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RULES AND ARTICLES
BY THE
COMMISSIONERS
OF THE
ANNEXED ESTATES
In SCOTLAND,
FOR THE IMPROVEMENT OF
LOWLAND FARMS,
AND FOR
The ENCOURAGEMENT of TENANTS
Upon the said Estates.

EDINBURGH,

PRINTED IN THE YEAR M.DCC.LXXII.

AT Edinburgh, the sixth day of December One thousand seven hundred and seventy three years, in presence of the Lords of Council and Session, compeared Mr. Henry Dundas advocate, as procurator for the Commissioners of annexed estates in Scotland, and gave in the rules and articles under-written, desiring the same might be registered 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 of the ANNEXED ESTATES
in Scotland,

FOR THE
Improvement of Arable Land, or Lowland
Farms, and for the Encouragement of Te-
nants upon the said Estates; to be observed
by all Tenants whose Leases shall be made to
bear Relation to the same.

I. **T**HAT 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 several 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.

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II. THAT,

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II. THAT, in order to facilitate inclosing, the respective tenants shall be bound, at all times when required by the Commissioners, not only to streighten 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.

III. 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 their hedges carefully, as often as shall be requisite: And in case any of the said 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 the factor, if he sees fit, 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.

IV. That the tenants shall not, without a special allowance in writing by the said Commissioners, keep any sheep upon their farms, except in inclosures fenced with sufficient stone walls, neither shall they suffer the sheep of any other person to pasture thereon.

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V. FOR introducing a better method of cultivating land than has hitherto been practised on these estates, the said tenants shall be bound to fallow annually, in regular course, not under three acres of ground for each plough kept by them upon their several farms, and proportionally for half a plough or less, giving such fallow four ploughings at least. And each of the said tenants shall sow two acres at least every year with red clover for each plough, and proportionally for half a plough or less; and shall have, as soon as can be, and thereafter always keep, two fifth parts at least of his inclosed arable grounds in grafs, which shall have been sown with good and sufficient grafs seeds.

VI. THAT each tenant, at his removal from the houses, shall leave at least two fifth parts of his whole inclosed arable grounds in grafs, for the use of the entering tenant; which two fifth parts shall have been in pasture at least for the three preceding years. But if the removing tenant shall have more than two fifth parts of his inclosed arable grounds in grafs, he shall possess such overplus to the term of Martinmas after his removal from the houses. And 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.

VII. THAT the said 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, two fifth parts in grafs, as said is, they shall be obliged to pay at the rate of two pounds Sterling for every deficient acre, and diligence shall pass for these sums, in the same manner as for the rents.

VIII. THAT

VIII. THAT no removing tenant shall carry off the straw or dung that may be on his farm at his removal from the houses, but shall leave the same to the entering tenant; and the entering tenant shall have liberty to sow grass feeds with the removing tenant's last crop, without being liable to any claim of damages on that account.

IX. 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, and another to be named by the tenant; and, in case of variance between them, by the sheriff-depute of the county for the time being, by a writing under his or their hands: 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.

X. THE said Commissioners reserve also power to search for, and work all mines and minerals, coal, lime, marl and free-stone quarries, upon paying the tenant's damage.

XI. 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, and to house or inclose them in the night, 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
pounded

pounded 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 pointing the cattle of one farm found on another farm, and to draw the penalties of the statute, unless he be prevented by the tenant who suffers the trespass.

XII. THAT all and each of the said tenants shall enter to, and accept of their houses as sufficient, at the commencement of their several leases. But it is hereby declared, That in order to encourage them to be industrious, and observant of these rules and articles, the Commissioners will oblige the entering tenant to pay to each removing tenant, at the expiration of his lease, the value of all 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 two years rent of the possession. Providing also, That no tenant shall build any walls but with stone, nor cover a new or rebuilt house with turf or divot, but that the same shall be properly covered with thatch, fern or heather, sewed with tar-rope yarn, or covered with some better materials: 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 forty-one years.

XIII. ALL tenants shall be obliged to pay their proportion of the wages of pundlers or public herds, fox and eagle-hunters, and of the wages of killers of foxes, 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 pre-

servation ; and thereto constitute Mr. Henry Dundas, advocate, their procurator : In witness whereof, these presents, written on this and the five preceding pages of stamped paper by John M'Arthur clerk to Allan M'Dougall writer to the signet, are subscribed by the said Commissioners, at Edinburgh, the sixth day of December One thousand seven hundred and seventy-three years, before these witnesses, William Barclay their secretary, and the said Allan M'Dougall.—(Signed) ROBERT OLIPHANT, GEORGE CLERK-MAXWELL, JA. ADOLPHUS-UGHTON, THOMAS DUNDAS, ARCH. GRANT.—ALLAN M'DOUGALL, witness, WILLIAM BARCLAY, witness.——Extracted upon this and the five preceding pages, by

(Signed) JA. PRINGLE.