

No 43. upon each particular parish. If the magistrates of a burgh can, by their own arbitrary will, without having any rule, divide the cess betwixt the proprietors of houses and those who live by commerce, they may subdivide it betwixt the manufacturers and traders, or order it to be laid on by quarters of the town. In a word, the magistrates cannot give any lawful instruction to the stent-master, other than to make a stent-roll valuing the rents, living, and goods and gear of each individual. Had the matter been set before the Court in this light, it would have left no room for any pretext of discretionary powers in the magistrates. They have not by law any discretionary power other than what relates to the choice of the stent-masters.

There was a reclaiming petition against the foregoing interlocutors, to which answers were given in ; and, in the replies, the foregoing reasoning was stated. But it came too late. The majority of the Court had taken a bias from the case as first stated to them ; and accordingly the interlocutors were affirmed.

*Sel. Dec. No 154. p. 210.*

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S E C T. V.

The Privileges of Burghs and Burgesses.—Monopolies.

TOWN OF ABERDEEN *against* LITSTERS.

No 44.

IT was found that a person could not both use merchandise and be a litster.

*Kerse, MS. (BURGH.) fol. 17.*

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LORD of NEWHALL *against* TOWN of CURRELS.

No 45.

THE LORDS found that no burgess could pack or peel within the liberties of the town of Currels without their own lisenice.

*Kerse, MS. (BURGH.) fol. 17.*

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1518. *November 16.* TOWN of EDINBURGH *against* LEITH.

No 46.  
Rights of the  
burgh of  
Edinburgh  
over Leith.

THE Town of Edinburgh obtained decret against the inhabitants of Leith, decerning them to desist from all buying of wool, hides, skin, cloth, and all merchandise, in the country from unfreemen, and that all such merchandise be brought to Edinburgh, and their coft from the burgesses ; and in like manner to desist from all packing and peeling, within Leith, but within Edinburgh, and to pay their customers in Edinburgh for the same ; and also decerning the hail inha-