

1734. *December 11.*

HERITORS of CALDER *against* The UNIVERSITY of GLASGOW.

In a valuation of teind, the following particulars were determined, *1mo*, The expense of upholding the tenants' houses, laid out by the master, was to be a deduction from the rental; *2do*, The rent paid for the supernumerary houses over and above what were necessary for labouring the ground, was sustained as a deduction from the rental, and that whether the rent was directly paid to the master or tenant; because, though such houses are generally let with a bit of ground to tradesmen, the rent is rather in consideration of the houses, which are not a subject teindable, than of the ground; *3tio*, A deduction was allowed upon the account of a moss let to a tenant, out of which he was allowed to win and sell peats, because moss is not a teindable subject, and a higher rent must be understood given, upon account of this privilege. See APPENDIX.

*Fol. Dic. v. 2. p. 440.*

No. 136.

1737. *February 16.*

SKEEN of Lethindy *against* KING'S COLLEGE of ABERDEEN.

In a valuation, deduction was allowed out of the rental of a certain sum, as the yearly value of an heritable tolerance of casting peats upon a neighbouring tenement, purchased to the land by the pursuer's author. See APPENDIX.

*Fol. Dic. v. 2. p. 441.*

No. 137.

1738. *February 1.* DUKE of DOUGLAS *against* ELLIOT of Woolie.

An augmentation of a Minister's stipend being to be allocated proportionally upon the titular and another heritor who had an heritable right to the teinds of his own lands, and the rent of the titular's lands having been considerably augmented about the commencement of the process, by tacks granted by him to continue for the space of nine years; the titular pleaded, That the old rent must be the rule, in respect these new tacks were no absolute proof of the true rent of the lands. The heritor on the other hand pleaded, That tacks for nine years, let to a variety of good tenants, who have all found caution for the tack-duty, is an absolute good proof of the real worth of the lands; and he further offered to prove, That the lands were truly worth what they presently paid. The Lords steered a middle course, and found the titular must bear a proportional part of the augmentation corresponding to his old rent and half of the new. See APPENDIX.

*Fol. Dic. v. 2. p. 442.*

No. 138.