

1793. *January 16.*JOHN WILSON and Others *against* JAMES SCOTT and Others.

No 116.

Found in conformity with the above.

THE same question which occurred in the preceding case was decided in another, in which John Wilson and other members of the Corporation of Hammermen in Glasgow were pursuers, and the late deacon and masters were defenders.

The dues paid by persons entering into that corporation, are by a charter granted by the Magistrates of Glasgow in 1570, directed to be paid 'unto the box of the craft, to be bestowed upon the common charges of the said craft, and supporting the poor decayed brethren thereof.'

The defenders, when in office, had concurred with a majority of the corporation in voting and paying from the funds L. 20 Sterling, in order to support an application to Parliament for a reform in the government of the royal burghs.

The pursuers complained to the Magistrates of Glasgow, who found, that employing the funds in this manner was perverting them from their proper use, and was *illegal*, and that the defenders were liable, conjunctly and severally to refund the money advanced, reserving to them recourse against each other, and the other members of the corporation who had voted for the measure.

A bill of advocation, complaining of this judgment, was passed; but the cause having been reported by Lord Dreghorn on informations, the LORDS 'repelled the reasons of advocation, remitted the cause *simpliciter* to the Magistrates, and found the raisers of the advocation liable in expences.'

A reclaiming petition was refused, without answers, on the 5th February 1793.

Lord Reporter, *Dreghorn.*Act. Solicitor-General, *Ar. Campbell.*Alt. Dean of Faculty, *Wight, Cullen.*Clerk, *Sinclair.**D. Douglas.**Fol. Dic. v. 3. p. 109. Fac. Col. No 11. p. 23.*1793. *January 16.*JOHN MACAUSLAND and Others *against* JAMES MONTGOMERY and Others, and the MAGISTRATES OF GLASGOW.

No 117.

The Court of Session may control corporations in the management of their funds.—Nature of such funds.

Meaning of the expression *good and pious uses.*

THE Trades-house of Glasgow is composed of delegates from the fourteen incorporated trades of that city. At a meeting of that body, it was resolved to contribute a sum not exceeding L. 500, and in proportion to their funds with those of other corporations, in order to oppose a bill which the Magistrates meant to bring into Parliament, for maintaining the police, and extending the royalty of the city. And at a subsequent meeting, they authorised their collector to advance in the mean time L. 100, if necessary, for that purpose. Against this resolution, a protest was immediately taken by James Montgomery,