

burgh must give it up, and have recourse to the English fashion, which will be less beneficial to infant trade.

On the 21st July 1767, the Lords found commission due, and assolyied.

On the 29th November 1768, they adhered, in terms of Lord Kaimes's interlocutor.

*Act.* J. Pringle, Ilay Campbell. *Alt.* R. Blair, A. Lockhart.

*Diss.* Monboddo, Elliock, President.

Monboddo was for cutting down the debt *in totum*. President and Elliock for striking off the commission money.

1768. December 14. JAMES WIGHT *against* THOMAS RANNIE and JAMES PRINGLE.

#### THIRLAGE.

Thirlage of Victual, in general, does not comprehend Wheat, where the mill is not properly constructed for grinding it.

[*Faculty Collection, IV. p. 146 ; Dictionary, 16,057.*]

AUCHINLECK. Even in an astriction of *all grindable corns*, there must, from the nature of the thing, and in common sense, be certain restrictions, as of seed-corn and horse-corn; so also of wheat, if the mill is not fit for grinding wheat. We cannot force men to carry their wheat to mills where it will be mangled and made useless.

KAIMES. Although I am no friend to astriction, yet I must observe, that the common mills can grind wheat, though not so well as the mills constructed with marble mill-stones.

JUSTICE-CLERK. To alter this interlocutor, would be a great discouragement on agriculture: it signifies nothing whether the burr-stones were known or not at the period when the lease was granted.

PITFOUR. Here there is no extinction of the thirlage; there is only a suspension of it while the mill is not fit for grinding wheat.

On the 14th December 1768, the Lords assolyied from the demand for the abstracted multures of wheat, adhering to Lord Coalston's interlocutor.

*Act.* A. Cockburn. *Alt.* R. Sinclair.

*Diss.* Barjarg, Monboddo. *Non liquet*, Kaimes.