

and that the suspenders are not obliged to depone upon the quantities in their hands.

No 70.

Act. *Ferguson et alii.*Alt. *Lockhart et alii.*Clerk, *Pringle.*Sir *J. Dalrymple.**Fac. Col. No 189. p. 281.*

The HOUSE OF LORDS ORDERED and ADJUDGED, That this interlocutor be affirmed.

1756. December 10.

The CORPORATION of TAYLORS in Perth, against MARY LION and Others, Mantua-makers there.

THE incorporation of the Taylors of Perth brought a process against three mantua-makers in that town, for interloaching upon their craft without being free thereof; and concluding, that the defenders should be decerned to desist in all time coming; find caution to that effect; and pay L. 20 Sterling of damages. This process, which was commenced before the Bailies of Perth, was brought by advocacy before the Court of Session. The defence was, That mantua-making was no branch of the taylor craft, which concerned only making of men's clothes; and that there was an impropriety and indecency in a man's being employed to make clothes for women.

This defence being reported to the Court, it occurred at advising, that women are not capable to be admitted into a craft, to perform any office in a craft, or to enjoy any of its privileges; that the pursuers accordingly neither do nor can offer to admit them, but only that they must be prohibited from working altogether; that this is putting them in a worse condition than unfreemen, who are entitled to be admitted upon giving an essay and paying an upset; that this is treating women as if they were not free-born subjects, prohibiting them to gain their bread by their labour. Hence it was inferred, that the laws and regulations about crafts and royal burghs were made for men only, and that women can neither be benefited nor hurt by them.

It was further observed, that, strictly speaking, it is not every person who makes use of a needle that is a taylor. A glover is not a taylor, neither is a mantua-maker. And it was added, that to confine to the men the making of under petticoats, and perhaps drawers, for women of condition, would be a very extraordinary monopoly.

The action was accordingly dismissed as not being founded on law.

Fol. Dic. v. 3. p. 106. Sel. Dec. No 118. p. 169.

* * * The same case is reported in the Faculty Collection :

PERTH was erected into a royal burgh by William I. in the year 1210. The taylors of Perth have no *seal of cause*, II, but they have been held immemorially

No 71.

Mantua-Makers may exercise their employment within a royal burgh, without being free of the incorporation of taylors.

No 71. to be a corporation. As such they enjoy the accustomed exclusive privileges of corporations, and elect a deacon, who is a counsellor of the burgh in right of his office.

They brought an action against the defenders, setting forth the antiquity of their corporation, and its possession of 'the exclusive privilege of making all kinds of taylor-work;' that the defenders, not being free of the corporation, had exercised the business of mantua-making within the liberty of that burgh; and concluding, that the defenders should be decerned to desist therefrom, and find security to that effect.

The defenders *pleaded*, That they had not encroached upon the exclusive privileges of the incorporation; for that the making of womens apparel is no kind of taylor-work. According to the received notions of decorum, it is an improper employment for men, and, in consequence of the modern fashion of dress, it has become an employment wholly distinct from that of a taylor. Further, by the law of corporations, every one must have his qualifications tried before admission; and after admission, is entitled to the privileges of the corporation. Now the pursuers cannot, in the present case, either make this trial of the defenders, or bestow these privileges upon them. Hence it follows, that mantua-making is distinct from the employment of taylors, and in no sort dependent on it.

Answered for the pursuers: The exclusive privileges of corporations, as by law established, are not to be impaired under imaginary pretences of decorum. Male stay-makers are employed by women; and, by parity of reason, male taylors may. In former ages there was decorum as well as in the present; there was also a diversity in dress; and yet the occupation and name of mantua-makers were then unknown, and men only were employed in making womens apparel.

'THE LORDS found the action not competent; and that therefore the pursuers have no right to debar the defenders from the exercise of the trade of mantua-making.'

Reporter, *Prestongrange*. Act. *Craigie et Pringle*. Alt. *W. Stewart, S. D. Dalrymple, et Moncrief*.
Clerk, *Justice*.

Dalrymple.

Fac. Col. No 219. p. 319.

No 72.

An unfreeman, though not entitled to the benefit of the town's market, may manufacture goods within the town for exportation.

1756. December 3.

INCORPORATION of CORDINERS in Glasgow, *against DUNLOP and Others*.

JAMES DUNLOP, merchant in Glasgow; and others, having entered into a company for manufacturing boots and shoes for the plantation trade, the Shoe-makers of Glasgow brought a process against them, concluding, that they ought to be decerned to desist from their manufacture, unless they will enter with the cor-