tenants, or possessors, should happen to grind for other uses, they being bound to pay therefor in-sucken multure, knaveship, and bannock, as stipulated by the clause in the charter. No. 75.

But the Lords were unanimously of opinion, That the superplus of the corns not necessary for the consumption of the families might be lawfully exported in kind, in case they were not grinded, without being liable for any multure.—See APPENDIX. *Fol. Dic. v. 2. p. 466.*

1738. *November* 24. RAMSAY *against* BREWHOUSE.

No. 76.
Rule of the dimension of mill-measures.

The dimensions of the cap or dish by which a miller receives his multures or knaveship, being local, and depending on custom, long possession was found to presume the measures in use to be agreeable to the original constitution.

The like found as to knaveship, November 17, 1741, Bruce Stuart of Blairhall *contra* Colonel John Erskine, No. 82. p. 16020.

Kilkerran, No. 1. p. 572.

1739. *July* 14. LOW *against* BEATSON.

No. 77.
Possession for 40 years upon a bond of thirlage, before 1681, subscribed by notaries, only three of the witnesses being inserted.

Upon advising the petition, by which the interlocutor between the said parties of November 7, 1738, *voce* WRIT, is there said to have been kept open, with the answers thereto, it appearing, by the proof, that there had been a 40 years possession conform to the bond of thirlage, the Lords, without expressing the *ratio decidendi*, " Sustained the astriction."

Kilkerran, No. 2. p. 573.

1740. *January* 22. MAXWEL *against* STOT and Others.

No. 78.
The coming to a church-mill for 30 years presumes astriction.

The coming immemorially to a church-mill was found sufficient to presume astriction. So the case happened in fact to be, that the proof of coming to the mill was immemorial; but it was the unanimous opinion of the Court, that being a church-mill, a proof of 30 years coming had been enough, which, by act of sederunt 1612, came in place of the 13 years possession, which, at the Reformation, presumed the churchman's title.

Kilkerran, No. 3. p. 573.

*** Lord Kames mentions this case more fully, as follows:

In a process for abstracted multures at the instance of the Lord Maxwell, as proprietor of the mill of Clouden, against his feuers, the Lords, in respect the mill of