

No 9.  
powering the  
feuer to alie-  
nate, not  
having the  
comptroller's  
consent, nor  
having past  
the seals, was  
found no suffi-  
cient warrant  
to aliqnaite.

said lands, or any part thereof, without consent, the said charter should be of no force nor effect, but null in itself, and redeemable. It was *alleged* by the said defender, That he had made no alienation of the said lands, nor no part thereof, and therefore his charter should not be reduced. It was *alleged* by the said pursuer, That albeit the said defender had not annalized any part of the said lands, yet he had annalized so meikle annualrent forth of the said lands, which annualrent was almost the whole profit of the said lands, which is alike as if he had annalized the whole lands; which allegiance of the said pursuer was found relevant. And also it was *alleged* by the said defender, that albeit he had annalized the said annualrents, as is *alleged*, the charter should not be reduced, because he had obtained licence of the Queen to do the same; and, for probation thereof, produced a writing in paper, subscribed by the Queen. It was *alleged* by the pursuer, That that writing should have no faith nor strength of a licence, because the lands contained in the charter of the defender were of the King's property, and set in feu, with consent of the comptroller; and therefore the Queen, without consent of the comptroller, might not dissolve the clause irritant, because it was hurtful to the Crown; and also, because it was a simple writing, subscribed by the Queen, and not past the seals, which allegiance was admitted by the LORDS for both the causes foresaid, *alleged* by the pursuer.

*Fol. Dic. v. 1. p. 523. Maitland, MS. p. 195.*

1602. *January 20.*

MASTER of ROTHES *against* The ABBOT of ST COLME.

No 10.  
A new rega-  
lity, neither  
granted nor  
ratified in  
Parliament,  
found to be  
no regality,  
in terms of  
act 43d Parl.  
1455.

THE Master of Rothés, as Sheriff of Fife, pursued a malefactor in the Sheriff-court; the matter is sought to be advocate by the Abbot of St Colme, and to be remitted to him in respect of his regality. For instructing of his interest, he produced the gift of the said Abbacy disposed to him by his Highness upon his father's demission *cum privilegio regalitatis solito et consuet.* It was *alleged*, That the gift and provision would make him no right of regality, because it was provided by act of Parliament, that no gift of regality should be disposed but by advice of the estates of Parliament, which was not in this case. *2do*, This regality was given in the King's minority, and so was null and revoked. *3tio*, Where it was relative to the former regality, competent to the said Abbacy, that could work nothing, unless it were verified and shewn, by an express authentic instrument, or act of adjournal, that the said Abbacy had express regality disposed by charter to them of old, as the regality had been lawfully authorised by act of adjournal. Which allegiance was found relevant; and that a new regality relative to an old, could not subsist unless.

either the one charter were produced, or an act of adjournal made of old authorising the said old regality.

No 10.

*Fol. Dic. v. 1. p. 524. Haddington, MS. No 667.*

1612. June 19.

DOUGLAS *against* TUSCHILAW.

No 11.

ALL lands lying within a Stewartry are the King's property, and no lawful infeftment can be granted but in feu for augmentation of the King's rental; and albeit lands, which pertained heritably to any man before the Lordship or Stewartry, came in the King's hands and were annexed, will remain with the erection holden of the King, as he held the same before; yet, if these lands come in the King's hands, by forfeiture, the cognition or resignation *ad perpetuam remanentiam*, they will become annexed property, and may not thereafter be disposed but in feu for augmentation of the King's rental; and the possessions of all such lands will be subject to the Stewart's jurisdiction, and the acceptance of an original infeftment of lands confessing the same to lie within the Stewartry, will make it null if it be granted otherwise than in feu.

*Fol. Dic. v. 1. p. 523. Haddington, MS. No 2460.*

1622. July 11.

E. ROTHES *against* GORDON.

IN the action of reduction pursued by the Earl of Rothes against Gordon of Halhead, the LORDS found, that an act of Parliament, made in *anno* 1515, ratifying a paction made betwixt George Earl of Rothes and his Majesty's treasurer in *anno* 1509, and annulling all infeftments granted of the barony of Balnebreich, or any part thereof, after the said paction, was sufficient to take away the defender's infeftment. He was not called to see it reduced in Parliament. It was also found, that the act made in his Majesty's last Parliament in *anno* 1621, anent *salvo jure cujuslibet*, was only extended to ratifications granted in his Majesty's own time, and not in his predecessor's time; as also, that the King's revocation is not extended to acts of Parliament made in his minority, unless they be *per expressum* mentioned in the revocation.

*Fol. Dic. v. 1. p. 524. Haddington, MS. No 2648.*

1669. February 25.

The KING'S ADVOCATE *against* The EARL of MORTON and VISCOUNT GRANDISON.

THE King's Advocate pursues a reduction of the rights of the Earldom of Orkney and Zetland, granted by the deceased King Charles I. or by this King

No 12.  
The King's revocation was found not to be extended to acts of Parliament made in his Majesty's minority, unless they were expressly mentioned in the revocation.

No 13.  
Annexed property cannot be alienated.