

Weights and Weights the Duties thereof in an Annual fair at a burgh of Baronry within the shires. Albeit the Barons Charter of Errolon subsequent to the shires Charter carried power to the Baron to hold fairs and Exact all the profits and Duties thereof, 27 December 1701 Cunningham v. Errol contra E. Eglington. But fairs and Markets are not to be held to the prejudice of those formerly granted to other burghs, upon a principle of common Equity, Nequid fiat in Annulationem Vleim. Thus a right of a fair granted by the King to one was reduced, because it ended the very day when a fair granted by his Majesty to another within a Mile thereof began 29 June 1642 Galconer contra L. Glenborvie. And this fair was reduced, for that it was appointed to be held on the same day with an old fair within a Mile thereof 24 December 1679 Garquharson contra E. Abeyn. Again a gift from the King to a burgh Royal of the sole power of holding fairs within two Miles of the liberties thereof was found so to direct the sovereignty in favour of the burgh as that no possessor Donatary could hold fairs within that bounds 7 Feb. 1706 Sterling contra Murrays of Palmaid. Albeit it was alleged, that such a privilege was contra Jus & Utilitatem publicam being not so much a positive right as a kind of service in favour of the town, Debarring the sovereign from granting to himself the right of fairs upon their own property, which is the Royal prerogative to grant and their Common Interest to receive. And if the King could have granted such an Exclusive privilege for two Miles, he might have extended it to twenty, and in favour of the Royal Burrows one after another, of the consequence of which kind of Infrachment, all Nobles and Barons would be justly sensible. In this respect it was answered, that as the King had power to grant fairs and Markets, he had also power to restrict them, which is done to all burghs within the compass of two Miles by granting the fore-

said privilege. And thus is no more an Infrachment upon them from whom I take nothing, than the granting an heritable sheriffship could be quarrelled at the justices of the peace over whose lands it extends, which do bars each of them from obtaining the like jurisdiction.

Staple goods are to remain in the staple, and not to be carried to Markets Act 17 Parl. 2 J. 3. Country Butchers Resorting to the Market of a burgh Royal with their fleeces and skins, are free to sell their skins or hides to the best usail, and not tied to sell at the price set on them by the skimmers or Magistrates: but if they get not their own price, they may carry back the same without having their persons or their skins secured on that account 6 July 1712 Country Butchers contra Magistrates of Edinburgh. Albeit it was alleged, that as the Magistrates might set rules and prices to the Markets, so they might cause goods brought to the Market to be sold there for the current prices if offered, and hinder the proprietors to carry them home again. Because thereby Merchants who come in prospect of a fair Market would be disappointed, and the Exclusive privilege of the Royal Burgh to sell and pack skins defeated. Which plea was rejected, in respect it was answered, that it is the Liberty of Markets when sellers cannot have their price to carry back their goods. And the Magistrates have power to restrain abuse in sales, they have no power to impose a price on skins, the variety whereof is such as can be reduced to no certain price. They have indeed the privilege of packing and packing, i. e. Exporting and sending abroad, but not the sole privilege of buying in the Market.

Craftsmen such as Cordonnors i. e. shoe Makers from the French Cordonnors and others exacting Custom from those of their own Craft coming to work by Markets beyond what is lawfully shall buy their life as Common Oppressors Act 12 Parl. 4 J. 4. i. e. barble goes to take a Remission for so doing. It was declared lawfull to all persons to import and vend in a Royal burgh