

No 375.

1777. August 6. TAYLORS of EDINBURGH *against* WHITE.

THE LORDS found, That the Sheriff had no jurisdiction as a police officer in regulating the rates of tradesmen's wages. This power belongs to Justices of Peace within a county, and Magistrates in towns. See APPENDIX.

*Fol. Dic. v. 3. p. 366.*

1797. May 31.

HENRY BAND *against* JAMES CLERK, Sheriff-depute, and WILLIAM SCOTT, Procurator-fiscal of the County of Edinburgh.

No 376.

The Sheriff and Procurator-fiscal of the county of Edinburgh, found not to be liable in damages for preventing wheat sold to strangers from being delivered, it having been lodged previously to the sale, in the granaries of the Corporation of Bakers, for the consumption of the city, which was then threatened with a scarcity.

THE Corporation of Bakers in Edinburgh are proprietors of several granaries in its neighbourhood, which are chiefly occupied by the individual members, for the purpose of keeping the wheat meant for the consumption of the city. It sometimes happens, however, that wheat is lodged in these granaries which is afterwards sold to bakers in the country, and to farmers for seed ; but there has scarcely been an instance of wheat being sold out of them for exportation.

On the 5th August 1795, when there was a general scarcity of corn over the kingdom, the wheat in these granaries did not exceed 3600 bolls, a quantity not more than equal to three weeks ordinary consumption of the city ; but its high price had so much reduced the consumption, that supposing it to have continued at the diminished rate at which it had stood for some weeks, this quantity would have served the inhabitants from six to eight weeks. It also appeared, that the quantity of wheat, which at this time came weekly into the granaries, was not more than a fourth of what was usually deposited there every week at the same season.

On the 1st August, 1300 bolls of wheat from these granaries were sold by some of the bakers to corn-dealers from England. A great part of this quantity, they afterwards admitted, had been destined for the consumption of Edinburgh.

The Procurator-fiscal for the county presented a complaint against the sellers, accusing them of forestalling, and praying, that they should be ordained to find caution not to sell any part of the wheat lodged in these granaries, and that the persons having the charge of them should be prohibited from delivering what had been sold ; and further, that the offenders should be punished according to law.

The Sheriff granted warrant for citing the persons complained of ; and after examining all of them who appeared, he pronounced a judgment, prohibiting ' the masters, overseers, servants, and all others having the charge of grain or flour, or in any other respect acting at the mills of Bell's Mills, Water of Leith Mills, Stockbridge Mills, and Canonmills, from giving out any wheat therefrom to any of the said persons, or their order, until further orders.'