

No 83.

‘ rant and power to the magistrates and council foresaid, and their successors, and such as they shall appoint, to uplift and collect four shillings Scots of custom, for ilk sack and load of meal, brought to the said market, to be sold therein, in all time coming, as well from freemen inhabitants of the said burgh, as from strangers, importers thereof by sea and land.’

The pursuers having imported a considerable quantity of meal, and sold it in their ware-houses, the defender pursued them before the magistrates, for payment of the duty, and obtained decree.

The pursuers brought a reduction of that decree, and *contended*, That by the act of Parliament, the duty could only be exacted for meal sold in the market place, and that this limitation deserved the more regard, that it appeared to have been made on purpose, and in opposition to the request of the magistrates, for a duty upon all meal sold within the burgh.

Answered, The magistrates have been in the constant and immemorial practice of obliging the inhabitants either to bring the meal to the market place, or of making them pay the duty, if allowed to sell the meal in their own ware-houses.

Observed from the Bench: As the town was at the expence of rearing and maintaining the market place, it were hard upon them, and indeed to circumvent the law, to allow selling elsewhere, without paying duty; a duty on what should be brought on the market day, could not be eluded, by fetching in a day before.

‘ THE LORDS repelled the reasons of reduction, and assoilzied.’

Act. <i>M'Kenzie</i> .	Alt. <i>Crosbie</i> .	Clerk, <i>Kilpatrick</i> .
<i>A. Rolland</i> .	<i>Fol. Dic. v. 3. p. 110.</i>	<i>Fac. Col. No 81. p. 145.</i>

1768. August 6. COPPERSMITHS OF EDINBURGH *against* ABERDOUR.

No 84.

IN an action brought by the Coppersmiths of Edinburgh against James Aberdour, the LORDS found the defender entitled to import and sell coppersmith work, if not manufactured within the royalty.

Fol. Dic. v. 3. p. 108.

1771. WRIGHTS OF HADDINGTON *against* BEGBIE.

No 85.

THE LORDS found, that a person who was not entered in the incorporation of wrights, was not entitled to mend a cart wheel within burgh, though it was urged that a cart-wright and a wright were separate trades.

Fol. Dic. v. 3. p. 106.