

No 117.

THE LORDS pronounced the following interlocutor: ' Find that the raisers of the advocation have not yet instructed a good cause for opposing the police-bill in question; or that the Trades-house had a good ground for voting money out of the funds for maintaining that opposition; and therefore continue the interdict pronounced by the Magistrates of Glasgow, and decern: Find them also liable in expences, of which ordain an account to be given in; and, in the process of declarator, find that the letter of guildry, dated the 6th February 1605, is still in force, and that the parties must conform thereto; and decern and declare accordingly: Find the pursuers liable in expences, and ordain an account to be given in.'

A reclaiming petition was appointed to be answered. Answers were given in, but the petition was afterwards withdrawn. In these papers, the points chiefly insisted on, were the merits of the police-bill, and the nature of the opposition made to it.

Lord Reporter, *Dreghorn.* For Montgomery, &c. *Solicitor-General, Archibald Campbell.*  
For Macausland, &c. *Dean of Faculty, Wight, Cullen.* Clerk, *Sinclair.*

*D. Douglas.* *Fol. Dic. v. 3. p. 109. Fac. Col. No 12. p. 24.*

See APPENDIX.

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S E C T. VIII.

Privilege to Soldiers Exercising Trades within Burgh.

No 118.

1777. *March 25.* TAILORS of GLASGOW *against* MACKECHNY and Others.

THE LORDS found, That the statute 3d Geo. III. c. 8. which allows all officers, soldiers, &c. and also the wives and children of such officers and soldiers, to set up and exercise such trades as they are apt and able for; within any town of Great Britain, does not entitle the daughter of a soldier to confer that privilege upon her husband.

*Fol. Dic. v. 3. p. 105.*

1790. *February 24.*

The CORPORATION of SHOEMAKERS of PERTH *against* ELISABETH MACMARTIN.

No 119.

The daughter  
of a soldier  
found not in-  
titled to au-  
thorise her

ELISABETH MACMARTIN, the daughter of a private soldier, having married Cameron a shoemaker, he, as in her right, under the act of Parliament 3d Geo. III. began to exercise his trade within the town of Perth; on which ac-

count the corporation of that craft preferred to the magistrates a complaint against him.

In a process of advocacy, it was

*Pleaded for Elisabeth Macmartin*: The statute of 3d Geo. III. has enacted, 'That all such officers, soldiers, &c. who have been employed in the service of his Majesty, and also the *wives* and *children* of such officers and soldiers, may set up and exercise such trades as they are *apt and able for*, in any town within the kingdom of Great Britain,' &c. Now, as it is obvious that none of the handicrafts which come under the exclusive privileges of corporations either in England or Scotland, are such as women can be presumed 'apt or able' to perform with their own hands, the privilege thus conferred on the wives and children of soldiers, must be that of employing other persons to execute work *bona fide* for their behoof. The defender is therefore well intitled to exercise this trade by means of her husband.

*Answered*: In the preamble of the statute, those soldiers who are to enjoy the privilege bestowed by it, are described as at least 'apt and able' to make use of the respective trades; but according to the defender's plea, their wives and children would be more privileged than they themselves. It is evident besides, that were this interpretation of the statute to be sanctioned, it would give such opportunities for collusive devices, that the whole benefit of incorporated trades would be annihilated.

The LORD ORDINARY found, that the defender had no title to the privilege claimed by her; and

The Court adhered to that interlocutor, on advising a reclaiming petition, with answers.

For the Corporation, *Drummond*. Alt. *Dean of Faculty*. Clerk, *Menzies*.  
*Stewart*. *Fol. Dic. v. 3. p. 105. Fac. Col. No 120. p. 232.*

1793: February 19. MUIR and Others *against* MACBAIN and Others.

No 120.

THE LORDS found, That disbanded soldiers had no right to exercise a plurality of crafts within burgh.

See The particulars, No 111. p. 2004.

1795: December 17.

JAMES MANSON, Treasurer of the Guildry, and JAMES MILLER, Procurator-fiscal of the Deane-of-Guild-Court of Perth, *against* JAMES MACDONALD.

JAMES MACDONALD, a journeyman wright, married the daughter of a soldier, who, after her marriage, set up a small shop in Perth, in which she retailed bread, barley, and small groceries.

No 121.  
The daughter of a soldier, although married to a person not a member of the