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granted by any of them, could prejudice none but themselves; and, being without the consent of the heritor, cannot infer a servitude upon his barony without his consent, more than his tenants could infer a thirlage without his consent.

THE LORDS found, That the said act of Parliament did not reach to the inhabitants of any barony; and that the tickets of the weavers could not infer a servitude upon the barony; and, therefore, decerned only against the granters of the tickets personally, for the duties contained therein.

Fol. Dic. v. 1. p. 118. Stair, v. 1. p. 643.

* * * The same case is mentioned by Gosford :

SOME weavers dwelling at the Bridge-end of Perth, being charged to desist from their trade at the instance of the weavers of the burgh of Perth; which charge was founded upon several acts of Parliament, and particularly the 156th act of the 12th Parl. King James VI. discharging the exercise of all crafts next adjacent to royal burghs, and that upon a special consideration that the free burghs were only liable to burdens and taxations: There was a suspension raised upon this reason, That the saids unfreemen dwelt within the barony of Pitcullen, belonging to Sir George Hay; and so fall not under the act of Parliament, which can only be interpret of suburbs belonging to burghs royal, either in property or superiority.—THE LORDS did sustain the reason, and suspended the letters simpliciter.

Gosford, MS. p. 74.

1669. December 4.

WEAVERS OF PERTH *against* WEAVERS at the BRIDGE-END OF PERTH.

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Found, that weavers in suburbs might work to people in the country; but might not take employment from burgesses within the burgh.

The weavers of Perth having pursued the weavers at the Bridge-end, upon the 156th act, Parliament 1592, prohibiting tradesmen in the suburbs of burghs, to exercise their trades, whereof mention is made, July 21. 1669, (*supra.*) the defenders were then assoilzied. Now the pursuers further *allege*, Whereas it was then represented, that that act had never taken effect, but was in desuetude; they now produce a decret of the Lords, at the instance of the weavers of Edinburgh, against the weavers of the suburbs compearing, decerning them to desist and cease from bringing any of their work within the liberties of Edinburgh, and from coming within the same to receive work; and that upon the same act of Parliament, which declares, that the same is not in desuetude; and it is founded upon a most just and necessary ground, viz. that tradesmen, within burgh, pay stent for their trade, which were impossible for them to do, if the same tradesmen were permitted in the suburbs, who might work cheaper than they, not being liable to stent.

THE LORDS explained their former interlocutor, and declared, conform to the foresaid decret of the town of Edinburgh, viz. that weavers in suburbs might

serve any in the landward, but might not come within the liberties of the burgh, for taking up the work of the burgesses, in prejudice of the freemen who were freemen of the burgh.

No 53.

Fol. Dic. v. 1. p. 118. Stair, v. 1. p. 655.

1671. July 5.

The LAIRD of POLMAISE *against* The DEACONS of the CRAFTS of the TOWN of Stirling.

THE craftsmen of St Ninian's, belonging to the Laird of Polmaise, being charged upon the act of Parliament anent unfreemen, made in favour of burghs royal, did suspend and raise declarator against the said craftsmen, upon this reason, That they dwelt within the town of St Ninian's, which was about a mile distant from the town of Stirling, and did lie locally within the barony of Polmaise, and so could not fall within the act of Parliament, which did only prohibit unfreemen, which dwelt within the suburbs next adjacent to royal burghs.—It was *alleged*, That the said town of St Ninian's lying so near to the town of Stirling, their declarator could not be sustained, but with that quality that the tradesmen there should not work any manner of work to the burgesses of Stirling, otherwise they would be prejudged of the *bona fides* of the act of Parliament in favour of the freemen in the town, upon that special consideration, that the royal burghs are liable in the sixth part of all King's taxations, and their inhabitants to watch and waird; for which cause all manner of workmanship ought to be done by their own trade.—THE LORDS, notwithstanding, did sustain the declarator, and suspended the letters simpliciter; and did find, that the tradesmen within royal burghs, might make such acts as they pleased for seizing and confiscating all manner of workmanship belonging to the burgesses, which are made without the town by unfreemen, when the same should be imported; but that such acts could not extend against tradesmen living within any town belonging to a barony, or other heritors, over whom they had no jurisdiction, but were free to serve any person that would employ them, they not carrying their workmanship within the town, nor being residents within the suburbs thereof.

Fol. Dic. v. 1. p. 118. Gosford, MS. p. 180.

1671. July 7.

LAIRD of Polmais *against* The TRADESMEN of Stirling.

THE tradesmen of Striveling having charged and troubled the Laird of Polmaise's tenants, about St Ninian's kirk, upon the act of Parliament, prohibiting workmen to exercise their trades in the suburbs of royal burghs, Polmaise raised a declarator for freeing of himself and his tenants of the said charges, and that they might freely exercise all their trades, especially about the kirk of St Ninian's, which is about a mile from Striveling; which being disputed, and it condescended upon, that

No 54.

Found, that a craftsman living within a burgh of barony, may work to a burgh of a burgh royal, or any one; provided he carry not his made work within the burgh royal to be sold there.

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Found not to be suburbs, at the distance of a mile from the royal burgh.