1672. *June* 21. SANDILANDS *against* the EARL of HADDINGTOUN.

A PIECE of land, which was a part of the barony of Torphichen, and astricted to that mill by a bond of thirlage, being acquired by the Lord Haddingtoun, and disponed to Coustoun, *cum molendinis*, &c. in the *tenendas*, and with absolute general warrandice; and Couston being distressed, recurred upon the warrandice;—the Lords found, That, although the clause *cum molendinis*, &c. in the *tenendas*, might empower the buyer to build a mill, and would exeem him, if the disponer had right to the mill of the barony to which it was anciently astricted, yet, seeing the buyer could not but suppose, that these lands, as all lands, were astricted to the mill of the barony, (to which the disponer had no right,) and did not in the warrandice specially provide against the astriction; the Lords found it did not fall under the general warrandice.

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1672. *December*. BANDONER *against* COLLIER.

ONE Mr Bandoner being infeft in the mill of a barony by the abbot of Culross, with the multures and astrictions thereto belonging in general, without the words, *omnium bonorum crescentium in terris*, &c. pursued one Collier for the abstracted multures of barley. Alleged for the pursuer, That the defender being thus astricted, and having no clause *cum molendinis* in his infeftment, use of coming to the mill with any corn, as oats, was sufficient to save the prescription of liberty for the barley, although they were not able to prove that barley came, or that there were abstracted multures recovered for barley, this being the mill of the barony. The Lords generally inclined to think, that, astriction being only general, and not *omnium granorum*, &c. the possession of grinding oats was not enough to prove the use of grinding barley and other grain; although it were enough if the astriction was *omnium granorum crescentium in terris* of the lands astricted; as was found in Waughton's case, June 26, 1635, —December 1672. The like in Oliphant of Condy against Oliphant of Rossy, July 4, 1673, where the defender, by his charter, was astricted to bring *omnia grana crescentia, semine et decimis exceptis.*

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1673. *June* 10. LADY STRATHNAVER *against* RENTON of BILLIE.

FOUND that inhibition did interrupt tacit relocation, so as the intermitter with the teinds would be liable for a fifth of the rent for all years after the inhibition; and found that the defender having, as tacksman, intromitted with, or led any