

No. 7. 1752, July 8. COUNTESS of PERTH *against* DAVIDSON, &c.

DAVIDSON, Donaldson, and others, Merchants in Perth being in use to export large quantities of salmon, hired Coopers by the year to come to Perth to serve them with casks for packing and exporting the salmon. The Coopers of Perth are part of the Incorporation of Wrights, and therefore complained to the Magistrates, who fined two of them, who suspended; and upon a new complaint against other two, they obtained advocacy. Their only plea that we regarded was, that Davidson and Donaldson might have servants of their own to work their work that was not for sale,—that they may shave themselves, or their servants may shave them,—or they may make their own clothes or shoes,—or a merchant sending goods abroad may cause his own servants sew the wrappers;—and accordingly the Lords found that they can employ their own servants to make the salmon casks, and suspended the letters *simpliciter* as to two, and assoilzied as to other two.—*Renit.* ———, Minto, Kilkerran, *et me*, who thought that this was a plain eluding of the Corporation privileges,—that the design of erecting Corporations was at first for the improvement of manufacturers or trades, and that the lieges might not be abused with bad work,—that salmon casks were always the object of the attention and care of the Legislature, and were sold by the merchants as much as the salmon, and therefore could not be thought to be exempted from the Corporation privileges. For the interlocutor were President, Drummore, Strichen, Murkle, Woodhall, and Shewalton reporter. And the President thought that they might employ their servants to make casks to be sent abroad for sale even without salmon.

No. 8. 1753, Nov. 16, 28. DUKE of ROXBURGH *against* TOWN of KELSO.

THE Lords found that the Merchants of Kelso and five Crafts were Corporations, having perpetual succession, though they could not produce any seals of cause, but produced sundry acts and regulations, made some with consent of the Earl of Roxburgh the Baron, and some with consent of his Bailie, but all of them reserved power to the Earl and his successors to alter these acts or annul them, or to make others:—Therefore the Lords found them subject to such regulations as the Duke or his successors, Barons, or their Bailies, should make, touching the government of the Corporations, or trial or admission of entrants, the same being always for the weil of the Corporations and of the Burgh. *2do*, Found the Duke obliged to apply the customs of two annual fairs and a weekly market to the good of the Burgh by his charter 1614 and 1634. But found that the customs called the spoon and laddle (about 200 merks yearly value) because commonly given to his Baron Bailie, that that was a proper application. *3tio*, Found that immemorial possession of drying skins and washing and drying linen on an island of gravel stones in the Tweed, was sufficient to give the inhabitants a right to continue that possession.

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COMPENSATION—RETENTION.

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No. 2. 1733, Nov. 29. SUSAN BARHAM *against* LORD MORDAUNT.

THE Lords found no compensation, the debt assigned to Sir Peter Fraser not being intimated before intimation of the pursuer's assignation.