

\* \* \* Durie reports this case :

No. 13.

pay multure,  
unless there  
grinded, al-  
though it  
should thole  
fire and  
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.