

38 Clarence Street.

Edinburgh 25 Febry 1891

Dear Sir.

Dornock

I now send you the Excerpts from the Decree of Division of the Community of Loanmore I have made, and take of the properties in and about Dornock belonging to the Sutherland Estate which are contained in the recent Deed of Entail of that Estate.

The Excerpts from the Decree are rather lengthy, but some of the details of the procedure in the Division are necessary for fully understanding the findings.

The Deed of Entail of the Sutherland Estate is of so late a date as 1878 and I believe it includes all the properties which belong to the Duke of Sutherland in and about Dornock. To make a full search to make quite certain of this would cost more than what was pointed at at the last meeting  
w/

in the Council Chambers, and probably  
such search may not in the circum-  
stances be thought necessary.

Had the Burgh specially conveyed  
the allotments of the Common made  
to the inhabitants of Dornoch I do  
not doubt these allotments would  
have appeared in the Deed of entail.

It seems to be a little doubt-  
ful whether the allotments to the  
inhabitants of Dornoch were made  
to the whole inhabitants. There were  
allotments made to various parties who  
had both houses and crofts and  
especially to the Countess of Sutherland  
land who besides holding such pro-  
perties herself was in right of  
several proprietors who had assigned  
their right in the Common to her  
Grandfather and it does not seem  
to be quite clear that the allotment  
to these parties did or did not include  
an allowance for seal & divot in  
respect of houses and yards. If they  
did /

did there arise a difficulty in the way of any claim by the Magistrates as they properly represent the whole Community.

In carrying out the division 50 acres of the Common were found to contain peat, and these were set aside for separate allotment.

In the main portion of the Common the inhabitants of Dornoch in respect of a servitude of peat and distil only, were found to have rights to 34 acres and 27 falls. There were various qualities of Soil on the Common & it was the desire of the Commissioners who carried through the division that each allottee should have a share of the better as well as of the poorer soil. And this appears to be the reason the inhabitants got <sup>acres & falls</sup> 26 2 28 in one part of the Common & <sup>acres & falls</sup> 7 1 29 in another the rights of the inhabitants in each of the said portions is exactly the same. The allotments in this the main

main portion of the Common were by the Decree assigned to the allottees and their heirs & Assignees as their absolute property and no question can be raised as to the rights in the allotments being of servitude merely.

In the division of the 50 acres of Moos, seven were assigned to the inhabitants of Dornoch. The question as to whether the allotment was for the whole inhabitants or for only a portion arises in this case also: The allotments in this part of the Common are by the Decree assigned to the allottee their heirs and assignees, but there is no statement as in the case of the other part of the Common that the allotments were to be in absolute property. There may thus be an opening as regards the 7 acres for raising the question of the right in there being one of servitude

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servitude only - but the omission  
of the statement referred to is not  
I think conclusive on the point and  
there is much to be said for hold-  
ing that these allotments also  
were intended by the Commissioners  
to be held in absolute property.

I hope it will not be considered  
out of place in making the above  
observations.

I return the papers you sent  
me on the 10<sup>th</sup> inst.

I shall give you a call in a  
day or two in case you should wish  
my explanation.

Yours faithfully  
(Sd) W<sup>m</sup> Traquair

Fee for book making  
Receipts + notes £ 4: 4  
Paid for use of book  
Specs of 4 receipts      1: 6: 6  
£ 5: 10: 6

P.S. I think it will be found that there is  
no property in Dorloch-held Burghage the  
whole being held in fee under the Sutherland  
family.

This is not so. There are numerous properties still in Dorloch,  
the titles of which are recorded in a Burgh Register up  
until 1810, & subsequent thereto in the Feudal Register.  
There has been a great deal of land in Dorloch of ancient and modern

Copy letter

Com. Laquais

to

Com. Officers

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25 Feb 1891

Com. Officers L.L.L.