Well (which became Dalnair by 1830) acquired by Robert Russell. Includes Inventory of the writings & title deeds of Aboon-the-Well, Inventory of the title deeds of the fourth part of Forrester's Quarter of the lands of Seabegs and Inventory of the title deeds of Lochdrum
- Note: Writs listed in Inventory of writs for Aboon the Well are (a) Deed of 1674 by Robert Gilmore, Portioner of Seabegs in favour of his son Robert Gilmore and Janet Boyd, Spouses, (b) Precept of Clare Constat by William Brown in favour of Margaret and Mary Gilmore, (c) Instrument of Sasine in favour of John Russell, of 1702 proceeding on Contract of Marriage between John Russell, second lawful son of William Russell, Woodseller in Langside and the said Margaret Gilmore, (d) Instrument of Sasine in favour of Margaret Russell or Anderson, 1733, (e) Precept of Clare Constat by Sir Thomas Dundas in favour of John Anderson, heir of Mary Russell, 1794, (f) Disposition by John Anderson to Thomas Anderson in liferent and Agnes, Mary, Janet and Elizabeth Anderson in fee.; then various writs whereby Mary Anderson became entitled to 5/8th of Forrester Quarter and Isabella Brown 3/8^{ths}
- A1825.005 1821-1836 Searches of Incumbrances relating to the lands of Glenyards, Lochdrum, Forrester Quarter, Underwood and Aboon the Well showing acquisitions by Robert Russell.

- A1825.006 1821-1823 Diligence Documents relating to various parts of Seabegs. Includes Registered Protest William Rintoul v Robert Scott of Glenyards, John Boyd of Clayknows & Alexander Scott of Underwood, Extract Decreet of Mails & Duties of Russell v Boyd and others, Bond of Relief by Robert Scott to Andrew Spiers & others and Horn & poind, Willian Rintoul vs Robert Scott, John Boyd & Alexander Scott
Also includes Opinion for Robert Russell, residing at Grahams Rd at the instance of the Stentmasters with regard to removal of a wall, 1848.
- A1825.007 1822 Extract Decree of Maills and Duties. Robert Russell of Dalnair v John Walker, farmer at Abin the Well
Bond by Agnes Anderson and Thomas Miller in favour of RR for £200.
- A1825.008 1824 Correspondence with John Stewart, writer, Glasgow about debts due by Thomas Miller and Elizabeth Anderson to Stewart, Memo by Mary Anderson and Isabella Brown about the title of Abin the Well which passed from John Anderson of Seabegs to his 4 nieces.

Note: The papers show that Millers' creditors asked Robert Russell not to advance money to them to pay off their debts because if they get the money they will not use it to pay off the creditors. Russell went to Edinburgh to settle purchase by Mrs Miller with Russell's money and the Millers asked Russell for accounting in relation to these transactions
- A1825.009 1825 Papers relating to acquisition of Abin the Well from Thomas Millar and his spouse Elizabeth Anderson. Includes Discharge & Renunciation by Robert Melville & others to Thomas Miller, mason in Glasgow; and Agreement by Mary Anderson or Miller, spouse of Thomas Miller, mason and Isabella Brown to sell the lands of Aboon the Well to Robert Russell of Dalnair.

Note: Papers show negotiations involving the Marriage Contract Trustees with the Millers and Isabella Brown resulting in Robert Russell acquiring 5/8ths of Aboon the Well from the Millers and 3/8ths from Isabella Brown. Thomas Miller reports death of Mrs. Miller and asks for more money. Arrestment of funds in the hands of R&A by Stewart, the Millers' agents. Suggestions that Isabella Brown has been done out of her money.
- A1825.010 1807-1850 Miscellaneous papers mostly relating to Seabegs. Includes Note of settlement of price of Above the Well, Feu duty book, Offer for Lochdrum, letter from Archibald Melville to Russel & Aitken asking about the possibility of compromise in the case of Russell v Stentmasters of Falkirk, and details of amounts due to Russel & Aitken by Mr More, Underwood.
- A1825.011 1829 Correspondence relating to Seabegs. Includes letter from John Dinning, Writer in Glasgow requesting return of Seabegs title deeds.

- A1825.012 1828 Papers regarding Lochdrum & Forrester Quarter. Includes correspondence about Lochdrum & Forrester Quarter, Seabegs properties with Thomas Miller, Robert More, distiller, Underwood, Struthers, upholsterer, Falkirk and Nicol Hugh Baird and Tack between Nicol Hugh Baird and Thomas Walker, mostly relating to debts due to Robert Russell.
- Note: Nicol Hugh Baird, a member of the Yeomanry, was involved in the Bonnymuir skirmish with the Radicals in 1820.
- A1825.013 1832 Disposition by William Hamilton to Robert Russell of part of Forrester Quarter for making part of public road. Measurement by Alex Black.
- A1825.014 1844-1848 Papers relating to Russell's various properties. Includes letter from H.G. Dickson to Russel & Aitken about Lochdrum, Hirst Park, Glenyards and Above-the-Wood; letter relating to entail of Garberthill, entry with the Superior (a matter of dispute) and reservation of minerals; and Complaint of John Gair, Procurator-Fiscal of Court of the Eastern District of Stirling County against Robert Russell, as to two foul and offensive privies and a dunghill and that upon the premises in Swords Wynd owned by Robert Russell there is an accumulation of filth injurious to the health of inhabitants.
- A1825.015 1720-1837 Titles of Subjects in Bailie Swords Close, acquired by Robert Russell in 1833. Includes Disposition by William Hutton to Walter Lean and Search of Incumbrances over Subjects in Bailie Sword's Close, Falkirk.
- Property described as "On the east side of Baillie Swords Close (or West Boreland Close) and the oven and little byre upon the west side thereof"
- A1825.016 1825-1829; 1837 Papers relating to Garbethill, Underwood and Lochdrum. Includes Account current of James Russell, merchant to Russel & Aitken relative to Bond by him and his father to his brother, Robert Russell of Dalnair; Bond of Caution by Robert More, distiller at Underwood and his Cautioners in payment of his composition and correspondence with More as to loan by Russel & Aitken to More; Inventory of writs relating to subjects acquired by Robert Russell from Major General Stratton; and papers relating to Nicol Hugh Baird's disputing Robert Russell's purchase of Lochdrum.
- Also includes memorandum as to arrangement between Robert Russell and Duncan Campbell for sale of ground at Bonnyside and Agreement, John Mitchell, farmer Threaprig and Thomas Aitken, write, Falkirk, 1837.
- Note: Papers relating to Garbethill show that James agreed not to insist on payment of sums referred to in the Bond during his lifetime, and their father was to get rents during his lifetime.

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| A1825.017 | 1830 | <p>Papers relating to Robert More's sequestration and Robert Russell's subsequent acquisition of Underwood. Includes Minute of Agreement between George Shaw, on behalf of Major-General Straton, and Robert Russell for the purchase of part of the lands of Underwood and Skipperton and "the three bottom rooms in pew no.11 in the gallery"; correspondence showing disagreement with General Straton (writing from the New Club, Edinburgh) as to settlement; Memorandum with regard to the Consignation made by Robert Russell and Isabella Brown or Miller & Thomas Miller junior, mason in Glasgow; and Account between Robert Russell and Mr and Mrs Miller. Thomas Miller writes "Mr Smith, Accountant, has put me in jail for £20."</p> <p>Also includes correspondence from James Turnbull about the stock of James Russell, merchant, Falkirk; Renunciation of Tack of Above the Well by John Walker, tenant; and other items.</p> |
| A1825.018 | 1840-1854 | <p>Papers relating to Underwood. Includes Disposition & Settlement by Elizabeth Callander or Melville (mother of Janet Melville or Russell and spouse of Robert Melville, wood merchant) residing in Falkirk; correspondence regarding entry with the Superior (Earl of Zetland) in respect of Underwood; and correspondence regarding Teinds continuing because of lack of response from Robert Russell.</p> |
| A1825.019 | 1831 | <p>Papers relating to action raised by Robert Russell against his brother, James Russell, merchant, Falkirk; and to sequestration of More, Underwood, and continuing disagreement with General Straton. Includes extract Decree of Removing for Russell v Russell; Measurement by John Shaw of ground at Underwood and pencil plans of fields to the south of the Great Canal and of Hirst Park fields; Business card of Jas Russell, Silk Mercer, Woollen and Linen Draper (laminated).</p> <p>Papers show price agreed price for Hirst Park, missives signed and continuing complaints from Straton about expense, trouble and delay.</p> <p>Note: Robert Russell held Bonds over his brother's property on the south of the High Street. Robert obtained a decree removing James, his son William and also Georgina, straw hat maker.</p> |
| A1825.020 | 1814 | <p>Papers relating to the Entail of Garbethill. Includes Memorials and Queries to Mr Clark, Advocate, relating to the Entail of Garbethill granted by John Russell of Garbethill in 1763.</p> <p>Note: The Memorial and queries show that John Russell of Garbethill did not marry and the Memorialist succeeded him and "assumed the name of Russell". Queries whether he can sell the entailed land, (324 acres) feu it or grant tacks or borrow on the entail in order to provide for his five children, James, Elizabeth, Matthew, Robert and Agnes. Opinion. The entail not recorded in</p> |

the Register of Tailzies and does not include the mansion house or pleasure ground. Memorialist can grant leases for up to 100 years. Further Memorial to Mr. Cranstoun, Advocate 1816. The entailer died before the Memorialist attained majority. Opinion. No sale, no lease of mansion house for longer than his lifetime. No borrowing on the entail.

A1825.021 1815 Tacks by John Russell to Robert Russell of Garbethill and Farms of Shank and Craighead, in the Parish of Cumbernauld.

A1825.022 1821 Memorial & Queries & Answers for John Russell & his son, Robert Russell, concerning lands of Garbethill possessed by John Russell and his son Robert Russell.

Note: John Russell in 1814 obtained Opinions and granted two Tacks to Robert of parts of his lands. John Russell was never able to uplift the surplus rents. Robert let part of the land to strangers and the remainder was possessed by his father John Russell as agreed with Robert. Then RR told tenants they might settle rents with his father, who was as a result indebted to Robert £348 and £130.2.0. John Russell was unable to pay and Robert agreed to postponement. John Russell not able to live comfortably on the rents from the Tacks. Robert has agreed to renounce the Tacks for £200. John Russell unable to pay. Robert agrees, if he gets Bond over Garbethill, to advance John Russell £100 or £200 to discharge his debts if he can safely do so, Queries 1. Would the Bond be effectual against the property? Would the heir of entail be bound to repay? Entail not recorded. John Russell infert in the Lands. He acquired rights in consequence of the entail tho' he was not legal representative of the entailer. 2. Should there be two Bonds a) for surplus rents and consideration for renouncing the Tacks and b) for his shop account and further loans? Would the next heir of entail be bound to pay John Russell's personal debts? Could his creditors adjudge the Lands of Garbethill? Would Counsel advise Robert to take a docquetted account in preference to a heritable Bond?

A1825.023 1849 Correspondence relating to Garberthill Entail. Includes correspondence from agents of Mary Anderson or Miller who had borrowed from Robert Russell.

A1825.024 1841 Correspondence between John Burnett and Russel & Aitken relating to Glasgow Trongate. Includes correspondence, John Burnett to James seeking exhibition of a Disposition to Robert Russell of subjects on the Trongate, Glasgow writing "now that your Burgh election is over (and has resulted so fortunately as I am happy to observe".

A1825.025 1833 Various Papers. Includes Roup Roll of the effects sequestrated on the premises possessed by John Struthers, upholsterer, Falkirk £43.9.11 ½; Petition for payment by Robert Russell; and letter relating to stamping of Disposition by Mr Alexander Boyd.

- A1825.026 1810 Registered Disposition & Deed of Settlement by Robert Melville in favour of his spouse and children.
- Trustees: Reverend Henry Belfrage, John Callander of Ladysmill, Alexander Callander, Grazier, Falkirk and John Burns, Writer, Falkirk, and Elizabeth Callander. Subjects mentioned include "riggs or butts of land at the east end of the Town of Falkirk also butts of land lying in Kirkhill. Easter butts of land lying on the south side with further descriptions"
- A1825.027 1837-1839 Mr Robert Russell's Account with Russel & Aitken, and memorandum as to account between Robert & James Russell.
- Note: Account 1832-1838 shows that James Russell had sold his house to Robert Russell (his brother) for £1,400. James owed Robert £1,100 and balance of £300 to be applied in settlement of Russel & Aitken's account and a balance of the open account between the parties.
- A1825.028 1820 Extract registered post nuptial Marriage Contract between Robert Russell and Janet Melville or Russell with related correspondence.
- A1825.029 1823 Discharge & Deed of Restriction by Robert Melville & other Trustees to James Russel, Robert Scott and others.
- A1825.030 1849-1866 Papers relating to Post Nuptial Marriage Contract Trust between Robert Russell and Janet Melville or Russell. Includes Discharge by Robert Melville & others as Trustees for marriage contract, 1850; Interim Act and Decree appointing Thomas Melville to be Judicial Factor on the Trust Estate; and Account of his intronmissions 1860-1866.
- A1825.031 1854 Papers regarding Russell Marriage Contract Trust. Includes correspondence with various members of the Russell family and A Melville, Writer, Edinburgh (Robert Russell's brother-in-law); and Excerpts from Minute of Meeting of the Trustees under the Contract of Marriage between Robert Russell and Janet Melville or Russell.
- Note: The Trustees had lent £1500 to Robert Russell which he had then lent to the Shotts Iron Co to get a higher rate of interest than available on heritable security. A letter had been written which Alexander Melville considered defamatory. The Russells agreed that further Trustees should be appointed and were happy with the Shotts investment.
- A1825.032 1842-1858 Papers regarding Robert Russell's Death. Includes Intimation of Robert Russell's death on 23 November 1855; invitation to James Russel of Russel & Aitken to Robert Russell's funeral sent by John Russell (Robert's son) and Robert Russell Trustees' account on his estate.
- A1825.033 1828-1857 Papers regarding Estate of Robert Russell. Includes letters from Robert Melville Russell to Russell & Aitken; Inventory & Valuation

of the Heritable Property which belonged to the deceased Robert Russell; Extract Registered Trust Disposition & Settlement by Robert Russell in favour of Robert Melville Russell and others as Trustees; Draft Inventory of Robert's moveable estate, including debt of £600 due by William Galloway Russell of Garbethill and including bills, promissory notes etc.; Valuation of cottage and garden in Grahams Road; Inventory and valuation of household furniture and effects. Deed of Assumption by James Russel (Russel & Aitken) of new Trustees in the Marriage Contract. Trust, being Thomas Melville of Kersehill, timber merchant, Robert Melville Russell and John Russel, Writer, Falkirk; and Adjusting provisions for Robert's widow.

A1825.034 1860-1867 Papers regarding Russell Estate. Consists of Deed of Assumption by Janet Melville or Russell in favour of John Russell & Robert Melville Russell Trustees ut intus and Power of Attorney by Thomas Melville Russell in favour of Robert Melville Russell.