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most of the other branches of weaving now in use there, confessedly reached by these grants.

The freemen of the craft were always sufficiently qualified to try the skill of the silk-weavers in the art of weaving, the general principles being the same in weaving silk as other materials. Now that there are actually many of the freemen silk-weavers, there is no reason whatever for an objection on this ground.

THE COURT found, that the 'defenders are not entitled to carry on the business of silk-weaving within the burgh of Glasgow without entering with the 'incorporation of weavers.'

For the Incorporation, *Craig, Morshland.*

Alt. Rac.

Fol. Dic. v. 3. p. 108. Fac. Col. No 8. p. 19.

1783. December 4. The BAKERS of EDINBURGH *against* WILLIAM DOWIE.

No 90.
Exclusive
privileges of
the incorpo-
rated crafts
not confined
to *manufac-
turing* alone.

WILLIAM DOWIE, who, though a burghess, was not a member of the corporation of bakers of Edinburgh, kept a shop in that city, for the purpose of selling bread of all kinds, which he baked in a workhouse situated without the city's liberties.

The corporation of Bakers considering this practice as an encroachment on their privileges, brought it under challenge in a declaratory action.

Pleaded in defence: The privileges conferred on this corporation, like those of every other, are confined to *manufacturing* alone. Accordingly the bakers of Musselburgh, Dalkeith, and other neighbouring towns, are in use, not only on market-days, but at all times, to import bread manufactured by them; also the grocers, and other shopkeepers in Edinburgh, sell bread, and other articles, bought from unfreemen bakers; and, with regard to other trades, the haberdashers, though not members of the hatter or weaver corporations, are in the practice of selling hats, and linen and woollen stuffs of all kinds. On the same principle, in an action instituted by the Copper-smiths of Edinburgh against James Aberdour, the LORDS found the defender entitled to import and sell copper-smith work, if not manufactured within the royalty; 6th August 1768. No 84. p. 1966.

Answered: It is indeed inherent in the notion of a free market, that on the days appointed for that purpose, not only burghesses, but unfreemen, may dispose of their several manufactures. The inhabitants of royal burghs too, in virtue of the act 1592, c. 154. may import for their own use merchandise of every sort; a liberty perhaps frequently employed to cover the introduction, by unfreemen, of articles not previously ordered; and merchants, whose principal objects of trade are commodities not subject to the corporation privileges, may retail in their shops particular articles usually prepared by the members of corporations, 25th November 1749, *Isat contra* The Candlemakers of Edinburgh; a practice which has been legitimated by long usage, and does not materially

infringe on the rights of corporations. But, from these exceptions to the general law, it surely will not follow that a burghess, by merely keeping his work-shop without the town's precinct, may exercise the occupations peculiar to the members of the incorporated trades, which would at once reduce the established rights of these communities to the insignificant advantage of having a workshop within the burgh. The case of Aberdour was a singular one; the trade of a hammerman, which he was entitled to pursue, being so interwoven with that of a coppersmith, that a distinction was impracticable.

THE LORD ORDINARY repelled the defences; and to this judgment the Lords adhered, upon advising a reclaiming petition for William Dowie, with answers for the Bakers.

Lord Ordinary, *Brasfield*. Act. *Ro. Sinclair*. Alt. *Little*. Clerk, *Home*.
Craigie. *Fol. Dic. v. 3. p. 108.* *Fac. Cól. No. 133. p. 209.*

1790. May 27.

JOHN REID, and Others, *against* The UNITED INCORPORATIONS OF MARY'S CHAPEL.

THE wrights and masons in the town of Edinburgh, are a branch of the United Incorporations of Mary's Chapel. They have seals of cause from the magistrates, in which they are directed to admit strangers taking up their residence in the town, on their undergoing a trial, and paying the dues of entry.

It had been usual in these corporations, to admit the apprentices and children of the entered members on easier terms than other persons. The sum paid by the latter, till about the year 1770, was only L. 11; it was afterwards raised to L. 21, and at last in 1787 to L. 100.

It had been also the custom in these corporations, to give to individuals a permission to follow the profession of a wright or mason for life, on paying a smaller sum than was demanded for a regular entry; but those licentiates were not admitted to any of the other privileges of the corporations, neither being maintained at the expence of the community while in indigent circumstances, nor entitled to interpose in the administration of their funds. The composition demanded from them was in 1787 increased to L. 40.

The legality of these proceedings was tried in mutual actions brought by the managers of the corporations on the one hand, and by John Reid and others, who were not members of the corporations, on the other.

The first question was, whether the corporations could be compelled to admit persons who had not served an apprenticeship within the burgh; but the regulation above referred to, respecting the admission of strangers, prevented a decision of this on general principles.

The Lords made regulations respecting the entry of freemen with the incorporations of Mary's Chapel, and the dues to be paid on their admission, and on that of licentiates admitted by the incorporations, reducing the dues of entry upon both.