

- No 37. and that they might also object against the stent-masters, and that the stent-roll should remain four days in the clerk's hands, that they might see their proportion, and complain if they were unequally stented. In which process, contrary instruments were produced for the parties, for clearing the order prescribed by the Lords; to neither of which the LORDS gave credit, but before answer, ordained mutual probation to be anent the manner of the laying on of these stents, and ordain the town to condescend what their town's common-good was, and how it was exhausted; but superceded to give answer to the inequality of the stent, till by this probation it might appear, whether the order prescribed by the Lords was observed by the stent; for if that was, they inclined not to consider the inequality of the stent, being by sworn stent-masters, unless a just objection had been proposed to the town in due time.

*Stair, v. 2. p. 69.*

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- No 38. 1677. January 16. A. against B.

THE LORDS found, That a burges of the town, though he be not *incola*, if he trade, may be stented for payment of his Majesty's taxation.

*Fol. Dic. v. 1. p. 118. Dirleton, No 430. p. 212.*

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1678. February 22.

The MAGISTRATES and TREASURER of Aberdeen, *against* SUNDRY INHABITANTS thereof.

No 39.  
No inhabitants can be stented except burgeses exercising trade or merchandise, and that only for their lands and tenements within burgh.

THIS was a reduction of a stent imposed by the said town for their annualrents, their stipends, and their excise, *imo*, Because they had not followed the method prescribed by the Lords, between Inverness and Culloden, No 37. by tuck, &c. but only by a hand-bill and advertisement on 24 hours, nor was the necessity of it shown, nor the town books made patent: *2do*, Many of them were not liable, because neither merchants nor tradesmen.—THE LORDS repelled the first, in respect of the act of the town council, which bore it to have been legally and formally done; and found that could not be taken away but by the oath of the magistrates, or other *membra curiæ*; and sustained the bill, as the usual way of intimation in that burgh; found none, by the acts of Parliament, liable to pay the taxation, but only traffickers, merchants, or tenants, yea not the sons of burgers, who had always resided in their town, except in so far as they were heritors; and that such were not so much as liable for kirk stipends or the King's excise; albeit it was urged, that all who have the benefit of kirk and market should pay these, if they brew ale for their own use, and go to sermons. (*See* This case, Sec. 2. p. 1866.)

*Fol. Dic. v. 1. p. 118. Fountainball, MS.*