

DEAN OF GUILD COURT,

DORNOCH,.....Sept.....1949.

PETITION

OF

Alistair Maclean Esq.,

Church Street, Dornoch

*For Warrant to erect a kitchen at
rear of house.*

1949.

(Petitioner's
Agent.

DEAN OF GUILD COURT,
DORNOCH, September 1949.

UNTO THE HONOURABLE THE DEAN OF GUILD OF THE CITY
AND ROYAL BURGH OF DORNOCH AND HIS COUNCIL,

THE PETITION

OF

Alistair Maclean, Church Street,
Dornoch

Humbly Sheweth,

THAT the Petitioner, being desirous of executing the operations hereinafter detailed, finds it necessary to apply to your Honour and Council for warrant so to do.

*May it therefore please your Honour to grant warrant to serve a Copy
hereof, and of the deliverance to follow hereon, upon*

Mr D. G. McCulloch, Church Street, Dornoch

Mr John M. Munro, Pitgrudy, Dornoch

and upon

*The Provost, Magistrates, and Council of said City and Royal Burgh,
for the public interest,—Respondents,—and to appoint them to lodge
Answers thereto, if so advised within a certain short space: Thereafter,*

if considered necessary, to visit the premises, and on resuming consideration hereof, with or without Answers, to grant warrant to the Petitioner to erect a Kitchen at the rear of his house in Church Street, Dornoch

all as shewn on Plan herewith produced; and in the event of the Respondents, or any of them, opposing this Application, to find such Respondents or Respondent, liable in expenses; or to do further or otherwise in the premises as to your Honour and Council shall seem proper.

According to Justice, etc.

Christie Macfarlane

STATEMENT OF FACTS.

1. The Petitioner is proprietor of
of the subjects herein referred to

2. The Petitioner's said property is bounded as follows, viz. :—

On the north by property belonging to Mr D. G. McCulloch

On the east by Church Street

On the south by property belonging to Mr John M. Munro

On the west by the Dornoch Burn.

3. The said Respondents are the only parties who have any interest in the operations proposed to be executed under this application. *Y. G. G. Denied that the said operations will mean entirely excluding the sun and wind all day from the only place the first-named Respondent has for the purpose of drying clothes and that the said operations will mean that the said Respondent's property will decrease in value. Answered ultra not Avoron and not admitted. Explained and answered that the Petitioner's title which is produced does not contain any servitude in favour of the said Respondent. Y. G. G.*

PLEAS IN LAW.

1. As the operations in question are confined to the Petitioner's own property, and can be executed without danger, the Petitioner is entitled to warrant as craved.

Y. G. G. 2. The answers lodged for the first-named Respondent being irrelevant should be repelled with expenses.

- 3. Separation. The first-named Respondent having no servitude over the subjects belonging to the Petitioner, the objections should be repelled. Y. G. G.*
4. Any party or parties opposing this application ought to be found liable in expenses.

In respect whereof.

Alistair Macfear

Dornoch, *12th October* 19*47*.—Grants Warrant to Officers of Court to serve a copy of the foregoing Petition, and of this Deliverance, upon the Respondents therein named; ordains them to lodge Answers thereto, if so advised, with the Town Clerk within four days after service, with certification; assigns the *19th* day of *October* at *11 30 a.m.* for visiting the premises; fixes the *19th* day of *October* at *noon* within the ~~Court House~~ *Council House*, Dornoch, for hearing of parties; and grants diligence against witnesses and havers.

A. A. Murray
Dean of Guild.

This Petition and Deliverance intimated by me *Simon Bain* to *Mr S. S. McCulloch, Church Street, Dornoch* and *Mr John M. Munro, Pictou, Dornoch* respondents by posting on *the twelfth* day of *October 1947* between the hours of _____ and _____ at the Post Office of Dornoch, a copy of the same to him, with citation subjoined, in a registered letter, addressed as follows, viz.:—

Mr S. S. McCulloch, Church Street, Dornoch;
Mr John M. Munro, Pictou, Dornoch.

S. P. Bain
Dean of Guild Officer ~~for Enrolled Law Agent~~.

Regn. No. <i>5594</i>	Certificate of Posting of a Registered Postal Packet	
The undermentioned Postal Packet, upon which a Fee of FOUR Pence has been paid, in addition to the Postage of _____ s. _____ d. has been registered and posted here this day. (for Parcels only)		
See also OVERLEAF.	Date Stamp	
Accepting Officer's Initials <i>GW</i>	<i>Mr J. Munro</i> <i>Pictou</i> <i>Dornoch</i>	
Regn. No. <i>5595</i>	Certificate of Posting of a Registered Postal Packet	
The undermentioned Postal Packet, upon which a Fee of FOUR Pence has been paid, in addition to the Postage of _____ s. _____ d. has been registered and posted here this day. (for Parcels only)		
See also OVERLEAF.	Date Stamp	
Accepting Officer's Initials <i>GW</i>	<i>Mr S. S. McCulloch</i> <i>Church St</i> <i>Dornoch</i>	

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Dornoch, 19th October 1949. The Court this day adjourned the visiting of the premises and the hearing parties until 11.30 AM and noon tomorrow the 20th day of October 1949.

R. A. Murray
Dean of Guild

DORNOCH,— Dornoch 19th December 1949.—Having considered this Petition, with the two — Plan^s therewith produced, and visited the Premises, no Answers having been lodged, Grants Warrant to the Petitioner in terms of the prayer of the Petition, and said Plan^s, which are docketted as relative hereto, subject to the provisions of Schedule IV. of the Burgh Police (Scotland) Act, 1892; and Decerns,
No expenses due to or by either party.

R. A. Murray
Dean of Guild

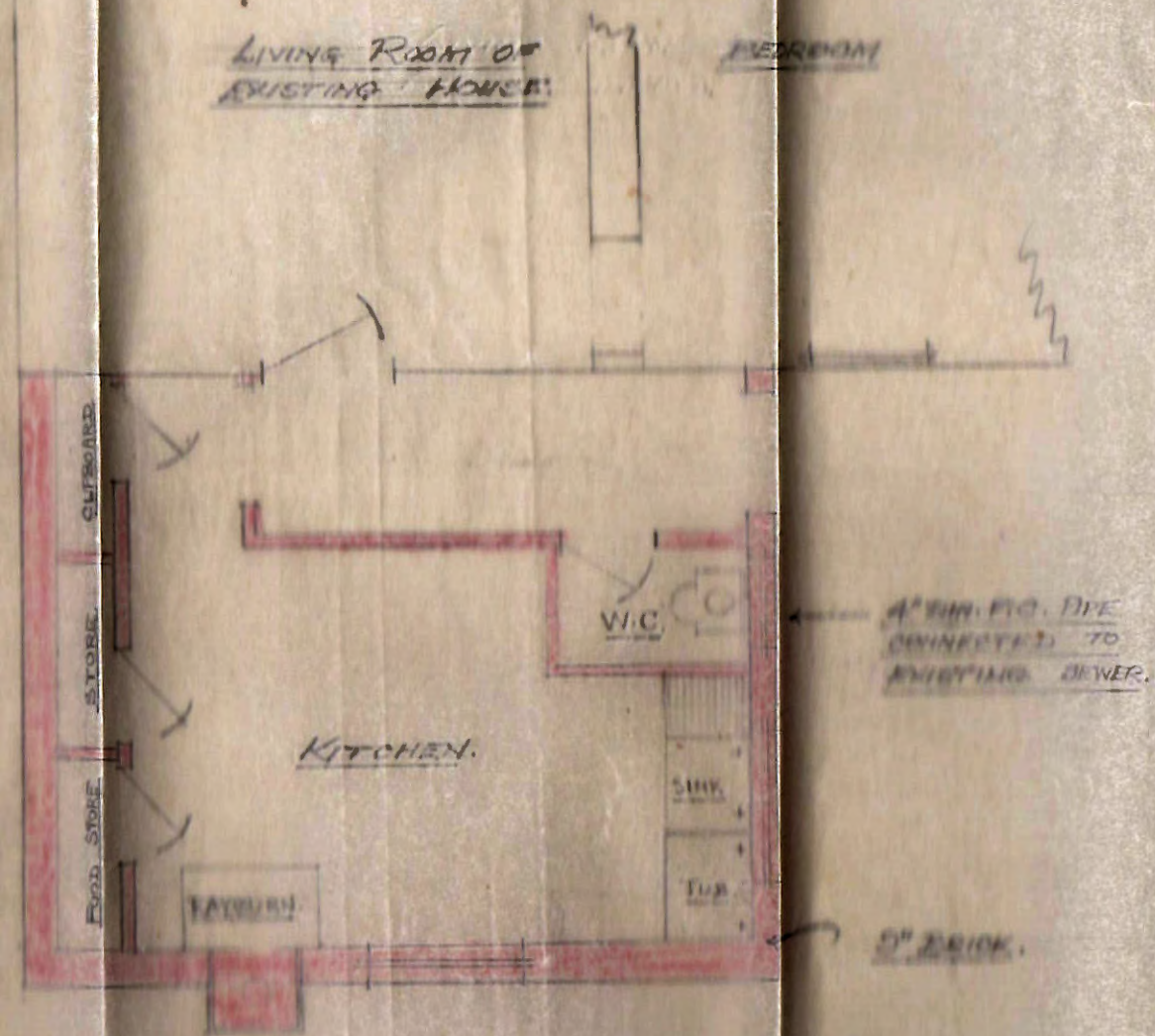
Dornoch, 20th October 1949. The Court adjourned until 3rd November 1949 at noon in the Council Chamber in order to allow the Petitioner to submit alternative plans for the further consideration of the Court, and Respondent. (Mr S. B. McCulloch) requested to produce his title deeds.

R. A. Murray
Dean of Guild

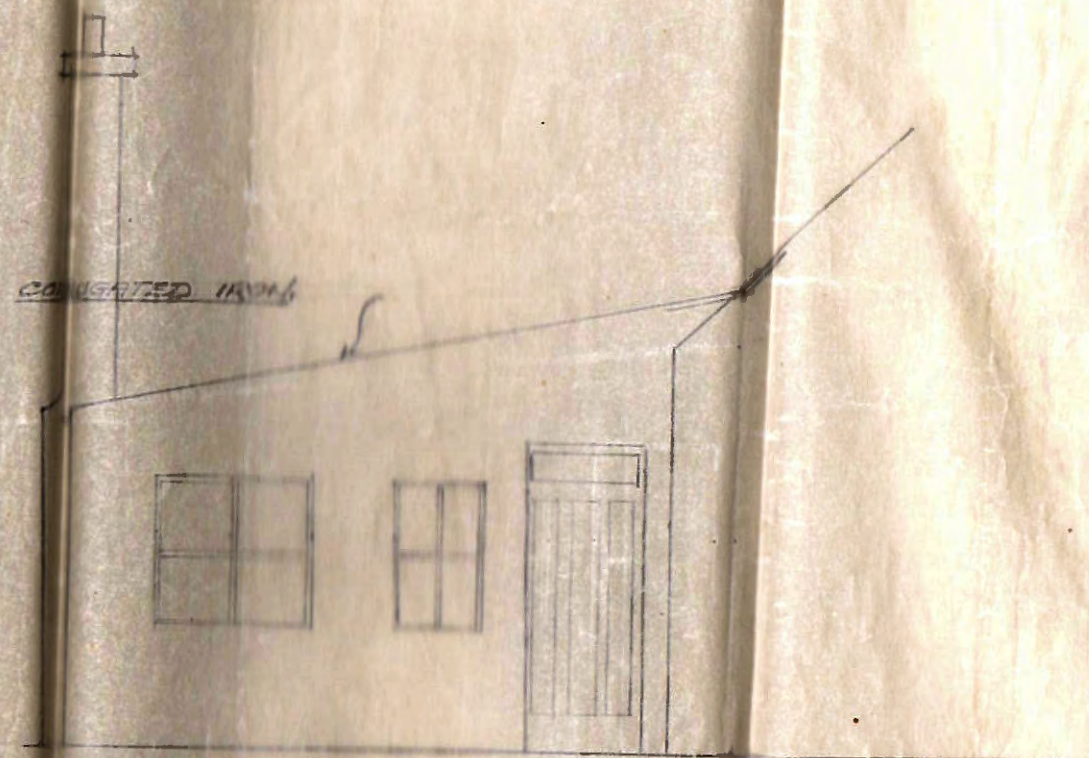
Dornoch, 3rd November 1949. The Court continued simpliciter in order to permit the Petitioner to make application to his Superior for permission to proceed with the proposed additions and alterations

J. MacDonald
Acting Dean of Guild

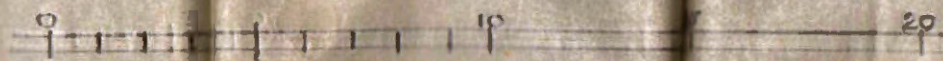
PLAN OF ADDITION TO HOUSE AT
MURCH STREET, DORNOCH, FOR
MACLEAN ESQ.



PLAN



SIDE ELEVATION.

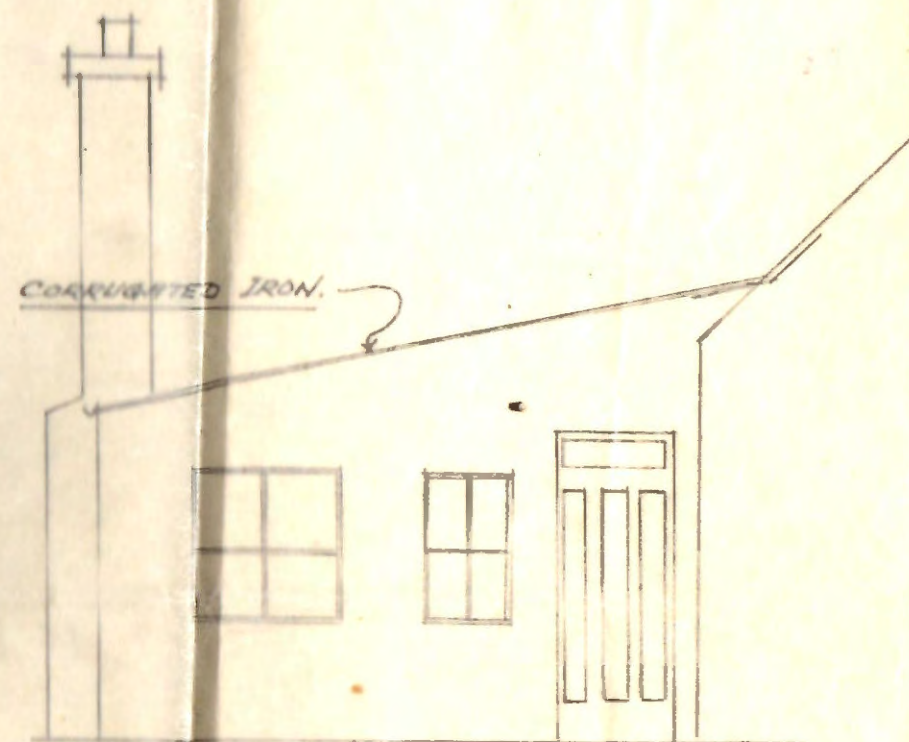
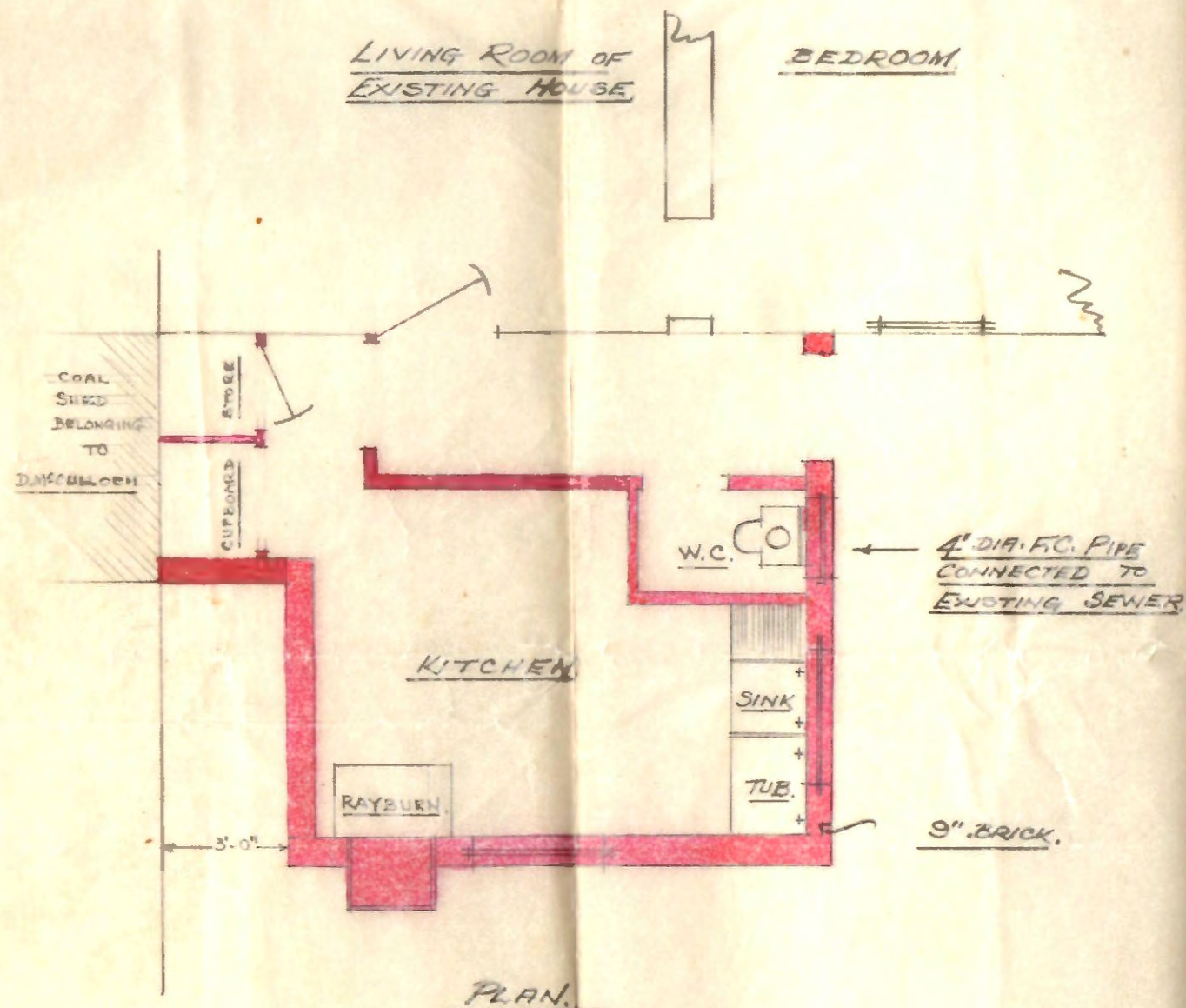


SCALE - 1/4" = 1' 0"

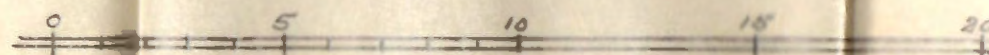
PLAN OF ADDITION TO HOUSE FOR A. MACLEAN ESQ, CHURCH STREET, DORNOCH.

*Dornoch, 19th December 1949. This is the plan
 referred to in warrant of the Dean of Dornoch dated
 of this date and is signed by me of my own free
 choice and as solicitor for the same.*

*W. Skinner
 Town Clerk.*



SIDE ELEVATION.



SCALE - 1/4" = 1' FOOT.

Church Street,

DORNOCH,

15th October, 1949.

Dear Sir,

With reference to Copy Petition by Alistair MacLean, Church Street, Dornoch, to erect a Kitchen at the rear of his premises at Church Street, Dornoch, I hereby direct your notice to the following objections by me, namely,

(1) According to the plan this kitchen, if erected, will mean entirely excluding the sun and wind all day from the only place we have for the purpose of drying our clothes, and

(2) Also the only place we can allow our grandchildren out to play and run about, owing to the fact that we have opposite our front door a public garage at a very bad corner of our street, namely the street where all cars go to the Beach and Golf Links.

(3) The erection of this Kitchen will also mean that my Property will decrease in value.

I am sorry at having to make these objections, but you can see my reasons.

Yours faithfully,

D. G. W. Culloch

W. Skinner, Esq.,
Town Clerk,
DORNOCH.

ARTHUR & CARMICHAEL
SOLICITORS

FRANCIS G. CARMICHAEL, N.P.
WILLIAM C. WRIGHT, B.L.

TELEPHONE NO. 2

M.
FGC/139/49.

Dornoch

14th. November, 1949.

W. Skinner, Esq.,
Town Clerk,
DORNOCH.

Dear Sir,

Alistair Maclean.

We now return copy plan of the proposed addition to our client's property which we have today received back from Sutherland Estates Office. The Factor has not given us a categorical approval or disapproval of the proposed addition and we have again written him for this. Immediately we receive it we shall let you know so that the case can be re-enrolled.

We are,

Yours faithfully,

Arthur & Carmichael.

Encl. 1.

ARTHUR & CARMICHAEL
SOLICITORS

FRANCIS G. CARMICHAEL, N.P.
WILLIAM C. WRIGHT, B.L.

TELEPHONE No. 2

Recd 21/11/49 @ 10.45 AM

M.
FGC/139/49.

Dornoch

18th. November, 1949.

Monday noon

W. Skinner, Esq.,
Town Clerk,
DORNOCH.

Dear Sir,

Dean of Guild
Alistair Maclean.

We enclose copy of a letter we have today received from the Factor, Sutherland Estates Office from which you will observe that subject to the approval of the Dean of Guild Court and the County Planning Committee the Superior has no objections to further buildings being erected on the ground. We shall accordingly be obliged if you will now re-enroll the case and it would be of considerable assistance to us if the Court could be held sometime after 22nd. curt.

We are,
Yours faithfully,

Arthur & Carmichael.

Encl. 1.

Copy/

Sutherland Estates Office,

Golspie.

16th. November, 1949.

Messrs. Arthur & Carmichael,
Solicitors,
DORNOCH.

Dear Sirs,

I am favoured with your letter of the 16th. inst. and note what you say. So far as the Superior is concerned there can be no objections to further buildings being erected on the ground, but this, of course, is, without prejudice, and is subject to the approval of the Dean of Guild Court and also the County Planning Committee.

Yours faithfully,

(Sgd.) Thomas Adam.

DN4HL 2020-015-081

TELEPHONE N° 5.

Town Clerk's Office,

Dornoch 16th Decr. 19 49.

DEAN OF GUILD COURT

Petition of Mr A. Maclean

The Court will meet in the Council Chamber, Dornoch, on Monday, 19th December, at Noon, for the purpose of finally disposing of this Petition.

W. Skinner,

Town-Clerk.