hord was introduced, whereby a certain Duty for grinding is paid whether any Corns are grinded or not. Hence it is, that albeit Mills at first were set up without any other Prospect of Encouragement, than what might be Expected from the casual Profits of grinding Corns to such as should imploy them: Yet now Possessors of Lands for the most Part are under a perpetual Service to grind at certain Mills, and to pay for it a high Duty far beyond the Value of the Work, tho some Lands are Astricted to pay the ordinary Duty.

The Duty paid for grinding in any Mill is called Multure, in Latin multura quasi molitura. If this Toll for grinding is not determined by any Paction or Writ, it is regulated by Custom Stair Lib. 2. Tit. 7. § 20. The arbitrary Exaction of Multures occasioned the Quantity thereof formerly to be fixed by Law (Stat. Wilhelmi Cap. 9.) Some come voluntarly to a Mill where they expect to be best served, without any Tie or Obligation upon them so to do, and pay an ordinary Duty, called outsucken or outtown Multure which is not the same in all Places. And these who come thus voluntarily to any Mill to grind their Grain are understood tacitly to subject themselves to the ordinary outtown Multure Stair Ibid. § 15. Others are thirled i.e. astricted or tied to bring their Grain to such a Mill, who mostly pay a Duty higher than ordinary called insucken or intown Multure. Whence these Terms of outsucken & insucken Multures are derived I know not unless they come from the Dutch Word Sucken to seek: Because Persons thirled are obliged to seek to such a Mill for grinding their Grain when those without the Thirlage are not. Sometimes Persons thirled pay a certain Duty, whither they grind or not, called dry Multure. As Lands have their Pertinents, so Mills are disponed with Multures and Sequels so called because understood and implied by tacit Consequence tho not expressed in a Constitution of Thirlage. Sequels of a Multure 1. That small Quantity of Grain [illegible] the Mill Servants called Knaveship Lock and Bannock Craig Feud. Lib. 2. Tit. 8. § 4. Vers. Molitura Knaveship (from Knave which in our old Scottish Language signifies a Servant) was once regulated as to the Quantity by Law d. Stat. Wilhelmi Cap. 9. But now differs according to the Customs of different Places Stair Ibid. § 23. And there is no common Standard of it 2. Another Kind of Sequels of Mills are the Services of maintaining and upholding the Mill-House, Mill-Dams, or Watergates, and of bringing Home Mill-Stones, which those that are thirled are liable to do 27 Feb. 1668 Maitland contra Leslie.

Thirlage is acquired, either tacitly or expressly.

It is acquired tacitly 1. By Payment of dry Multures, for the Space of 40 Years 23 July 1678 Kinnaird contra Drummond. Unless a temporary Agreement about the Payment be instructed Stair Lib. 4. Tit. 15. § 7. Seeing no Person can be supposed to have paid dry Multure for so long a Time without being thirled. The Lord Stair (Ibid) will have Thirlage also to be acquired by Payment of much greater Duties, than better and more convenient Servic

Service could have been had for at another Mill: Tho he allows this presumptive Thirlage to be taken off by a contrary Presumption; as if the Mill belonged to some near Relation, in which Case he thinks the going to pay a heavier Duty there, than is exacted in another Place, is understood to have been only done with a Design to gratifie. But yet it was otherwise decided, viz that the simple going to an ordinary Mill past Memory, and paying more than outsucken Multures did not infer a Thirlage 14 March 1634 Mackay contra Menzies. 2. Possessors of Lands within a Barony of the Kings property are understood to be astricted to the sole Mill of that Barony, after immemorial Use of paying intown Multure and doing other Deeds of Thirlage, as repairing the Mill, casting the Mill-Dam, and carrying Home Millstones 5 Feb. 1635 Dog contra Mushet Craig Ibid. § 5. The Reason why our Law sustains the simple Use of coming to Mills of the Kings Property by Possessors of his own Baronys as a sufficient Constitution of Thirlage without the Support of any Adminicle in Writ, is because the Kings Right being valid jure coronae, without Infeftment or Writ, it is presumed from long Possession; and his Majesty ought not to suffer Prejudice by his Officers Negligence in Keeping of Writs Stair Lib. 2. Tit. 7. § 16. Lib. 4. Tit. 15. § 3. Some Lands of an united Lordship belonging to the King being set out cum molendinis & multuris in the Tenendas by a Charter Anno 1535 and other Lands thereof with the Mill being feued to another Person in the Year 1545 with the Multures of the Lands formerly disponed; and it being proved, that about 40 Years ago the Tenants of these Lands paid several Years Out-Town Multure, but no Services to the Mill, they were found astricted thereto for such a Quantity of Multure without being liable to Mill Services. Not as if the Charter 1545 had been considered as an original Constitution of Thirlage, but because it was presumed retro. that the King had been in Possession of these Multures before his granting either of these Charters 24 November 1708 Halkerston contra Melvil of Mordycarnie. Seeing Acts of Possession were proved as far as the Memory of Man could reach, and it was impossible to prove further by Witnesses. Craig (Lib. 2. Tit. 8. § 5.) doth not allow immemorial Possession to be equally probative of Thirlage to ecclesiastical Mills, as to the Kings Mills. But the Lord Stair (Lib. 2. Tit. 7. § 16. in fin.) is of Opinion, that seeing long Possession hath past for a sufficient Instruction of the Property of Church Lands, ever since the Reformation, when the Writs of the Church were destroyed and lost; it should much rather suffice to clear a Service. Whatever be as to this, a Thirlage is more easily sustained against Church Lands than others in Favour of Mills belonging to Churchmen, as Parts of their Benefices. For Lands disponed by Cardinal Bethune as Bishop of St. Andrews were found thirled to a Mill formerly