ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 26.

An Act to enable *Thomas Alexander* Baron *Lovat* to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

[6th *August* 1844.]

Deed of Entail by Major General Simon Fraser of Lovat, 16th May 1774.

WHEREAS *Simon Fraser* Esquire, eldest lawful Son of the deceased *Simon* Lord *Lovat*, then Major General in His late Majesty's Service, by a Deed of Entail bearing Date the Sixteenth Day of *May* in the Year One thousand seven hundred and seventy-four, and recorded in the Register of Taillies the Eighteenth Day of *June* the same Year, and in the Books of Council and Session in *Scotland* the Twenty-eighth Day of *July* in the said Year, bound and obliged him and his Heirs and Successors to make due and lawful Resignation, and granted Procuratory to resign and surrender, as he did thereby resign, surrender *simpliciter*, upgive, overgive, and deliver all and every the Lands, Lordships, Baronies, Patronages, Tithes, Salmon and other Fishings, and other like Heritages and Estates whatever, as well Property as Superiority, which became forfeited to His late Majesty King *George* the Second by the Attainder of the said *Simon* late Lord *Lovat*, and which were annexed to the Imperial Crown of these Realms by an Act of the Twenty-fifth Year of the Reign of His said late

Majesty King *George* the Second, and had been since disannexed from the Imperial Crown of these Realms by an Act of the Fourteenth Year of His then present Majesty King *George* the Third, in the same Manner, and as fully and extensively, to all Intents and Purposes, as the same and every Part and Parcel thereof, as well Superiority as Property, were vested in His said late Majesty King *George* the Second by the Attainder of the said *Simon* late Lord *Lovat*, and as the same and every Part and Parcel thereof were held, enjoyed, and possessed by the said *Simon* late Lord *Lovat*, and his Predecessors and Authors, before his Attainder, and were then granted to him the said Major General *Simon Fraser*; and particularly, without Prejudice to the Generality aforesaid, but in farther Confirmation and Explanation thereof, *accumulando jura juribus*, all and haill the Lands, Lordship, and Barony of *Lovat*, comprehending the Towns, Lands, Mills, Mill Lands, Patronages, Teinds, Fishings, Woods, Grazings, Forrestries, and others after mentioned, Advocations, Donations of Kirks and Chapplainries of the same, with the Pertinents, *viz.*, all and whole the Lands of *Strath-herrick*, comprehending, among others, the Towns and Lands of *Dunchea*, *Ruthven*, *Aberskith*, *Easter* and *Wester Leadluines*, the Grazings of *Shellach*, *Errogie*, *Farraline*, and the Mill of *Forness*, Mill Lands, Multures, and Sequels thereof, the Grazings of *Killins* and *Fyehill*, *Gorthlegg*, *South* and *North Migavies*, *Meikle* and *Little Garths*, *Munchegavie*, *Dulchragg*, *Auchigdyich*, *Kinbrachlie*, *Drummond*, *Kinmonovy*, *Knockchilen*, the Grazings of *Glenmarkie*, *Corrysulagach*, *Ardochy*, *Forebegg*, *Mussadies*, *Foyers*, *Bolskyn*, *Ardarrach*, *Bellagan*, the Mill of *Torchirchan*, Mill Lands, Multures, and Sequels thereof, *Knockie* and *Delchapple*, Mill, Mill Land, Multures, and Sequels thereof; also the Lands of *Aird*, comprehending, among others, the Town and Lands of *Easter* and *Wester Lovat*, the Orchard and Park of *Lovat*, the Ferry Town and Ferry of *Lovat*, *Grohome*, *Fingask*, *Easter* and *Wester Kirkhill*, *Donaldstown*, *Cratnabalgan*, *Balblair*, *Dunballachs*, *Meikle* and *Little Foyness*, *Easter* and *Wester Clunes*, *Auchavaich*, *Auchnocloich*, *Boblainy*, *Torcaple*, *Feeming*, *Glenwackie*, *Wester Eskadale*, *Crives*, *Cuidross*, *Ardblair*, *Culnaskiach*, *Dowallan*, *Blairmore*, *Ardindrain*, *Fandrain*, *Moniack*, *Knockbain*, *Melyfiach*, *Bellichraggan*, *Ballindown*, *Tenanerat*, *Auchucharn*, and Mills thereof; Mill Lands, Multures, and Sequels of the same; in like Manner the Lands of *Abertarff*, comprehending, among others, the Towns and Lands of *Meikle* and *Little Glendoe*, *Murvalgan*, *Easter* and *Wester Ardochies*, *Easter* and *Wester Borlums*, the Grazings of *Deirauchluan*, *Inchnacardach*, *Meikle* and *Little Portclair*, *Dalcattacks*, the Mill of *Killiechuiman*, Mill Lands, Multures, and Sequels thereof, the Towns and Lands of *Killechuiman*, *Cullachie*, *Kyterie*, *Ochtera*, *Carnygoddie*, *Easter* and *Wester Aberchalluders*, *Lyike*, Grazings of *Glenbuck* and *Kailach*; and further the Lands of *Erchless* alias *Strathglass*, comprehending, among others, the Towns and Lands of *Cruivenaglagg*, the Ferry Town and Ferry of *Erchless*, *Knockvoit*, *Teanabruchroy*, *Maulds*, *Mains*, *Comers*, *Guissachan*, and Grazings of *Cuigic*, *Meikle* and *Little Strowie*, *Dunmaglash*, *Runfairns*, the Woods of *Strowie* called *Kilgarve*, *Artligan*, *Cornick*, *Crivelevan*, *Cruinish*, and *Teachnuick*, the Lands of *Dalcus* alias *Dalcross*, *Ardrainish* alias *Ardinmuck*, *Culburnies*, the Lands of *Belladrum*, comprehending, among others, the Towns

Towns and Lands of *Rivecklein*, *Little Culmill*, *Keiltichan*, New Town of *Belladrum*, the Mill of *Belladrum*, Mill Lands, Multures, and Sequels thereof, *Delnamin* and *Fassignordan*, the Lands of *Religg*, *Erchit*, *Bellichernock*, *Comerkyle*, Grazings and Fishings on the Water of *Forne* and *Avoch*, the Lands of *Mid Leys*, *Easter* and *Wester Leys*, and Two *Daltalichs*; moreover the Lands of *Glenstrathfarrir*, comprehending, among others, the Towns and Lands of *Diannie*, *Beanichar*, *Muilzies*, *Benchraus*, *Browlings*, *Ardchulk*, *Ochteroes*, *Inchvuilt*, *Inchlochell*, the Grazings of *Beiniron* and *Lubriach*, *Inchlair*, and the Woods of *Glenstrathfarrir*, the Lands of *Dalhouse*, all Parts and Portions of the said Barony united and annexed in a Free Lordship and Barony called the Lordship and Barony of *Lovat*, with Castles, Towers, Fortalices, Manor Places, Houses, Biggings, Yards, Mills, Woods, Fishings, Orchyards, Tenants, Tenandries, and Service of Free Tenants, Parts, Pendicles, and Pertinents of the same, with the Advocation, Donation, and Right of Patronage of the Parish Kirk of *Lovat* alias *Wardlaw*, and Teinds, as well Parsonage as Vicarage, of the same, all lying within the Lordship of *Lovat* and Sheriffdom of *Inverness*; as also all and whole the Lands of *Inchberry* and *Kirktown* in the Barony of *Shornoway* alias *Farnoway*, the Lands of *Kiltarlaty*, with the Tiends thereof, and Fishing upon the Lin alias Esk upon the Water of *Forne*, with the Houses, Biggings, Yards, Mills, Woods, Fishings, and other Parts and Pendicles of the said Lands, lying within the said Sheriffdom of *Inverness*; and likeways all and whole the Lands of *Beaufort*, comprehending, among others, the Towns and Lands of *Wester Downie*, *Tomnicroich*, *Camalt*, *Teanicannonich*, *Teanabrochray*, *Teanotulchan*, *Bruiach*, *Milltown*, and Mills thereof, Mill Lands, Multures, and Sequels thereof; *Fanellan*, *Teanokyle*, *Drumyearichan*, *Teanomay*, *Teanocreaticroy*, *Teaninroy*, the Lands of *Glenconnoavie*, *Ardallan*, *Monchrow*, *Fopachie*, the Sixteenth Part of the Lands of *Englishtown*, with the Parts and Pendicles thereof; and also all and whole the Lands of *Easter* and *Wester Aigish*, with the Mills, Multures, and Sequels thereof, the Isle and Forrest of the same called the Isle and Forrest of *Browling*, lying within the said Sheriffdom of *Inverness*; and likeways all and whole the Lands and Barony of *Bewly*, comprehending the Towns and Lands of *Ardnacrask*, *Rindown* alias *Rhidown*, *Inchirory*, *Alter*, *Craigscorrie*, *Platchaick*, *Gromesferrie*, with the Woods and Fishings of the same, *Teachnock*, and Pendicle thereof, *Overscorkies*, *Relict*, and *Greenfauld*, the Town and Lands of *Urquhanie* alias *Argahanie*, and *Fairlie*, the Half Davoch Lands of *Boich* and *Croehell*, the Third Part of the Lands of *Meikle Culimulin*, *Easter Glencormoire*, *Fanblair*, *Ferryhouse*, *Mavonsland*, *Annat*, the Lands called *John Cook's Land*, and Croft called *M'Coanochie's Croft*, *Teafrish*, and Kirklands of *Bewly* and Mains thereof, with the Houses, Orchyards, Parts, Pendicles, and Pertinents of the same, with the Croft of Land called *Dean James Pape's Croft*, the Croft of Land called *Marshal's Croft*, the Croft called *M'Alister's Croft*, and also comprehending the Towns and Lands of *Grohome*, *Balblair*, *Cruiv-end*, *Tommich*, *Corrycharribie*, *Kilmorack*, *Teanallin*, *Teaville*, *Torranbain*, *Wellhouse*, *Crayort*, *Teavid*, *Overdail*, *Netherdaill*, *Braigend*, *Teawigg*, *Teanoeurr*, *Culgrain*, and Wood thereof, with the Two Mills called *Teachnoch* and *Bewly* Mills, with the astricted Multures and Sequels of all

and

and whole the said Barony of *Bewly*, and all other Lands, Crofts, and Villages particularly above mentioned; in like Manner all and whole the Salmon Fishing upon the Water of *Forne*, from *Cairncross* to the Sea, with the Cruives and all other Profits thereto belonging, lying within the said Barony of *Bewly* and Sheriffdom of *Inverness*, united and incorporated into a Free Barony called the Barony of *Bewly*; and sicklike all and whole the Heritable Office of Constabulary and keeping of the Palace Building and principal Messuage of the Priory of *Bewly*, with the Yards and Orchyards belonging to the same, together with the Heritable Office of Bailliary of the said Barony of *Bewly*, and within all and sundry the Meiths, Bounds, and Lands of the said Barony, and all other Liberties, Privileges, and Commodities contained in the ancient Infeftments thereof, so far as the same are not now abolished or abrogated by the Laws of this Kingdom, as the said whole Lands, Lordship, and Barony were united and incorporated in One whole and Free Barony and Lordship called the Lordship of *Lovat*, conform to a Charter under the Great Seal dated the Twenty-fourth Day of *February* One thousand seven hundred and three, and another Charter under the Great Seal dated the Seventeenth Day of *April* One thousand seven hundred and four, erecting the foresaid Lands, Lordship, and Barony into a Regality, which is now abrogated by Act of Parliament; as also the Kirktown of *Kilmorack*, with the Craig and Fishing thereof called the Ess of *Kilmorack*, lying within the Bishoprick of *Ross* and Sheriffdom of *Inverness*, and all and whole the Advocation, Donation, and Right of Patronage of the Parish Kirk of *Bonach*, Parsonage and Vicarage Teinds of the same, with all and sundry Privileges, Liberties, and Commodities belonging thereto, lying within the Diocy of *Moray* and Sheriffdom of *Inverness* foresaid, now united to the Kirk of *Inverness*, together with the Right of Patronage of the said Kirk of *Inverness* alternately, as the said several Lands and other Subjects aforesaid, and every Part and Parcel thereof, were vested in His said late Majesty by the Attainder of the said *Simon* late Lord *Lovat*, and were at the Date of the said Deed of Entail granted to him the said Major General *Simon Fraser*, and contained in a Charter of Novodamus under the Great Seal in his Favours, bearing Date the Thirteenth Day of *April* One thousand seven hundred and seventy-four, together also with the Advocation, Donation, and Right of Patronage of the Parish Kirks of *Boleskin*, *Kiltarlity*, and *Kilmorack*, which pertained to and were enjoyed by the said late Lord *Lovat*, Father of him the said Major General *Simon Fraser*, and his Authors and Predecessors, as Parts of the said Lordship, Estate, and Barony, and were at His Majesty's Disposal before the said Grant made to him the said Major General *Simon Fraser*, and Charter thereon; in like Manner, all and whole those Lands called the Twelve Penny Lands of *North Morar*, comprehending the particular Lands and others underwritten; *videlicet*, *Breckgarvevruie* and *Shenegade*, *Breckgarvcintore*, *Bourblack*, *Glassnicardich*, *Bronacorry*, *Arichonachan*, *Finiscaig*, *Stoul*, *Ardiniente*, *Swordland*, *Kenlochmorar*, *Camisnabraan*, *Romsaig*, *Cuilnamuck*, *Ardnamurach*, *Maligmore*, *Maligbeg*, *Boiret*, and *Kilisin-morar*, with the Woods, Fishings, and Pertinents, all lying in the Lordship of *Gartmorar* and *Lochaber*, and Sheriffdom of *Inverness* foresaid, as contained

tained in a Charter under the Great Seal in his the said Major General *Simon Fraser*'s Favours, dated the Twenty-third Day of *February* One thousand seven hundred and seventy Years, and Infeftment following thereon, registered at *Inverness* the Twenty-ninth Day of *September* One thousand seven hundred and seventy-three Years, together with all Right, Title, Interest, Claim of Right, Property, and Possession which he the said Major General *Simon Fraser* had or could pretend to the same or any Part or Portion thereof, in the Hands of his immediate lawful Superiors thereof, in favours and for new Infeftment of the same to be made, given, and granted to himself the said General *Simon Fraser*, and the Heirs Male of his Body; whom failing, to the Heirs Female of his Body, the eldest Heir Female always succeeding without Division, and excluding Heirs Portioners; whom failing, to *Archibald Fraser* Esquire, his Brother, then Consul at *Algiers*; whom failing, to *Simon Fraser*, eldest Son of the said *Archibald Fraser*, and the Heirs Male of his Body; whom failing, to *Archibald Fraser*, Second Son of the said *Archibald Fraser*, his the said Major General *Simon Fraser*'s Brother, and the Heirs Male of his Body; whom failing, to *Hary Fraser*, Third Son of the said *Archibald Fraser*, his the said Major General *Simon Fraser*'s Brother, and the Heirs Male of his Body; whom failing, to any other Heirs Male to be procreated of his said Brother's Body, and the Heirs Male of their Bodies; whom failing, to *Charles Fraser* of *Inverallochy*; whom failing, to *William Fraser* younger, of *Inverallochy*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser* of *Strichen*, one of the Senators of the College of Justice; whom failing, to *Alexander Fraser* younger, of *Strichen*; whom failing, to *Alexander Stewart M'Kenzie Fraser*, eldest lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Second lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to *William Fraser*, Third lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to any other Son to be procreate of the Body of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male to be procreate of the Bodies of such Sons *seriatim* in their Order; whom failing, to *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, Brother to the said *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Captain *John Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Lieutenant *Archibald Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to *Simon Fraser* of *Faralyn*, Advocate, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Brother to the said *Simon Fraser* of *Faraline*, and the Heirs Male of his Body; whom failing, to *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, next Brother to the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser*, Third Brother of the said *John Fraser* of *Foyers*, and the

Heirs Male of his Body; whom failing, to *Simon Fraser*, youngest Brother of the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Edward Satchwell Fraser* of *Relig*, and the Heirs Male of his Body; whom failing, to Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser*, Brother to the said Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to Captain *Hugh Fraser* of *Eskadale*, and the Heirs Male of his Body; whom failing, to Captain *Alexander Fraser* of *Culduthil*, and the Heirs Male of his Body; whom failing, to *Simon Fraser*, lawful Son of the deceased *Thomas Fraser* of *Erchit*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser* of *Gortuleg*, and the Heirs Male of his Body; whom failing, to *Duncan Fraser* of *Auchnagairn*, and the Heirs Male of his Body; whom failing, to Provost *James Fraser* of *Inverness*, and the Heirs Male of his Body; whom failing, to *William Fraser*, of *Balnain*, and the Heirs Male of his Body; whom failing, to *William Fraser*, eldest lawful Son of the deceased *Thomas Fraser*, late Doctor of Physic in *Antigua*, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Second lawful Son of the said Doctor *Thomas Fraser*, and the Heirs Male of his Body; whom failing, to Lieutenant Colonel *Simon Fraser* of the Twenty-fourth Regiment of Foot, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Commissary of *Inverness*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to *William Fraser*, Second Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Captain *Simon Fraser* at *Fannellan*, Third Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Lieutenant *Simon Fraser* of *Daltalich*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser* of *Torbreck*, and the Heirs Male of his Body; whom failing, to Major *Simon Fraser*, in the Service of His most Faithful Majesty of *Portugal*, late Lieutenant in the Seventy-eighth Regiment of Foot or Second Highland Battalion, and the Heirs Male of his Body; whom all failing, to his the said Major General *Simon Fraser*'s own nearest lawful Heirs and Assignees whatsomever; reserving always to himself at any Time in his Life full Power to alter the said Nomination in whole or in part as he should think proper; but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolutive, Declarations and Reservations, therein written, forming a Settlement of strict Entail by the Law and Practice of *Scotland*; under which Deed of Entail the said Major General *Simon Fraser* made up Titles to the said Lands, Lordship, and Barony of *Lovat*, and other Lands and Heritages foresaid, conform to the following Writings; *viz.* Instrument of Resignation in favour of him the said Major General *Simon Fraser* and the Heirs of Tailzie foresaid in their Order successively, proceeding upon the Procuratory of Resignation in the said Deed of Entail dated the Sixth Day of *August* in the Year One thousand seven hundred and seventy-four; Charter of Resignation under the Great Seal following thereon, in favour of the said Major General *Simon Fraser*

Fraser and the said Heirs of Tailzie in their Order successively, dated the Sixth and written to the Seal, registered and sealed, the Eighth Days of *August*, in the Year One thousand seven hundred and seventy-four; Instrument of Sasine following upon the said Charter in favour of the said Major General *Simon Fraser*, dated the Twenty-ninth Day of *October*, and recorded in the General Register of Sasines at *Edinburgh* the Twenty-seventh Day of *December*, in the Year One thousand seven hundred and seventy-four: And whereas the said Major General *Simon Fraser* made and executed a Deed of Rectification of his said Entail, dated the Eleventh Day of *January*, and recorded in the Register of Tailzies the Twenty-eighth Day of *February*, and in the Books of Council and Session the Third Day of *April*, in the Year One thousand seven hundred and seventy-five, reciting his foresaid Deed of Entail, and the said Charter of Resignation under the Great Seal, and Infeftment thereon, and that it was his Intention that after the said *Alexander Fraser* younger, of *Strichen*, his Four Sons *Alexander Fraser*, *Stewart Mackenzie Fraser*, *Thomas* and *William Frasers*, and the Heirs Male of their Bodies respectively, should have been called to the Succession according to their Seniorities, but by Mistake in the said Entail *Alexander Stewart Mackenzie Fraser* was designed eldest lawful Son of the said *Alexander Fraser* younger, of *Strichen*, whereby, *inter alia*, for rectifying the foresaid Mistake, he the said Major General *Simon Fraser* declared and appointed that the Succession to his said Estate, so far as concerned the said *Alexander Fraser* younger, of *Strichen*, and his Family, should be as follows; *videlicet*, to the said *Alexander Fraser* younger, of *Strichen*; whom failing, to *Alexander Fraser* his eldest lawful Son, and the Heirs Male of his Body; whom failing, to *Stewart Mackenzie Fraser* his Second lawful Son, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Third lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to *William Fraser* his Fourth lawful Son, and the Heirs Male of his Body; whom failing, to any other Sons to be procreate of the Body of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male to be procreate of the Bodies of such Sons *seriatim* according to their Seniorities; and he appointed the above Order of Succession, so far as concerns the said *Alexander Fraser* younger, of *Strichen*, and his Family, to be engrossed in the whole Charters, Infeftments, Retours, and other Investitures to follow upon the said Entail, and declared that the same should be equally effectual to all Intents and Purposes as if it had been engrossed in the said original Entail, and as if the Mistake above mentioned had not happened, but that in every other respect the Order of Succession should remain the same as in the said Entail: And whereas the said Major General *Simon Fraser* made and executed a Second Deed of Rectification of the said Entail, dated the Nineteenth Day of *October* in the Year One thousand seven hundred and seventy-six, and recorded in the Register of Entails the First and in the Books of Council and Session the Twenty-second Days of *February* in the Year One thousand seven hundred and seventy-seven, which Second Deed of Rectification contained certain farther Provisions in reference to the said Entail, and in

First Rectification of said Entail by Major General Simon Fraser, 11th January 1775.

Second Rectification of said Entail by General Simon Fraser, 19th October 1776.

Deed of Entail burdened with a Deed of Trust by General Simon Fraser, of Date last mentioned.

in particular provided and declared that the said Settlement and Deed of Entail should be burdened with a certain Trust Disposition then executed by him the said Major General *Simon Fraser*, of the Date of the said Second Deed of Rectification, *videlicet*, the said Nineteenth Day of *October* in the Year One thousand seven hundred and seventy-six, which Trust Disposition was afterwards recorded in the Books of Council and Session in *Scotland* the Eighth Day of *April* in the Year One thousand seven hundred and eighty-two: And whereas the said Major General afterwards Lieutenant General *Simon Fraser* having departed this Life without Issue, he was succeeded in the said Lands and others entailed as aforesaid by *Archibald Fraser* his Brother German, commonly called the Honourable *Archibald Fraser*, who made up feudal Titles thereto, under the Burden of the said Trust Disposition, and with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolutive, Declarations and Reservations, contained in the foresaid Deed of Entail, Instrument of Resignation, and Charter and Infeftment following thereon, conform to the following Writings; *videlicet*, Retour of the Special Service of the said *Archibald Fraser* as nearest and lawful Heir Male of Tailzie and Provision to the said deceased Lieutenant General *Simon Fraser* of *Lovat*, his Brother, in the foresaid Lands and others entailed as aforesaid, dated the Fifth Day of *August* in the Year One thousand seven hundred and eighty-two, Precept from Chancery dated the Twelfth Day of *September* in the Year One thousand seven hundred and eighty-two, for infefting the said *Archibald Fraser* as Heir foresaid in the foresaid Lands and others, and Instrument of Sasine in his Favour following on the said Precept, dated the Twenty-second Day of *October*, and recorded in the General Register of Sasines at *Edinburgh* the Nineteenth Day of *December*, in the year One thousand seven hundred and eighty-two: And whereas the Trustees of the said Major General afterwards Lieutenant General *Simon Fraser* nominated and appointed by his said Trust Disposition took Infeftment in virtue thereof in the Lands and others foresaid, conform to Instrument of Sasine in their Favour, dated the Seventeenth and Twentieth and recorded in the Particular Register of Sasines at *Inverness* the Twenty-fifth Days of *June*, in the Year One thousand seven hundred and eighty-two; and by Procuratory of Resignation and Tailzie *ad remanentiam*, dated the Twenty-fourth Day of *October* and Twenty-fourth Day of *November*, and recorded in the Register of Tailzies the Eleventh Day of *December*, in the Year One thousand eight hundred and one, and in the Books of Council and Session the Third Day of *February* in the Year One thousand eight hundred and two, made and executed by *Simon Fraser* Esquire, of *Farraline*, Advocate, then Sheriff Depute of the County of *Inverness*, *James Fraser* Esquire, of *Belladrum*, lately Colonel of the Regiment of *Fraser* Fencible Infantry, and *James Fraser*, Writer to the Signet, being the surviving accepting Trustees of the said deceased Lieutenant General *Simon Fraser* for the Time resident in *Great Britain*, and a Majority and Quorum of the said Trustees, on the Recital, *inter alia*, that the whole Debts of the said deceased Lieutenant General *Simon Fraser*, or contracted by them the said Trustees, Granters of the said Procuratory, and

their

their said Colleagues in the Execution of the foresaid Trust, were completely extinguished and discharged, so that it became proper and necessary for them the said Trustees to denude of the remaining Estates in their Persons in the Terms thereby prescribed, and to yield up the Possession and Enjoyment thereof to the said Honourable *Archibald Fraser*, as the Heir of Entail entitled to such Possession, upon the Terms and Conditions, and with and under the Clauses irritant and resolutive, contained in the said Deed of Entail and Rectifications thereof, in so far as those Clauses are not thereby authorized to be discontinued after the Termination of the said Trust, as applicable to the Execution thereof, or otherwise; and that the Titles of the said Honourable *Archibald Fraser* under the foresaid Deed of Entail having been made up by Special Service and Infeftment as above mentioned, he stood invested in the Right of Property and Superiority of the whole remaining Estate, subject only to the foresaid Deed of Trust, and Infeftment following thereon, in the Persons of the said Trustees, so that upon their renouncing and resigning in favour of the said *Archibald Fraser* and the other Heirs of Entail the whole of the said remaining Lands and Estate, with the foresaid subaltern Infeftment in their Persons by Procuratory of Resignation *ad perpetuam remanentiam*, to be recorded in the Register of Tailzies according to the said Deed of Trust, and an Instrument of Resignation *ad perpetuam remanentiam* to follow thereon in favour of the said Honourable *Archibald Fraser* and the other Heirs of Entail, the said Trustees would be effectually denuded of the said remaining Lands and Estate, and the said Honourable *Archibald Fraser* and the other Heirs of Entail would be completely invested by Consolidation as well in the Right of Property as Superiority of the said remaining entailed Estate, they the said *Simon Fraser*, *James Fraser*, and *James Fraser*, by the said Procuratory of Resignation *ad remanentiam* bound and obliged them and their Heirs and Successors, as being not only the Majority and Quorum of the said surviving accepting Trustees, but the whole Trustees then in the Management of the said Estate, to make due and lawful Resignation of the whole remaining Lands and Estate of *Lovat* and others therein mentioned, as standing in their Persons in virtue of the foresaid Trust Deed, and Infeftment thereon, in the Hands of the said Honourable *Archibald Fraser* and the Heirs of Taillie therein and after mentioned, in the Order therein and after expressed, as their the said Trustees immediate lawful Superiors thereof, and that *ad perpetuam remanentiam*, but with and under the Provisions, Conditions, Restrictions, Limitations, Clauses irritant and resolutive, and others, therein written, as contained in the said Deed of Entail, and not thereby authorized to be discontinued on the Termination of the said Trust, and granted Procuratory for resigning accordingly in the Hands of the said Honourable *Archibald Fraser*, as nearest and lawful Heir Male of Taillie served and retoured to his said deceased Brother; whom failing, in the Hands of Colonel *Simon Fraser*, the only Son then in Life of the said Honourable *Archibald Fraser*, and the Heirs Male of his Body; whom failing, of any other Heirs Male to be procreated of the Body of the said Honourable *Archibald Fraser*; whom failing, of *Alexander Fraser*, then of *Strichen*, eldest Son of the then deceased *Alexander*

Fraser, designed younger, of *Strichen*, in the said Deed of Entail, and the Heirs Male of his Body (the intermediate Branch of *Fraser* of *Inverallochie* having failed without Issue Male); whom failing, of *Thomas Fraser*, the only other Son then existing of the said deceased *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing of *Hugh Fraser*, then of *Struy*, designed in the said Deed of Entail Brother to *Alexander Fraser* then of *Struy*, by that Time deceased without lawful Issue, and the Heirs Male of his Body; whom failing, of *William Fraser* of *Culbokie*, and the Heirs Male of his Body; whom failing, of the Heirs Male of Captain *John Fraser*, then deceased, Brother of *William Fraser* of *Culbokie*, also deceased; whom failing, of Lieutenant *Archibald Fraser*, Brother of the said deceased *William Fraser* of *Culbokie*, and the Heirs Male of his Body; whom failing, of *Simon Fraser* of *Farraline*, Advocate, and the Heirs Male of his Body; whom failing, of *Simon Fraser*, then of *Foyers*, designed in the original Entail youngest Brother of *John Fraser* then of *Foyers* (who, with his other Brothers mentioned in the said Entail, were by that Time dead without Issue, as well as *Thomas Fraser*, Brother to *Simon Fraser* of *Farraline*, the Substitutes named anterior to them in the Order of the said Entail), and the Heirs Male of the Body of the said *Simon Fraser* of *Foyers*; whom failing, of *Edward Satchwell Fraser* of *Relig*, and the Heirs Male of his Body; whom failing, of *James Fraser* of *Belladrum*, lately Colonel of the *Fraser* Fencible Regiment, and the Heirs Male of his Body, designed in the said Deed of Entail Captain *James Fraser*; whom failing, of the Heirs Male of the deceased *Alexander Fraser* of *Culduthill* (Captain *Hugh Fraser* of *Eskadale*, the Substitute immediately preceding him in the said Entail, being then dead without Male Issue); whom failing, of the Heirs Male of the deceased *Simon Fraser*, lawful Son of the deceased *Thomas Fraser* of *Erchet*; whom failing, of the Heirs Male of the deceased *Thomas Fraser* of *Gorthleck*; whom failing, of the Heirs Male of the deceased Provost *James Fraser* of *Inverness* (the immediate preceding Substitute, *Duncan Fraser* of *Achnagairn*, being then dead without Issue); whom failing, of *William Fraser*, then Physician in *London*, eldest lawful Son of the deceased *Thomas Fraser*, late Doctor of Physic in *Antigua*, and the Heirs Male of his Body (his Uncle, *William Fraser* of *Belnain*, being then dead without Male Issue); whom failing, of *Charles Fraser*, Second lawful Son of the said Doctor *Thomas Fraser*, and the Heirs Male of his Body; whom failing, of the Heirs Male of the Body of the deceased *Hugh Fraser* of *Dunballoch* (the Two immediate preceding Substitutes named in the said Entail, *videlicet*, Colonel *Simon Fraser* of the Twenty-fourth Regiment of Foot, and *Charles Fraser*, Commissary of *Inverness*, being then dead without Male Issue); whom failing, of the Heirs Male of the Body of the deceased Captain *Simon Fraser* at *Fanellan*, Third Brother of the said *Hugh Fraser* of *Dunballoch*; whom failing, of the Heirs Male of the deceased Lieutenant *Simon Fraser*, *Daltulich*; whom failing, of *Alexander Fraser* of *Torbreck*, and the Heirs Male of his Body; whom failing, of Lieutenant General *Simon Fraser*, then in *Portugal*, designed in the said Deed of Entail Major *Simon Fraser* in the Service of His most Faithful Majesty of *Portugal*, late Lieutenant in the Seventy-eighth Regiment of Foot

or

or Second Highland Battalion, and the Heirs Male of his Body; whom all failing, of the nearest lawful Heirs and Assignees whatsoever of the said deceased Lieutenant General *Simon Fraser* of *Lovat*, and that *ad perpetuam remanentiam*, to the Effect the Right of Property of the said Lands and others remaining in the Persons of the said Trustees under the foresaid Deed of Trust and Infeftment following thereupon might be united and consolidated with the Right of Superiority of the said Lands and others above written in the Person of the said Honourable *Archibald Fraser* and other Heirs of Entail above mentioned, and might remain and abide therewith, inseparable therefrom in all Time coming, but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolutive, Declarations and Reservations, therein written, being those continued by the said Deed of Entail, and declared thereby to subsist after the Termination of the said Deed of Trust; in virtue of which Procuratory of Resignation the said Lands and Estate of *Lovat* and others therein mentioned as aforesaid were resigned in the Hands of *Robert Dundas*, as Commissioner specially empowered by the said Honourable *Archibald Fraser*, immediate lawful Superior of the said Lands and others foresaid, and for his Behoof *ad perpetuam remanentiam*, to the Effect foresaid, conform to Instrument of Resignation *ad remanentiam* following on the said Procuratory, dated the Twenty-fourth and recorded in the General Register of Sasines, *&c.* at *Edinburgh* the Twenty-seventh Days of *February* in the Year One thousand eight hundred and two: And whereas the said Honourable *Archibald Fraser* having departed this Life was succeeded in the said entailed Estates settled by the Deeds before mentioned by *Thomas Alexander Fraser* of *Lovat*, now *Thomas Alexander* Baron *Lovat*, who made up Titles thereto conform to the following Writings; *viz.* Retour of the Special Service of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, as nearest and lawful Heir Male of Tailzie and Provision to the said deceased *Archibald Fraser*, dated the Twenty-second Day of *March* in the Year One thousand eight hundred and sixteen; Precept from Chancery, dated the Eighteenth Day of *April* in the Year One thousand eight hundred and sixteen, for infefting the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, as Heir foresaid, in the said entailed Estates, and Instrument of Sasine in his Favour following on the said Precept, dated the First and recorded in the General Register of Sasines at *Edinburgh* the Twenty-seventh Days of *May* in the Year One thousand eight hundred and sixteen: And whereas the said Honourable *Archibald Fraser*, by a Disposition and Deed of Entail executed by him, dated the Fifteenth and recorded as a probative Writ in the Register of Deeds and probative Writs kept in the Sheriff Court of *Inverness* for the Sheriffdom of *Inverness* the Twenty-sixth Days of *April*, and in the Register of Tailzies the Twenty-second Day of *May*, in the Year One thousand eight hundred and thirteen, and in the Books of Council and Session in *Scotland* the Sixth Day of *June* in the Year One thousand eight hundred and forty, sold, alienated, and disponed from him, his Heirs and Successors whatsoever, to and in favour of himself the said Honourable *Archibald Fraser*, and the

Deed of Entail of the Lands of Culnaloch, Sonachan, and others, by the Hon. Archibald Fraser, 15th April 1813.

Heirs

Heirs Male to be procreated of his Body, and the Heirs Male of their Bodies; whom failing, to the other Heirs and Substitutes of Tailzie named and designed in the foresaid original Deed of Entail of the Lands, Lordship, and Estate of *Lovat*, executed by the said deceased Lieutenant-General *Simon Fraser* his Brother, as follows; *viz.*, to and in favour of *Charles Fraser* of *Inverallochy*; whom failing, to *William Fraser* younger, of *Inverallochy*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser* of *Strichen*, One of the Senators of the College of Justice; whom failing, to *Alexander Fraser* younger, of *Strichen*; whom failing, to *Alexander Stewart M'Kenzie Fraser*, eldest lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Second lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to *William Fraser*, Third lawful Son of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male of his Body; whom failing, to any other Son to be procreate of the Body of the said *Alexander Fraser* younger, of *Strichen*, and the Heirs Male to be procreated of the Bodies of such Sons, *seriatim* in their Order; whom failing, to *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, Brother to the said *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Captain *John Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Lieutenant *Archibald Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to *Simon Fraser* of *Faraline*, Advocate, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Brother to the said *Simon Fraser* of *Faraline*, and the Heirs Male of his Body; whom failing, to *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, next Brother to the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to Lieutenant *Alexander Fraser*, Third Brother of the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Simon Fraser*, youngest Brother of the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Edward Satchwell Fraser* of *Relig*, and the Heirs Male of his Body; whom failing, to Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser*, Brother to the said Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to Captain *Hugh Fraser* of *Eskadale*, and the Heirs Male of his Body; whom failing, to Captain *Alexander Fraser* of *Culduthil*, and the Heirs Male of his Body; whom failing, to *Simon Fraser*, lawful Son of the deceased *Thomas Fraser* of *Erchit*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser* of *Gortuleg*, and the Heirs Male of his Body; whom failing, to *Duncan Fraser* of *Auchnagairn*, and the Heirs Male of his Body; whom failing, to Provost *James Fraser* of *Inverness*, and the Heirs Male of his Body; whom failing, to *William Fraser* of *Balnain*, and the Heirs Male of his Body; whom failing, to *William Fraser*, eldest lawful Son of the deceased *Thomas Fraser*, late Doctor of Physic in *Antigua*, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Second lawful

lawful Son of the said Doctor *Thomas Fraser*, and the Heirs Male of his Body; whom failing, to Lieutenant Colonel *Simon Fraser* of the Twenty-fourth Regiment of Foot, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Commissary of *Inverness*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to *William Fraser*, Second Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Captain *Simon Fraser* at *Fanellan*, Third Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Lieutenant *Simon Fraser* of *Daltulich*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser* of *Torbreck*, and the Heirs Male of his Body; whom failing, to Major *Simon Fraser*, in the Service of His most Faithful Majesty of *Portugal*, formerly Lieutenant in the Seventy-eighth Regiment of Foot or Second Highland Battalion, and the Heirs Male of his Body; whom all failing, to the said deceased Lieutenant General *Simon Fraser* of *Lovat*'s nearest lawful Heirs and Assignees whatsoever; all and whole these Parts and Portions of the Lands of *Cullachy* and *Kyterie* in *Abertarff* called the Lands of *Culnaloch* and *Sonachan*, including therein the Miln and Miln Croft of *Abertarff* or *Killychinman*, with the Command of the Water Dam and Source thereof, so far as may be necessary or useful for the Service of the said Mill, as the said Lands of *Culnaloch* are bounded and divided from the said Lands of *Cullachy* by the old Mill Lead of the foresaid Mill of *Killychinman* or *Abertarff*, and from the Lands of *Kytrie* by a straight Line between the Wester End of *Lochuanagan* and the River or Water of *Oich*, joining the said River at the West End of the Island called *Island Figach*, with the Proportion of Moss effeiring to the said Lands of *Culnaloch* from the Wester End of *Lochuanagan*, on the North Side of the small Stripe or Run of Water that falls into the Loch to the High Road that leads from *Croftbuy* of *Kytrie* to *Glenbuck* as it crosses the said Stripe, together with the Parts, Pendicles, and Pertinents of the said Lands and Mill lying within the Barony of *Abertarff*, united Parishes of *Boleskine* and *Abertarff*, and Sheriffdom of *Inverness* (but excepting always therefrom that Part and Portion of the said Lands of *Culnaloch* and *Sonachan* extending to Thirty-two Acres Three Roods and Ten Falls of Ground then lately taken off by the Commissioners for the *Caledonian* Canal); and in like Manner all and haill the Island of *Aigas*, with Parts, Pendicles, and Pertinents thereto belonging, being a Part of the Town and Lands of *Aigas*, lying within the Parish of *Kilmorack* and Sheriffdom of *Inverness*, as the same was disponed to the said deceased General *Simon Fraser* by *Andrew Fraser* of *Aigas*, the former Proprietor thereof, conform to Disposition dated the Second Day of *August* One thousand seven hundred and seventy-seven Years, and recorded in the Books of Council and Session the Twenty-eighth Day of *December* One thousand eight hundred Years, together with all Right, Title, and Interest, Claim of Right, Property, and Possession, as well petitory as possessory, which he the said Honourable *Archibald Fraser*, his Predecessors and Authors, or Heirs and Successors, had or any ways might have or pretend to the said Lands and others, or to any Part or Portion thereof, but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and

resolutive, Declarations and Reservations, therein written, forming a Settlement in strict Entail by the Law and Practice of *Scotland*; in virtue of which last-recited Disposition and Deed of Entail the said Honourable *Archibald Fraser* was infeft in the said Lands and others thereby conveyed conform to Instrument of Sasine in his Favour, dated the Seventeenth and Nineteenth Days of *April*, and recorded in the General Register of Sasines at *Edinburgh* the Eleventh Day *May*, in the Year One thousand eight hundred and thirteen: And whereas upon the Death of the said Honourable *Archibald Fraser* as aforesaid the said *Thomas Alexander* Baron *Lovat* made up Titles to the foresaid Lands and others conveyed by the said last-recited Disposition and Deed of Entail, as nearest and lawful Heir of Tailzie and Provision to the said Honourable *Archibald Fraser* therein, conform to the Writings following; *videlicet*, Retour of the Special Service of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, as Heir foresaid, expede before the Magistrates of *Canongate* on the Thirtieth Day of *September* in the Year One thousand eight hundred and sixteen; Charter of Confirmation and Precept of Clare Constat by the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, as Superior of the said Lands and others, with Consent of a Quorum of his Curators in his own Favour as Heir foresaid, dated Thirtieth *September* and Seventeenth and Twenty-first *December* in the Year One thousand eight hundred and nineteen, and Instrument of Sasine following thereon, in favour of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, dated the Ninth Day of *August*, and recorded in the Particular Register of Sasines at *Inverness* the Twenty-seventh Day of *September*, in the Year One thousand eight hundred and twenty: And whereas Lieutenant-Colonel *Hugh Fraser* of *Bellindown*, by Disposition and Deed of Tailzie executed by him, dated the Fifth Day of *February* in the Year One thousand eight hundred and twenty-four, and recorded in the Register of Tailzies the First Day of *July*, and in the Books of Council and Session in *Scotland* the Twelfth Day of *November*, in the Year One thousand eight hundred and forty, for the Causes therein specified, sold, alienated, and disponed to and in favour of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, and the Heirs Male of his Body; whom failing, to and in favour of the late *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, Brother to the said *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Captain *John Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to Lieutenant *Archibald Fraser*, Brother to the said *William Fraser* of *Kilbockie*, and the Heirs Male of his Body; whom failing, to *Simon Fraser* of *Farraline*, Advocate, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, Brother of the said *Simon Fraser* of *Farraline*, and the Heirs Male of his Body; whom failing, to *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser*, next Brother to the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser*, Third Brother of the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to

Deed of Entail of the Lands of Kinnairies, by Colonel Hugh Fraser of Bellindown, 5th February 1824.

to *Simon Fraser*, youngest Brother of the said *John Fraser* of *Foyers*, and the Heirs Male of his Body; whom failing, to *Edward Satchwell Fraser* of *Relig*, and the Heirs Male of his Body; whom failing, to Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser*, Brother of the said Captain *James Fraser* of *Belladrum*, and the Heirs Male of his Body; whom failing, to Captain *Hugh Fraser* of *Eskadale*, and the Heirs Male of his Body; whom failing, to Captain *Alexander Fraser* of *Culduthel*, and the Heirs Male of his Body; whom failing, to *Simon Fraser*, lawful Son of the deceased *Thomas Fraser* of *Erchit*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser* of *Gortuleg*, and the Heirs Male of his Body; whom failing, to *Duncan Fraser* of *Auchnagairn*, and the Heirs Male of his Body; whom failing, to Provost *James Fraser* of *Inverness*, and the Heirs Male of his Body; whom failing, to *William Fraser* of *Balnain*, and the Heirs Male of his Body; whom failing, to *William Fraser*, eldest lawful Son of the deceased *Thomas Fraser*, late Doctor of Physic in *Antigua*, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Second lawful Son of the said Doctor *Thomas Fraser*, and the Heirs Male of his Body; whom failing, to Lieutenant Colonel *Simon Fraser* of the Twenty-fourth Regiment of Foot, and the Heirs Male of his Body; whom failing, to *Charles Fraser*, Commissary of *Inverness*, and the Heirs Male of his Body; whom failing, to *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to *William Fraser*, Second Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Captain *Simon Fraser* at *Fannellan*, Third Brother of the said *Hugh Fraser* of *Dunballoch*, and the Heirs Male of his Body; whom failing, to Lieutenant *Simon Fraser*, *Daltulich*, and the Heirs Male of his Body; whom failing, to *Alexander Fraser* of *Torbreck*, and the Heirs Male of his Body; whom failing, to Major *Simon Fraser*, in the Service of His most Faithful Majesty of *Portugal*, Lieutenant in the Seventy-eighth Regiment of Foot or Second Highland Battalion, thereafter in the Seventy-first Regiment of Foot, and the Heirs Male of his Body; whom all failing, to the said deceased Lieutenant General *Simon Fraser* his own nearest and lawful Heirs and Assignees whatsoever; all and whole the Town and Lands of *Kinnairies*, extending to a Half Davoch Land of old Extent, and to Seventeen Shillings and Six Pennies Money, according to the Retour of the same, with the Multures of the said Lands, and with Houses, Buildings, Yards, Tofts, Crofts, Woods, Fishings, Shealings, Grazings, Outsets, Annexis, Connexis, Dependencies, Parts, Pendicles, and universal Pertinents of the same, lying within the Barony of *Beaufort* and *Drumchardine* and Sheriffdom of *Inverness*, with the Power and Privilege of building a Mill or Mills upon the said Lands, together with all Right, Title, and Interest, Claim of Right, Property, or Possession, petitory or possessory, which belonged to him the said Lieutenant Colonel *Hugh Fraser* of *Bellindown*, his Predecessors or Authors, in or to the said Lands and others, but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolutive, Declarations and Reservations, contained in the said Disposition and Deed of Tailzie made and executed by the said Lieutenant General *Simon Fraser*, and therein written; and the said

Thomas

Supplementary Disposition and Assignation of the said Lands of Kinnairies, by the said Thomas Alexander Baron Lovat, to the Heirs of Entail of Lovat, in corroboration of the said last-mentioned Deed of Entail, 10th March 1825.

Thomas Alexander Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, by a Supplementary Disposition and Assignation executed by him, dated the Tenth Day of *March* in the Year One thousand eight hundred and twenty-five, and recorded in the Register of Tailzies the First Day of *July*, and in the Books of Council and Session the Twelfth Day of *November*, in the Year One thousand eight hundred and forty, on the Narrative that he, as Heir of Taillie in possession of the entailed Estate of *Lovat*, by virtue of a certain Act of Parliament therein in part recited, was bound during his Possession to make Payment of the Sum of Four hundred Pounds Sterling *per Annum*, to be employed in the Purchase of Land in or adjacent to the County of *Inverness*, to be added to the said entailed Estate, and to be devised to the same Series of Heirs and under the same Conditions that are specified in the original Deed of Tailzie of the Estate of *Lovat* executed by the said Lieutenant General *Simon Fraser* of *Lovat*, and that he the said *Thomas Alexander Baron Lovat*, then *Thomas Alexander Fraser* of *Lovat*, being due an Arrear of the said annual Burden as therein mentioned, purchased from the said Lieutenant Colonel *Hugh Fraser* of *Bellindown* the said Lands of *Kinnairies* and others, and obtained from him the foresaid Disposition thereof, conceived in favour of himself the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, and the Heirs Male of his Body; whom failing, to and in favour of the late *Alexander Fraser* of *Struie*, and the Heirs Male of his Body; whom failing, to and in favour of the other Heirs and Substitutes called to the Succession of the entailed Estate of *Lovat* by the aforesaid Deeds of Tailzie executed by the said Lieutenant General *Simon Fraser*; and with and under the whole Provisions, Conditions, Burdens, Limitations, Restrictions, Clauses irritant and resolutive, specified and contained in the said Deeds of Tailzie, and which Disposition and Deed of Tailzie by the said Colonel *Hugh Fraser* contained the Procuratory of Resignation before recited, specifying the whole of the Destination of the said Lands, as well as all the Conditions under which the same were to be held, but which Procuratory of Resignation still remained unexecuted; and that the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, having, prior to the Execution of the said Deed, made Application by Petition to the Lords of Council and Session to approve of the said Purchase, and to find him entitled to take Credit out of the foresaid annual Burden for the Amount of the Price and all Expences consequent on the said Purchase, various Proceedings took place thereupon, in the Course of which, but subsequent to the Date of the said Disposition and Deed of Tailzie executed by the said Lieutenant Colonel *Hugh Fraser*, an Objection was stated that the Destination to the Heirs succeeding to the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, in the said Estate, passed over and did not include some of the Heirs Male of the deceased *Alexander Fraser* of *Strichen*, his Grandfather, which Heirs Male were called to the Succession of the *Lovat* Estates by the original Deeds of Tailzie of the same, but were so omitted in the said Disposition and Deed of Tailzie granted by the said Lieutenant Colonel *Hugh Fraser* from a Supposition that they were all extinct, and had died previous to the Succession of

of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*; and on the farther Narrative that he the said *Thomas Alexander* Baron *Lovat* was desirous to remove all Objections on that Ground, and, as the Institute in the said Disposition and Deed of Tailzie, to execute a supplementary Disposition and Assignation to the unexecuted Procuratory of Resignation therein and before recited, in order to supply the foresaid alleged Defect, so that the said omitted Heirs might, if any such existed, be called to the Succession of the said Lands of *Kinnairies* and others in their proper Place, in the Titles to be made up and Infeftments to pass upon the said Disposition and Deed of Tailzie, and unexecuted Procuratory of Resignation therein contained, in supplement of the said Disposition and Deed of Tailzie executed by the said Lieutenant Colonel *Hugh Fraser* in favour of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, but without Hurt or Prejudice thereto, except so far as thereby altered, gave, granted, disponed, alienated, transferred, and conveyed to and in favour of himself the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, and the Heirs Male of his Body; whom failing, to *Stewart Mackenzie Fraser*, Second Son of the said *Alexander Fraser*, Grandfather of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, and the Heirs Male of his Body; whom failing, to *Thomas Fraser*, also Son of the said *Alexander Fraser*, and the Heirs Male of his Body; whom failing, to *William Fraser*, also Son of the said *Alexander Fraser*, and the Heirs Male of his Body; whom failing, to any other Sons procreated of the Body of the said *Alexander Fraser*, and the Heirs Male to be procreated of the Bodies of such Sons, *seriatim* according to their Seniorities; whom failing, to the Heirs Male of the deceased *Alexander Fraser* of *Struie*; and, failing them, to the other Heirs and Substitutes specified in the original Deeds of Tailzie of the Estate of *Lovat*, and in the said Disposition and Deed of Tailzie executed by the said Lieutenant Colonel *Hugh Fraser* in the Order therein set forth, and in the said supplementary Disposition and Assignation held as repeated *brevitatis causa*, all and whole the said Town and Lands of *Kinnairies* and others foresaid, but that always with and under the several Provisions, Conditions, Burdens, Limitations, Restrictions, Clauses irritant and resolutive, specified and contained in the said last-recited Disposition and Deed of Tailzie, forming a strict Settlement of Entail according to the Law and Practice of *Scotland:* And whereas the said *Thomas Alexander* Baron *Lovat* made up Titles to the said Town and Lands of *Kinnairies* and others foresaid, under the said last-recited Disposition and Deed of Tailzie, and the said supplementary Disposition and Assignation, conform to the following Writs; *viz.* Charter of Resignation under the Great Seal in favour of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, dated the Twentieth Day of *December* in the Year Eighteen hundred and twenty-five, and written to the Seal, registered and sealed, the First Day of *March* in the Year One thousand eight hundred and twenty-six; and Instrument of Sasine following thereon in favour of the said *Thomas Alexander* Baron *Lovat*, then *Thomas Alexander Fraser* of *Lovat*, dated the Sixth Day of *March*, and registered in the Particular Register of

Sasines at *Inverness* the Third Day of *May*, in the Year One thousand eight hundred and twenty-six: And whereas the said *Thomas Alexander* Baron *Lovat* during his Possession of the foresaid entailed Lands and Estates severally and respectively before mentioned has laid out and expended large Sums upon the Improvement and Amelioration thereof, by building and repairing Houses and Offices, and by planting, draining, and inclosing, which Sums so laid out in Improvements as aforesaid are set forth in the Schedule hereunto annexed, and amount in whole to the aggregate Sum of Fifty-five thousand one hundred and fifty-one Pounds Four Shillings and Three-pence One Farthing Sterling, and by means of the said Expenditure and Outlay the said several Lands and Estates have been greatly improved in Value: And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlement of strict Entail*, by which a certain Relief was intended to be given to Heirs of Entail expending Money in the Improvement of their Estates, upon complying with the Regulations therein laid down; but the Provisions of the said Act do not in all Cases afford adequate Relief, and are attended with so much Doubt and Difficulty in their Execution as to frustrate in a great measure the Object for which the said Act was passed: And whereas the subsequent Heirs of Entail will derive great Benefit from the Expenditure made by the said *Thomas Alexander* Baron *Lovat* as aforesaid, which has greatly increased the yearly Rental and Value of the said Estates; and as the said *Thomas Alexander* Baron *Lovat* has contracted Debt by reason of the said Expenditure, it is just and equitable that he should be relieved of a Part of the said Expenditure, by being allowed to charge the said entailed Estates therewith, so as to enable him so far to pay off the Debt so contracted by him as aforesaid; but by reason of the Limitations and Conditions contained in the said Deeds of Entail that End cannot be attained without the Aid and Authority of Parliament: May it therefore please Your Majesty, upon the humble Petition of Your Majesty's most dutiful and loyal Subject the said *Thomas Alexander* Baron *Lovat*, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to the said *Thomas Alexander* Baron *Lovat*, or the Heir of Entail in Possession of the said entailed Estates at the Time, or to his or her Tutor or other Administrator in case he or she be a Minor or otherways incapable of acting for himself or herself, to borrow and take up in Loan a Sum or Sums of Money not exceeding in the whole the Sum of Forty-one thousand three hundred and sixty-three Pounds Eight Shillings and Two-pence Sterling, being Three-fourth Parts of the aforesaid aggregate Sum of Fifty-five thousand one hundred and fifty-one Pounds Four Shillings and Three-pence One Farthing Sterling, and a Sum sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution, and it shall be lawful to the said

10 G. 3. c. 51

Power to borrow 41,363*l.* 8*s.* 2*d.* on Security of entailed Estates.

said *Thomas Alexander* Baron *Lovat*, or to the Heir of Entail in possession of the said Entailed Estates for the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor or otherwise incapable of acting for himself or herself, validly to secure the Payment of the Money so to be borrowed, and the Interest thereof, and liquidate Penalties and Expences to be therein stipulated, by Heritable Bond or Bonds and Disposition or Dispositions in Security, in favour of the Person or Persons who may lend such Money, disponing and conveying, in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably, but redeemably, the whole or any Portion or Portions of the Lands and Estates comprised in the said Three Deeds of Entail or any of them; *videlicet*, the said Deed of Entail dated the Sixteenth Day of *May* in the Year One thousand seven hundred and seventy-four, the said Deed of Entail dated the Fifteenth Day of *April* in the Year One thousand eight hundred and thirteen, and the said Deed of Entail dated the Fifth Day of *February* in the Year One thousand eight hundred and twenty-four, all before recited, in security and for Payment of Forty-one thousand three hundred and sixty-three Pounds Eight Shillings and Two-pence Sterling, being Three-fourth Parts of the aforesaid Sum of Fifty-five thousand one hundred and fifty-one Pounds Four Shillings and Three-pence One Farthing Sterling, and in security also of the Sum that may be sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and which Heritable Bond or Bonds and Disposition or Dispositions in Security shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, and their respective Heirs, Executors, or Representatives whatsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds and Disposition or Dispositions in Security for the Time, in the same Manner as if the same were granted by a Fee Simple Proprietor, and shall effectually burden such Parts of the said Lands and others contained in the said Entails or any of them as shall be included in and disponed by such Heritable Bond or Bonds and Disposition or Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed to the said entailed Estates; and the said Heritable Bonds and Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entails and Investitures; and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Law of *Scotland* for the Recovery of the Sums so lent, Interest and Penalties, as is competent to any other Creditor by Heritable Bonds or Bonds and Dispositions in Security.

If present Baron Lovat die before borrowing Money, succeeding Heirs to be liable to his Representatives.

II. And be it enacted, That if the said *Thomas Alexander* Baron *Lovat* shall happen to die before borrowing the Money hereby permitted to be borrowed, or the whole thereof, the Heirs of Tailzie succeeding to him by virtue of the Dispositions and Deeds of Entail aforesaid, in their Order respectively, shall be Debtors to the Executors, Trustees, or other Representatives of the said *Thomas Alexander* Baron *Lovat* for such Sum as the said *Thomas Alexander* Baron *Lovat* is hereby permitted to borrow, but may

may not have borrowed, and shall be obliged to pay the same, with Interest, from the Day of the Death of the said *Thomas Alexander* Baron *Lovat*, to his Executors, Trustees, or other Representatives, such succeeding Heirs having Power to charge and burden the Estate as aforesaid.

Heir of Entail to keep down the Interest.

III. And be it enacted, That the said *Thomas Alexander* Baron *Lovat*, or the Heir of Entail borrowing the said Sums of Money, and the Heirs of Entail succeeding to the said entailed Estates, in their Order, and during their Possession of the said entailed Estates, shall be bound and obliged at least once in every Year to pay and keep down the Interest of the Sums of Money so allowed to be borrowed as aforesaid; and if such Interest shall not be paid within Twelve Calendar Months after the Term or Terms of Payment thereof stipulated in the Security or Securities by which the Loan or Loans are secured, the said entailed Estates shall be absolutely freed and released from the Payment of such Interest so remaining unpaid in all Time thereafter; and such Interest, if not paid after the Lapse of the said Twelve Calendar Months, shall only exist thereafter as a personal Debt against the said *Thomas Alexander* Baron *Lovat*, or the Heir of Entail for the Time being liable in Payment of such Interest, or their respective Heirs, Executors, and Representatives: Provided always, that if any succeeding Heir of Entail shall pay any Interest accrued due during the Possession of any prior Heir of Entail he shall be entitled to recover such Interest from the said prior Heir of Entail, or his Heirs, Executors, and Representatives.

Money borrowed to be applied in Payment of Debts, and Estates freed of all Claims for Improvements.

IV. And be it enacted, That the Money hereby permitted to be borrowed shall be applied by the said *Thomas Alexander* Baron *Lovat*, or his Executors, Trustees, or other Representatives, towards Repayment of the Monies advanced by the said *Thomas Alexander* Baron *Lovat* as aforesaid; and immediately on any Heritable Bond or Disposition in Security being made and granted, as permitted by this Act, the entailed Lands and Estates aforesaid, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claim or Demand for any Sum or Sums of Money expended by the said *Thomas Alexander* Baron *Lovat* in the Improvement of the said entailed Estates prior to the Date of this present Act.

Entails not to be prejudiced.

V. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Dispositions and Deeds of Entail herein-before recited, or any of them, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively contained, except in so far as is necessary to carry into effect the Purposes of this Act.

Lender not to be concerned with Application of Money borrowed.

VI. And be it enacted, That the Lenders of any Sum or Sums of Money under this Act shall be nowise concerned with the Application or the Misapplication of the Money to be lent by them, or with the Fulfilment or Nonfulfilment of the Obligation by this Act laid on the said *Thomas Alexander* Baron *Lovat*, and on the Heirs of Tailzie succeeding to him, to pay and keep down the Interest of the Monies

Monies allowed by this Act to be borrowed, and Securities to be granted therefor, as aforesaid.

VII. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, and to all others (save and except the said *Thomas Alexander* Baron *Lovat*, and all and every the Heirs of Entail called or entitled to take under the Entails hereinbefore recited), all such Right, Title, Interest, Claim, and Demand whatsoever, in, to, and out of the said Lands and Estates, as they have or might claim, challenge, or demand, and that in the same Manner and as amply as if this Act had never been passed. **General Saving.**

VIII. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others. **Copy of Act as printed by Queen's Printers to be Evidence.**

SCHEDULE to which the foregoing Act refers;

BEING

A LIST of the SUMS EXPENDED by the said THOMAS ALEXANDER BARON LOVAT for the Benefit of his Entailed Estates.

I. Improvements recorded and contained in Decrees of the Court of Session in Scotland, viz.								
1. In Decree dated 20th of November 1838 -						£12,243	0	11¾
2. In Decree dated 15th of June 1841 - -						4,275	8	8
Sum in Decrees - - - -						16,518	9	7¾
Three Fourths whereof decerned for by said Decrees				£12,388	17	2¾		
II. Improvements recorded, but not yet decerned for, viz.								
1. For the Year from Martinmas 1840 to Martinmas 1841 -	£2,183	16	9¾					
2. For the Year from Martinmas 1841 to Martinmas 1842 -	1,112	11	0					
3. For the Year from Martinmas 1842 to Martinmas 1843 -	1,031	19	4½					
						4,328	7	2¼
Three Fourths whereof is - -				3,246	5	4¾		
III. Improvements unrecorded: —								
Amount thereof - - - -						34,304	7	5¼
Three Fourths whereof is - -				25,728	5	6 5/8		
SUM OF WHOLE IMPROVEMENTS - -						55,151	4	3¼
THREE FOURTHS WHEREOF IS - -						41,363	8	2 1/8

John C. Brodie.

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