

transported over seas, as for such as may be transported to any other haven in Scotland. No. 30.

Which accordingly the Lords found, and therefore repelled the allegiance.

Decided also *de novo* in the Winter Session.

In Presentia.

Gilmour, No. 90. p. 69.

1665. December 7. VEATCH against DUNCAN.

No. 31.

The clause, *cum molendinis et multuris*, importeth freedom from astriction, though it be only in the *tenendas*. *Me referente.*

Dirleton, No. 1. p. 3.

* * Stair reports this case, where other particulars are treated of:

David Veatch, as heritor of the mill of Dersie, pursues John Duncan for abstracted multures, and obtains decree. He charges, and John suspends. Both parties being ordained to produce their rights, the heritor of the mill instructs, that his author was first infeft in the mill, before the defender's author was infeft in the land, and produces a decree of the Lords, *in anno 1575*, declaring the thirlage, wherein it was alleged, that the heritor of the mill being first infeft of the common author, and producing a precept from Cardinal Beaton, then Bishop of St. Andrew's, common author, ordaining the tenants of the defender's land to pay multure to the mill of Dersie, it was alleged, That this was not sufficient, seeing the charter did not thirle the defender's lands, but was only of the mill and multure thereof generally; as for the Cardinal's precept, it was not with consent of the Chapter, and so could not extend beyond the Bishop's life. Yet the Lords declared the astriction; notwithstanding it was now alleged, That the defender was infeft *cum molendinis et multuris*, by virtue whereof he had prescribed his freedom by 40 years time; it being answered, That once being thirled by the common author, no charter granted by him thereafter could prejudice the feuer of the mill; and as for prescription, offered to prove interruption, by paying of insucken-multures within the space of 40 years.

Stair, v. 1. p. 324.

1666. February 9. The HERITORS of JOHN'S MILL against The FEUERS.

No. 32.
Insufficiency
of the mill.

There being an old thirlage of a parish, which was a part of the barony of Dumfermline, to John's Mill, the feu of the mill being first granted by the Abbot of Dumfermline, and the feu of the land thereafter, there is a decree, *in anno 1610*, pronounced by the Chancellor, as lord of the regality, decerning all the feuers to