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# VICTORIÆ REGINÆ.

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C A P. XVII.

An Act for the Abolition of the exclusive Privilege  
of trading in Burghs in *Scotland*.

[14th *May* 1846.]

**W**HEREAS in certain Royal and other Burghs in *Scotland* the Members of certain Guilds, Crafts, or Incorporations possess exclusive Privileges of carrying on or dealing in Merchandize, and of carrying on or exercising certain Trades or Handicrafts, within their respective Burghs; and such Guilds, Crafts, or Incorporations have corresponding Rights, entitling them to prevent Persons not being Members thereof from carrying on or dealing in Merchandize, or from carrying on or exercising such Trades or Handicrafts, within such Burghs: And whereas it has become expedient that such exclusive Privileges and Rights should be abolished: Be it therefore 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 passing of this Act all such exclusive Privileges and Rights shall cease, and it shall be lawful for any Person to carry on or deal in Merchandize, and to carry on or exercise any Trade or Handicraft, in any Burgh and elsewhere in *Scotland*, without being a Burgess of such Burgh, or a Guild Brother, or a Member of any Guild, Craft, or Incorporation: Provided always, that in lieu of the Stamp Duties of One Pound and Three Pounds now payable on the Admission of any Person as a Burgess or into any

After the passing of this Act exclusive Privileges and Rights in Burghs to cease; and in lieu of the Stamp

Duties now payable on Admission a Duty of 5s. shall be paid.

Corporation or Company in any Burgh in *Scotland*, for the Enrolment, Entry, or Memorandum thereof in the Court Books, Roll, or Record of such Corporation or Company, there shall from and after the passing of this Act be paid on every such Admission a Stamp Duty of Five Shillings.

Incorporations still to retain their Corporate Character, and their Names and Titles.

II. And be it enacted, That notwithstanding the Abolition of the said exclusive Privileges and Rights all such Incorporations as aforesaid shall retain their Corporate Character, and shall continue to be Incorporations, with the same Names and Titles as heretofore; and nothing herein contained shall anywise affect the Rights and Privileges of such Incorporations, or of the Office Bearers or Members thereof, except as herein-before enacted.

Incorporations may make Bye Laws relative to Application of its Funds, &c. subject to the Approval of the Court of Session.

III. And whereas the Revenues of such Incorporations as aforesaid may in some Instances be affected, and the Number of the Members of such Incorporations may in some Instances diminish, by reason of the Abolition of the said exclusive Privileges and Rights, and it is expedient that Provision should be made for facilitating Arrangements suitable to such Occurrences; be it therefore enacted, That it shall be lawful for every such Incorporation from Time to Time to make all Bye Laws, Regulations, and Resolutions relative to the Management and Application of its Funds and Property, and relative to the Qualification and Admission of Members, in reference to its altered Circumstances under this Act, as may be considered expedient, and to apply to the Court of Session, by summary Petition, for the Sanction of the said Court to such Bye Laws, Regulations or Resolutions; and the said Court, after due Intimation of such Application, shall determine upon the same, and upon any Objections that may be made thereto by Parties having Interest, and shall interpose the Sanction of the said Court to such Bye Laws, Regulations, or Resolutions, or disallow the same in whole or in part, or make thereon such Alterations, or adject thereto such Conditions or Qualifications, as the said Court may think fit, and generally shall pronounce such Order in the whole Matter as may to the said Court seem just and expedient; and such Bye Laws, Regulations, or Resolutions, subject to such Alterations and Conditions as aforesaid, shall be, when the Sanction of the said Court shall have been interposed thereto, valid and effectual and binding on such Incorporations: Provided always, that nothing therein contained shall affect the Validity of any Bye Laws, Regulations, or Resolutions that may be made by any such Incorporation without the Sanction of the said Court, which it would have been heretofore competent for such Incorporation to have made of its own Authority or without such Sanction.

Such Bye Laws, when sanctioned by Court of Session, to be valid.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.