

neither could that additional rent be stated;—and the Court went into that opinion without any decision, notwithstanding of the contrary decision, that the petitioners themselves, Dornocks, acknowledged in the case of the Minister of Kirkurd.

No. 15. 1740, Dec. 3. (4.) SIR JOHN DALRYMPLE *against* LORD PRIMROSE.

See Note of No. 13, *supra*.

No. 16. 1742, June 16. BALFOUR *against* OFFICERS OF STATE.

TEINDS being erected in favours of the Duke of Lennox, Balbirnie's author's bought his teinds from the Duke with the King's consent, and in 1629 and in 1635, the King having bought the teinds from Lennox, he annexed them in that year to the Bishoprick of St. Andrews. Now, in localling a stipend, the question was, Whether the same should be laid upon Balbirnie, notwithstanding his heritable right, agreeably to the decision of Arngask in 1714, or if the Bishop's teinds, now in the Crown's hands, should be first allocated, agreeably to the decision 9th February 1734, in the case of the Parish of Nenthorn, and it carried first to allocate the Bishop's teinds. *Con.* were President, Royston, and Balmerino. *Pro* were Justice-Clerk, Minto, Drummore, Strichen, Monzie, Leven, *et Ego, et Dun.* Absent Arniston, Haining, and Murkle, and Kilkerran did not vote.

No. 18. 1744, Feb. 1. DUKE OF BUCCLEUGH *against* FEUARS OF DALKEITH.

The question was in a valuation of the tithes of the feuars of Dalkeith, whether any deduction ought to be from the rents on account of the dung of Dalkeith, whereof the town could at pleasure deprive them, for which deduction no less than seven judgments of the Court were quoted in the papers, from 1698, and even before it, to 1726, and others later upon the same reason in law. However, it carried by the President's casting vote, no deduction. Arniston, who was against the interlocutor, seemed surprised that the Duke's Commissioners judged in this question, and there were three of them for the interlocutor, 1st February 1744. 20th June, We altered the interlocutor of 1st February last, and found the feuars entitled to a deduction on account of the dung, and remitted to the Ordinary to hear on the quantity. *Con* were President, Royston, Minto, Dun, Murkle. *Pro* were Drummore, Kilkerran, Monzie, Arniston, *et ego.* Strichen did not vote. 6th February 1745, Altered by President's casting vote.

No. 19. 1744, June 20. COLLEGE OF GLASGOW *against* SIR J. MAXWELL.

FOUND that use of paying rental bolls could not hinder a process of valuation according to the present rent.

No. 20. 1744, Nov. 17. SIR ROBERT GORDON *against* DUNBAR.

NOTWITHSTANDING that these lands had never been set for a joint rent stock and teind, but the teinds had always been drawn while under corn; yet in respect there was no suf-