

fair the no right from the King to the Bishops granting such a fair was produced 2 December 1679 Farguar for contra Earl Abeyn.

For Drawing strangers to fairs and Encouraging them to come there, many priviledges are granted to them by the Civil law, & in C. de Nundin. & Mercat. And by the laws and Customs of Nations. It is not allowed to Attach either their persons or their Equipages, their Merchandizes or their other goods for their Debts whilst they are going or returning from fairs, or whilst they remain there.

Arrestment made the time of a free proclaimed fair is Null by way of Exception, and none can be punished for breaking thereof, s. 10. wood Prat. 7. l. Arrestment. But the priviledge of the town of Edinburgh not to take Rebels during the fair time, is extended only to their own Magistrates and officers, who ought not to offend any resorting to the fair whereof the Benefit is introduced in their favour. For Maffengerd at Arms may take any man resorting to the fair, at any persons Instance who is not a burgher, s. 10. wood Prat. 7. l. Harning.

In most fairs and Markets in Scotland and England a toll, in Latin *Coloniary*, a reasonable Duty is paid to the owner of the fair or Market. But unless the grant or Charter of a fair or Market doth bear a power to Exact toll, the patentees shall have none C. de Nundin. & Mercat. & Gloss. it. B. Because fair which they place, and toll wrong Commerce, and therefore is not incident to a fair or Market. There are Ordinances in France grant to foreign Merchants and others frequenting certain fairs, an Exemption from all Customs, and other imposts during the time of the said fairs. As also the tolls were taken by sheriffs Constables of Burghs and their Ministers from such as came to the

that is something as a fine for their good behaviour, and delivered back at the end of the fair if the owners committed no wrong during the fair Act 59 Parl. 13 J. 2. This the high Constable of Scotland exacted fees addue to him at fairs in time of Parliament Act 60 Parl. 13 J. 2. But both are now in Disuse. However other Constables, as the Constable of Dundee continue to Exact fees at fairs warranted by acts of Parliament or its Infestments, whereas is allow. on de act 60. But are not to Exact any from poor people for burdens carried on their backs, or in their hands, Under the pain of arbitrary punishment and suspension from their office for a Year Act 34 Parl. 5 J. 3.

In time of Popery fairs and Markets both in Scotland and England were held on Sunday. But that was Anno 1477 prohibited in England 27 Ed. 6 cap. 5 and after the Reformation at the Desire of the General assembly discharged in Scotland as contrary to the Law of God, where such fairs and Markets were appointed to be held on some other day of the week, not being the Market day of the Neat town Act 122 Parl. 12 Act 109 Parl. 13 J. 6. Again, Much occasion being given for the profanation of the Lords day by keeping Weekly Markets on Monday & Saturday, which obliged people to travel to and from them on the Sabbath, Royal burghs are discharged to keep Markets on those days except for flosses, under the pain of 100 Merks Act 19 Parl. 1 J. 3 Ch. 2 and all burghs of Regality and Barony and other Market towns were allowed to change their Weekly Market days from Saturday and Monday to any other days of the week provided they made intimation to the Neat adjacent burghs, and pitch not on the Market day of any burgh Royal or Market town within four Miles Act 19 Ed. 5 Parl. 1 J. 11.

An Howtable right of sheriff ships cum omnibus iudicis & iurisdictionis seu iurisdictionis que addictum iud. et officium pertinetur dignoscitur was sustained as sufficient to found a title of prescription to set up the