

ted to do it (Craig Feud. Lib. 1. Tit. 12. §. 3. Whether single Persons or acquir-  
 -gate Feuds, as Citie, Universities, Colleges &c. To hinder the Crown to be im-  
 -poorished, the whole Customs of Scotland contain Lordships Lands and other  
 were annex'd thereto in the Year 1458 not to be given away in Fee, or  
 Tenement without Consent of Parliament, for great and seen Cause for  
 the good of the Realm; and any Alienation otherwise made by the King  
 declared to be null: So as the King for the Time might notwithstanding  
 of resigne the Lands without Process, and make the Possessors receive all  
 Rents and Profits intruded with by them. Act 41. Par. 11. J. 2. which is  
 the first formal Act of Annexation. Thereafter all Infeudments of his Majesty  
 of the annexed Property were declared null, unless done by the Sovereign in  
 his Majesty after a previous Dissolution in Parliament with an Augment-  
 -ation of the Rental. Act 233. Par. 15. J. 6. So that albeit any Deed or  
 -ther becomes valid, if ratified in his Majesty: Dispositions by the King of  
 the annexed Property in his Minority are null tho' ratified in Parliament  
 after his Majesty: it being easie to obtain Ratifications of such null  
 Rights, which pass of Course, without due Consideration of the Ground; un-  
 -less a Dissolution in Parliament, which is specially read and considered,  
 precede the Gift. McKenzie on d. Act 41. Nor was the annexed Property  
 found validly disposed from the Crown by a Clause in an Act of Parliament  
 ratifying a Disposition thereof 25 Feb. 1669 King's Advocate contra  
 -town & V. Grandison. But as Sir George McKenzie relates (Observ. on d. Act  
 -lic. Lord Shumie to decern those whose Rights were reduced, to answer for  
 their bygone Intrusions with the Rents: because the Clause in the  
 Act 41. Par. 11. J. 2. making Possessors to refund all Profits, had not been  
 in Observance. It was afterwards expressly enacted by the Parliament, that  
 their Ratifications should not derogate from the general Laws about the annex-  
 -ed Property, unless the same expressly dispence with the said Laws, by Dis-  
 -pence of the three Estates specially therein mentioned Act 243. Par. 15. J. 6.  
 Because the annexed Property could not be disposed without a Dissolution in  
 Parliament, some cunningly fell upon this Device to elude the Law: they ob-  
 -tained Dispositions of the Feud Farms pertaining to the Crown, for Payment  
 of a Feud Duty, called alienatio feudum firmam feudum firmarium; which was there-  
 -after discharged and annulled Act 239. Par. 15. J. 6. Albeit upon Occasions  
 the annexed Property may be dissolved, to gratifie some well deserving Patriots,  
 without any Design of improving the Crown Revenue: Yet regularly af-  
 -ter a Dissolution, it can be disposed only in Feud Farm, and not to be holden in  
 Service of Ward and Relief, Blench or any other Manner of holding unless  
 they be exchanged with other Lands without Diminution of the Rental Act 23  
 -Par. 15. J. 6. or to the just Avail. Because his Majesty's Revenue cannot

be improved where a yearly Rent is not paid. And that if might be known  
 whether the Rental was diminished or augmented, Signatures of Infeudments of  
 Feud Farm granted by the King were formerly appo- to be subscribed by the  
 Comptroller and entered in his Register (Act 127. Par. 12. Act 171. Par. 13.  
 J. 6.) whose Office was afterwards annexed to the Commissioners of Treasury  
 -Fair Lib. 2. Tit. 9. §. 36. ~~Observ. on d. Act 237. Par. 15. J. 6.~~ George McKenzie  
 (Observ. on Act 237. Par. 15. J. 6.) is of Opinion, that tho' the Charter bears an  
 Augmentation, yet if it can be proved by the Exchequer Rolls, that the same  
 paid more formerly than is contained in the Charter, the Charter is to be  
 null. The Acts aforesaid 41. 233. 239. 243. are as rubric'd in the Par-  
 -liament 1631 (Act 10. Par. 3. §. 1. ~~Dr. later sent out out~~  
 Part of their Benefices, without Consent of the Majority of the Members  
 of the Chapter or Convent besides the Doctor (Craig Feud. Lib. 1. Tit. 13. §. 10.  
 -Fair Lib. 2. Tit. 8. §. 17. where of such as have Benefices had two Votes  
 -Craig Feud. McKenzie Observ. on d. Act 22. J. 6. Persons subscribing  
 as Members of the Chapter, are presumed in Law to be Members, and also  
 the Majority, unless the contrary is proved. And this Majority is calculated  
 without Respect to Minors or Absents out of the Country (Craig Feud. McKenzie  
 -Fair Lib. 2. The Consent of the Chapter Members was good, tho' separately obtained,  
 if before the Death or Deprivation of the principal Grantor of the Right  
 Act 3. Par. 18. J. 6. Craig Feud. 16 Novemb. 1624 Jope Extra Minister of  
 -Craig Feud. In which Case the last Consent is drawn such to the first, but  
 no Subscription by any of these Consentors in wait, if obtained after the  
 Death or Deprivation of the principal Grantor of the Right, or of any of the  
 other Subscribers; seeing they cannot be said to consent, who are not alive  
 and in Office together at the Time (Craig Feud. §. 11. inferior Beneficed Persons  
 cannot see any Part of their Benefices without Consent of the Patron  
 -Craig Feud. §. 13. Hospitals enjoy the Privilege of Ecclesiasticks (Craig Feud.  
 §. 15. In all ecclesiastical Feuds granted by Churchmen, the Condition of the  
 Benefice must be bettered and improved tho' it were but a little.  
 Burghage holding, is an Obligation upon Burghs royal to pay to the King,  
 by their Charters of Erection, the Duty of watching and warding &c. not only  
 for their common Lands, or other Rights of the Corporation, but also for Ten-  
 -ments holden Burghage by particular Persons in Feud therein, the Burgh  
 being Vassal to the Sovereign, and not the particular Burghagefees.