

bition, with the answers, having been laid over till after the Christmas vacation, was never more heard of.

The same point occurred 27th February 1778, in the complaint,

JOHN GRANT, Writer in Edinburgh, *against* ROBERT DONALDSON, Writer to the Signet, Factor *loco tutoris* for George Wilson.

The Lords did not think they had power to recal an inhibition on a dependance merely upon caution, as it neither appeared emulous nor nimious, nor malicious.

INHIBITION OF TEINDS.

1773. July 31. SINCLAIR of FRESWICK *against* SIR JOHN SINCLAIR of MEY.

IN a question between Sir John Sinclair of Mey and Sinclair of Freswick, decided 2d March 1773; the Lords, after mature deliberation, and a full examination of former precedents, determined this general point, "That the effect of an inhibition of teinds is not restricted to one year, but extends to subsequent years." There were special circumstances in this case; but the interlocutor was so worded as to meet the general point, and at the same time to leave room for the parties, in the application of the interlocutor, to dispute the effect of these specialties.

1775. March 4. MAGISTRATES of FORFAR *against* CARNEGIE.

AN inhibition of teinds may be passed from and derelinqished by not being insisted in for a tract of years, and by the acquiescence of both parties in a mode of possession contrary to what was intended by the inhibition. The Magistrates and Council of Forfar acquired right to the teinds of Lower, belonging to Mr Carnegie, who possessed the same under a very long tack from Fletcher of Restennet, the former proprietor of the teinds. It was alleged that this tack was expired, and that tacit relocation was interrupted by an inhibition in common form, executed by the Magistrates against Mr Carnegie, then a minor, *anno* 1740. ANSWERED,—That, as nothing ever followed, or was done upon this inhibition till July 1774, when a summons was raised, it must be understood to be relinquished,—more especially as, since that time, Mr Carnegie continued to possess his teinds as formerly, paying the former tack-duty, which stands allocated to the minister.

Lord Auchinleck, Ordinary, by interlocutor, 4th March 1775, allowed the pursuers to prove, *prout de jure*, the rental of Mr Carnegie's lands for the