

1762. *December 15.*PROCURATOR-FISCAL *against* WOOL-COMBERS in ABERDEEN.

THE journeymen wool-combers in Aberdeen, did, in the year 1755, form themselves into a society, exacting entry money, inflicting penalties, &c. to be under the management of stewarts chosen every month. And though their seeming view was to provide for their poor; yet under that pretext several resolutions were made cramping trade, and tending to make them independent of their employers. A complaint against this society by the procurator-fiscal of the bailie-court of Aberdeen being removed to the Court of Session by advocacy, the following interlocutor was pronounced: 'THE LORDS having considered the plan upon which the society of wool-combers was erected, the regulations at first enacted, though afterwards abrogated, and the rules still subsisting; find, That such combinations of artificers, whereby they collect money for a common box, inflict penalties, impose oaths, and make other by-laws, are of a dangerous tendency, subversive of peace and order, and against law: Therefore they prohibit and discharge the defenders, the wool-combers, to continue to act under such combination or society for the future, or to enter into any such like new society or combination, as they shall be answerable; but allow them, at the sight of the magistrates of Aberdeen, to apply the money already collected for discharging the debts of the society; and the remainder to be distributed among the contributors, in proportion to their respective contributions.'

Upon a reclaiming petition, answers, replies, and duplies, the Lords adhered to the foregoing interlocutor, as far as it finds the society complained of to be of dangerous tendency, and consequently *contra bonos mores*. But they remitted to the Ordinary to hear the parties, whether the wool-combers may not be permitted, under proper regulations, to contribute sums for maintaining their poor. See PUBLIC POLICE.

*Fol. Dic. v. 3. p. 110. Sel. Dec. No 203. p. 269.*

1765. *March 8.*CORPORATION of WRIGHTS of Glasgow, *against* JAMES CROSSE.

JAMES CROSSE, a freeman wright of Glasgow, and some time deacon of the corporation, was employed by Daniel Miller, an unfreeman wright, to make two coffins at different times.

Miller had the direction of the funerals in both cases, and provided all the articles wanted. In the first instance, the wood of the coffin was got from Miller, and two of his servants assisted Crosse in making it, at his shop in the city of Glasgow. In the second, part of the wood was brought from Miller's, and the whole work performed by Crosse and his servant.

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No 79.

A combination among the wool-combers of Aberdeen, erecting themselves into a society, collecting money, &c. found to be of dangerous tendency, and was prohibited.

No 80.

A freeman may be employed to make coffins, for behoof of an undertaker who is not a freeman,

No 80.

Upon a complaint, the magistrates condemned Crosse to a fine of 100 merks as guilty of a breach of the exclusive privileges of the corporation, by packing and peeling with unfreemen.

Crosse having suspended, it was *pleaded* for the chargers, That, as Miller was the person employed to furnish the coffins, and supplied the wood for that purpose, so the intervention of Crosse was no more than a colour to enable an unfreeman to work with impunity within the liberties.

*Answered*: Miller might have contracted with an unfreeman to make the coffin, and then brought it into the city ready made; so that, to find that he could not employ a freeman to make it, would be to the manifest hurt of the corporation.

Indeed, the furnishing of coffins cannot come under the exclusive privilege of the corporation of wrights. A wright can only make the wooden part; the cutting of the cloth belongs to the taylor craft; and the preparing of the nails, screws, and hammers, belongs to the craft of hammermen. A work which requires the intervention of so many different crafts, cannot be peculiar to any one corporation. And, accordingly, the profession of *undertakers* has been established, whose province it is to take the whole management of funerals, to employ the different craftsmen, and to provide every necessary article; but it cannot be said that *undertakers* are bound to enter with any particular craft.

THE LORDS 'suspended the letters *simpliciter*.'

*Nota*. It was objected, in the beginning of the proceedings, that the corporation had not produced their seals of cause; but this objection was passed from, it being admitted that the corporation had been long established and acknowledged as such; so that, even without a seal of cause, their privilege would be supported by prescription.

For the Chargers, *Lockhart, Cosmo Gordon.*      *Alt. Montgomery, Sir Dav. Dalrymple, W. Stewart,*  
Clerk, *Pringle.*

*G. Ferguson.*

*Fac. Col. No 7. p. 209.*

1766. July 4.

CORPORATION of SHOEMAKERS of EDINBURGH *against* WILLIAM MURRAY.

No 81.  
It is lawful  
for a free-  
man to join  
stocks with an  
unfreeman.

WILLIAM MURRAY, freeman shoemaker in Edinburgh, having views to extend his trade, entered into a written agreement with Alexander Learmonth, tanner in Edinburgh, an unfreeman; the sum of which was, that each of them should advance a sum of money for carrying on their respective branches, and that the profit or loss on both branches should be divided equally betwixt them. This produced a complaint to the magistrates by the deacon and treasurer of the incorporation of shoemakers; subsuming, That by their seal of cause freemen are prohibited to pack or peel with unfreemen, or to be their partners, or to make