

to pay the seed and expense of labour, and in none of them exceeded the seed and expense, if not in a trifle; the Lords found none of the tenants liable for any rents for that year that they have proved that the produce did not exceed the expense of seed and labour or thereabouts. And in respect the millers did not recover so much multures as to defray the necessary charges of the mill and servants find them liable in no rent.

No. 9. 1744, June 22. STEEDMAN *against* KENNEDY.

THE Lords refused to give Steedman any abatement of the rent of his house at the Cross on account of his entry being incommoded by the rubbish of a neighbouring house taken down and rebuilt.

No. 10. 1744, July 28. EDMONSTON of Ednam *against* BONSTON.

THE Lords found, that a master and tenant having agreed that the tenant remove without warning, this is proveable by the tenant's oath, and that such agreement is binding though no warning was given, and though the heritor was not infeft; and upon the same principle was the decision 15th and 24th January 1734, Carlyle *against* Lawson, (No. 1. *supra*.)

No. 11. 1746, June 13. DUKE OF NORFOLK *against* THE CREDITORS OF MR MURRAY.

THE Lords adhered to the Ordinary's interlocutor. The Lords in respect of Sir Alexander Murray's consent to the sub-lease found it not competent to Mr Charles Murray and his creditors to insist *against* the other joint tacksman with Sir Alexander for any damage done by the sub-tacksmen, the York-Buildings Company.—*nem. con.*

No. 12. 1747, Dec. 5. THE DUKE OF BUCCLEUGH *against* ELLIOT.

A BENEFICIAL lease for 19 years set to a man and his heirs, secluding assignees but such as the setter approved of, where a great part of the lands was subset; the tenant breaking, William Elliot a creditor pursued adjudication; and Kilkerran found the tack adjudgeable in a question with the setter. But upon a reclaiming bill we found it not adjudgeable, *rent. Dun et Tinwald*. I was exceedingly doubtful and did not vote. 4th November.—December 5, The Lords adhered.

No. 13. 1748, Jan. 7. RUSSELL AND AIKENHEAD *against* BENNY.

UPON my report without informations for advice, the Lords found that a tack of a house and shop in Falkirk for 13 years might be assigned or sub-set without consent of the proprietor, though it contained no power to assign or sub-set; and in general found that the general rule that tacks are not assignable does not extend to urban tenements; *rent. Arniston (in the chair) Drummore, Murkle, Shewalton, et me.*