

sect. 2.

Burdens imposed in shires or burghs by the Barons and respective Communities. going shires are not incorporations, neither the Major part nor even the whole Barons of a shire may upon any pretext whatsoever impose any burden on the shire or any part thereof, without Express Warrant of law or Common Consent, Stewart Answer to Dicks Doubts 4th. Impositions of burdens upon shires & City Quertoring. But the Barons of a shire are authorized by Acts of Parliament to assess them selves in several cases, as for the Charges of Colours, Standards, Drums, Trumpets, Coats &c. to the Militia Act, sess. 3 Parl. 2 Ch. 2. Which in the opinion of Sir John Milsb. Doubts and Questions of the Law 4th. Impositions Voluntary upon shires is a personal and not a patrimonial burden, to be paid with respect to the persons Virium & per capita, and not in consideration of their Estates. But Sir James Stewart Answer to d. 4th will leave such Expenses to burden the heritors according to their Valuation, and not the Inhabitants Virium.

All Inhabitants of Burghs Exercising any Manner of Traffick or having Change within the same, shall bear part of all shutes imposed by the Magistrates for the Utility of the Burgh, and be subject to watching and warding act 153 Parl. 12 Act 275 & 276 Parl. 16 J. 6. This Sir George Mackenzie Cobsen. on d. Act 27th. thinks that a burgh having no actual trade but only Money owing to him by persons without the Burgh may be shuted according to that Money, because Nob. sequitur personam. But Inhabitants of Burghs live

live there upon their own Rents (11 January 1678 Goun of Aberdeen contra Lesch) Members of the Colledge of Justice (d. Act 153 & 275. 23 Feb. 1687 Colledge of Justice contra Goun of Edinburgh) and Workmen who are the Kings servants (d. Act 153 & 275. 4 Feb. 1647 Goun of Edinburgh contra the Kings Grademen) are Exempted from such personal services and Impositions for the use and Exigencies of the town. A Burgh hath no power to stint their Barons for any part of a second Ministers stipend not due by law, Consent of Party or profession 22 July 1666 & 1 Feb. 1669 Boswell contra Goun of Kirkcaldy. Nor hath a Burgh power to stint any person without his Consent for their personal Debts contracted for the Common Benefit of the town, as for erecting a harbour, the such person have lands or houses therein 22 July 1666 Boswell contra Goun of Kirkcaldy nor yet to stint one who hath no trade there but only houses, for any part of the Charges of their Commissioners to the Convocation of Burrows, which, tho authorized by parliament, is designed for trading, Feb. 1669 Inter odium. A Goun having provided from the King a Charter of their Liberties, Customs and Excesses of small Customs, Ratified in Parliament, Conform to which they had been in continual possession of taking 2 pence for each ox Cow or horse, and four pence for every ten sheep driven either thro or by their town within their liberties, albeit neither bought nor sold nor brought to their Market: the town was found to have no right to uplift such Customs and that such practices ought not to be authorized; seeing all the Kings dikes are free to drive their Goods through the Kings publick way and streets without any Exaction of that Nature, Except it were granted for a publick Good of the Realm, as Bridges or the like Common Decree 10 Novemb. 1621 Goun of Dunblgow contra Glesfours of Edinburgh