

No. 210. courts against the vassals, to pay to my Lady and the Chamberlain, or that the Earl had received accounts, containing these feu-duties as particular articles, or that by his knowledge the same were applied to his use, and his knowledge must be presumed by his Lady's or his Chamberlain's receiving the feu-duties, for three subsequent years, from these vassals, they being many in number.

The Lords found, That the receiving of the feu-duties for terms after the warning by my Lady or the Chamberlain for several years, without offer to return the same, did put the feuers *in bona fide*, to continue their possession, notwithstanding of the warning, and did free them from paying any more for the said years; but found the same not to import a passing from the warning, unless the same had been done by the Earl's special warrant or approbation by decret in his own courts, by his warrant, or in his presence, or by allowing in his accounts particular articles in the charge, bearing the receipts of these feu-duties, for applying them to his use, with his knowledge; but that they might be decerned to remove at Whitsunday next without a new warning.

*Stair, v. 2. p. 698.*

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1682. *March.* M'BRAIR of Netherwood *against* MR. THOMAS ROMES.

No. 211. Found, that a summons intented after expiring of a tack, for payment of a greater duty than is therein contained, doth interrupt tacit relocation.

*Fol. Dic. v. 2. p. 426. Harcarse, No. 950. p. 268.*

P. Falconer reports this case :

In an action of count and reckoning, pursued by M'Brair of Netherwood against Romes, for extinguishing a comprising, as being satisfied within the years of the legal; the Lords found, That tacit relocation was interrupted after the expiring of a tack, by a pursuit for greater mails and duties than were contained in the tack, in regard the summons bore payment of the duty in time coming; and therefore the compriser was found accountable for the ordinary worth of the lands, as it was proved after citation upon the said summons

*P. Falconer, p. 35.*

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1705. *February 1.*

The CREDITORS of DUNFERMLINE *against* The OFFICERS OF STATE.

No. 212.

Tacit relocation competent to the tacksmen of

The late Earl of Dunfermline's predecessors having a tack of the teinds and feu-duties of the lordship of Dunfermline from the King, and being in possession at the time of his forefaulture in the year 1695; the estate hath been under se.