

fermline, No 62: p. 1926. 26th January 1743. But it was not by any of the Lords said that these cases were any ways similar to the present case; they could only apply where the casks were made for curing fish for the use of the families of the persons who cured them. See No 68. p. 1938.

Kilkerran, (BURGH ROYAL.) No 9. p. 112.

No 112.

1776. December 4. CROOKS against TURNBULL.

THE incorporation of Weavers of Rutherglen obtained, in 1641, a seal of cause, or letter of deaconry, containing various regulations respecting apprentices, and the admission of freemen. The deacon and masters of the craft had, by the seal of cause, a power of making all other acts and statutes, relative to the good government of the craft. In consequence of the entitling soldiers to set up and work as freemen in any royal burgh, a great many became weavers in Rutherglen, and took apprentices on much easier terms than those of the established corporation; who thereupon thought it proper to relax and alter the regulations, established by the letter of deaconry from the magistrates, both with respect to the time of service of apprentices, and their dues of admission. In a reduction brought of the admission of certain freemen, the pursuers insisted for having the regulations established by the letter of deaconry, declared and adhered to in all time coming.—THE LORDS found, That the letter of deaconry could not be rescinded or altered, by any act of the incorporation, without consent of the magistrates and council.

No 113.

The seal of cause, or letter of deaconry of a corporation, cannot be rescinded or infringed by the corporation, without consent of the magistrates and council.

Fol. Dic. v. 3. p. 103.

1785. June 18.

THE CORPORATION OF WEAVERS in the TOWN of CUPAR, against DAVID WILSON, and Others.

THE Corporation of Weavers in the burgh of Cupar, enacted, That, no freeman should undertake to teach his art to apprentices who did not become members of the corporation.

David Wilson and others having transgressed this regulation, were fined by the bailies. In a suspension, they urged the act 24th of his late Majesty, by which it is, *inter alia*, provided, ' That every weaver or manufacturer of linen, flaxen, or hempen cloth, shall, and may, and is hereby authorised to exercise the said respective trades within any city, town, corporation, burgh, or place in Scotland, without any let or hindrance, from any person or persons whatever, and without being chargeable or charged with payment of any entry-money or other duty whatever, for or in respect of their following such trade or business.'

No 114.

The act 24th Geo. II. c. 31. permitting the exercise of the trade of weaving in towns to unfreemen, does not infringe the authority of the corporation over its own members.

No 114. THE LORD ORDINARY repelled this reason of suspension, being of opinion that the enactment above recited, permitting the exercise of the trade of weaving in towns to unfreemen, or those who were not burgesses, did not preclude this corporation from enacting by-laws for the government of its own members. The suspenders reclaimed; but the LORDS refused the petition without answers.

Lord Ordinary, *Kennet*. For the Petitioners, *Blair*. Clerk, *Orme*.
Craigie. *Fol. Dic. v. 3. p. 110. Fac. Col. No 211. p. 330.*

1793. *January 15.*

JOHN FINLAY and Others, *against* JOHN NEWBIGGING and Others.

No 115.

A corporation of tradesmen cannot employ its funds, or assess its members, for defraying the expence of supporting general plans of reform.

THE Weavers of Lanark were formed into a corporation, or at least had their privileges confirmed by a seal of cause from the Magistrates of that burgh, in 1660. The object of the institution is declared to be, That 'the said craft might flourish and grow to some perfection, and that the people of the town and country be not damnified by unlawful work, but for advancement of the corporations of the said burgh, and weel of the said craft, and help of any of their distressed brethren;' and they are allowed to exact fines from persons entering into the corporation.

In consequence of several resolutions of the majority, about L. 7 Sterling had been taken from their funds, for the purpose of supporting an application to Parliament for a reform in the government of the royal burghs; and an assessment of 1s. per annum had been laid on each member, in order to replace that sum.

John Finlay and others having refused to continue their annual payment, the corporation resolved, that 'they should be set aside from the trade,' and not called to any meeting while they continued in arrear.

Finlay, and the other excluded members, brought a process of declarator, in which John Newbigging the deacon, and the other members of the corporation, were called as defenders. The material points at issue came to be: *1st*, The powers of the majority in the disposal of their funds; *2do*, Their right of imposing assessments on the members.

The leading arguments on both sides, as to the first point, were similar to those employed in, and reference was made to, the case of Montgomery and Macausland, No 117. p. 2010.

On the second point the pursuers

Pleaded: Corporations were formed for the protection of trade, and the resolutions of the majority are only binding on the rest, when they are necessarily connected with the primary object of the institution, or with the internal government of the society; Erskine, b. 1. tit. 7. § 64.; Perez. in cod. lib. 11. tit. 18. § 18.; stat. 1424, c. 39.; Bacon's Abr. v. Corporation; Peere Williams Reports,