

TEINDS.

No. 1. 1735, Feb. 5. HERITORS OF CALDER *against* COLLEGE OF GLASGOW.

THE Lords delayed the first point as to the reparation of houses for a fuller Bench. As to the second point, the supernumerary house, adhered. As to the third, the reddendo of multures, adhered. As to the fourth, moss-leave to the tenants of the tenement, the Lords superseded for a fuller Bench.

No. 2. 1736, July 7. TROTTER of Mortonhall *against* HOGG of Harcarse.

THE Lords found that the apprising being of the barony of Hume, "comprehending," &c. (then followed a long enumeration of lands, teinds, &c.) carried right to all teinds incorporated in and part of the said barony, though those particulars were not contained in the special enumeration in the said clause, "comprehending" &c. The dispute was about the teinds of Charterhall, lying in the parish of Fogo, which lands were no part of that barony, but it was alleged that the teinds of that whole parish were incorporated in the barony.

No. 3. 1736, July 7. SAME PARTIES.

IN a valuation the proof being, that the lands were improved by inclosing, building a village, of the dung whereof they had the benefit, and by being parcelled among small tenants or tradesmen, and by that improvement were now L.5 per acre, but that before that improvement they were only worth L.3 per acre and no more; the Lords valued them only at L.3, *renit.* Newhall and Royston, (who was in the chair.)

No. 4. 1737, Jan. 12. LYON of Bridgetown *against* EARL OF STRATHMORE.

THE Lords found vicarage tithes though once due might be lost by the negative prescription, and therefore adhered to the Ordinary's interlocutor.

No. 5. 1737, Feb. 16. SKENE *against* KING'S COLLEGE OF ABERDEEN.

THE Lords allowed the heritors a new proof that the cot-houses were maintained by them and not the tenants; 2dly, They adhered to the former interlocutor refusing deduction on account of the malt-barn and kilns, because it was an ordinary accommodation that all the tenants in that country had; 3dly, They also adhered as to refusing deduction for the moss that is likely to wear out; 4thly, They allowed a new proof of the allowances given by the heritors to the other tenants for peats bought by them; 5thly, They gave a deduction on account of the heritable moss-tolerance, as the same was proved, viz. L.48. Scots.