

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.

No 55.

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