

a position equally new and erroneous, and which pays no regard, either to the original expense of the mill and its machinery, or to the constant charge of keeping them in repair. It is plain, that as mill-rent, arising from dry multure is as much deducible as any other rent, so it can make no difference whether the mill-rent be paid at once by the miller, or in sundry portions by the tenants, in the manner adopted in this case. No. 161.

This conclusion is verified by an uniform series of decisions; Heritors of Calder *contra* College of Glasgow, 30th July 1735, (See APPENDIX;) Sir John Maxwell *contra* College of Glasgow, 5th December 1744, No. 143. p. 15744; Minister of Cushney *contra* Heritors, 15th July 1752, No. 148. p. 15749; Dalzell of Glenae *contra* Duke of Queensberry, 14th February 1753, (See APPENDIX;) Earl of Aboyne *contra* King's College of Aberdeen, (See APPENDIX;) Lord Monbodo *contra* Officers of State, 24th June 1772, (see APPENDIX;) Straton of Kirkside *contra* Officers of State, 16th February 1774, (see APPENDIX.) The case of Sinclair of Mey was not adjudged upon the general point, but governed by this speciality, That from peculiar circumstances a tack had been granted at a very low rent, and the titular requiring, that it should be totally laid aside, or at least that no deduction from the rental should be made, the Court, *ex equitate*, gave sanction to the latter alternative.

The Court altered their former interlocutor, and repelled the claim of deduction.

Act. Lord Advocate and Wight.

Alt. Blair, M<sup>c</sup>Cormick.

S.

Fac. Coll. No. 259. p. 394.

1793. February 27.

JOHN SCOTT, and Others, *against* The COLLEGE of GLASGOW.

In a valuation of teinds, where the value of lands in the natural possession of the proprietor has been ascertained in money by the evidence of the witnesses adduced, the titular cannot afterward insist that any part of the teind shall be converted into grain. No. 162.

Fac. Coll.

\* \* This case is No. 85. p. 15696.

1793. February 27. JOHN GORDON *against* The EARL of FIFE, and Others.

When the teinds are valued in money, an augmentation cannot be modified in grain. No. 163.

Fac. Coll.

\* \* This case is No. 34. p. 14821. *voce* STIPEND