

found that the act extended not to such corns that were only stacked in the town, and tholed not fire and water in the town.

No. 18.

*Kerse MS. p. 455.*

\* \* Spottiswood reports this case :

William Blackburn and the remanent feuers of the mills of Inverkeithing pursued certain of their own inhabitants for abstracting of their multures from the town mill, whereunto the whole burgesses of Inverkeithing were thirled by two acts extracted out of the town-books, and subscribed by the town-clerk ; which acts bore, that they thirled all their corns brought into the town by them. And the defenders having taken some acres of Spencerfield in labouring, who astricted them to ground at his own mill all their corns growing upon his land, they raised a double poinding against him and the feuers, who pursued them likewise for the multures of these same corns growing upon Spencerfield's land, by reason that the defenders used to bring in their corns, and stack them in their own yards in the town.—The Lords found that the act extended not to such corns that were only stacked in the town, and tholed not fire and water therein.

*Spottiswood, p. 207.*

\* \* The following is the same case with the above, under other names and date.

1628. *June 28.*

BROWN, Burgess in Inverkeithing, *against* The Town thereof.

In a double poinding by James Brown, burgess in Inverkeithing, against the Town of Inverkeithing, and L. Spencerfield, on the one and other parts, for the multures of certain corns growing upon some acres pertaining to Spencerfield heritably, and which were possessed by Brown, the suspender, and for which multures he was distressed by the said heritor as being due to him, being the corns growing on his own heritage, and which were thirled to his own mill, the said lands and mill being held of the King, and whereunto the Town of Inverkeithing could claim no interest ; and, on the other part, the Town acclaimed the multures of the said corns, because all their burgesses were thirled to their mill of Inverkeithing, and by an act of their Court, made by the Provost, Baillies, and Council, made with consent of the whole inhabitants of their burgh, not only were the corns growing upon the lands pertaining to the town thirled, but also all their burgesses were obliged thereby to grind and pay multure, for all their corns in-brought within the liberties of their burgh, wheresoever they grew ; and so the said suspender, being burgess of the town, and so by consequence tied by the foresaid act, being sworn to observe the acts and statutes of burgh, is holden to pay multures, and grind the corns questioned, at their mill, seeing they claim the same as being brought by the suspender within their liberties, the same being stacked within the town, and threshed out and dressed within his barn and houses.

No. 19.

Corns only stacked within a town found not comprehended under "*invecta et illata.*"

No. 19. within the town, and so falling under their act; for if Spencerfield claim any right thereto, as of corns growing on lands thirled to his own mill, the town has no interest therewith; but their own burgesses nevertheless must be personally astricted to pay them at least dry multure therefor; and so they contended, that the suspender would be obliged to pay twice multure for the said corns;—the Lords found, That the suspender was obliged to pay his multures to Spencerfield, and found, that the in-bringing, and setting of the corns within the suspender's yard, and threshing of the same within his barn, albeit he was then burgess, and that the barn and yard were within the said burgh, (seeing the acres whereupon the corns grew lay hard beside the town, and were nearest to the suspender's yard and house), was not such a cause as might subject him, in law, to pay multure for the said corn to the town, or to grind the same at their mill, and that the in-bringing of the said corns, as said is, would not make them to come under said act; which act they found not to extend to corns so in-brought.

Act. Baird.

Clerk, Gibson

*Durie, p. 378.*

\* \* Auchinleck reports this case :

The Town of Inverkeithing, by an act of Court, having astricted the whole inhabitants to grind their whole corns growing upon the lands of the town labour- ed by them, and whole corns that shall be brought or in-brought by the said inhabitants, at the common mill of the said burgh, the farmers of the said mill pursue some of the inhabitants who laboured some of the Laird of Spencerfield's lands, and led the same, and stacked in within the town, for their astricted multures. The tenants raise a double poinding, alleging the said corns were thirled of Spencerfield's mill, and they would not pay double multure. The Lords ordained Spencerfield to be answered and obeyed of the multures which grew upon his own lands, and found, that the act of astriction could not be extended to corns that grew upon other men's lands, which were laboured by the inhabi- tants, and were only in-brought into the town to be stacked, they having no other place to set and stack them than upon the land where they grew.

*Auchinleck MS. p. 128.*

---

1629. July 17. LAIRD OF NEWLISTON *against* INGLIS.

No. 20.  
The services  
of leading  
millstones, re-  
pairing the  
dam, and  
other services

The young man of Newliston, feuer of the mill of ———, holden of the Lord Torphichen, pursues Alexander Inglis of Rottourlaw for the abstracted multures of Rottourlaw. It is alleged by the defender, that he and his authors are infest by the Lord Torphichen in the lands of Rottourlaw in feu, for payment of a certain-feu-duty *pro omni alio onere*, long before the pursuer or his authors