

No 95.

trial; and that in consequence thereof, the prosecution was dismissed against Fraser.

*Answered* for William Fraser, Supposing the facts to be true, they were not relevant to give a title to relief; for transacting a crime is in itself a crime, a null act; and the rule of law takes place, *Quod in turpi causa melior est conditio possidentis*.

“THE LORDS found William Fraser liable for the contents of the bill.”

Act. Ross, *And. Pringle, Ferguson.*

Alt. J. Dalrymple, Lockhart.

J. D.

Fol. Dic. v. 4. p. 30. Fac. Col. No 146. p. 264.

1765. December 1765.

JOHN YOUNG *against* PROCURATORS of the Bailie-court of Leith.

No 96.

A regulation made by the bailies of Leith, confining the office of procurator before their court to those who had been apprentices to their procurators, or to their clerk, was found illegal.

In the year 1722, certain regulations were made by the Bailies of Leith concerning the forms of procedure in the administration of justice, and the qualification of practitioners before that Court; among other articles, providing, “that when the procurators are not under three in number, none shall be allowed to enter except such as have served the clerk or procurator for the space of three years as an apprentice, and one year at least thereafter, beside undergoing a trial by the procurators of Court, named by the Magistrates for that effect.” Upon this article, an objection was made against John Young, craving to be entered a procurator, as having served an apprenticeship to an agent of character before the Court of Session, and demanding to be put upon trial. The Bailies having found the petitioner not qualified in terms of the regulations, the cause was advocated; and the Court found the said article void as *contra utilitatem publicam* by establishing a monopoly.

Fol. Dic. v. 4. p. 37. Sel. Dec. No 235. p. 309.

1766. January 21.

BARR *against* CARR.

No 97.

An unlawful combination among the journeymen weavers in the town of Paisley found null, so as not to found an action.

THE journeymen weavers in the town of Paisley, emboldened by numbers, began with mobs and riotous proceedings, in order to obtain higher wages. But these covert acts having been suppressed by authority of the Court of Session, they went more cunningly to work, by contriving a kind of society termed the defence-box; and a written contract was subscribed by more than six hundred of them, containing many innocent and plausible articles, in order to cover their views, but chiefly calculated to bind them not to work under a certain rate, and to support, out of their periodical contributions, those who, by insisting on high wages, might not find employment. Seven of the