

No. 213. tacit relocation, there is *quam proxime* the same reason for implying consent in tacks of mails and duties, in tacks of teinds, and in tacks of feu-duties, as in common tacks, and the same utility and conveniency of execution in all of them. And to show that this is agreeable to the common sense of mankind, it shall be supposed that a tacksman of mails and duties, after expiring of the term contained in his tack, continues in the civil possession, but loses the bulk of the rents by bankrupt-tenants: *Quæritur*, Is he liable for the duty contained in his tack, or is he only liable for what he has received? If there be no tacit relocation, he is only liable for the latter. The pursuer must maintain this proposition, and yet no sensible man will be of his opinion.

“ The Lords sustained the defence of tacit relocation.”

*Fol. Dic. v. 4. p. 329. Rem. Dec. v. 2. No. 15. p. 27.*

---

1763. December 7. EARL of SELKIRK *against* M<sup>c</sup>MORAN of Glespine.

No. 214.

A tack of the teind of his own land, obtained by an heritor from the titular, being expired, he was allowed to continue his possession by tacit relocation, upon paying the tack-duty of £.200 Scots. An action was brought against him by the titular in the year 1750, concluding for payment of 1000 merks yearly, as the true value of the teind. This process proceeded slowly, and when it was drawing to a conclusion, the question occurred, Whether the citation in this process was a proper interruption of the tacit relocation? It was urged for the defender, that inhibition of teind is the only legal interruption. It was answered for the pursuer, that tacit relocation has no other foundation than the consent of parties; and that a process rejecting the tack-duty, and demanding the full value of the teind, is as strong a specification of the titular's dissent, as any legal act can possibly be.

“ The Lords accordingly found this process a sufficient interruption.”

*Sel. Dec. No. 210. p. 277.*

\* \* \* This judgment seems to have been afterwards altered. See the case which follows.

---

1765. November 14. EARL of MARCH *against* LEISHMANS.

No. 215.  
Tacit relocation of teinds.

The proprietors of Pewlands had right to a sub-tack of the teinds of those lands, for payment of £.80 Scots.

The Minister of Newlands got an additional stipend by a decree of augmentation, and there was localled, on the lands of Pewlands, 19s. 11d. of money, and four bolls of victual more than the teind-duty payable by the sub-tack, whereof the patron was ordained to relieve the heritor yearly, during the course of the tack, after which the heritor was appointed to pay the stipend conform to the locality.