

3^{to}, That the coming up and down of boats and ships amongst the river could not be stopped nor hindered on pretence of wronging his fishing. 4^{to}, That the anchoring upon these stells was *in æmulationem*; seeing it appeared they had other stations and parts to harbour at safely besides this; unless they were driven in upon his stells by storm or stress of weather. 5^{to}, They ought not to cast out their ship-ballast nor fish-guts at his stells, seeing they might as conveniently throw them elsewhere. 6^{to}, That Muirton could answer only for the prejudice done by his own people, and not for strangers who resorted there for trade. 7^{mo}, The Lords inclined to think it was *in æmulationem* of Lethem for Muirton to plant his muscle-scalps in or near his stell-fishing; but it being contended, that his right to the scalps was more ancient than Lethem's right to the fishing, the Lords forbore to determine this till they came to advise the rest of the probation.

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1707. *March 22.* JAMES SMITH *against* JOHN LENNOX.

JAMES Smith, glover, against John Lennox, deacon of the incorporation of the skinners and glovers in Edinburgh. Smith being a freeman in that trade, but using the help of one Simpson and other unfreemen, he is convened by the trade for contravening the rules and acts of their calling; and Bailie Cleghorn offering him a bond to subscribe for observing their rules; and he, declining to do it, was, for his disobedience, put in prison, and 18 pairs of kid-leather gloves taken from him. Whereon he gives in a suspension, and charge to set at liberty, with a declarator, that, being a freeman, he had as much liberty to work as any of them; and that their rancour at him was, because he sold cheaper than they. His reasons of suspension were, that the warrant for his imprisonment was illegal, contrary to the Act of Parliament 1701, not bearing the cause. 2^{do}, That no bonds can be imposed on the lieges but what are enjoined by public authority.

ANSWERED,—Their rules and constitutions had brought the manufactory of gloves to great perfection; one of which was, to name visitors and censors to debar unfreemen, and to try the sufficiency of the work; and that this Smith both employed unfreemen and likewise vended most insufficient work, and therefore was imprisoned.

The Lords thought it too summary; and therefore ordained him to be set at liberty, without caution or consignment.

Then Smith gave in a bill, ALLEGING, That, by their bangistry and oppression, the trade had damnified him in £200 Scots by his imprisonment and loss of trade; and therefore craved that both the deacon and bailie might be condemned in his expenses for their illegal and irregular procedure.

The Lords referred it to the Lord Forglan reporter, to modify his damage, after hearing parties, if he saw cause.

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1707. *March 27.* The UNIVERSITY of GLASGOW *against* HAMILTON of DALZIEL.

THE university of Glasgow having purchased the lands of Shields and Burn-