

800, The lands that paid only a dry multure immemorially had not paid any services to the mill; but of the other lands found liable to come to the mill, some had paid services, and others had never paid any as far as the witnesses remembered. But the mill had always been served by one or other in the sucken, and that was found sufficient to preserve the services as to the whole that were astricted to come to the mill, and to prevent any of them from prescribing an immunity; as an annual rent payable out of different tenements. (See Dict. No. 82. p. 16020.)

No. 7.

1742. February 17.

A. against B.

No. 8.

A CLAUSE of thirlage of a Burgh of Barony, and likewise of the adjacent lands all feued out, being in these terms; “*Omnia grana sua et fruges quantum serviunt pro sustentatione ipsorum domus et omnia alia grana tam brassium et triticum quam omnia alia grana et fruges in eorum possessione ignem et aquam patientia ad molendina nostra granaria et ustrinas de Kelso ibidem moliri, et multuras et divorias pro iisdem solvi solitas et consuetas solvere;*”—the question was, as to malt imported into the thirl whether grinded or ungrinded, and afterwards brewed within the thirl; and it seemed agreed, that neither meal nor flour imported was liable to pay multure, because they were not *grana* nor *segetes* nor *triticum*; and it was also agreed, that malt imported ungrinded and afterwards consumed within the thirl was liable, for that was properly *brassium*, and might properly enough be called *grana*; but the doubt was as to malt that had been grinded before it was bought or imported into the thirl, but afterwards brewed within the thirl, and that was found also liable to pay multure, 10th December 1741.—Adhered to after bill and answers, 17th February 1742. *Vide* these last papers as to the import of tholing fire and water, and particularly as to Craig’s *ustrina vel clibano*. *Vide contra* Harcarse, (Dict. No. 46. p. 15987.)

1742. July 14.

Low of Brackley against BEATSON of Mawhill.

No. 9.

MULTURES of all grindable corns growing on the lands, found to mean all corns growing on the lands necessary for the use of their families, or that they shall happen to grind for sale or other uses, agreeably to the above decision; July 1736, in Carnwath’s Case, No. 2. (See Dict. No. 84. p. 16021.)