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RULES AND ARTICLES

BY THE

COMMISSIONERS

OF THE

ANNEXED ESTATES

In SCOTLAND,

FOR THE IMPROVEMENT OF

*HIGHLAND FARMS,*

AND FOR

The ENCOURAGEMENT of TENANTS

Upon the said Estates.

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EDINBURGH,

PRINTED IN THE YEAR M.DCC.LXXIV.

**A**T Edinburgh, the eighth day of August  
One thousand seven hundred and seventy  
four years, in presence of the Lords of Council  
and Session, compeared Mr. David Rae and  
Mr. Cosmo Gordon, advocates, procurators for  
Sir James Adolphus-Oughton, and others after-  
mentioned, and gave in the rules and articles  
under-written, desiring the same might be re-  
gistered in their Lordships books, conform to  
the clause of registration therein contained;  
which desire, the said Lords found reasonable,  
and ordained the same to be done accordingly;  
whereof the tenor follows.

RULES AND ARTICLES

SETTLED BY THE

COMMISSIONERS appointed by his Majesty for managing the ANNEXED ESTATES in Scotland,

FOR THE

Improvement of Highland Farms, and for the Encouragement of Tenants upon the said Estates; to be observed by all Tenants whose Leases shall be made to bear relation to the same.

I. THAT the tenants, whose leases shall bear relation to these articles, shall continue astricted to the mills of the annexed estates to which they are now severally thirled, and shall pay and perform the multures and mill-services used and wont. But because the Commissioners intend, as soon as may be, to abolish (or at least greatly to abate) the burden of thirlage in the annexed estates; therefore, as soon as they shall accomplish that intention, by granting new leases of the mills without astricted multures, or with an abatement thereof, then the said tenants shall not only pay whatever diminution the mill-rents shall suffer thereby, in proportion to the rents of their fe-

veral astricted lands, but shall also continue to perform such of the present mill-services as shall be reserved in the said leases of the several mills.

II. THAT, in order to facilitate inclosing, the respective tenants shall be bound, at all times when required by the Commissioners, not only to straighten marches, but also to exchange pieces of ground with one another; and when such exchange cannot conveniently be made, to give off such pieces of ground as the Commissioners shall judge necessary, to be added to any adjoining farm; the tenants being allowed, in this last case, a proportional abatement of their respective rents, as the same shall be ascertained by one person to be named by the factor, and another to be named by the tenant; which two persons so named, shall chuse an oversman before they go upon the grounds, who is to determine in case of variance.

III. THE said Commissioners reserve power to search for, and work all mines and minerals, coal, lime, marl, slate, and freestone quarries, upon paying the tenant's damage, as the same shall be ascertained by one person to be named by the factor, and another to be named by the tenant; which two persons shall chuse an oversman before they go on the grounds, who is to determine in case of variance.

IV. THAT the said tenants, at their own expence, shall be obliged to keep the houses now upon their respective farms, or which may hereafter be built upon them, as well as their fences and gates, in sufficient repair, and to leave them so at their removal; and they shall likewise clean their ditches, and weed

weed their hedges carefully, as often as shall be requisite: And, in case any of the tenants fail so to do, after three months notice as to the houses, and three weeks notice as to the fences, the factor, or other person named by the Commissioners, shall cause the same to be done by other persons; and the tenant so failing, shall be obliged to repay the expences thereof to the Commissioners, as the same shall be ascertained by the baron-baillie; and diligence, for payment of such expence, shall pass in the same manner as for the rent; or, if necessary, the Commissioners may keep a hedger for the reparation of the fences, whose wages shall be paid by the tenants, proportionally to the labour bestowed on their respective inclosures.

V. THAT tenants entering to the houses without complaint, shall not afterwards have any claim, upon pretext of insufficiency, but the entering tenant shall pay to the removing tenant, the value of all the additional buildings, and of meliorations, other than necessary repairs which he shall have made upon his houses, providing the same be made with the approbation of the factor, and do not exceed three years rent of the possession; but it is always understood, that nothing is to be paid or allowed for buildings or meliorations thereof, where tenants get a lease for, or have possessed 41 years.

VI. AND, to the end the said tenants may be encouraged to plant and preserve trees upon their several farms, it is hereby provided and declared, that at the expiration of their respective tacks, they shall be intitled to the value of all such trees as shall then be growing upon their several farms, which shall have been planted and preserved by them, according to such valuation as shall be made thereof by one person to be named by the Commissioners,

missioners, and another to be named by the tenant; which two persons so named shall chuse an oversman before they go upon the grounds, who is to determine in case of variance; reserving, nevertheless, power to the Commissioners, every three years, to cause weed and thin the trees so to be planted by the tenants, the respective tenants always having right to such weedings for their own use.

VII. ALL inclosed lands in tillage, shall, when laid in grass, be sown with good and sufficient clover, and other grass seeds, along with barley, oats, or flax, the lands for barley getting at least three ploughings; and when so laid in grass, they shall not be taken up again for tillage, till they have lain for four years at least in grass, unless where great clover is intended for one year only; and the tenants shall always keep one fourth, at least, of their inclosed arable land in such sown grass, and leave them so at their removal; but if the removing tenant shall have more than one fourth part of his inclosed arable land in grass, he shall possess such overplus to the term of Martinmas, after his removal from the houses, unless the entering tenant shall redeem the possession of such overplus, by paying him the value thereof; and in these four years of grass, they shall not take above two crops of hay, without dunging upon the grass. And the tenants, for every acre they shall fail to manage, according to the foregoing rules, shall be obliged to pay one pound Sterling at Martinmas yearly, over and above their rents. And in the event of their not leaving, at their removal, a full fourth part in grass, as said is, they shall be obliged to pay at the rate of two pounds Sterling, for every deficient acre; and diligence shall

shall pass for these sums, in the same manner as for the rents.

VIII. THAT no tenant shall plough up any of his meadow-ground, without a written order from the factor, under the penalty of five pounds Sterling per acre.

IX. THAT the said tenants, at their removal, shall be obliged to leave the half of the crop, the entering tenant paying the value, as the same shall be ascertained by men mutually chosen by them; which persons so chosen, shall chuse an oversman, who is to determine in case of variance; and the removing tenant shall be paid for such dung as shall be left on the farm at his removal, to be appretiated in the same manner; and the entering tenant shall have liberty to sow grass-seeds with the removing tenant's last crop, without being liable to any claim of damages on that account.

X. THAT the said tenants shall not keep, or suffer any sheep or goats, upon such parts as are inclosed with hedges, nor where there are inclosures for preserving young woods or plantations; nor goats, where there are woods of any kind.

XI. EVERY district or township of tenants, who have grazing upon the same hills or grounds, shall go to their shealings, and remove from the same at one time, as the same shall be directed by the factor.

XII. ALL grazings shall be divided and separated, as much as may be; and all grazings which cannot be so divided, shall be

foimed and roumed, and the tenants not to exceed the founs of cattle ascertained for their respective farms; nor shall any tenant keep or take in any grazing cattle, belonging to other people, upon such common or undivided grazings, so as to exceed the foun of his farm, nor keep any vicious or distempered cattle.

XIII. THAT all and each of the tenants shall be obliged to herd their horses, black cattle, sheep, and all other bestial, in the winter, as well as summer, under the penalty of half a merk Scots for each beast found upon a neighbour's ground or farm, for which the beast may be poinded and detained, besides the real damage; and to submit to the regulations of the baron-courts about herding. And the Commissioners reserve power to name persons for poinding the cattle of one farm found on another farm, and to draw the penalties of the statute.

XIV. No moor-burn shall be made, without a special allowance from the factor, under the penalty of five pounds Scots for each acre burnt.

XV. ALL tenants shall be obliged to pay their proportion of the wages of the pundlers or public herds, ground-officers, fox-hunters, and of the killers of eagles and other vermin, as the same shall be proportioned by the baron-baillie or birleymen. And the said Commissioners consent to the registration hereof, in the books of Council and Session, or others competent, for preservation; and thereto constitute Mr. David Rae and Mr. Cosmo Gordon, advocates, their procurators. In witness whereof,

of, these presents, written upon this and the six preceding pages of stamped paper, by John Gunn clerk to Allan M'Dougall writer to the signet, are subscribed by a quorum of the said Commissioners, at Edinburgh, the eighth day of August, One thousand seven hundred and seventy-four years, before these witnesses, William Barclay their secretary, and James Morison their first clerk. (Signed) JA. ADOLPHUS-UGHTON, JA. VEITCH, HENRY HOME, ARCH. GRANT, GEORGE CLERK-MAXWELL, WILLIAM BARCLAY, witness, JA. MORISON, witness.—Extracted upon this and the six preceding pages, by

(Signed) JA. PRINGLE.

The first part of the book is devoted to a general  
 introduction of the subject, and to a description of the  
 various methods which have been employed for the  
 purpose of determining the true value of the  
 quantity in question. The second part is devoted  
 to a detailed account of the various methods  
 which have been employed for the purpose of  
 determining the true value of the quantity in  
 question. The third part is devoted to a  
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