

Extracts from the

Sederunt Book
Belonging To
The Fraternity of Maltmen in Dundee

Begun 6th Decemr 1786

At Dundie the Sixth day of December Seventeen hundred & eighty Six Years. Which day the Fraternity of Maltmen in Dundie being mett in the East or Old Church of Dundie their ordinary place of Meeting And taking into their Consideration the present state of the Fraternity. And that there appears a Necessity for encreasing in order to supply the wants of the poor and other Necessary expences.

The Fraternity therefore came Unanimously to the following Resolutions, and did. And hereby do Statute Enact and Ordain. That from and after the date hereof Every Free Master shall pay upon his being married And that for every time he may be married the Sum of five shillings sterling to the Visitor for the time for behoof of the poor of the Fraternity. And also That each Apprentice Free or Unfree Shall pay at his Entry One pound Sterling to the Visitor for the use of the poor. And further That no person shall be admitted a free Apprentice But such as are regularly Bound to a free Master for two Compleat Years and shall serve that time fully without receiving any Wages or other Emolument from his Master except Teaching him his Business and maintaining him in Board & Lodging.

And in case it shall be discovered that any Apprentice does not fully Serve for the space of Two years or received Wages or anything equivalent to Wages such Apprentice shall thereby forfeite his freedom to the Fraternity. And the Master paying such Wages or other Emolument to be Bound to pay to the Visitor for the time the Sum of Two pound Sterling for the use of the Poor.

It being always understood that if the Master at the time of Booking give information to the Fraternity that he is to pay Wages to the Apprentice he is not to be liable in the above penalty. In Testimony whereof the Whole Members of the Fraternity subscribe these Presents.

William Scott
Geo. Stirton
Peter Adam
William Miller
Piitier Anderson
Thomas Hendry
David Duncan
Gorg Mathers
Thomas Spankie
George Anderson
David Easten
George Morgan
Charles Reid
Alexr. Cathro
Alexr. Lormer

Alexr Edward
Blair Moncur
David Guillan
John Ramsay
And. Dunkon
James Kar
James Elder
Jas. Playfair
James Smith
James Cathro
David Chesholm
E.E
Andrew Taylor
William Duncan
James Ogelvie

Roderick Ormond
Thomas Nish
James Nish
John Tosh
John Myles
Robert Hunter
James Taylor
Patrick Seller
George Gilbert
John Scott
James Lonr
Alexr Dalrymple
Jas. Geekie
James Souttor
John Neauoay

Sederunt of the Fraternity of Brewers in Dundee.
At Dundee the Tenth day of May Seventeen hundred & Eighty Seven

Roderick Ormond present Visitor read to the meeting an Advertisement taken from the Edinburgh Advertiser of the fourth current by the Brewers of Glasgow. The Tenor whereof follows.

“To the Landholders & Brewers of Scotland, Gentlemen.

The prosperity of the Brewery in this part of the United Kingdom is a matter in which the Revenue, the Land Holder, the public & the Brewers are materially interested. Consequently every measure calculated to depress or injure this important Branch of Manufacture cannot fail to be attended with the most pernicious Effects. It is a well known fact That the imposs acts which have been granted In favor of many Boroughs & Towns for near a Century bypast have proved highly oppressive to the Brewers & prejudicial to the Revenue & Landholders & their Baneful & ruinous consequences if continued must be more Experienced. It certainly therefore becomes the common cause of you Gentlemen to unite in opposing every

Application to Parliament for Grants subversive of your own Interests till the Brewers of this Country is equally free with that of England Local Taxes of this time are totally unknown there & to this cause may be ascribed the very great superiority which the English Brewery has acquired over that of this country. There can be no good reason assigned for the invidious distinction between the different parts of the United Kingdom. It would exceed the bounds of an address of this kind to point out the different Effects & operations of these impositions which are well known to the persons immediately connected. It may be just mentioned That the Revenue cannot fail to be hurt because these imposts Have a Natural tendency to lead to frauds.

The public are greatly injured because instead of being served with a good Generous wholesome drink such as the English Brewery can afford The Brewers of Scotland are under the necessity of debasing the manufacture to enable them to pay the impost & procure a living by their pro(*part word missing due to paper damage*) One effect of which is to drive the inferior Classes to consumption of spirituous Liquors which prove destructive to their Health & morals. The Landholders must be the great sufferers as the reduction of the Quality of the Liquor must in proportion diminish the consumpt of Malt. From these circumstances the revenue must be decreased.

The Brewers of Glasgow have taken the Liberty of submitting these general lines to you Gentlemen as being most immediately concerned In the Issue of business of this nature & of declaring their willingness to concur in opposing any applications to Parliament for the continuation of Impost Acts. You will no doubt have observed That two Bills of this kind one for the Town of Arbroath & another for Dumfries are presently depending before the Honble House of Commons. This therefore appears to be a proper time to step forward & obtain the mind of the Legislator upon a subject of so much importance Notwithstanding but the Wisdom & Justice of Parliament will see good Cause to refuse these Local & partial Taxes.

To place the Brewers of Scotland upon the same footing in this respect with that of England & give such a check in the opresent case as will in future prevent similar Applications Letters Addressed to Mr William Pinkerton Jnr., Brewer in Glasgow will be duly attended to & it is expected That any communications intended to be made will be done without loss of time as there is no room for delay.”

Which being considered by the Meeting they Heartily approve thereof & agree to concur in the measures proposed & to bear a proportional share of the Expençe individually of carrying the same into Execution. And empower the Visitor to write to Mr Pinkerton to that Effect.

Signed by 37 Members

At Dundee the Twenty Sixth day of November Seventeen hundred & Ninty one years

Which day at a meeting of the Maltmen trade of Dundee held this day The Trade taking into their consideration the heavy dutys imposed by Government upon the Articles of their Trade, and that just now a very rigorous exaction of these dutys is determined upon by the Commissioners of Excise, and in order to prevent the Individuals of the Incorporation from attempting any concealments of their worts, whereby they were often subjected in heavy penaltys Are of opinion that it will be necessary for the Trade to raise the price of their Ale in the proportions after mentioned. And to take place upon the Thirtieth day of the present month And which they consider as absolutely necessary for their own preservation. Do therefore hereby Statute and Ordain that every Member of the Incorporation shall charge the following price for Ale furnished by them vizt: for all Ale furnished in Barrels or Casks either to Retailers to private familys at the rate of Ten shillings Sterling for each Half barrel containing Five Scots Gallons and so in proportion for smaller quantities.

For all Ale retailed by them out of their own houses in Bottles at the rate of three pence half penny for each Two bottles. And for Ale sold and Drank in their own houses at the rate of Two pence Sterling each bottle and so in proportion for greater quantities. And which process they hereby ordain shall be exacted by every member of the Incorporation in time coming from and after the said last day of November instant, under the penalty of One pound one shilling Sterling for each first offence and Three pound Three shilling for every Second and after offence to be paid by each Member so offending by selling their Ale at an under price from the above mentioned rates to be levied and sued for by the Visitor of the Trade for the time and applied to the use of the Trades funds.

At Dundee the Seventeenth day of October Seventeen hundred and Ninty two years

Which day at a meeting of the Maltmen trade of said Burgh held this day. It was represented That the Town of Dundee were rigorously insisting for payment of Multure for the Malt used by the members of the Trade, tho at the same time the Town do not grind the Malt or furnish Mills to the Trade for that purpose, Nor tho required will they show their Title to exact Multure from the Trade.

The Trade taking this to consideration do agree not to pay any Multure to the Town until they shall in the first place show what title they have to exact it And secondly that they comply with the terms thereof by grinding the malt and as the Town have Summond Sundry of the Maltmen to the Court for payment, They agree to defend the process at their joint expence, and appoint the present Visitor, and James Cathro, Roderick Ormond, Peter Adam, Thomas Nish and Alexander Lowden to attend to the process and examine what right the Town shall show as their title for exacting the Multure.

Signed by 54 members

Undated but recorded between the entries of 1799 and 1803 but it appears to be a copy of the prices below

The Trade agree that from and after the Eight day of this month all the Members shall charge 10/- for each half Barrel of Ale and one penny half penny for each bottle of Ale sold out of their houses and two pence per Bottle for each Bottle sold and drunk within their Houses, and every member for and after the above date contravening these regulations and selling lower, shall be excluded from all privileges and immunities of the Trade nor shall any member of the Trade supply such with any (*blank*) or any other assistance after they are struck off under the penalty of ten shillings Sterling for each offence.

At Dundee the third day of September one thousand eight hundred and three years.

Which day at a Meeting of the Maltmen Trade of Dundee held this day The Trade taking to their considerations The heavy dutys imposed by government upon the articles of their Trade and particularly the late increase of the duties upon Malt are of opinion That it is absolutely necessary for the Trade to raise the prices of their Ale in the proportions after mentioned. And to take place upon the eight day of this present Month and which they consider as absolutely necessary for their own preservation.

Do Therefore hereby Statute and Ordain that every Member of the Incorporation shall charge the following prices for ale furnished by them Vizt: for all Ale furnished in Barrels or Casks either for retailers or private familys at the rate of Ten shillings Sterling for each half Barrel containing Five Scots Gallons and so in proportion for smaller quantities.

For all Ale retailed by them out of their own houses in Bottles at the rate of one penny half penny for each bottle. And for all ale sold and drunk in their own houses at the rate of Two pence Sterling each Bottle and so in proportion for greater quantities.

And which prices they hereby Ordain shall be exacted by every Member of the Incorporation in time coming from & after the said Eight day of September instant.

And considering that it will require these prices to enable them to do Justice to the public and support their families and on that account that this ordinance be inforced under the severest penaltys Do therefore enact that incase any member or members of the Incorporation shall after the said Eight day of September instant take upon them in contempt hereof to sell their Ale at lower or less prices than those above specified to the prejudice of the incorporation or refuse to comply herewith that they shall be expelled the Incorporation and deprived of all the privileges and immunities belonging to a free master thereof in time to come.

And it is further agreed to that no member of the Trade shall supply or furnish to such expelled member any new ale or barm for carrying on their Trade. It is therefore enacted That incase any member of the Trade Shall do in the contrary and furnish any expelled member with such new ale or Barm He shall forfeit the sum of Ten shillings Sterling to the funds of the Trade for each offence toties quoties.

Signed by 62 Members

At Dundee the Twenty eight day of November Eighteen hundred and five years

Which day at a Meeting of the Maltman Trade of Dundee held this day The Meeting taking into their consideration That the Seats in the East and West Churches of this Burgh held in property by the Trades are more than sufficient to contain the members who attend the Churches and one of their Seats might be sett for the benefit of the Poor of the Trade. Do therefore hereby empower the Deacon to sett the seats in the South or West Church for such rents as he can get for the same.

At Dundee the Seventh day of March One thousand and Twelve years

The Maltmen and Brewer Trade of Dundee being this day mett and convened within the Old Church of this Burgh, their usual place of Meeting Consulting about the ordinary affairs of the Trade... it was then stated by some of the Members That it would be proper for the Trade to get a stand of colours, as all the other Corporations in Town have such, And this proposal being put to the vote It was carried by a very great majority, to provide and cause a proper stand of colours be made at the Trades Expencc, And the present Deacon along with Deacon Ormond, Deacon Young, Deacon Sturrock and Deacon Hood were appointed as a committee for giving directions as to these Colours and employing the proper person and persons for making them and the necessary Insignia or Cot of Arms to be put thereon. And the Trade appoint the present Deacon to sign his Sederunt in their name.

At Dundee the twenty eight day of June Eighteen hundred & fourteen years

Which day at a full Meeting of the Fraternity in the mason Lodge, Murraygate, the Trade at large being summoned by the Town Chamberlain before the Magistrates for the non payment of the Multures upon Malt Since the year 1807, Resolved upon what the Trade thinks good Grounds to defend said Action the expences of which defending shall be paid out of the funds of the Trade and appoints John William Baxter, Writer in Dundee as Prors for the Trade and Appoints the following Members as a Committee for carrying on said Process vizt. The present Deacon & Boxmaster James Cathro, Rodk. Ormonnd, David Ferguson, John Sturrock, Robert Mudie, John Easson and David Lindsay three of whom shall be a quorum.

Signed by 22 Members

At Dundee the twenty fourth day of November Eighteen Hundred and fourteen Years

...thereafter the Trade Considering That it would be proper to furnish Alexander Balbirnie their Officer with a complete suit of Black Clothes so as to enable him to appear with decency at funerals & They Do Therefore Appoint the Boxmaster to provide him such Cloaths and to take Credit for the amount thereof in his Accompts.

At Dundee the Seventh day of March One thousand eight hundred and fifteen years

The Maltmen Trade of Dundee being this day convened in the Old Church of this Burgh, their usual place of Meeting, and having taken into their consideration, that owing to their paying to the Guildry Incorporation of this Burgh, not only certain dues for every master and free Apprentice entered, but also the yearly sum of Four Guineas out of the fund of the Trade; and the Guildry Incorporation, on the other hand, paying to the Trade's Officer a yearly salary of Thirteen shillings and four pence Sterling, they are of opinion that the Trade have a right or privilege to the Guildry; but not knowing any thing of the agreement between that body and the Trade, Resolved that seven members of the Trade (three of whom to be a quorum) be appointed a Committee, to investigate the ancient rights and privileges of the Maltman Trade of Dundee to the Guildry, and also into their connection with the Hospital, seeing that every Master when entered to the Trade pays five shillings to the Hospital funds; to correspond on that subject with the Dean of Guild or Committee of the Guildry appointed for investigation their rights; and to report their proceedings to a future General meeting.

The Trade then nominated the following Members to be the Committee vizt; David Low Visitor, William Cathro, Boxmaster, David Guillan, John Sturrock, David Ferguson, Robert Whitton and John Easson; And agreed that all necessary expenses for carrying this resolution into effect should be defrayed out of the funds of the Trade.

Dundee 8th March 1815

The Committee having met, agreed to send the following Letter to the Dean of Guild of Dundee.

To David Brown Esqr.
Dean of Guild

Dundee

Dundee 8th March 1815

Sir

At a general meeting of the Maltmen and Brewer Trade, held yesterday in the Old Church; the Trade having considered their interest much concerned, in being fully informed of the nature of their original agreement with the Guildry, and therefore, they have appointed us the undersigned a Committee, and desired that we will request of you, that we may be united with the Committee of the Guild Brethren, and the Committee of the Trades, for the inspection of the Guildry Books and papers, and we beg leave to request your answer as soon as possible to the Deacon of the Brewer Trade.

We are &c.

(Signed) David Low, Deacon, William Cathro, David Guillan, David Ferguson John Easson.

The Dean of Guild having declined to take any Active hand in the investigation of the Guildry's ancient rights, he, as a member of the Committee appointed for that purpose delivered the foregoing Letter to their Convener, who returned the following answer.

The Preses of the Committee of Brewers of Dundee

Dundee 31st March 1815

Sir

It has been found necessary at some expence to employ a Gentleman acquainted with old Manuscripts to read the Town's Records.

The Trades have agreed to give ten Guineas, the Guildry will give ten Guineas. As the Brewers have an interest in having these Records read, the Guildry Committee has desired me to request that the Brewers will be so good as contribute something to defray the expence.

I am &c.

(Signed) James Saunders
Convener of the Guildry Committee

To which Letter Mr David Low, Deacon of the Trade returned the following Answer.

Mr James Saunders
Convener of the Guildry Committee
Dundee

Dundee 3d April 1815

Sir

I received yours of the 31st March wishing to know what the Brewers could contribute towards defraying the expence of employing a Gentleman acquainted with old manuscripts to read the Town's Records.

As you mention the Trades have agreed to give Ten guineas and the Guildry Ten Guineas likewise, I am desired by the Committee of Brewers to give Three Guineas which, if found inadequate for the Brewer Trade, I am desired to say we shall pay in proportion as above upon one or two of our Committee being allowed to attend the examination of the Books along with the Committee of the Guildry and Trades.

I am &C.,

(Signed) David Low, Deacon.

In answer to this Communication Mr Saunders the Convener of the Guildry Committee sent the following Letter.

To Mr David Low
Deacon of the Brewers
Dundee

Dundee 4th April 1815

Sir

I am favoured with your letter of 3d current. The proportion of expence offered by the Brewers is respectable. There can be no objection to the admission of one or more of your Committee to the inspection of the Records.

I may however say that I presume the chief burden of examining those records will rest with me; and I declare that I shall omit from the extracts which I make, nothing that may forward the interest of the Brewer Trade.

I am &c.

(signed) James Saunders.

On the following day Mr Saunders sent the following notice.

Mr David Low
Deacon of the Brewers
Dundee

Dundee 5th April 1815

I have to mention to you for the information of the Committee of Brewers that Mr Hume the Gentleman who is to read the more ancient records of the town is to arrive here on Friday evening, and it is probable he may commence his labours on Saturday, but of this I shall again write to you.

I am &c.

I(signed) James Saunders

On 18th April Mr James Saunders sent the following Letter

Mr David Low
Deacon of the Brewers
Dundee

Dundee 18th April 1815

Sir

Mr Home was engaged yesterday in looking at the Records chiefly to ascertain the extent of the work which he was to go through.

Today he has commenced reading and I have desired him to extract every thing from the Books connected with the Maltmen of this Town.

If any of your Trade wish to witness the reading let them call on me and I will introduce the,

I amd &c.

(signed) James Saunders.

In consequence of the above intimation from Mr Saunders, a few of the Committee occasionally waited upon Mr Hume, and heard the Records read by him, and any Article of importance regarding the Maltmen Trades rights that occurred was ordered to be extracted. In the meantime the committee deem it unnecessary to make a partial report of their investigation.

As soon as the work shall be finished, and there from a sufficient fund of information obtained, they shall submit to a future General meeting their report, and will give several Articles that seem to bear particularly on the present investigation.

At Dundee the Second day of October one thousand and eight hundred and fifteen years

The Maltmen of and Brewer Trade of Dundee being this day convened in the Old Church of the Burgh, their usual place of Meeting, Mr David Low, their present Deacon and Visitor informed the Trade, that he had received a communication from Mr James Saunders, Clerk to the Commissioners acting under an Act of Parliament – lately obtained, for enlarging and improving the present Harbour of Dundee, which the Deacon read to the meeting and of which the following is a Copy.

“To The Deacon of the Maltmen and Brewers of Dundee

Dundee 30th September 1815

Sir

I am desired by Bailie Anderson and Captain Blair to request through you the Honour of the Attendance of the Maltmen at the procession for laying the first Stone of the Harbour of Dundee on Monday the 9th day of October next.

The arrangements for the procession to be made by Bailie Anderson & Captain Blair as a Sub-Committee of the Harbour Commissioners.

I am &C.

(Signed) James Saunders Clerk to the Commissioners.”

Sub-joined thereto was a copy of a Letter from The Hon. William Maule M.P. for the County of Forfar, and Provincial Grand master, addressed to Mr Saunders, which the Deacon also read to the Trade it is of the following tenor:

“Mr James Saunders Clerk to the Commrs etc., etc.

Brechine Castle Sepr 27th 1815

Sir

Anxious as I shall always feel to do every thing in my power to forward any improvement connected with the County of Forfar and at the same time desirous that the Craft should shew the same inclination, I will with pleasure request the assistance of the worshipful Brethren, under my Jurisdiction, as Provincial Grand Master, in laying the Foundation Stone of the New Dundee Harbour on the 9th October next.

I am &c

(Signed) William Maule.”

Which Communication being considered by the Meeting, they came to this Resolution that, although they would feel anxious to forward any improvement in this Town, and would wish to show forth that inclination by joining the intended procession at laying the foundation Stone of the new Harbour, yet as they have reason to believe from what has already appeared at an investigation to their ancient rights, as connecting them with the Guildry Incorporation of this Burgh, that they are Members of that Body, and so therefore ought to have been invited as such, amongst with the other Guild Brethren, they should decline to walk in the procession.

The Meeting therefore instructed their Deacon to state their sentiments to the Sub-Committee of the Harbour Commissioners mentioned in Mr Sounder’s Letter.

David Low, Deacon.

On the following day the Deacon of the Trade received a Card from Mr Saunders to the following effect:

“To The Visitor of the Maltmen Dundee

Dundee 3d October 1815

Sir

You are requested to attend in the Town hall to morrow forenoon a ten o’clock to assist in arranging the order of procession of the Public Bodies at laying the Harbour Stone.

I am &c

(Signed) James Saunders.”

But, previous to that Meeting the Deacon communicated to Mr Saunders the Resolutions of the Maltmen Trade, that they declined to walk in the procession, unless they were recognised as Guild Brethren.

A few of the Commissioners under the Harbour Act and Committee of the Guildry having been consulted upon the Deacons communication to Mr Saunders, and recourse having been had to the order of procession in the year (*blank*) at a riding of the Town’s Marches, wherein it appears that the Brewer Trade as forming part of the Guildry walked in procession with that Body, and the other Crafts, they therefore resolved upon sending the following Letter of Invitation to the Maltmen Trade.

“Mr David Low

Dundee 6th October 1815

Sir

The Maltmen are expected to walk in procession with the Guildry of Dundee as a part of the Guildry. They should dress in Black to be uniform with the Guildry.

I am &c.

(Signed) James Saunders Clerk to the Guildry.”

It having been agreed upon that the Guildry should meet in the South Church of this Burgh, their ancient place of meeting, the Deacon, in terms of the above invitation, accordingly summoned the Trade to meet in that place to walk in procession with that Body, on Monday the Month of October Eighteen hundred and fifteen, along with the other public Bodies in Town, agreeable to an order of procession furnished them.

On Monday the 9th day of October 1815 the maltmen trade met agreeably to appointment in the South Church at 10 o'clock forenoon from whence they and the other Members of the Guildry proceeded in a Body to the Meadows at 11 and joined the other public Bodies who had assembled there. The following is a Copy of the order of procession; the insertion of which is given more for curiosity than use.

ORDER OF PROCESSION
AT
LAYING THE FOUNDATION STONE
OF THE
HARBOUR OF DUNDEE

Band of the Seventy-Ninth Regiment of Foot
The Fraternity of Masters and Seamen
The Three Town Sergeants
Lord Provost supported by Sheriff of the county
The Magistrates and Council
The Superintending Engineer, with the plan of the Harbour
The Clerk to the commissioners, with the Act of Parliament
The commissioners for erecting the Harbour accompanied by the Naval and Military Officers
and County Gentlemen who may honour the Procession with their presence
The Nine Trades, in their order of precedence
The Three United Trades
The Guildry Incorporation
The Cooper Trade
The Highland Society, preceded by their piper
The Cordwainer's Lodge
The Hilltown Weavers Lodge
The Law Hill Encampment
Solomon's Lodge of Gardeners
Adams Lodge of Gardeners
Ancient Lodge of Gardeners
Band of the Western Local Militia
The Caledonian Lodge of Freemasons
The Forfar and Kincardine Lodge of Freemasons
The Thistle Lodge of Freemasons
St David's Lodge of Freemasons
The Ancient Lodge of Freemasons
The Operative Lodge of Freemasons
The Provincial Grand Lodge
The Honourable William Maule, Provincial Grand master, supported by the Grand Wardens.

The public Bodies having assembled in the meadows were formed into the above order of Procession. According to the arrangement a signal gun was fired at Twelve o'Clock noon and the Procession moved forward by barrack Street, Overgate, Tay Street, Nethergate, High Street and Castle Street, to the place where the first stone of the new works was to be laid. When the head of the Procession had reached its destination the whole halted, at the signal of another gun, and formed a line, through which the Provincial Grand Lodge walked to the same place. Another gun was the signal for the Procession to reform and move forward. When the Public Bodies were all arrived on the ground, another gun was the signal for laying the stone. Immediately after the ceremony had been performed, a royal salute was fired. After the royal salute, the procession on a signal gun being fired, returned in the reverse order, by Castle Street, High Street, Murraygate, Wellgate and Meadow Street, to the Meadows;

from whence the Public Bodies, by as many different roads as possible, proceeded to their respective halls, and there dismissed.

The Corporations and Societies walked four-deep; the masons three deep.

The Guild-Hall having been occupied by the Town Council and Commissioners, the Guildry Incorporation assembled and were afterwards dismissed in the South Church. The afternoon and the evening were spent in universal and increased festivity. (*Presumably a euphemism. IAD*).

At Dundee the Twenty sixth day of March One thousand eight hundred and sixteen years

The Maltmen Maltmen and Brewer Trade of Dundee being this day convened in the old Church of this Burgh, their usual place of Meeting. Mr William Cathro their present Deacon produced to the Trade a Letter he had received on the 21st instant from Mr David Blair merchant in Dundee of which the following is a Copy:

“Sir, Dundee 21 March 1816

As Chairman of the Dundee Lunatic Asylum I take the liberty of sending to you annexed an extract from the settlement of the late Captain John Ramsay by which he appoints £200 to be paid out upon interest and to supply the interest of it for the support of decayed aged Seamen and Brewers and their widows and also for the benefit of Lunatics belonging to Dundee.

The interest of this sum has I believe not as yet been appropriated to any of the purposes mentioned by Captain Ramsay. The Dundee Lunatic Asylum, which has of its object the relief of distress as which Seamen and Brewers will participate, has a large debt hanging over it which prevents the opening of the house for the benefit of the distressed, this sum would considerably aid the Institution and I trust that you will Agree with me that it cannot be applied in any way by which it will more serve the interests of humanity.

I under stand that the Trustees upon Captain Ramsay's Estate would be disposed to appropriate this sum to the Asylum with the consent of the Seamen Fraternity and the Brewer Society.

I have therefore to request the favour that you will lay this proposal before your Society who I flatter myself will approve of a measure so reasonable and which has the general interest of the Town as well as your own particular interests for its object.

I am respectfully, Sir

Your most obed Servt

(Signed) David Blair

Extract:

Item. I appoint £200 of the said 900 Sterling to be laid out upon interest and to apply the annualrent arising from the said £200 principal towards supporting and helping to maintain decayed aged Seamen, Brewers and their aged widows of such Brewers & Seamen as also for the benefit of Lunatics belonging to Dundee.

The meeting having taken this letter into their consideration they unanimously agreed that the desire of it should not be granted. They consider that their own poor stand in as much need of assistance as the Lunatic Asylum and besides they were of opinion that it was out of their power to assent to Mr Blair's proposal were they even inclined.

Mr Ramsay expressly provides that the sum was for the benefit of decayed aged seamen and Brewers and the aged Widows of such Brewers and Seamen and they consequently conceive that the sums could only be appropriated for the purposes intended by Mr Ramsay.

The Meeting therefore directed the Deacon to subscribe a letter to be framed by the Clerk and addressed by Mr Blair signifying the determinations of the Trade.

The Deacon next produced a letter he had received from David Blair Junior of which the following is a Copy:

“Dundee 9th March 1816

Sir

The Directors of the Dundee Orphan School having resolved to make application to the Corporations Lodges and benefit Societies in Town to solicit their aid in behalf of this truly benevolent institution. At a meeting held on the 7th instant deputations were appointed to

wait upon the Representatives of each public body for the purpose of obtaining such sum annually as they may think fit to grant in support of this Charity.

By desire of the directors I request you will be pleased to inform me at what time you will have the goodness to receive the deputation appointed to wait upon you.

I am &c.

(Signed) D. Blair Preses.”

The Meeting resolved that the Trade should pay an annual sum of Two guineas for the benefit of the Orphan School and that during the pleasure of the incorporation and they appointed the Box master to communicate this resolution to the deputation of the Dundee Orphan School.

A letter was sent to the Deacon by Mr James Anderson Writer in Dundee which was read to the Trade and of which a Copy follows:

“Dundee 26th March 1816

Sir

I am desired to inform you that the Maltmen are expected to attend the meeting as a part of the Guildry to be held in the Exchange Coffee Room to morrow at Twelve O'clock noon to take into consideration the steps necessary to be followed in order to regain these rights and privileges which had been usurped by the Town Council of Dundee in times of Public calamity which the Town Council of Dundee after the most mature deliberation at a meeting on the 9th day of August last solemnly promised to restore and which the present Town Council for the reasons given in a minute of 20th Current have determined to with hold as also to take into consideration what answer shall be returned to the Convener of the nine Trades regarding the proposed prosecution of the Magistrates and Council for alledged Malversation of office.

I have the Honour to be &c.

(Signed) James Saunders.”

The meeting recommended that every member of the Trade should attend in the Coffee Room to morrow to attend to the interests of the Guildry but for the special purpose they appointed the present Deacon and Box master Mr David Guilan, Convener Mudie and Mr David Ferguson as a Committee to attend the meeting in behalf of the Trade and to concur with the Guildry in such proceedings as may be adopted.

The Deacon further produced a letter from the Reverend Frances Nicol of which the following is a Copy:

“Sir

Dundee 11th March 1816

The General Meeting of the Governors of the Dundee Infirmary this day Resolved that the annual Sermon for its behoof should be preached on the second Monday of June. And that the support of the Magistrates, Trades and other public Bodies should be solicited on that occasion.

I am desired as Chairman of the Weekly Committee to intimate the Resolution to you for the information of the respectable body over which you preside and I take the liberty at the same time earnestly to request your countenance in favor of an institution calculated to be so eminently useful in this populous community.

I have the honor to be &c.

(Signed) Frances Nicol”

The Meeting delayed determining whether they would join in the occasion along with the other bodies and they therefore appointed Mr Nicoll's letter to lye upon the Table for their further consideration.

At Dundee the sixth day of April one thousand eight hundred and Sixteen years

...Mr William Cathro the present Deacon produced to the meeting a letter ha had received from Robert Jobson Esqr

Dean of Guild prefixing a of the resolutions of the general meeting of the Guildry and requesting that the Trade as a part of the Gildry would contribute money to carry on the proposed prosecution against the Magistrates and Cpuncil and requesting that the Trade

would appoint one of their number to act along with the Guildry Committee in the management of the Process.

The meeting having taken Mr Jobson's letter into consideration they unanimously agreed to give thirty Guineas from the funds of the Trade for the purposes stated in Mr Jobson's Letter.

And that two guineas each quarter shall likewise be paid during the continuance of the process – the said quarterly sum of Two Guineas being levied from each full member of the Trade equally. And the Meeting appointed the Deacon to intimate to Mr Jobson the Dean of Guild the resolutions of the Trade.

At Dundee the Twenty second day of June one thousand eight hundred and Sixteen years

...when the Trade took into their consideration the duty imposed upon them for these many years past of the Town of Dundee exacting two pennies Scots upon every pint of Ale and Beer brewed and vended by the Members of the Trade within the Town.

And the various grievances which they had to complain of in consequence of this imposition. The Trade had long proposed taking the opinion of Counsel on the subject in order to regulate their future proceedings. Previous to which a memorial behoved to be drawn out.

The Meeting therefore appointed the present Deacon, David Ferguson, Deacon Ferguson, Deacon Moncur, John Sturrock, Thomas Hood and Convener Mudie as a Committee to meet with the Clerk for the purpose of framing a memorial for Council and advising of the most proper steps to be adopted regarding the business.

At Dundee the Twenty Sixth day of June One thousand eight hundred and Sixteen years

...when the Deacon stated to the meeting that the committee to whom it was appointed to attend with the Clerk for the purpose of framing a Memorial for parliament relative to the two pennies of the pint had met in his house on Monday last and after much communing together and going over the Act of Parliaments. It was suggested by the Committee that it would be the most advisable method to take a personal opinion of counsel relative to the business and that this was the most prudent method for various reasons unanimously to particulare.

The Trade after some deliberating unanimously agreed that a personal opinion of Counsel should be taken on the subject. And with that view they hereby Appoint the present Deacon, Mr David Henryson and Mr McEwen the clerk to the Incorporation immediately to proceed to Edinr., and after preparing Memorials for Counsel to take the Opinion of two of the most able Lawyers on the subject. And it is hereby understood that the trouble and expences attending the business shall be paid by the Boxmaster out of the funds of the Incorporation.

At Dundee the Seventh day of July one thousand eight hundred and sixteen years

...the Deacon represented that in consequence of the appointments at the last Sederunt held on the twenty sixth Ultimo he proceeded to Edinburgh in company with Mr David Henryson & Mr McEwen the Clerk to the Trade & had obtained a personal interview with Messers Clerk & Jeffrey and had likewise laid before them written Memorials for their opinion regarding the legality of the exactions of the two pennies on the pint. And in consequence thereof he had obtained their sentiments on the Subject which was accordingly read to the Trade and the Memorials & Opinions were directed by the Clerk to be inserted verbatim in the Sederunt Book.

The Trade having carefully and deliberately considered the Opinions from Counsel so Eminent, they resolved that before proceeding into any legal opposition with the Magistrates, that a Committee should be appointed to wait upon them along with the Clerk for the purpose of obtaining a sight of the relative Acts of Parliament regarding the imposition & if possible to procure copies thereof. And the Trade therefore appointed Messers Thomas Wood, William Moncur, Robert Mudie, John Sturrock & David Ferguson to attend upon the Magistrates in company with the present Deacon & the Clerk to endeavour to procure a perusal of the Acts of Parliament in order that the Trade may be regulated in their future proceedings & if they are Refused the request Mr McEwen was directed to take a Protest in terms of the Opinion of Counsel.

MEMORIAL

**For
The Maltmen Fraternity of Dundee
1816**

The Memorialists are a very ancient and respectable Body. Early in the last century the Magistrates and Town council of Dundee having become considerably in debt the Memorialists for certain privileges to be granted to them agreed to pay the Magistrates certain sums to enable them to extinguish their debt but in consequence of the failure on the part of the Magistrates this arrangement was departed from. The Magistrates of Dundee to enable them to pay off and discharge such public debts as had been incurred by them in the year Seventeen hundred and Seven obtained an Act of parliament authorising them to levy a tax of two pennies on every pint of Ale and Beer brewed within the town of Dundee and the liberties and Suburbs thereof.

Which Act was to continue for twenty five years and upon the expiry of which it was afterwards renewed for another twenty five years by an Act in the Reign of his Majesty King George the Second.

By another Act passed in the twentieth year of the reign of his Majesty King George the Second the foresaid Act of parliament was renewed for another twenty five years for the purposes specified in the former Acts "as well as for empowering the Magistrates to pay yearly and out of the said duty the sum of sixteen pound thirteen shillings and four pence as an additional provision to each of the three ministers of the said Town and their successors for the time being, and also for other the purposes in the said former Acts or either of them mentioned. As for furnishing and completing the common Hall and the Goal of the said town and for empowering the Magistrates and Town council to convert the Hospital of the said Town then used for the reception of decayed burghers into a Workhouse for employing and setting the poor inhabitants of the said Town to work".

The foresaid act is again renewed in the sixteenth year of the reign of his previous Majesty to continue for other twenty five years.

So late as Eighteen hundred and four a bill was brought into parliament to obtain another renewal of the said Act.

In the preamble of the Bill it was stated that the money arising from the said duty had been duly applied to the direction of the said Acts and great progress had been made in carrying on the works thereby directed to be done. This act was accordingly renewed for another twenty five years and certain persons were appointed overseers of the duty and of the application thereof and by this Act it was enacted "that at the first meeting of the said overseers after the passing of this Act the Magistrates of the said Burgh of Dundee shall and are hereby required to lay before the said overseers or any three of them and Account of all the Debts of the Town at the time due and owing to be entered in a Book kept for that purpose and that at the said first or any subsequent meeting of the overseers they or any three or more of them are hereby authorised and empowered to make an settle such Bye Laws rules Orders and Regulations for the better management and Government of the different matters and things in the said recited Acts and this present Act mentioned (except as before excepted) as to them shall appear to be necessary consistent always with the said former acts and this present act and that the Laws of Scotland and the said Magistrates shall and they are hereby required from time to time to lay before the overseers an account of all the debts contracted upon accounts or by reasons of any of the matters and things aforesaid (except as before is excepted) together with the agreements covenants accounts and vouchers relating thereto which said accounts of debts shall be fairly entered in a Book to be kept for that purpose and shall be entered yearly and every year during the continuance of this present Act".

The Memorialists have many grievances to state regarding the mode by which the foresaid duty is collected and the purposes for which it is applied and as the Memorialists are the only individuals who suffer by the act they humbly conceive that they have a good title to make strict enquiry regarding it.

They shall therefore briefly state the grounds of their complaint.

By the before recited Act the Hospital was appointed to be converted into a Workhouse for the employment of the industrious poor. The Hospital was a building highly ornamental to the Town and might have been converted into a Workhouse or any other useful public purpose but while the new Town council in Eighteen hundred and four were telling Parliament that great progress was made in the Public Works and consequently the conversion of the Hospital into a Workhouse the principal part of that building had been demolished so far back as the year seventeen hundred and ninety three in obedience to an Act

of the Town Council and its site converted onto a public street. Thus it appears that the principal purpose for which the Act was intended has been overlooked.

By the before recited acts it will be observed that the aforesaid duty was to be levied from those who brewed in the suburbs of Dundee and vend their Beers within the Town now the Magistrates have never exacted the duty from such individuals.

This is an indulgence operating very materially to the injury of the Memorialists from whom it is rigidly levied and in collective amount upwards of Five hundred pounds Sterling per annum. There are a number of persons resident in the neighbourhood of Dundee who brew to a very great extent bring in their Beer to Dundee and as no duty is exacted they are thus enabled to undersell the Memorialists who have all the public burdens to bear which are incident to the Town.

In the close vicinity of Dundee there is a very extensive Brewery called the "Pleasance Brewing Company" and it is only of late years that the foresaid duty has been in any shape exacted from them they have now however contracted with the magistrates for a small sum which they pay annually which is not nearly adequate to what they would be bound for were the magistrates to ascertain as distinctly what they Brew and sell as is done to the Memorialists. This extensive Brewery have it therefore in their power to sell to much more advantage than the Memorialists.

The Magistrates although specially required by the foresaid act have never as yet rendered any account of their intromissions with the foresaid duty for the examination of the commissioners named in the Act nor do these Commissioners ever trouble themselves to make enquiry regarding the appropriation of the funds although they have been repeatedly applied to by the Memorialists.

The Magistrates have continued to levy the tax till lately the Memorialists demurred and the collections of the said duty has been for a short time suspended, but the Memorialists understand that actions are instantly to be raised against them for payment of the arrears.

The Memorialists have various other grievances to state besides those already noticed but as they mean to take a personal opinion of Counsel it will be here unnecessary to mention them. They therefore in the meantime submit to counsel the following queries.

First, Have the Memorialists a title to resist payment of the duty before mentioned upon the grounds before stated that the proceeds arising therefrom are not applied towards the purposes for which the act was intended.

Second, If not can the Memorialists resist payment until the Magistrates render a proper account of their intromissions with the foresaid duties.

Third, What steps should the Memorialists adopt to compel the Magistrates to enforce the duties against these persons resident in the Suburbs of Dundee who are exempted from payment of the Duty.

Fourth, As the overseers under the Act are now nearly all dead and those who are alive desert the cause have the Memorialists themselves a right to Complain for redress to a competent Court.

Counsel is requested to give the Memorialists such advice as may be necessary for their Government.

Answer

1. I am of opinion that the Memorialists have a title to resist payment of the duty upon the grant that the proceeds have not been applied towards the purposes mentioned in the Statutes. But in giving this opinion I rely upon the Statement with the Memorial not having seen any of the Statutes but the last, which merely continues the former Statutes, and does not set forth particularly the conditions in which the tax was imposed.

2. Not having seen the Statutes I cannot answer this query.

3. Not having seen the Statutes I cannot answer this query, but in so far as I can form a Judgement from the general nature of such Statutes, I think it is most probable, that where the tax is not duly enforced in impartial manner, against all the persons who are liable to it the persons from whom it is demanded may suspend payment on that ground.

4. It is very doubtful whether the Memorialists can apply to a Court of Law to undertake that office of the Overseers, but I incline to think that such an application is competent for the purpose or having Justice done to the Memorialists.

5. I understand that the Memorialists have hitherto got no access to see the Statutes, by which the right of the Magistrates, and the Application of the tax, are regulated, and without seeing these Statutes, the Memorialists cannot know exactly how they ought to

proceed. They ought therefore to obtain, if possible, a sight of these Statutes. In all probability there are no copies, but those in the possession of the Magistrates. The Memorialists might obtain copies of the Records of Parliament, but that would cost them some expence. The Memorialists should apply for Copies to the Magistrates or the Town Clerk, and upon refusal they should take a protest, and suspend payment of the tax upon general ground.

Edin. 3 July 1816
John Clerk

At Dundee the fourth day of December Eighteen hundred and seventeen years

...the Boxmaster then suggested that a committee of the Trade be appointed to wait on the Guildry Committee to maintain their privileges as a Corporation, and as having a right to a vote in the Election of Magistrates in any new set of the Burgh which might be proposed. And the Deacon & Boxmaster William Cathro, & Robert Mudie were appointed a Committee accordingly.

At Dundee the sixth day of March Eighteen hundred and eighteen years

... It was stated by the Deacon that he had of late had various communings with Mr James Saunders Clerk to the Gildry Incorporation regarding the privileges of this Trade as members of the Gildry of which there can be no doubt from the various documents in the possession of the Trade.

The Deacon stated that Mr Saunders proposed to him that a Memorial & Opinion should be obtained regarding the Trades privileges.

This however was considered unnecessary by this meeting as they consider that the Gildry cannot upon any just ground refuse the Trade their privileges and the meeting accordingly directed the Deacon & Mr McEwen to wait on Mr Saunders and endeavour if possible at an early period to get a definite answer from the Gildry which will regulate the future proceedings of the Trade.

The meeting authorize Mr McEwen to write Mr John Ogilvie writer in Dundee factor for the Trustees of the late Captain Ramsay who left £200 Stg., for the benefit of the Lunatics, the Poor of the Seamen Fraternity and the Poor of this Trade, that if he did not immediately grant an obligation to be accountable to the Trade for their proportion that an action would be raised against him and the Clerk is authorised to proceed accordingly.

At Dundee the Sixth day of July Eighteen hundred and eighteen years

The Deacon stated to the meeting that he had called the Trade together at the salutation of certain members of the Trade who had expressed a desire that the Trade should purchase the Malt houses now in the Market & belonging to the sequestrated Estate of Roderick Ormond. But the Deacon stated that as he is a Commissioner on Roderick Ormond's Estate, it would be unconstitutional with the terms of the Bankrupt Status for him to take any charge or give advice in the proposed purchase and the following persons were chosen as a Committee to inspect the properties premises to the Day of Sale and the Trade authorised the Committee or any one of them should they upon mature deliberation consider it an eligible bargain to appear & bid for the subjects, the members of the Committee are Thomas Hood, James Young, John Baillie, George Pryde Wm. Fergusson, John Sturrock & Robt. Ramsay and David Law.