

1616. *June 28.*A. *against* B.

No. 199.

In an action of suspension of removing, the Lords found a reason relevant, founded upon the receipt of the taxation since the date of the decret.

*Kerse MS. p. 239.*

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1616. *July 20.*CARNOUSIES *against* KEITH.

No. 200.

In an action betwixt Carnousies and Robert Keith, the Lords found that a summons raised upon a warning was sufficient to interrupt, notwithstanding that the party had passed from the removing *pro loco et tempore*.

*Kerse MS. p. 103.*

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1618. *January 19.*OGILVY *against* MAIRNS and KEITH.

No. 201.

In an action of removing pursued by George Ogilvy of Carnousies, heritor of the lands of Kyndoch, against Elizabeth Mairns and Robert Keith, her son; the Lords admitted an exception, of payment of duty since the warning, to Thomas Fraser's oath, to whom Carnousies had disposed the land; but declared that albeit the exception be proved, it should not prejudice Carnousies of his violent profits preceding the disposition.

*Kerse MS. p. 240.*

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1621. *December 12.*L. LAG *against* The PARISHIONERS of LYNTON.

No. 202.

The Laird of Lag being tacksman of the teinds of the parish of Lynton, pursues against some of the parishioners an action of wrongous intromission with the teinds of the crop 1619, and spuilzie of divers other years thereafter. It was alleged for the defenders, that the action could not be sustained at his instance for the crop 1619, because he had no tack standing of that year; and so he wanting a title, which might give him right to that year's teinds, he could not pursue the defenders for their intromission therewith. It was replied, That albeit he had no present tack standing that year, yet seeing he was kindly tacksman many years before, by virtue whereof he was possessor of the teinds, and had received duties thereof from the same defender, albeit his tack was expired a year or two, preceding this year controverted, yet he bruiking *per tacitam relocationem*; and having renewed his tack again, *in anno* 1620 and having paid his old tack-duty for that same year controverted to the titular, who opposed not against his right, neither troubled the de-

A tacksman of teinds found to have no title to pursue intromitters after his tack was expired, and that he had not the benefit of tacit relocation.