

Lord Ordinary to inquire further as to the *quantum* of the duty, and the alleged privileges of freemen with regard to it *.

Lord Ordinary, *Meadowbank.*

Alt. *Solicitor-General Blair, Burnet.*

D. D.

Act. *Cha. Hay, W. Baird.*

Clerk, *Colquhoun.*

Fac. Coll. No. 222. p. 502.

* Upon an after report by Lord Meadowbank, Ordinary, the Court (6th March '804) found, that the Table 777 must be the rule, without distinction between "rough and refined tallow, or between freemen and unfreemen."

1801. June 3.

CHARLES PORFEOUS, Boxmaster of the Incorporation of Tailors in Dumfries, against ESTHER MAXWELL, and her Husband, for his interest.

By the decision reported, of date 10th December 1756, Corporation of Tailors in Perth against Lion, No. 71. p. 1947. it was found, That mantua-makers were not bound to enter with the Corporation of Tailors. This corporation in Dumfries had nevertheless been in the use of taking from mantua-makers, on their setting up within the burgh, a bond, by which they became bound to pay to the corporation 6s. 8d. for every apprentice taken by them †.

Esther Maxwell had granted a bond in these terms in 1779, and in 1797 the boxmaster of the corporation brought an action against her before the Magistrates, for payment of £1. as the dues of three apprentices whom she had instructed; and sentence having been pronounced against her for this sum, she suspended the decree;

Pleading: The validity of the bond depends on the right which the chargers had to demand it. Now, the case of Perth establishes, that mantua-making is no infringement on the rights of the tailor incorporation, and therefore the bond is void, as being granted *sine causa*; Bankton, Vol. 3. p. 74. 12th November 1751, Stewart, No. 79. p. 9542; 21st December 1765, Young, No. 96. p. 9564; 22d January 1794, Boyd, No. 109. p. 9583.

Answered: Till the beginning of the last century, the corporation enjoyed the exclusive privilege of making the clothes of both sexes. This came to be altered from a change of manners, and dress. But as the corporation have been losers by this change, it is but just that they should be in some degree compensated by the small dues payable to them on mantua-makers' apprentices, the more especially, as these dues are sanctioned by long usage.

The Lord Ordinary having taken the cause to report on memorials, the Court, on the grounds stated for the defenders, unanimously suspended the letters, and found the chargers liable in expenses.

Lord Ordinary, *Polkemmet.*

Act. *W. Robertson.*

Alt. *Corbet.*

R. D.

Fac. Coll. No. 232. p. 526.

† Although this was the general practice of the corporation, instances were pointed out by the defenders where it had been omitted.

No. 9.

Action denied on a bond granted by a mantua-maker to the Corporation of Tailors, by which she became bound to pay the Corporation a small sum for every apprentice taken by her.