

tion flowing from the inhibitor, yet they had no effect as to another progress of right, neither flowing from the inhibitor nor his authors.

No 22.

THE LORDS found the interruption relevant by the inhibitions, unless before the inhibitions the defenders could instruct seven years peaceable possession, which giving the benefit of a possessory judgment, no posterior inhibition or citation thereon could take off.

The defender further *alleged*, Absolvitor, because he had the better right; for albeit the teinds of the parish of Logie were a part of the benefice of North Berwick, yet there may be teinds lying locally within the same parish, belonging to another benefice; and as to the right of divers benefices, both by the common law, and our custom, after the suppression of benefices, and the loss of their mortifications and rights, chief respect is had to what the benefice hath possest.

As to this point, the Lords granted a mutual probation to either parties to instruct, by the foundations, rentals, feus, or tacks, of the several benefices, and possession thereby, which benefice had the best right.

Fol. Dic. v. 2. p. 89. Stair, v. 2. p. 238.

1683. *January.* LUDOVICK CANT *against* ANDREW AICKMAN.

No 23.

THE LORDS found, that inhibition did not interrupt a possessory judgment of lands, though it might interrupt a possessory judgment of teinds, inhibition not being a possessory act, but a diligence; though it may be the ground of a petitory action or reduction, which will interrupt after citation or sentence, as the Lords see cause. *Item*, Found that possession, by virtue of an annualrent, did not afford the benefit of a possessory judgment, an annualrent being no title of possession. And found, that a possessory judgment could not be obtruded against a pointing of the ground on the annualrent, in respect a right of annualrent is consistent with a right of property.

Harcarse, (REMOVING.) No 837. p. 240.

*** See P. Falconer's report of this case, Section 5th, *b. t.*

S E C T. IV.

Effect of a Possessory Judgment.

1581. *June.* GLENHAM *against* DUNLOP.

No 24.
Long possession, with a habile title,

THE young Laird of Glen warned one Dunlop to flit and remove from a certain piece of land of the patrimony of the abbacy of K. It was answered by