

No 77.

payand or consignand ony peice of gold, and the rest in silver, or ony peice in silver, the rest in gold; for it is not necessary in this cais to give ane half of the sowme in gold, and the uther half in silver, or zit that the gold or silver quhilk he payis or consignis be pure, and without commixtioun of ony uther metall; bot it is sufficient to pay sic silver and gold as has commoun course within the countrey for the time. And gif the value of the gold and silver contenit in the reversioun be mair and greiter at the time of the redemptioun than it was at the time of the alienatioun, the excrescence and superplus thair-  
*of cedit lucro venditoris.*

*Fol. Dic. v. 2. p. 61. Balfour, (REVERSIOUNIS.) No 11. p. 455.*

No 78.

1731. February 6.

HAMILTON against CORBET.

THE value imposed upon money, by public authority, is the only thing considered in payments, and not the metal of which it is made; at the same time, it is not at the time of contracting the debt that the value of the money is to be considered, but the time of payment; and, therefore, when the value of the coin is augmented or diminished, the profit or loss is the debtor's and not the creditor's.—*See APPENDIX.*

*Fol. Dic. v. 2. p. 62.*

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S E C T. XI.

Teind where the Stock is destroyed.—Multure where the Ground  
is destroyed.

1549. January 20.

ABBOT of HOLYROODHOUSE against The LAIRD of INVERLEITH.

No 79.

(A PERSON not to be compelled to pay teind.)

GIF the landis wer lyand waist be the deceis of his tenentis labouraris thair-  
of, quha wes ather slane be the enemie, or deceist be the pestilence; or gif  
ony multitude or armie, not beand enemeis bot confederatis of this realme, or  
of our Soverane Ladyis awin liegis, eates, be oppin force and violence, cornis,  
or destroyis, reivis and takis away the samin cornis.

*Fol. Dic. v. 2. p. 62. Balfour, (TEINDIS OF BENEFICES.) No 8. p. 146.*