

No 16.

ed, except burgesses exercising trade or merchandise, and that for their tenements and lands within burgh allenary. (*See This case, Sec. 4.*)

*Fol. Dic. v. 1. p. 117. Stair, v. 2. p. 588.*

1696. July 8.

BAXTERS of GLASGOW *against* The MAGISTRATES.

No 17.

Magistrates found entitled to imprison bakers, on account of insufficient bread.

LAUDERDALE reported the Baxters of Glasgow against the Magistrates, on a bill of suspension and charge to set at liberty, being incarcerated for bad and insufficient bread, and disconform to the standard of the Edinburgh bread. Their reasons were, that neither their mills could grind flour so well as Edinburgh, nor their servants bake so white.—THE LORDS considered this was a matter of government proper and competent for the Magistrates; and, therefore would not interpose, but refused their bill till they gave obedience.

*Fol. Dic. v. 1. p. 117. Fountainhall, v. 1. p. 726.*

1715. June 17.

The MAGISTRATES of ABERDEEN, and their FISCAL, and JOHN CRAIG, Baxter there, *against* DAVID SPEEDIMAN, late Deacon Convener, and other Members of the Convener Court there.

No 18.

The convener, and other deacons in a burgh, have no power to hold or fence courts; but they have right to make by-laws to regulate their own corporation.

THE said convener and his brethren, having pronounced two decreets in March 1712, one against the said John Craig, for the balance of an account due to the trade; the other americiating one Alexander Duff, for calumniating the said Craig; upon a complaint hereof given in to the Magistrates by their Fiscal and Craig, they found the said two decreets, or acts, unwarrantable and illegal incroachments upon the office of the magistrates, and, therefore, ordained the convener to cause raze them out of the record of his court, under pain of 100l.; and decerned him to pay to John Craig, 20l. Scots of damages; reserving action to the baxter-trade against the said Craig, for what he may be justly resting; and to Craig, for the verbal injuries, before the judge competent, as accords. This sentence being suspended, and coming in, by a report, before the Lords, the question turned upon the power of the convener court, and whether the magistrates could cognosce upon these sentences.

And it was *alleged* for the suspenders: That not only was there an indenture betwixt the town-council and incorporations, whereby the town was not to meddle with any thing relating to the economy of the trades among themselves (which is the present case, the one decreet being concerning their box, ordaining the box-master's balance to be paid in; and the other anent contumely offered in face of Court); but also by the 39th act, Parliament 2d, James I. it is statute, 'That ilk craft shall have a deacon for governing and essaying all works, before the craftsmen of that craft.' And that the deacons likewise had the