

1749. February 23.

A. against B.

THIS day, on advising a proof in a sale, the LORDS "found, That the poultry were not to be valued, where no value was put upon them in the tacks."

No 8.  
Rental, how  
made up.

And in another sale, *eodem die*, found the like; in respect all that the tenant deponed was, that when he did not lay them in, he paid a groat for the hen, and twopence for the chicken, without adding, that it was in the master's option. For in that case only it is, where it is in the master's option to take the poultry, or so much money as their value, that poultry are valued in a sale; and wherever the master has the option of any prestation, such as coal or peat-leading, &c. or of so much money in lieu thereof, such services are valued.

But *N. B.* In valuations or sale of teinds, poultry are never computed, even though the master have the option; neither are services ever computed in estimating the extent of teinds. *Vide* TEINDS.

*Eodem die*, Where teinds are not saleable and not in tack, no value at all is put upon them in a sale on account of the kindly right to obtain a tack; but where teinds are saleable, though not in tack, five years purchase is put upon the kindly right; and where unsaleable teinds are in tack, the value is according to the endurance of the tack, that is, the tack is supposed to be worth three years free teind, and the years to run are rated at a proportion thereof; and so it was this same day found in the same sales

*Fol. Dic. v. 4. p. 209. Kilkerran, (RANKING and SALE.) No 7. p. 471.*

1749. June 29. COCHRAN against CRAWFURD.

IN the ranking and sale of the lands of Jordanhill, the LORDS refused to allow a proof of the value of services, where no value was put upon them in the tacks, such as coal-leading, shearing, harrowing, tilling, though the tilling particularly be of a considerable and determinate value; yet as none of them were due unless demanded, they were not admitted to make any part of the rental.

No 9.  
Services not  
valued in a  
sale, where  
no value is  
put on them  
in the tacks.

*Fol. Dic. v. 4. p. 210. Kilkerran, (RANKING and SALE.) No 9. p. 472.*