

1611. January 16. NEILSON against ———.

No. 10.

He who is infest in a miln with the astricted multures of a barony, will have action against any that is thereafter infest in any part of the barony, and will get them decerned to pay such quantities as are paid by the rest of the barony, although they have not had any possession of the multures of his particular lands.

Haddington MS. No. 2090.

1612. January 29. CASKIBEN against CLERK.

No. 11.

In an action of reduction of a decret by one called Clerk against the Laird of Caskiben, the Lords found, that he who was infest *cum molendinis et multuris* in the general clause, could not by any subsequent deed of his superiors be astricted to pay any knaveship to the mill of the lordship, because, being free of the mill, he cannot be subject to knaveship, which is only the fee of a service: He who is infest in his lands for payment of his duty, and such a quantity *pro aridis multuris*, is free to carry and grind his corn where he pleases, paying the dry multures to his over-lord, contained in his infestment. In double feus the first confirmation prevails, albeit both the feus have been granted before the Reformation of religion, and that the confirmations have been granted by the Pope before the Reformation.

Haddington MS. No. 2379.

1617. February 15. DOG against ———.

No. 12.

In an action of thirled multures pursued by James Dog of Dunrobin for the mill of Assantin, the Lords found an exception, that 40 years before they were in use to pay three firlots bear for multure, was relevant for liberation from bringing their bear to the mill in time coming.

The like betwixt Mr. William Maxwell and the tenants of Preston.

Kerse MS. p. 94.

1621. July 11. LORD KEITH against NATHANIEL KEITH.

No. 13.

In an action of multures the Lords found, that the farm should not pay multure unless it be ground, and found that they could not grind it at another mill.

Item, They found that *invecta et illata* comes not under thirlage, except also it were grinded with prohibition.

In a thirlage of *invecta et illata*, the grain in-brought ought not to

Kerse MS. p. 94.

* * Durie reports this case :

No. 13.

pay multure,
unless there
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though it
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water.

In an action pursued by Nathaniel Keith, against the tenants of Peterhead and others, for abstracting of multures, founded upon a tack of the thirle-multures set to him by the Earl of Marishal, heritor of the lands and mill, bearing no exception or limitation expressed in the said tack, which is set, of all the thirle multures of that mill, and lands therein contained; the Lords found, that the farm of all corns paid to the lord and master of that ground, which is thirled and astricted to the mill, ought to be free of multure-paying, notwithstanding of the foresaid thirlage of the whole corns growing upon the said lands, except that the foresaid farm be ground at other mills in the country by the tenant, but either being delivered really by the tenant to the master, or to any other to whom the heritor or master sells the same, or being sold to the tenant himself, and again sold and disposed by the tenant to any other person whatsoever in the country, albeit it be not really delivered to the master, but that it be bought by the tenant, as said is. The Lords found the farm not subject in payment of multure, but only in this case, viz. if the same be ground by the tenant at any other mill than the mill to which the corn of that ground was astricted; for the Lords found, that the corns so ground shall pay multure to the tacksman, and no otherwise, which multure should not be paid as out of outlandish corn in that case, but of the quantity conform to the astriction. In this same process also, at the same time, the Lords found, that *invecta et illata* (which was comprehended under the same thirlage) should not pay multure, albeit they tholed fire and water, except the corns inbrought were also ground there; likeas the Lords found, that the inbrought corns, so many thereof as were so ground, ought to pay multure, as astricted to the said mill, and no more than any other corns inbrought thereto.

Act. Hope and Mouat.

Alt. Nicolson and Oliphant.

Clerk, Gibson.

Durie, p. 1.

1622. March 29.

WILLIAM HOME of Hardiesmill *against* The TENANTS of the BARONY of HOME.

No. 14.

In an action pursued by William Home of Hardiesmill against the tenants of the barony of Home, for their abstracted multures from his mill, the Lords found that an infestment granted by a Baron of the mills, being the only mills of the barony, *cum multuris et sequelis*, made a thirlage of the barony, and that the Baron might neither big another mill, nor excem the tenants from the mills annailzied after their alienation.

Haddington MS. No. 2636.