

ratifications. *2do*, The explanation of the tack whereon my Lord Dumfermling lays the greatest stress is not ratified at all, and so it is undoubtedly revoked.

It was ANSWERED, to the first, that if the lordship of Dumfermling were indeed of the annexed property, the feuars and vassals would be so strongly founded on law, reason, and acts of Parliament, that it would not be easy to return them a solid answer; but that their case was nothing such: for that lordship belonged not to the King *jure publico seu coronæ*, but *jure privato proprio et jure successionis* as heir served and retoured to his mother, Queen Anne, in 1629, to whom it was disposed by King James, at Upslo, (upon Abbot Pitcairne's resignation in his hands) *per morganiticam*, and in a morning gift; which irredeemable disposition is confirmed in the same Parliament, wherein, through mistake, it is forsooth annexed to the crown, viz. in 1593; and she was thereupon infeft by charter and seasine, which are yet extant to show. Now, it falling to the King as heir, and being private patrimony, what power a baron or gentleman has, the King must have the same in disposing of it, setting it in tacks or otherways at his pleasure, *ita Craigijs*, page 110. And it is expressly so ratified by the Parliament, 1612, *Act. 10.*

REPLIED, That the infeftment given to Queen Anne was undoubtedly a null infeftment; and if it had been quarrelled it could never have been sustained: and it having been produced and proponed on in the process pursued at the instance of my Lord Secretary, as Lord of the regality of Musselburgh, (which of old was a part of the Abbacy of Dumfermling,) against the feuars of Cousland, it was not found a valid right whereupon to defend: and whatever was in that the said lordship recurring to King Charles, as heir to his mother, it became again of its own nature, and returned to be of the patrimony of the crown, and so is to be understood in the annexation of the superiorities of kirklands, made 1633.

THIS went to interlocutor; and they FOUND the lordship of Dumfermling was truly of the annexed property: but they waved it, and would not give forth their answer to his bill, whereupon I hear he has made new addresses to his Majesty.

*Advocates' MS. No. 124, folio 89.*

1671. *February 13.*

Anent a POSTSCRIPT to a LETTER.

THE Lords found a postscript of a letter as obligatory as if it were engrossed within the body of the letter, though it be not subscribed, providing the party make faith the postscript is also his hand writ.

*Advocates' MS. No. 125, folio 89.*