

struct what it was at Lord Renton's death, thirteen or fourteen years since. *3tio*, They deponé not what a roun does pay, but what it might, if it were well stocked and laboured ; which can be no rule for a master : because a tenant must have his own profit and benefit (over and above what he pays to his master) to live on, otherwise he could not keep it.

Yet the President said, such witnesses were to be understood thus, that they meant the roun could pay so much *deductis deducendis*, and allowing to the tenant his due.

The Lords inclined to reject Dickson's testimony ; but,—finding that the rental on which Sir Alexander's witnesses deponed, was, by negligence, neither subscribed by the Lord, clerk, nor witnesses, and that there had been a rental made after Renton's death, by Lanton and Sir Hary Home, chosen by both,—they ordained it to be produced ; and recommended, in the mean time, to some of their number to settle the parties if they could. *Vol. I. Page 376.*

1686. *February 9.*—Sir Alexander Home of Renton gave in a bill against Sir Patrick, his brother, complaining that he had caused loose out sundry sheets in an act of litiscontestation betwixt them, and insert new sheets therein with alterations. This being a forgery of a high nature against an advocate, Sir Patrick gave in a counter-bill, craving it might be tried, for his vindication, and the drawer of the bill censured. *Vol. I. Page 401.*

1686. *February 11.* RAMSAY *against* BILL.

THE case of Ramsay and Bill being reported by Castlehill, the Lords found, That the disposition in favours of the defender, was of all the Lady Granton's goods, except what was legated, and that the relation to an inventory was not taxative but demonstrative ; and therefore sustained the disposition, and asoiilyied from Bill's reduction : in regard, by the other disposition, she left a legacy to her brother Henry Bill, and declared if he did not accept of it in full of all, then it was to accresce to Major Ramsay ; by which it was clear she intended her brother no more but that legacy. And that her dispoing to Major Ramsay all her moveables, conform to an inventory, does not restrict it to the goods allenarly contained in that inventory, and no more, is evident ; no more than this legacy, *omnia mea bona et supellectilia domús meæ do, lego*, is taxative ; for the words *domús meæ* were found by the Senate of Naples not to restrict. See *Matthæus de Afflict. decis. 106. Quær.* if this disposition, mentioning only goods and gear, should extend to sums of money ; which some think *negative*.

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1686. *February 11.* ALEXANDER BUCHAN *against* THOMAS YOUNG.

THE case of Alexander Buchan, vintner, against Thomas Young, merchant, was reported by Castlehill ; and the Lords found, that Thomas Young had not taken the assignation to Gordon and Bisset's bond in satisfaction, but only as an accessory security ; because the words of his acceptance of them were, " when paid." See *Dury, 29th March 1626, King.* But found Thomson's

charging and denouncing Buchan unwarrantable, he having scored his name out of the decret; and therefore ordained Thomas Young, on his own charges, to relax Alexander Buchan, and to obtain him the gift of his own escheat.

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1686. *February 11.* COLIN LAUDER *against* JANET TROTTER.

JANET Trotter, relict of one Brisbane, being incarcerated by Colin Lauder for a debt; upon Redford's report she was liberated, on an intimation made to him in terms of the Act of Sederunt 1675, and presenting a bill of suspension, and offering upon oath to consign a disposition of her means. So, if this course hold, there need no more decreets of *cessio bonorum*; for this is a far more summary way.

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1686. *February 12.* ANENT TRANSFERENCE.

The Lords, on Kemnay's report, found a summons of transferring could not be summarily called like an Act, but behoved to be seen and returned, but needed not then abide the course of the roll.

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1686. *February 13.* CALDERWOOD of PITTEDY *against* BELCHES of TOFTS.

THE Lords reponed Calderwood of Pittedy in his action against Belches of Tofts, to all his defences against that decret of reduction of his author's right, because he had then a comprising, and was not called to that decret.

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1682 and 1686. SIR ROGER HOGG, Lord Harcouis, *against* LORD PITSLIGO; or LORD PITSLIGO *against* ROBERT and ALEXANDER MILN.

1682. *March 24.*—THE Lords, on Saline's report, found a comprising, led by a conjunct fiar or liferenter, not only for his liferent use, but also for the very stock and fee of the money, to which he had no right, accresced and belonged to the fiar of the sum, and was a valid comprising, and subsisted *quoad* both.

Though it was objected that the fiar's name was not in all the comprising, nor had he given either factory or assignation; and it was not led at his instance; and though it was an heritable sum bearing annualrent, being before the Act of Parliament 1641, made anent such sums; and yet was not first rendered moveable by a charge.

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See the intermediate parts of Fountainhall's Report of this case in the Dictionary, page 6,040, *et seq.* under the names, *Pitsligo against Hilstone and Hog.*