

The conclusion for the costs of the former suit, *qua* costs, was held clearly to be incompetent.

---

1777. *March 8.* MESSRS MURDOCH, WARRACH, and COMPANY *against* NATHANIEL CHIVERS.

A COMPANY at Glasgow, who had set up a manufactory of porter, apprehending that there were some secrets in the trade, which they could learn only from a London brewer, applied to Nathaniel Chivers, one of that number, to come and teach them his art, for which they engaged to give him a reward of 100 guineas, besides expense of journey, &c. ; but upon this express condition that he should not communicate it to any of the other brewers in the city or neighbourhood of Glasgow. He came accordingly,—taught them his art,—received his reward,—and staid with them several months; after which he set up a brewing of porter in Glasgow for his own account, using the brewing looms and servants of one Struthers, a common brewer in Glasgow. The porter company complained of this as a breach of bargain and good faith: they insisted that it was both against the spirit and letter of the agreement, and particularly, they insisted that it was impossible for Chivers to carry on this trade without communicating his art to Struthers' servants, whom he used in his operations. This last he totally denied, and insisted, that though he used Struthers' servants as servants, yet he communicated to them nothing of his secrets, and that he had *bona fide* fulfilled his engagement with the Porter Company, having taught them his art, and at the same time communicated that art to no other person. It was true he now brewed for himself,—this was not against their contract,—and if he was not allowed to do this he behoved to starve. The Company however applied to the Sheriff of Lanarkshire for an interdict; which was granted, 18th November 1776, first prohibiting him to communicate his art; and next, as a consequence thereof, prohibiting him to brew in the city or neighbourhood of Glasgow. Of this Chivers having presented a suspension, the bill was passed by Lord Kaimes, 21st February 1777; and, upon a reclaiming petition and answers, the Lords, 8th March 1777, adhered.

---

1776. *August .* STEWART *against* SOUTER.

FOR the sake of police, it is understood that the Magistrates of a royal burgh have power to erect workmen, in a particular way, into small societies with exclusive privileges. This is the case of the chairmen and porters in the city of Edinburgh. The consequence is, that no person can carry a chair, except an entered chairman; nor any man act as a porter, except an entered porter. But, on account of the multiplicity of porter business in the city at the term of Whitsunday, the term of flitting and carrying furniture, it has been usual for the inhabitants to employ chairmen to carry their furniture. At the