ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xvii.

An Act for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof. [3d *April* 1840.]

WHEREAS by an Act passed in the First Year of the Reign of His Majesty King *George* the Second, intituled *An Act to explain the Acts of the Third and Ninth Years of His late Majesty's Reign, for continuing the Duty of Two Pennies* Scots *upon every Pint of Ale and Beer sold in the City of* Edinburgh, *in relation to the Payment of Petty Port Customs; and for the more effectual securing the Payment of such Money as hath been or shall be contributed towards a charitable Fund for Relief of such as shall suffer by Fire in the said City and the Suburbs and Liberties thereof,* the Petty Port Customs intended to be given up and discontinued by the said Acts of the Third and Ninth Years of the Reign of King *George* the First were specified and described, so as to distinguish them from those which were not to be given up and discontinued; and it was thereby declared that the said City should continue to enjoy, levy, and receive the other Customs and Duties to them belonging, as particularly after specified, *videlicet*, the Meal and Corn Market Customs; the Fish Market Customs and Board Mails; the Fruit Market Customs; the Poultry and Bread Market Customs, Stand and Board Mails; the Land Cloth Market and Land Flesh Market Customs; the Dues and Customs of the Tallow Tron Weighage; the Customs chargeable on all Sorts of Cattle at the House of Muir and Sheep-Flecks, and the other Customs specified in the said Act: And whereas by an Act passed in the Third Year of the Reign of His

1 G. 2. c. 22.

3 G. 4. c. 91. Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of* Scotland, the Magistrates of Royal Burghs are restrained from granting Tacks of the Common Good for more than One Year, except upon certain Conditions: And whereas by an Act passed in the First and Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of* Leith, a Security to the Extent of One thousand Pounds *per Annum* was created over the Common Good and Market Customs of the said City, and Property therewith connected, in favour of the Creditors of the said City, and the said Common Good and Market Customs were thereby declared to be inalienable, but under Reservation to the said Lord Provost, Magistrates, and Council of any Right or Power they had of varying, altering, or abating, or of altogether abolishing, such of the Market Customs or other Articles in Schedule (B.) annexed to the said Act contained, in such Manner as might appear to them to be for the Benefit of the Inhabitants of the said City; provided always, that such Power should be so exercised as not to endanger the foresaid Security: And whereas several of the said Market and Petty Customs of the City of *Edinburgh* have become objectionable on account of their Inequality, by which certain Articles are chargeable with comparatively high Rates, while other Articles of the same Class are altogether exempted, and likewise on account of the Disputes and Litigation to which the levying of these Customs gives rise, and the great Expence consequently incurred in their Collection, whereby the Persons liable for the same are taxed in the Payment of Sums greatly beyond those which the said Lord Provost, Magistrates, and Council receive as the Rents of the different Branches of the said Market and Petty Customs from the Tacksmen or Collectors thereof: And whereas it is expedient, and will be for the Benefit of the Inhabitants of the said City, and of others bringing Produce to the Public Markets, that the said Evils should be remedied, and that the said Market and Petty Customs should be altered, modified, reduced, and in part abolished and commuted, by substituting smaller and more uniform Rates of Duty on a greater Number of Articles for such of the existing Customs as have been found in Practice to be most objectionable, and which smaller and more uniform Rates should be levied within the Bounds over which the Police of the said City is extended by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for altering and amending certain Acts for regulating the Police of the City of* Edinburgh *and the adjoining Districts, and for other Purposes relating thereto*; and by another Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing, altering, and amending certain Acts for regulating the Police of the City of* Edinburgh *and the adjoining Districts, and for other Purposes relating thereto*, with the Exception of that Portion of the same which is situated within the Parliamentary Burgh of *Leith*: And whereas it is expedient that such altered, modified, reduced, and commuted Customs should be so regulated

1 & 2 Vict. c. 55.

2 & 3 W. 4. c. 87.

7 W. 4. & 1 Vict. c. 32.

gulated for the Benefit of the Trading and Agricultural Interests connected with the City and County as to produce a smaller Amount of Revenue than has hitherto been derived from those Customs which it is considered expedient to alter, modify, reduce, and in part abolish: And whereas it is expedient that such altered, modified, reduced, and commuted Rates, together with the remaining Customs and Property connected therewith, should be substituted as a Security to the Extent of One thousand Pounds *per Annum* to the Creditors of the said City, in lieu and place of the Security to the same Extent created to them by the before-recited Act of the First and Second Year of the Reign of Her Majesty Queen *Victoria*: But as these Purposes cannot be accomplished without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Eleventh Day of *November* in the Year One thousand eight hundred and forty the following Rates and Customs belonging to and heretofore levied by the Lord Provost, Magistrates, and Council of the said City of *Edinburgh* shall be and the same are hereby abolished; *videlicet*, the Customs usually denominated the "Meal and Corn Market Customs of the said City," including all Customs on Meal, Wheat, Pease, Beans, Oats, Barley, and other Grain, heretofore in use to be levied, demanded, or taken within the said City of *Edinburgh*, or on the Roads or Avenues leading to the same; the Customs usually denominated the "Fruit and Green Market Customs of the said City," including all Customs on Potatoes, Apples, Pears, Onions, Carrots, Strawberries, Gooseberries, Currants, Cherries, Apricots, Peaches, Plums, Melons, Cucumbers, Asparagus, Pease, and all other Fruits, Herbs, or Garden Stuffs, together also with the Custom of Twopence *per* Week payable by Persons who retail Vegetables or Garden Stuffs in their own Shops, heretofore in use to be levied, demanded, or taken within the said City of *Edinburgh*, or on the Roads or Avenues leading to the same; the Customs denominated the Weighing and Lyage Dues and Leather Market Customs of the said City, including the Duties payable on Wool, Butter, Cheese, Lint, Hemp, Hops, Alum, Copperas, and all other inland or *British* Goods, and on Skins, Cloth, Iron, Leather, and Hides, heretofore in use to be levied, demanded, or taken within the said City of *Edinburgh* at the Weigh House thereof, or on the Roads or Avenues leading to the same; the Customs usually denominated the "Poultry and Bread Market Customs" of the said City, including the Customs on all Rabbits, Hares, Geese, Turkeys, Wild Fowl, Hens, Ducks, Pigeons, Larks, Poultry, Eggs, Bread, and Gingerbread, heretofore in use to be levied, demanded, or taken within the said City of *Edinburgh*, or on the Roads or Avenues leading to the same; the Customs usually denominated the "Fish Market Customs" of the said City, including the Customs on all Salmon, White Fish, Oysters, Lobsters, Crabs, and other Shell Fish, Dried Fish, Herrings, Soles, and Flounders, and also the Custom of One Penny, payable on each Barrel, and of Four-pence on each Cart of Fish, going to the Country, heretofore in use to be levied, demanded, and taken within the said City, or on the Roads or Avenues leading to

Rates and Customs abolished:

Meal and Corn Market Customs.

Fruit and Green Market Customs.

Weighing and Lyage Dues, and Leather Market Customs.

Poultry and Bread Market Customs.

Fish Market Customs.

Impost on Wine, Ale, Beer, &c.

to the same; the Customs usually denominated the "Impost on Wine, Foreign Spirits, Ale and Beer" of the said City, including the Duties payable on all Wines, Brandy, and other Foreign and *English* Liquors, Rum, Beer, and other Foreign and *English* Beer and Ale, by all Vintners, Keepers of Taverns or Inns, and all others who keep Public Houses, Shops, Cellars, or other Places where these Liquors or any of them are consumed by drinking, within the City of *Edinburgh*, *Canongate*, *Pleasance*, *Portsburgh*, *Potterrow*, and all other Places within the Liberties and Privileges thereof, or lying naturally within the same or any Part thereof, or within the Villages or Territories appertaining to the said City, or holding of the same, within the Parishes of *Saint Cuthbert's* or *Canongate*, as the said Duties were heretofore in use to be levied, demanded, and taken.

Commutation Duty granted.

II. And be it enacted, That from and after the said Eleventh Day of *November* in the Year One thousand eight hundred and forty it shall and may be lawful to the said Lord Provost, Magistrates, and Council, and they are hereby authorized, in lieu and place of the Rates and Customs herein-before abolished, to levy, demand, and take a Commutation Duty, subject to Increase in certain Circumstances, as herein-after provided, on every Description of Agricultural or Garden Produce, Merchandize, Goods, or other Articles conveyed or brought within the Bounds of the Police of the said City, as fixed and ascertained by the said recited Acts of the Second and Seventh Years of the Reign of His said late Majesty, or as the said Bounds may be hereafter altered or extended for the Purposes of the Police of the said City, at the Rate of One Penny for any Quantity of such Produce, Merchandize, Goods, or other Articles which may be conveyed in any Cart, Truck, Hurley, Barrow, or other Carriage, (with the Exceptions herein-after mentioned,) or on any Horse,

Exemptions.

Mule, Ass, or other Beast of Burden carrying the same: Provided always, that no Commutation Duty shall be chargeable on Coals, Stones, Bricks, Tiles, Slates, Lime, Sand, or Gravel, or on such Casks, Boxes, Baskets, Bottles, Hampers, or Sacks as shall have been sent out of the City filled with Goods and shall afterwards be returned empty: Provided also, that no Commutation Duty shall be chargeable on any Article which shall be carried or brought within the Police Bounds of the City in Burdens by any Person or Persons whatsoever, nor upon the Provender for the temporary Supply of any Horse or Horses conveying the same, and which shall not be more than sufficient for the Consumption of such Horse or Horses for the Day.

Carriages with more than Two Wheels to pay double Duty.

III. And be it enacted, That any such Articles as aforesaid conveyed in any Cart, Waggon, Van, or other Carriage having more than Two Wheels (with the Exceptions herein-after mentioned) shall be chargeable with double the Rate of Commutation Duty leviable for the Time being.

Commutation Duty to be charged on Goods brought in

IV. And be it enacted, That it shall and may be lawful to and for the said Lord Provost, Magistrates, and Council, by their Tacksmen or Collectors, to levy, receive, collect, and take the Commutation Duty hereby granted at the Toll Bars nearest to the said City on all

all the public Roads or Avenues leading to the same, or at that Point of the said public Roads or Avenues to which the Bounds of the Police of the said City extend; and that when any Articles chargeable with the Commutation Duty shall be brought within the Bounds of Police of the City by any private Road, or in any other Way than by the Turnpike or other public Roads or Streets which are lighted and watched by the Commissioners of Police under the Police Acts of the City, the said Lord Provost, Magistrates, and Council, and their Tacksmen, shall have full Power and Authority to levy the said Commutation Duty on all such Articles, whenever any Cart or other Carriage in which they may be placed, or Horse, Mule, Ass, or other Beast of Burden on which they may be carried, shall enter any of the said public Roads or Streets lying within the Bounds of Police, in the same Manner as if such Articles had been conveyed directly into the City by the ordinary Turnpike Roads or other public Roads or Streets which are or may be lighted and watched by the Commissioners of Police under the Police Acts of the said City; and that all Vegetables, Fruits, and Garden Stuffs, and all other Articles of Agricultural Produce, which shall be grown within the Bounds of Police, and afterwards conveyed to the public Markets, or elsewhere within these Bounds, shall be chargeable with the Commutation Duty, subject to the same Conditions and Regulations as if such Articles had been conveyed into the City from without the Police Boundaries: Provided always, that no Commutation Duty shall be chargeable on any Article which shall be conveyed in Burdens by any Person or Persons whatsoever.

otherwise than by public Roads.

V. And be it enacted, That in regard to all Vegetables, Fruits, Garden Stuffs, and other Articles of Agricultural Produce which shall be grown within the Bounds of Police of the said City, it shall and may be lawful for the said Lord Provost, Magistrates, and Council, or their Tacksmen or Collectors, to collect the said Duty on Articles grown within the Bounds of Police as aforesaid, from the Persons liable in Payment of the same, in One Sum weekly, according to the Number of Carts liable in Payment of the same during each Week, if they shall find a weekly Collection more convenient or less expensive than the Collection on every single Cart or other Carriage containing such Articles of Produce.

Articles grown within the Bounds of Police may be charged weekly.

VI. And be it enacted, That no Commutation Duty shall be chargeable on any Luggage or other Articles conveyed by any public Stage or Mail or Hackney Coach, or other public Carriage constructed and used principally for the Conveyance of Passengers, and which is liable in Payment of the assessed Taxes now chargeable on Carriages; nor shall the said Duty be chargeable on any Luggage or other Articles conveyed by any private Coach, Chaise, Berlin, Barouche, Landau, Chariot, Calash, Phaeton, Chair, Gig, or other such Carriage, which shall be constructed and used principally for the Conveyance of Persons, and be liable in Payment of the Assessed Taxes now chargeable on Carriages, and which shall not be used chiefly for the Purposes of Trade, Commerce, or Husbandry.

Articles conveyed in Coaches or private Carriages not liable in Commutation Duty.

VII. And be it enacted, That no Goods conveyed in any Cart or other Carriage which passes directly through the Bounds of Police of

Goods passing through

the Town not liable.

of the said City without the Goods it contains being offered for Sale, or the Cart or other Carriage, Horse, Mule, Ass, or other Beast of Burden, being either wholly or partially unloaded, or Bulk otherwise broken, within the said Bounds, shall be chargeable with the Commutation Duty; and that in order to prevent Evasions of the said Duty all Persons who shall claim Exemption on such Grounds shall be bound in the first instance, if required, to pay the said Duty, and shall receive from the City Tacksmen or Collectors a Check Ticket specifying the Hour when the Duty was paid, and authorizing the Person in charge of any such Cart or other Carriage, Horse, Mule, Ass, or other Beast of Burden, to receive back the said Duty, on producing such Check Ticket to the Collector stationed on the Road along which the Cart or other Carriage, Horse, Mule, Ass, or other Beast of Burden, shall pass, beyond the Bounds of Police of the City, provided such Repayment shall be demanded within Three Hours of the Time specified in such Check Tickets; and the said Tacksmen or Collectors shall be bound always to have in their Possession printed Check Tickets ready to be delivered without Delay to the Parties claiming such Exemption, and to be in attendance at their respective Stations on the different Roads and Outlets from the Town, for the Purpose of receiving the said Check Tickets, and repaying the Duty to the Persons presenting the same: Provided always, that all Goods *bonâ fide in transitu* which shall be delivered at or carried from any Canal, Basin, or Railway Depôt situated within the said Bounds of Police, for the Purpose of being conveyed to other Places situated without the said Bounds, and not for the Purpose of being subjected to any Process of Manufacture or otherwise used or consumed within such Basins or Depôts, shall for the Purposes of this Act be held to be Goods delivered at or carried from Places situated without the Bounds of Police of the said City.

Articles removed from Places within the Bounds of Police to other Places not to be liable.

VIII. And be it enacted, That, with the Exception of the Commutation Duty payable on Vegetables, Fruits, Garden Stuffs, and other Articles of Agricultural Produce which are grown within the Bounds of Police, and afterwards conveyed to the public Markets, or elsewhere within these Bounds, as herein-before enacted, no Commutation Duty shall be chargeable on any Goods conveyed to any Granary, Distillery, Mill, Brewery, Dairy, Bakehouse, Shop, Warehouse, or other Premises within the Bounds of Police, from any other Place situated within the said Bounds.

Goods sent out and returned on same Day not liable.

IX. And be it enacted, That when any Description of Goods shall be sent out of the City for Sale or Delivery beyond the Bounds of Police, and all or any Part of such Goods shall afterwards be returned during the same Day, and in the same Cart or other Carriage, or upon the same Horse, Mule, Ass, or other Beast of Burden by which they were sent out of the City, such Articles so returned shall not be held to be Goods brought within the Bounds of Police according to the Meaning of this Act, and shall not be liable in Payment of the said Commutation Duty: Provided always, that the Person in charge of such Goods shall have demanded and received from the Tacksman or Collector of the said Duty stationed at the Road through which the Goods were conveyed beyond the Bounds of Police a Check Ticket (which the Tacksman or Collector is hereby required to deliver,

deliver, on Demand), the Production of which on his Return shall entitle him to come within the Bounds of Police with such returned Goods, by the same or any other Road, without being liable in Payment of the said Commutation Duty.

Various Articles in the same Cart to pay one Duty only.

X. And be it enacted, That although a Number of different Descriptions of Articles chargeable with the said Commutation Duty shall be brought into the City in the same Cart or other Carriage, or upon the same Horse, Mule, Ass, or other Beast of Burden, no greater Amount of Commutation Duty shall be chargeable than if the same were loaded with only one Description of Produce.

Bounds of Police may be divided.

Tacksmen of the Tolls may become Tacksmen of the Commutation Duty.

Proviso.

XI. And be it enacted, That it shall and may be lawful for the said Lord Provost, Magistrates, and Town Council to divide the Bounds of Police into Districts for the Collection of the said Commutation Duty, and to let the Duty leviable in these Districts to One or more Persons, as they shall think fit; and that it shall be lawful for any of the Tacksmen of the Tolls to whom the said Commutation Duty may be let to collect the same at any of the Toll Bars surrounding the City, if it shall be found more convenient or advantageous to collect it at the Toll Bars than in Streets or other Places situated within the Bounds of Police: Provided always, that when it shall be levied at any Toll Bar situated beyond the Bounds of Police no Commutation Duty shall be chargeable on such Articles as are to be delivered at Premises situated between the Toll Bar and the Bounds of Police, provided the Person claiming the Benefit of this Exemption shall give to the Tacksman or Collector his Name and Address, together with that of the Person to whom the Goods are to be delivered; and it shall be in the Power of the Trustees for Turnpike Roads in the said County, if they shall see fit, to disallow the Collection of the said Commutation Duty at all or any of their Toll Bars, from and after any Term of *Whitsunday*, on giving Three Months Notice to the said Lord Provost, Magistrates, and Town Council, and the same shall be disallowed accordingly, till Permission shall again be granted by the said Trustees to collect the same at such Toll Bars as aforesaid.

In case Tacksmen fall in arrear, Road Trustees, and Lord Provost, Magistrates, and Council, to rank on Funds of Tacksmen pari passu.

XII. And be it enacted, That if at any Time any Tacksman of the said Toll Bars who shall also be Tacksman of the said Commutation Duty, or any Part thereof, shall fall in arrear, either of the Rent payable for the said Toll Bars or for the said Commutation Duty, so as to render it necessary for the Trustees of the High Roads of the County of *Edinburgh*, or for the Lord Provost, Magistrates, and Council of the said City, or either of them, to attach the Funds of the said Tacksman for Payment of such Arrears, the Claim of the said Road Trustees, and of the said Lord Provost, Magistrates, and Council, upon the Funds so attached, shall be regulated according to the Amount of Rent payable for the said Toll Bars and for the said Commutation respectively, and the said Road Trustees, and Lord Provost, Magistrates, and Council, shall to such Extent be and be held to be Creditors *pari passu* in regard to the Funds so attached as aforesaid.

XIII. And

Power to erect Duty Houses.

XIII. And be it enacted, That the said Lord Provost, Magistrates, and Council shall have Power to erect Houses for the Collection of the said Commutation Duty, and other Dues and Customs, in convenient Situations on *Leith Walk*, the Eastern Road to *Leith*, and any other Roads leading to the City: Provided always, that if the Erection of such Houses would encroach upon the Roads, the Consent of the Trustees for such Roads shall be first had and obtained before erecting the same.

If Commutation Duty, when exposed to public Roup, does not bring 900*l.* per Annum, it may be increased.

XIV. And be it enacted, That if the said Commutation Duty of One Penny on Goods conveyed by Carts or other Carriages, or carried upon Horses, Mules, Asses, or other Beasts of Burden, when exposed by public Roup, in Terms of the said recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth, for regulating the letting of the Common Good of Royal Burghs, shall at any Time not bring Nine hundred Pounds *per Annum* as an upset Price, it shall be lawful for the said Lord Provost, Magistrates, and Council to adjourn the Roup for any Period, not being less than Eight Days, and to advertise in the *Edinburgh Gazette*, and other Two *Edinburgh* Newspapers, the Time and Place to which the Roup has been adjourned, and that if the upset Price of Nine hundred Pounds shall not be offered within Half an Hour after the Time appointed for the said adjourned Sale, in Terms of the Articles of Roup, the said Lord Provost, Magistrates, and Council will increase the said Duty to Three Halfpence, and levy the same thereafter; and if, notwithstanding these Advertisements, the said upset Price of Nine hundred Pounds shall not be obtained in Terms of the aforesaid Articles of Roup, it shall be lawful during the Currency of the Lease to charge the said increased Rate of Three Halfpence, subject to the same Regulations and Conditions as before provided with regard to the Rate of One Penny; and if at any Time the Sum of Nine hundred Pounds shall not be obtained as an upset Price at the increased Rate of Three Halfpence, it shall in that Case be lawful for the Lord Provost, Magistrates, and Council to adjourn the Roup for any Period, not being less than Eight Days, and to advertise as before provided, that if the upset Price of Nine hundred Pounds shall not be offered within Half an Hour after the Time appointed for the adjourned Roup they will farther increase the Rate to Two-pence; and if at such adjourned Roup the said upset Price of Nine hundred Pounds shall not be obtained in Terms of the Articles of Roup within the specified Time, it shall then be lawful for the said Lord Provost, Magistrates, and Council to let the said Commutation Duty at the increased Rate of Two-pence, and to levy the same during the Currency of the Lease, subject to the same Regulations and Conditions as before provided with regard to the smaller Rates: Provided always, that the said Commutation Duty shall not be let on Lease for a longer Period than One Year, if the same shall be let at either of the increased Rates, and when again exposed to public Roup the same shall be first offered at the minimum Rate.

Number of Carts, &c. liable in Payment of Commuta-

XV. And be it enacted, That in order accurately to ascertain the yearly Number of Carts or other Carriages, and of Horses, Mules, Asses, or other Beasts of Burden, carrying the different Descriptions of Produce chargeable with the Commutation Duty, and the Amount of

of annual Revenue which the minimum Rates herein authorized to be levied should yield, the said Lord Provost, Magistrates, and Council shall be bound and obliged to let the said Commutation Duty for a Period of not less than One Year from and after the Date when the present Act shall come into operation at the minimum Rates of One Penny on all Goods as aforesaid conveyed in Carts or other Carriages having not more than Two Wheels, and upon all Horses, Mules, Asses, or other Beasts of Burden, and of Two-pence on all Goods conveyed in Carts or other Carriages having more than Two Wheels, and to bind and oblige the Tacksmen of the said Duty, in the Articles of Agreement or Lease, to make classified weekly Returns, according to printed Schedules to be furnished to them for that Purpose, of the Number of Carts or other Carriages, and of Horses, Mules, Asses, or other Beasts of Burden conveying the different Descriptions of Produce which have been charged with the said Duty; and such Returns shall be deposited in the City Chamberlain's Office, to lie there for the Information of Parties who may afterwards wish to become Tacksmen of the said Duty, and of the Public generally.

tion Duty to be ascertained for the first Year.

XVI. And be it enacted, That the said Lord Provost, Magistrates, and Council shall have Power to charge any Sum not exceeding Sixpence each Market Day of Stand Dues for each Bag of Wheat, Oats, Barley, Pease, Beans, Meal, Flour, or other Description of Agricultural Produce which shall be opened and exposed for Sale in the Corn Market Buildings, or within the Chains encircling the same, or such other Limits surrounding the said Buildings as shall be declared by the said Lord Provost, Magistrates, and Council to be the Market Place from Time to Time; and also the Sum of Sixpence each Market Day from each Person who shall attend the said Market Place with Samples of any Kind of Grain or other Agricultural Produce, or for the Purpose of there effecting Sales of Agricultural Produce, either by Samples or otherwise, as an Equivalent for the annual Value of the Buildings, the Expence of keeping them in proper Repair, and the necessary Payment to Officers attending the Markets: Provided always, that it shall not be lawful to charge any Stand Dues for such Bags as are not taken out of the Carts in which they are brought to the Market, and not opened for the Purpose of being exhibited for Sale, or to levy the said Sum of Sixpence for Samples or Sale Dues from such Persons as shall on the same Day have paid Stand Dues for Bags of Grain pitched and exposed to Sale in the Market, or to charge more than Sixpence from each Person coming into the Market with Samples of Grain or other Produce, whatever Number of Samples he may have in his Possession; which several Dues are set forth in Schedule (A.) to this Act annexed.

Certain Dues to be levied in the Corn Market.

XVII. And be it enacted, That notwithstanding the Abolition of the Market Customs, in manner herein-before expressed, it shall and may be lawful to the said Lord Provost, Magistrates, and Council to levy, collect, receive, and take, by their Tacksmen or Collectors, the Stand Dues and other Dues to be levied in the Meal, Corn, and Grain Markets; the Weighage and Lyage Dues to be levied from Persons sending Goods to be weighed or lodged in the Weigh House; the Stall Dues and Craeme Dues to be levied in the Flesh Markets;

Dues and Customs to be levied.

Markets; the Stall and Stand Dues to be levied in the Fruit and Vegetable Markets; and the Stall and Stand Dues to be levied in the Poultry, Egg, Butter, and Cheese Markets; and the Stall and Stand Dues to be levied in the Fish Markets, according to the Tables of such Dues respectively contained in the said Schedule (A.) to this Act annexed; and also the Customs leviable at the Markets of the House of Muir, All-Hallow Fair, Sheep Flecks, and other Markets, according to the Tables of Rates contained in Schedule (B.) to this Act annexed.

Live Stock passing through the Bounds of Police not liable in Market Customs.

XVIII. And be it enacted, That no Cattle or other Bestial passing directly through the Police Bounds of the City, without having been presented at the Market or otherwise offered for Sale, or delivered within the said Bounds, shall be liable in Payment of the Market Customs; and that, in order to prevent Evasions of such Customs, all Persons who shall claim Exemption on such Grounds shall be bound in the first instance, if required, to pay the said Market Customs, and shall in such Case receive from the City Tacksmen or Collectors a Check Ticket specifying the Hour when such Customs were paid, and the Amount of the same, and authorizing the Person in charge of such Cattle or other Bestial to receive back the same on producing such Check Ticket to the Collector stationed on the Road along which the said Cattle or other Bestial shall pass beyond the Bounds of Police of the said City, if such Repayment shall be demanded within Four Hours of the Time specified in such Check Ticket; and the said Tacksmen or Collectors shall be bound always to have in their Possession printed Check Tickets ready to be delivered without Delay to Parties claiming such Exemption.

Cattle removed to Pasture when brought back within One Week.

XIX. And be it enacted, That no Cattle or other Bestial which shall have paid the Market Customs, and afterwards be removed beyond the Bounds of Police to Pasture, shall be again liable in Payment of Custom when brought back within One Week thereafter without having been sold in the Interim to any other Person, provided the Owner of such Cattle or other Bestial, when they are removed to Pasture, shall demand and receive from the City Tacksmen or Collectors a Check Ticket specifying the Number of Cattle or other Bestial removed, and the Date of their Removal (which the Tacksmen or Collectors shall be bound to deliver, on Demand); and provided further, that such Check Ticket shall be returned to the Tacksmen or Collectors by the Person in charge of such Cattle or other Bestial when they shall be so brought back.

Live Stock not liable in Commutation Duty.

XX. And be it enacted, That no Sheep, Lambs, Calves, Pigs, or other Live Stock which shall be brought within the Bounds of Police of the said City in Carts or other Carriages, or upon Horses, Mules, Asses, or other Beasts of Burden, shall be liable in Payment of the Commutation Duty aforesaid: Provided always, that all such Sheep, Lambs, Calves, Pigs, or other Live Stock as shall be brought within the said Bounds in Carts or other Carriages shall be chargeable with the Market Customs according to the Rates, Rules, and Regulations contained in Schedule (B.) to this Act annexed.

XXI. And

Power to fix Market Places.

XXI. And be it enacted, That it shall and may be lawful to the said Lord Provost, Magistrates, and Council, and they are hereby authorized and empowered, to fix and ascertain the Boundaries and Limits of the existing Market Places as they shall find the same to be necessary; to alter the Days and Hours of holding the different Markets; to divide and allocate the Stands in the same; to alter and enlarge the Markets and Market Places, and altogether to change the Situation of any of the existing Markets or Market Places, and to substitute other Markets or Market Places in their Stead; and to establish additional Markets for the Sale of other Articles of Produce than those contained in the Schedules to this Act annexed: Provided always, that in any such additional Market which may be established it shall not be lawful to charge more than Two-pence Sterling of Stand Dues from each Cart or other Carriage containing Produce for Sale which may be brought to the same; and that it shall not be lawful in any Case to compel Parties having such Articles of Produce for Sale to bring the same to any such additional Markets which may hereafter be established.

Power to make Bye Laws and Regulations for Markets.

XXII. And be it enacted, That the said Lord Provost, Magistrates, and Council shall be and they are hereby authorized and empowered, from Time to Time, to make, constitute, and ordain such Rules, Regulations, Orders, and Bye Laws as they shall think fit and necessary for the better Regulation and Government of the different Markets of the said City for the Time being, and of the Officers appointed by them to superintend the same, and from Time to Time to repeal, alter, add to, or amend such Rules, Regulations, Orders, and Bye Laws so to be made; and to ascertain and set down what pecuniary Penalties shall be incurred by Persons contravening such Rules, Regulations, Orders, and Bye Laws, or any of them: Provided always, that no such pecuniary Penalty shall exceed the Sum of Forty Shillings for any One Offence, and that such Rules, Regulations, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of *Great Britain* called *Scotland*, or to the Provisions of this Act, and shall not have the Effect of increasing any of the Dues or Customs herein authorized to be levied: Provided also, that no such Rule, Regulation, Order, or Bye Law shall come into operation until it shall have been confirmed by the Sheriff of the County of *Edinburgh*; and the said Sheriff shall not confirm any such Rule, Regulation, Order, or Bye Law unless Notice of the Application for such Confirmation shall have been given in One or more Newspaper or Newspapers circulating in the City and County of *Edinburgh*, at least Fourteen Days before such Confirmation; and any Person aggrieved by any such Rule, Regulation, Order, or Bye Law may be heard thereon before such Sheriff, but not so as to allow of more than One Party being heard on the same Matter of Objection, nor shall any Party be entitled to be heard unless Notice shall be given to the Lord Provost, Magistrates, and Council Three Days previous to the Day appointed for taking such Rule, Regulation, Order, or Bye Law into consideration; nevertheless, although no Objection may have been made to any such Rule, Regulation, Order, or Bye Law, or although Notice thereof shall not have been given as aforesaid, the said Sheriff may either alter

alter or quash any such Rule, Regulation, Order, or Bye Law, as he shall see fit; and such Rules, Regulations, Orders, and Bye Laws shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the Market Places within the City of *Edinburgh* to which they may respectively relate, and such Boards shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Rules, Regulations, Orders, and Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Evasion of Dues.

XXIII. And be it enacted, That if any Person shall be guilty of wilfully evading or refusing Payment of the said Commutation Duty, Stand or Sample Dues, or other Duties and Customs, or if any Tacksmen, Collector, or other Person shall be guilty of fraudulently demanding or receiving any Sum or Sums for or on account of the same, every Person so offending shall be subject to a Penalty not exceeding Forty Shillings for each Offence.

For Recovery of Commutation Duties and Customs.

XXIV. And be it enacted, That the said Lord Provost, Magistrates, and Council, and their Tacksmen and Collectors, shall have full Power and Authority summarily to enforce Payment of the Commutation Duty and other Dues and Customs aforesaid by seizing, taking, and detaining, preferable to and notwithstanding any Attachment, Arrestment, or other Right whatsoever claimable by or due to any other Person or Persons, any of the Goods, Articles, Matters, and Things liable in Payment of the said Commutation Duty and other Dues and Customs, or any of them, until the said Commutation Duty and other Dues and Customs respectively shall be satisfied and paid.

Power to let to the present Tacksmen for any Term not exceeding Three Years from 11th November 1840.

XXV. And whereas some of the Market Customs herein-before abolished, altered, or regulated have been let on Leases which conditionally endure for Three Years after the said Eleventh Day of *November* One thousand eight hundred and forty, but under a special Declaration contained in the Articles of Roup, and in the Leases following thereon, that in the Event of the said Customs being increased or diminished by any legislative Enactment during the Currency of the Leases it should be in the Power of the said Lord Provost, Magistrates, and Council to make an Arrangement with the Tacksmen for a corresponding Increase or Diminution of the Tack Duty for the Remainder of the Lease; and in the event of their not being able to effect such an Arrangement, that it should be in the Power of the said Lord Provost, Magistrates, and Council to declare the said Leases at an end at the first Term of *Martinmas* after the passing of the said Act; be it therefore enacted, That in virtue of the said reserved Power it shall and may be lawful to the said Lord Provost, Magistrates, and Council, and they are hereby authorized and empowered, notwithstanding the Provisions in the before-recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth, to contract, agree, and arrange with their Lessees for continuing in Possession of the Subjects let to them, including

including therein the Commutation Duty, Stand and Sample Dues, and other Dues imposed, modified, or altered by this Act, for any Term not exceeding Three Years after the said Eleventh Day of *November* One thousand eight hundred and forty, at such Alteration of Rent as may be rendered necessary by the passing of this Act; and failing their being able to make such Contract, Agreement, or Arrangement with their Lessees, that it shall and may be lawful to the said Lord Provost, Magistrates, and Council to declare the Leases at an end on the said Eleventh Day of *November* One thousand eight hundred and forty, and thereafter to let the said Customs and other Dues of new to the highest Offerer, according to the Provisions of this Act or of the said Act of the Third Year of the Reign of His said Majesty King *George* the Fourth: Provided always, that in the event of any private Arrangement being entered into with the present Tacksmen, for the Collection of the said Customs, Dues, and Commutation Duty, for the Period of Three Years from and after the Eleventh Day of *November* One thousand eight hundred and forty, or any Part of the same, it shall not be lawful, during the Period of such private Arrangement, to increase the Commutation Duty above the ordinary Rate of One Penny on each Cart or other Carriage not having more than Two Wheels, and of Two-pence on each Cart or other Carriage having more than Two Wheels; and the Tacksmen shall be bound, during the first Year, to make Returns of the Number of Carts and other Carriages chargeable with the said Commutation Duty, in such Manner as shall be agreed on between them and the said Lord Provost, Magistrates, and Council.

City's Right of Markets preserved.

XXVI. And be it enacted, That it shall not be lawful for any other Parties than the Lord Provost, Magistrates, and Council of the City of *Edinburgh* to establish any Cattle Market for the Sale of Cattle, Horses, Sheep, or other Live Stock, or any wholesale Corn Market for the Sale of Oats, Meal, Barley, Pease, Beans, or other Grain within the Bounds of Police of the City of *Edinburgh* for the Time being: Provided always, that such Rights of Market as the said Lord Provost, Magistrates, and Council enjoy within or beyond these Limits shall not be injured or limited by any thing contained in this Act.

Commuted Duties, &c. to form a Security to the Creditors of the City.

XXVII. And whereas the Creditors of the said City have by the before-recited Act of the First and Second Year of the Reign of Her present Majesty Queen *Victoria* a Security over the existing Market Customs and Property therewith connected to the Extent of One thousand Pounds *per Annum;* be it enacted, That the said Creditors shall have the like Security to the same Amount over the proposed Commutation Duty, and Stand and Sample Dues, and the remaining Customs and Properties therewith connected, as they now have over the present Customs and Properties connected therewith, and subject to the same Conditions and Regulations; and that the said Commutation Duty, and Stand and Sample Dues, and other Customs and Properties therewith connected, shall be the inalienable Property of the Burgh, in the same Manner as the present Customs and other

Property connected therewith are declared to be the inalienable Property of the Burgh by the said recited Act of the First and Second Year of the Reign of Her present Majesty.

Recovery of Penalties.

XXVIII. And be it enacted, That upon any Person being subjected in any Penalty, Forfeiture, or Fine imposed by this Act, or by any Bye Law made or to be made in pursuance hereof, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) upon Proof of the Offences respectively before the Sheriff of the said County or his Substitute, or before One or more of the Magistrates of the said City, or the Judge of Police of the same, either by the Confession of the Party offending, or by the Oath of One credible Witness or other competent Evidence, it shall be lawful for the said Sheriff, Magistrate, or Judge of Police, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Common Gaol, there to remain for any Time not exceeding Twenty-one Days, unless such Penalty, Forfeiture, or Fine, and all reasonable Charges attending the Prosecution of the same, shall be sooner paid.

Application of Fines and Penalties.

XXIX. And be it enacted, That all Fines or other Penalties recovered under this Act shall be paid over to the Chamberlain of the City of *Edinburgh* in aid of the Common Good of the said City, without Deduction of any Fees or other Charges, except such Compensation for the Loss of Time as the said Sheriff, Magistrate, or Judge of Police may think fit to award out of the same to the City Tacksmen or Collectors, or other Persons who may have been subjected to Loss of Time in proving any Offence under this Act for which any Fine or other Penalty shall be imposed.

No Part of Burgh of Leith included.

XXX. And be it enacted, That no Part of the Parliamentary Burgh of *Leith* shall be held to be within the Bounds of Police of the City of *Edinburgh* for the Purposes of this Act.

Rights of the Magistrates of Leith to the Common Good, &c. of that Town not to be affected.

XXXI. And be it enacted, That nothing herein contained shall in any manner of way affect so as either to strengthen or to impair, or be construed to affect, strengthen, or impair, any Rights which the Provost, Magistrates, and Council of the Town of *Leith* may have acquired for and on behalf of the Community thereof by the said recited Act of the First and Second Year of the Reign of Her present Majesty, or otherwise, to the Common Good, Customs, Rates, Imposts, and Market Dues leviable within the Limits of the said Town, or the Liability of the Inhabitants or others for the Payment of the same, but that all such Rights and Liabilities shall remain and be preserved in the same State as they were before the passing of this Act.

Commencement of the Act.

XXXII. And be it enacted, That this Act shall commence and take effect from and after the Eleventh Day of *November* in the present Year One thousand eight hundred and forty.

XXXIII. And

XXXIII. And be it enacted, That the Expence of applying for and obtaining this Act shall be defrayed out of the first and readiest of the Monies belonging to the City of *Edinburgh*. Expences of Act.

XXXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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SCHEDULE (A.)

I. Stand Dues and other Dues to be levied in the Meal, Corn, and Grain Markets, not exceeding as follows: —

	£	s.	d.
For Warehouse Rent for each Bag or Sack of Meal, Flour, or Grain, lodged in the Warehouse, and for every Week or Part of a Week it continues therein - -	0	0	1
For Weighage of each Bag weighed at the Market Beam	0	0	1
For each Bag of Wheat, Oats, Barley, Pease, Beans, Meal, Flour, or other Description of Agricultural Produce, opened for Sale in the Market Place, each Day - -	0	0	6
From each Person using the Market Place for the Purpose of effecting Sales, by Samples or otherwise, not having paid Stand Dues for Bags as above, each Day -	0	0	6

II. Table of Weighage and Lyage Dues to be levied from Parties voluntarily sending Goods to be weighed or lodged at the Weigh House, not exceeding as follows: —

1. Weighage Dues to be charged at the Rate of One Penny Sterling per Imperial Hundred Weight; and all Articles weighing above Fifty-six Pounds, and less than One Hundred Weight, to be charged as One Hundred Weight.

2. Weighage Dues of all Articles weighing Fifty-six Pounds and under to be charged One Halfpenny on each Package.

3. Lyage Dues One Penny Sterling per Barrel Bulk for each of the first Thirty Days, and One Halfpenny per Barrel Bulk for each Day after the Expiry of the first Thirty Days.

III. Table of the Stall Dues and Craeme Dues of the Flesh Markets, including the Veal Market, Upper Market, Middle Market, and Under Market, to be levied from every Person without Distinction, not exceeding as follows: —

	£	s.	d.
1. For each arched Stall per Week, excepting Stalls held by Butchers in the Veal Market, where Veal alone is sold - - - - - -	0	6	6
2. For each Stall in the Veal Market, where Veal alone is sold, per Week - - - -	0	1	9
3. For each Craeme of Six Feet in Length, and in the same Proportion for any greater Length, per Week -	0	3	3

IV. Stall and Stand Dues to be levied in the Fruit and Vegetable Markets, not exceeding as follows:—

	£	s.	d.
For each Stall in the Market not having Doors, weekly -	0	3	0
For each Stall having Doors, weekly - - -	0	4	0
For each Stand or Area, of whatever Size, occupied by any Person in the Wholesale Vegetable Market, each Day - - - - - -	0	0	2
For each Stand or Area, of whatever Size, occupied by any Person in the Wholesale Fruit Market, each Day -	0	0	2

V. Stall Dues to be levied in the Poultry Market, and Stand Dues to be levied in the Wholesale Poultry, Egg, Butter, and Cheese Markets, not exceeding as follows:—

	£	s.	d.
For each Stall in the Poultry Market, weekly - -	0	1	6
For each Stand for a Cart or other Carriage bringing Goods which shall be exposed for Sale in the Wholesale Poultry, Egg, Butter, and Cheese Markets, each Day - -	0	0	2

VI. Stall and Stand Dues to be levied in the Fish Market, not exceeding as follows:—

	£	s.	d.
For each Salmon Stall in the Market, per Week - -	0	5	0
For each White Fish Stall, per Week - - -	0	3	0
For each Retailer's Stand in the Fish Market, each Day	0	0	1½
For each Retailer's Stand in the Shell Fish Market, each Day - - - - - - -	0	0	1
For each Stand for Carts or other Carriages in the Market, each Day - - - - -	0	0	2

SCHEDULE (B.)

Table of the Customs to be levied on all Bestial at the Markets of the House of Muir, All-Hallow Fair, Sheep-Flecks, and other Markets within the Bounds of Police, and on all Bestial brought within the said Bounds for Sale or Slaughter, or sold within the same; the Customs to be payable whether such Bestial shall be driven along the Streets, or conveyed in Carts or other Carriages: Incoming-Custom, —

	£	s.	d.
For each Horse, Mare, or Gelding, young or old -	0	0	1
For each Ox, Cow, or Calf - - -	0	0	1
For each Sheep or Lamb, 4*d.* Scots, including Bught Mail, or per Score of Twenty-one - - -	0	0	7
For each Sow, Hog, Boar, or Pig - - -	0	0	$0\frac{9}{12}$

All Purchasers of Cattle or other Bestial shall pay Back-Custom, being $3\frac{1}{2}d.$ on each Score of Twenty-one Sheep and Lambs, and shall pay the same as the Incoming-Custom on all other Cattle and Bestial.

The several Kinds of Cattle and other Bestial above mentioned shall be chargeable with the above Customs each Day they are presented at any of the Markets, and they shall likewise be chargeable with these Customs in all Cases in which they shall be brought within the Bounds of Police for Sale or Slaughter, although not presented at any of the Markets; but Sheep and Lambs brought in for Slaughter, without being presented at any of the Markets, shall be chargeable with only $3\frac{1}{2}d.$ of Incoming-Custom, and $3\frac{1}{2}d.$ of Back-Custom.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.