

struct what it was at Lord Renton's death, thirteen or fourteen years since. *3tio*, They depone 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*.

*Vol. I. Page 401.*

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