

thirlage of all grindable corns growing upon the lands, and gave the same decision as we did in the case of Carnwath, in January 1736, (No. 2,) viz. that it imports all grain growing on the lands that are necessary for the use of the families, or that they shall grind for sale or other uses; and therefore adhered, and refused. The President was of a different opinion, but he was *solus*. However he moved that it should be a split new interlocutor, to the end the point might be fixed.

No. 10. 1742, July 15, 28. ROBERTSON OF INCHES *against* SHAW OF TARDARROCH.

THE lands of Easter-Leyes, and mill thereof, with the astricted and free multures, being wadset by Lord Lovat in 1629, and Wester-Leyes, and Mid-Leyes, feued out *cum molendinis et multuris* in the *tenendas*, in 1641, and the reversion of the mill renounced in 1661; the possessors of Wester and Mid-Leyes constantly frequented the mill, and paid the 13th curn of multures till 1716, that the heritors threatened to leave the mill, and then it was reduced to the 16th curn, and the heritor was permitted to put in or keep in the millboy, though the miller inclined to another, and they never paid any services of any kind. These lands and mill appeared to be part of the barony of Dalcross, which lay at several miles distance, and it was said there were several other mills in the neighbourhood of these lands, whose outsucken multures, as well as the outsucken multures of the mill of Leys, was only the 32d part, or the half of what those lands paid at this mill. The Lords found these things sufficient to astrict these lands, (*me quidem renitente*.)—28th July, Adhered, and I altered my opinion.

No. 10. 1743, Dec. 20. TOWN OF MUSSELBURGH *against* WAUCHOPE, &c.

WE found as we had done in the case of the Earl of Wigton against the Town of Kirkintilloch, (No. 3.) that in a general constitution of a thirlage, not only thirlers are liable where they sell their own grain and buy meal or malt, but also that though they have none of their own, yet if they buy grain in order to be grinded for their families, they must pay multure; but not for grain bought and thereafter grinded for sale; though they are liable for their own grain grinded by them for sale. But we were much divided as to flour in the case of their selling wheat and buying flour for their family, whether that was thirled? and it carried thirled, six to five.—Murkle did not vote. The President was for the interlocutor, as I also voted. Arniston was against it.

No. 12. 1753, Nov. 21. EARL OF HOPETOUN *against* FEUARS OF BATHGATE.

THE Earl was infeft in the barony of Bathgate, (part of the principality) and in the mill, with the multures and sequels of the barony. The feuars of houses and kail-yards in the town, who were also brewers, were in use of bringing all their malt to be ground at the mill, and to pay intown multure; and one day in the week was allotted for grinding to them; and there was a carrier's horse that served the whole inhabitants, and