

No. 28.

1662. *January 3.* STEWART *against* ABSTRACTERS of MULTURES.

Under a thirlage of *omnia grana crescentia*, seed corn and horse corn are not comprehended.

Gilmour. Stair.

. This case is No. 118. p. 10854. *voce* PRESCRIPTION.

. See, to the same effect, Nicolson *against* Feuers of Tillicoultry, 14th January, 1662, No. 119. p. 10856. and Grierson *against* Gordon, 21st January, 1681, No. 129. p. 10871. The same, though the land and mill belong to different proprietors, as decided in Pittarro *against* Tenants of Redmire, 7th June, 1676, No. 125. p. 10863. See Fordel, in 1565, No. 1. p. 15859. and Cuthbert, in 1637, No. 27. p. 15972.

No. 29.

1662. *January 14.* NICOLSON *against* FEUERS of TILLICOUNTRY.

In a thirlage to the mill of a barony constituted by long possession, allowance was claimed by the Feuers of as much corn as would pay the feu-duties, Ministers' stipend, and public burdens, because they behoved to sell corn for satisfying these, and in so far the corns were not their own. This was repelled.

Stair.

. This case is No. 119. p. 10856. *voce* PRESCRIPTION.

No. 30.
Thirlage of
corns that
should thole
fire and water.
See No. 27.

1663. *July.* FORBES *against* The TOWN of INVERNESS.

In a process for abstracted multures, betwixt John Forbes of Culloden and the inhabitants of Inverness, it was alleged, That *invecta et illata* cannot be extended to such corns as are bought by merchants, and are made malt of within the town, and thereafter transported over seas to Burren, and elsewhere, seeing the pursuer nor his authors were ever in possession of multure for such corns; and it were a prejudice to trade and exportation if such a thing should be sustained. It was answered, That *invecta et illata* is and ought to be extended to all corns that thole fire and water within the thirlage, whithersoever the victual be transported; and the reason why the pursuer has not been in possession is, because, till of late, there was no trade that way; likeas, victual, till this Parliament, was a forbidden commodity; and now, in the cases mentioned in the act, there being allowance of transportation, there is as great reason to pay multure for such corns as are