

1742. *July 28.*

No. 10.

ROBERTSON of Inches *against* SHAW of Tardarroch.

AN heritor wadset a mill in 1629 with multures used and wont, the mill being in a Barony, though not the mill of a Barony which lay discontinuous, and in 1641 feued the lands *cum molendinis* in the *tenendas*; and in 1661 renounced the reversion of the mill. The lands were proved immemorially to have come to the mill and paid the thirteenth curn of multure till 1716, and from that time the sixteenth curn. The Lords found the lands astricted and liable for the sixteenth curn.

1743. *December 20.*

No. 11.

The TOWN of MUSSELBURGH *against* WAUCHOPE of Edmonstone and OTHERS.

IN a general constitution of thirlage, the suckeners cannot sell their own grain and buy meal or malt for their families; and when they buy grain to be grinded for the use of the families they must pay multure. But they are not astricted for grain bought to be grinded for sale, though their own grain grinded for sale is astricted; and the former found to extend to wheat as well as other grain. (See DICT. No. 85. p. 16021.)

1753. *November 21.*

No. 12.

EARL of HOPETOUN *against* The FEUARS of BATHGATE.

EARL of HOPETOUN is infest in the Barony of Bathgate, (which is part of the principality) and in the mill of the Barony with multures and sequels; and some of the brewers in the town having set up steel-mills, he pursued a declarator of astriction, and for suppressing the steel-mills; and proved that the feuars of houses and kail-yards in the town, who were also brewers, were in use of bringing all the malt to the mill, and paying intown multures; that the miller set apart one day in the week for grinding their malt, and that one carrier's horse was employed by all the brewers, and paid by them for carrying their malt; and proved also by parole evidence, the fining some of the inhabitants who bought ground malt without the thirl and brewed it within the thirl. The Lords declared unanimously in the astriction, and for suppressing the steel-mills, though the defenders proved their going sometimes to other mills in the open day, though not that the miller knew it, and though the defenders alleged that he had not proved 40 years possession against any one particular feuar.

See THIRLAGE.

See NOTES.