1775. *December* 20. COLONEL ROBERT SKENE *against* JAMES REDDIE and OTHERS.

THIRLAGE.

Astriction to a Kiln, though resorted to by the sucken, is not a part of the Thirlage.

[*Fac. Coll. VII.* 161; *Dict.* 16,062.]

HAILES. I never read of any servitude as this,—a thirlage to a kiln. Craig, indeed, mentions *clibanus*, by which he understands a malt-kiln; but that has nothing to do with the present case. We must not introduce new servitudes into the law.

COVINGTON. I never read of such a servitude in any of our lawyers, nor did I ever see it in any writings.

KAIMES. In some parts of the country, every man has his own kiln; in others not, and then they resort to the kiln at the mill.

GARDENSTON. I considered this as an incident of the thirlage inconvenient to no one, for the work is done as cheap by the miller as the persons thirled could do it to themselves.

COALSTON. In East Lothian, it is the practice to go to the kiln of the miller; but this is understood to be from choice, not necessity.

On the 20th December 1775, "The Lords found the defenders not thirled to the kiln;" altering Lord Gardenston's interlocutor.

Act. A. Abercromby. *Alt.* J. M'Laurin.

1776. *January* 18. ELIZABETH and JAMES DICKSONS *against* GEORGE TROTTER.

ASSIGNATION.

The debtor's private knowledge is not equivalent to an intimation, nor is parole evidence competent for proving such knowledge.

[*Fac. Coll. VII.* 163; *Dictionary*, 873.]

MONBODDO. If the question were between creditors, private knowledge could not be proved by witnesses; but the case may be different where the question is with a debtor. In that light I consider Mr Trotter.

JUSTICE-CLERK. Private knowledge has never been held as sufficient when supported by no writing whatever. It would be dangerous to prove, by wit-