

## Extracted from the Minute Book 1818 – 1931

### **Memorial and Queries for the Maltmen & Brewer Fraternity of Dundee**

For a period of two hundred years and upwards the Maltmen and Brewer Fraternity have been acknowledged by the Guildry Incorporation of Dundee collectively as members of that Body and for the privileges enjoyed by them they have been in the practise of paying certain yearly dues to the Guildry and besides had a right as they conceived to be entered individually upon payment of 40 merks Scots of booth upset. The late struggle of the Guildry to recover their rights from the Magistrates of Dundee, and particularly to regain the management of their own funds which has hitherto been under the Magistrates control Counsel may perhaps be in some measure acquainted with. The Memorialists at the commencement of this struggle were applied to, to cooperate with the Guildry in concerting the measures which were to be adopted against the Magistrates; and the Deacon of the Maltmen was uniformly called to all the meetings held by the Guildry on their Committees with that view. The Guildry ultimately by the boldness of their urgency, and by a subsequent concession on the part of the Magistrates procured the election of their own Dean who had hitherto been chosen by the Magistrates and the town council and again got the management of their own funds. They now however have begun to dispute what they never before doubted namely that the Memorialists right to be received as Members of the Guildry Incorporation. But before entering into any dispute with the Guildry on the subject, the Memorialists have resolved to take the opinion of Counsel as to how far the grounds upon which they consider themselves individually entitled to participate in the rights and immunities of that Incorporation are well founded.

For a long time back the affairs of the Guildry have been under the control of the Magistrates of Dundee; and it is only to extract from the Guildry records while under their control, and from the Council records that the Memorialists can the produce evidence in which their claim rests. In the year 1570 the privilege of brewing Malt would appear to have become of some importance to the Guildry revenue, and therefore on the 13<sup>th</sup> day of October in that year the Magistrates Statute and Ordained “yat no unfreemen mak malt within yis Burgh nor simple burges use ye privilege of Gild, under the pain of x lib to the common work of this Burgh unforgiven”. The first Maltman that appears to have entered with the Guildry in one Gilbert Thomson in the year 1598 on payment of £5 Scots. From the Smallness of the entry money might it not be freely presumed that the privileges of the Guildry were only to be enjoyed by himself and not to extend to his posterity. No further entries appear to have taken place till the first of May 1609, when six Maltmen were admitted Guild brethren in payment of the usual entry money of 26 lib and 8 pennies booth upset. The distresses of the Town in 1669, were from causes which it were needless to recapitulate, very great, and from an extract from the Burgh records of that deat, it seems that the Maltmen had been in use voluntarily to pay a merk on the boll of Malt for the Towns relief and accordingly by a minute of council dated 7 December 1669 “the Council considering the great loss sustaynit by the late storme & yr yris no probability to get any subsidie by Assessment on the Town or uyr wayes from the Parliament for repairing yrof and yit is necessary that the merk of the boll voluntary offered by the Maltmen be continued qle the town repair the said losse and be freed of thar debts and engagements. Therefore they ordayne that John Kinloch deane of Gild to convene the Hail Guildry and the maltmen as being ane part of the Gildry”. by a Minute of Council dated the following day it appears that the Dean of Guild had called a meeting of the Guildry “Whereof it is stated, the Maltmen Compeared most frequently and they all unanimously condeschendit and agreeet that the foresaid merk upon each boll of Malt to be levied within this Burgh and no more, should be uplifted and paid for the Towns use” : from the year 1609 to the year 1690 the entries of Maltmen to the Guildry for the booth upset were the same namely £26 and 8d Scots. But previous to the latest date it does not appear that the Maltmen either collectively or individually enjoyed the full privileges of the Guildry from their paying the small dues aftermentioned. It would however seem certain from the extracts before quoted that at 1690 they formed part of the Guildry, because the payment of the small dues only conferred on them an exclusive right of Brewing and rending small beer. The Town affairs however were not yet seemingly improved and the Magistrates had again to apply to the Maltmen for additional support, and it might fairly be conceived that it could not be asked without conferring upon them privileges which they never before enjoyed. From whatever consent

might have been proceeded the Maltmen were previous to 1690 ineligible to hold any office in the Burgh of a political nature. To them however the Magistrates applied for assistance which was procured in consequence of a contract which they entered into with the Magistrates of the following tenor: "It is appointed contracted finally ended and agreed betwixt the parties following:- They are to say the Present Provost Bailies Dean of Guild Treasurer and remanent members of the Town Council of the said Burgh, Deacon Convener, Deacons of Crafts of the same as representing the said Burgh and for them and their Successors in office On the one part and the present Brewers Burgesses and Subscribers hereof for themselves on the other part in manner underwritten. That is to say the said Brewers Considering that the said town is in great debt and being most willing for helping to defray the same the hereby freely give and grant to the present Magistrates and council of said Burgh and their successors in office for the better help to defray the Common debt of the said Towns allenary the sum of ten Shillings Scots Money to be levied taken up and collected of every boll of malt made and brewed within eleven years commencing from the first day of October One thousand six hundred and four score and ten years instant to the 1<sup>st</sup> day of October one thousand seven hundred and one years and for the better ingathering of the same the said Brewers and ilk ane of them for their own parts allenary Binds and obliges them to make good and thankful payment to the Magistrates and Council of Dundee and their Successors in office of the foresaid sum of ten shillings money foresaid to be levied and collected during the space above written or to their Collector or Collectors to be nominated for that effect in the same way and manner they presently make payment of their May excise, and lastly in case it shall be found that it is not secure for them to pay nor the Magistrates to exact the foresaid sum except this present gift granted by the said Brewers be ratified by Parliament, therefore the said Brewers Wee all with one advice and consent by these presents consent that this their gift and contract thereupon be ratified in Parliament and we unanimously entreat that the Parliament would be graciously pleased to strengthen and confirm this present gift by the ratification thereof in most full and ample form. For which causes the Provost Bailies Treasurer Town Council Deacon Convener and Deacons of Crafts as representing the Burgh of Dundee for themselves and their Successors in office do hereby declare that the said Brewers and succeeding Brewers in the Town upon acct of there Brewing shall not be incapable in bearing office of the said Burgh of Dundee, but being elected according to the ordinary customs shall be admitted thereto as merchants, tradesman, burgesses and Guild bretheren of the said Burgh and shall be capable of all offices and privileges within the same as well as any of the Merchants tradesmen and burgesses thereof, they paying forty merks of booth upset and all other accidents as Merchants and others under the Guildry doeth together with half a boll of malt to the Hospital conform to use and wont, and their prentices still paying as before notwithstanding of any custom or condition of the burgh to the contrary. Likeas the Provost Bailies Dean of Guild Treasurer and remanent members of the council of the said Burgh Deacon Convener and Deacons of Crafts thereof for themselves and their Successors in office Binds and oblige them and their foresaids not to exact or impose upon the said Brewers any other composition stent taxation or exaction whatsoever by virtue of whatever gift or gifts recovered or to be recovered thereanent. Which gift or gifts or warrands they for them and their Successors do hereby renounce and simpliciter discharge for now and ever. As also they oblige them and their successors to carry and transport the Brewers Malt to the Mills of the said Burgh, they paying one peck of multure for the boll; and for that effect they oblige them and their foresaids to keep and maintain sufficient hases with men and all things necessary and after the said malt is ground to return the same to the Brewers their respective houses conform to use and want. And such like the magistrates oblige them and their Successors not to exact any more from the said Brewers for outrecking their men Hases and other necessities for their May service or any other public occasion than their equal share according as other trades Merchants and other inhabitants within the said town shall hereafter pay in the like cases. And it is hereby condescended on that what money James Bower and James Lyon late Treasurer of the said Burgh, has uplifted from any of the Brewers in the said Burgh, since the first day of May Sixteen hundred and eighty nine shall be allowed to them in the first end of what they are to pay in virtue of this present gift". Such was the contract and such was the understanding between the Maltmen the Magistrates and the Guildry in 1690. If before the year 1690 they were to be considered only as a part of the Guildry they humbly conceive that by this contract their status in that respect was changed for the better. They were applied to for to support the Burgh and having contributed liberally the consequent advantage was a removal of the incapacity of holding office within the Burgh and being allowed a booth upset upon payment of 40 marks and being liable in all other accidents as merchants and others

under the Guildry during the currency of this contract it does not appear that any Maltman entered free to the Guildry and paid the 40 marks. At its expiry in 1701 the affairs of the Town were still in a very unflourishing state and the Magistrates appear to have again resorted to the Maltmen for assistance. The consequence was a new contract betwixt them and the Maltmen of the following tenor –

“It is appointed contracted finally ended and agreed upon betwixt the parties following. They are to say the present Provost Bailies Dean of guild Treasurer and remanent members of council of the Burgh of Dundee Deacon convener and Deacons of crafts of the same as representing the said Burgh and for them and their Successors in office and the present Brewers Burgesses and subscribers hereof for themselves on the other part in manner underwritten, that is to say the said Brewers considering the great debt that the town lies under at present and being most willing to contribute for helping to defray the same do hereby freely and voluntarily give and Grant to the present Magistrates council and community of the said Burgh (and their Successors in office for better helping to defray the common debt of the said Burgh) the sum of Seven thousand Merks Scots yearly for the space of five years commencing from the 1<sup>st</sup> day of May next 1707 years to the first day of May 1707 years, and the said Brewers and ilk ane of them hereby Binds and obliges themselves conform to their respective brewings as the same is digested and laid down by an act made by the Dean of Guild and Brewers on the eleventh day of April 1702 years monthly and at the end of each month to make good and thankful payment to the said Magistrates council and community of Dundee and their Successors in office of the foresaid sum of Seven thousand merks yearly during the space above written or into the Treasurer or Collector to be nominated by them for that effect at twelve terms or months in the year by equal portions beginning the first months payment thereof at the first day of June next to come and that for the month of May preceding, and so furth monthly thereafter during the space above written (here follows a clause as in the former contract consenting to the present one being ratified and intreating parliament to ratify it accordingly). For which causes the Provost Bailies Dean of Guild Treasurer and remanent members of council of the said Burgh of Dundee Deacon Convener and Deacons of crafts thereof as representing the same for themselves and their Successors in office do hereby ratify and approve of the former Contract past betwixt them and the said Brewers in the while heads articles and clauses and contents thereof of the date the 21<sup>st</sup> of October 1690 years excepting allenarily these words following Vizt: Likeas the Provost Bailies Dean of Guild Treasurer and remanent members of Council of the said Burgh Deacon Convener and Deacons of crafts thereof for themselves not to exact or impose upon the said Brewers any other imposition stent taxation or exaction whatsoever by virtue of whatsoever gift or gifts and warrants the themselves and their Successors do hereby renounce and simpliciter discharge for now and for ever. Which words are hereby expressly secluded faith and frae this present contract and ratifications foresaid”.

And then it is inter alia declared that any former acts of the council in favour of the Brewers shall be renewed And that “besides a commonly appointed by the Council there be three merchants not councillors chosen by the Dean of Guild and his court three Brewers not councillors chosen by the Dean of Guild and maltmen themselves and two tradesman for auditing ilka small account pertaining to the Town and ilka Treasurers accounts and Witnessing the right applying of the Towns common good as well as of the Maltmens gift.”

It will be observed that by the former contract the maltmen were declared to be eligible to hold office in the burgh and to be admitted Guild brethren with all the privileges upon payment of Forty marks of booth upset, and being liable to all accidents the same as merchants and others under the Guildry. By the contract of 1702 these privileges were renewed to the Maltmen; but it is not stated whether the valuable consideration of 7000 merks which they agreed to pay for defraying the Town's debt was to entitle the Brewers and all succeeding Brewers to the privileges of the Guildry upon payment of 40 merks Scots for a booth upset.

It might fairly be presumed that this was the case because it were inconsistent with common sense to suppose that these privileges could only be claimed by those who chose to enter during the five years that the Maltmen became bound to pay the 7000 merks.

The may be said to half purchased from themselves and their posterity these privileges and the Memorialists think that they have a right to be entered individually with the Guildry upon payment of the 40 merks converted into Sterling money as the dues of a booth upset. But the Guildry maintain that they have no such right – that they must be liable to all accidents the same as the merchants and others under the Guildry; altho' it is apparent that they could not stand upon an equal footing, the Merchants at that time were entered for 40

merks notwithstanding they did not contribute to the Towns support. And if the Brewers or their posterity were to be subjected to the chance of the value of a booth upset being raised to any sum above 40 merks, they in fact received no remuneration for the liberal contribution they bestowed under the time before recited contracts.

It is time they are to be liable to all accidents as Merchants and others under the Guildry but Counsel will consider whether the word "accidents" will be construed to include their liability in case of a rise in the dues of entry with the Guildry or whether it can be understood as meaning "accidents" of a different and more trifling nature.

In 1709 the free masters of the fraternity of Maltmen began to pay to the Guildry £4 Scots and Apprentices £1 Scots at their entry. In 1713 a number of entries took place, and the title in the Guildry books under which these entries appear is this "Booking of Maltmen as free masters to that trade and not to the Guildrie". This latter part appears to be an *ex post facto* operation and is written with different ink from the rest. But from the extracts which have already been submitted the Maltmen right as part of the Guildry are indisputable.

It appears from an act of and the Guild court 22d Septr 1707 that the Maltmen paid besides the parish Minister £50 yearly but after voting unanimously they statute and ordained that the two Stipendary Ministers shall be paid by the dean of Guild, and in lieu of the £50 formerly paid by the Maltmen the collector was appointed "to uplift and receive 10 pennies of ilka stipend of Malt from the Maltmen". This only adds one more to the number of burdens that seem successfully to have been imposed upon the Maltmen fraternity without seeming consequent privilege. In October 1712 the Maltmen's officer got from the Guildry funds a salary of £7 Scots a year and on the 19 of June 1718 the following entry appears in the Guildry record "The court appoints the present collector and David Jamieson late collector to pursue John Watt, Robert Fotheringhame, David Crichton, Patrick Will and the representatives of Alexander Geekie Maltmen for their booth upsets with a deduction of Five pounds Scots they formerly paid to David Jamieson their late Collector, or otherwise to give back their receipts that David Jamieson give them for the five pounds Scots upon getting back the money".

From this last quotation the Memorialists conceive that the Guildry then considered that effect to the contract as renewed in 1702 behooved to be given, but the value of the Booth upset could not be dispensed with. It seems to be equally apparent however that it was then considered that the Brewers in virtue of that Contract were entitled to be entered individually as members of the Guildry upon payment of these 40 merks. But from whatever cause it might have proceeded it does not appear that any Maltmen or Brewer paid for a Booth upset from the date of the renewed contract down to the year 1730 when one Robert Tod a Maltman appears to have been entered at the 40 merks; altho' from the Guildry records it appears that at his entry the dues for Merchants had been raised to £100 Scots. At the end of the entry however there appears the words "his entry money returned" in different hand from that of the entry; and at the bottom of the page, also in another hand for the entry. The following notes have been introduced dated March 30, 1737 (being 7 years after he had paid it "Paid to Robert Tod Maltman at his earnest desire £26.13.4 being very poor he and his children renounces their pretensions to their freedom to the Guildry". Now the Memorialists would submit whether this entry and notorandum did not of themselves imply an acknowledgement that no more than the 40 marks could be demanded from a Brewer for booth upset. The reason why the money was returned to Mr Tod 7 years after it had been in the possession of the Guildry arose entirely from consideration of his poverty but the Memorialists with deference cannot think that the returning of the man's booth upset should operate in any measure as an Argument against them being admitted in virtue of their Ancestors contract.

NL The Memorialists have now submitted the whole extracts which they humbly imagine their title to be admitted individually as Guild brethren is founded. They shall now shortly advert to the consequence which the Guildry attached to them in the struggle against the Magistrates for recovery of the ancient rights of that Incorporation. This commenced in April 1815 when preparatory to any hostile measure being adopted, a Gentleman from the register office in Edinburgh had been brought to Dundee to read the Guildry records, and the Brewers were requested to send a Committee to hear them read.

An act of Parliament had been previously obtained for improving the harbour of Dundee and in October 1815 it was proposed that a procession of all the public bodies should take place. Accordingly on the 3d October 1815 the Deacon of the Brewers received a letter from Mr Saunders, clerk to the Guildry to attend in the Town hall to assist in arranging the order of procession. The Maltmen also contributed 3 s. to help defray the expense of the reading of the Guildry records and gave 30 Guineas to the Guildry to carry on the proceedings against the Magistrates. Their deacon was called to every meeting of the Guildry to either a

general or Committee meeting and at the procession alluded to they were not attached a separate body but walked prominently among the Guildry. It were needless here to recapitulate the various communications and notices that have been addressed to the Deacon of the Brewers by the clerk to the Guildry. They are numerous but they will sufficiently instruct Counsel of the Brewers connection with the Guildry.

The different letters are produced per Inventory and in each of which the Brewers are distinctly recognised as part of the Guildry. NL The Memorialists therefore request to be favoured with the opinion of counsel upon the following points:- Whether the Memorialists upon individually offering payment of £40 Merks Scots or £*blank* Sterling are by virtue of the Contracts before realed be entitled to be entered free to the Guildry; or whether the word "Accidents" subjects them to any viassitude that might have taken place in the amount of the dues of entering with the Guildry and compels them to pay for their entry whatever their dues may be t the time, the same as any Merchant or other person entering with the Guildry. Counsel will be pleased to favour the memorialists with any other observations that may occur to him on the points submitted, and particularly what line of contact hey aught to pursue provide they are entitled to be entered on the 40 marks of booth upset and be notwithstanding refused by the Guidry.

## Memorial For The Brewers or Maltmen To The Guildry Incorporation

For a very long period the Brewers or maltmen appear to have formed a part of the Guildry Incorporation. From the imperfect state of the records, however, both of the Guildry and of the Town it cannot now be ascertained at what time nor for what reason that connection was originally formed. Perhaps it has subsisted from the first institution of the Guildry: At any rate, the Memorialists apprehended there are proofs of its having subsisted for upwards of two hundred years. It seems unnecessary to examine in detail the whole of the proofs; the following will probably suffice:

In the year 1652, the town it is well known, was stormed and sacked by the army under the command of General Monck. By that calamity not only the individual inhabitants, but the common good, were involved in much distress, the effects of which were felt during a long series of years. In order in some degree to repair the Towns loss, the Maltmen who at that time carried on the principal trade of the town, seem to have laid upon themselves a voluntary contribution of a merk for each boll of Malt manufactured by them. And upon this subject there is the following entry in the Minutes of the Town Council under the date the 7<sup>th</sup> December 1669. The Councell considering the great loss sustaynet by the late storme, - and yt yr is no probability to get any subsidie by assessment on the Towne, or oyr wayes from the Parliament for repairing yrof - and yt it is necessary that the Merk of the boll, voluntarily offered by the Maltmen, be continued qle the town repair the said loss and be freid of their debts and ingadgements - therefore they ordain that John Kinloch Dean of Gild convene the hail Guildry - the Maltmen as being ane part of the gildry". And from the Minute of the following day it appears that the Dean of guild had, in consequence of this resolution, called a meeting of the Guildry; "whereof it is said" the Maltmen compeared most frequently. And they all unanimously condeshendit and agreed that the foresaid merk upon each Boll of Malt to be brewed within this burgh, and no more, should be uplifted and paid for the Towns use.

It is therefore evident that at this period the Maltmen were "ane part of the gildrie". The dues of a guild brothers admission were then 40 merks, or £24.13.4d Scots (in Sterling money £2.4.5½ ), and of course the Maltmen, or at least such of them as were entitled to all the privileges of the Guildry, paid that some to the Guildry fund. Some doubt however, seems to have existed whether, notwithstanding their freedom to the Guildry, they were not, as Brewers or Maltmen, disqualified from holding office within borough. This doubt probably originated from certain old acts of Parliament long since obsolete, whereby Brewers were excluded form being members of any incorporation. But this disability whether real or imaginary, was removed in the case of the Brewers of Dundee, by a transaction to be now explained.

The embarrassments of the town having still continued, another application was, in 1690, made to the Brewers for assistance; and the latter agreed to furnish it upon two conditions. They stipulated, in the first place, that the disability which it was supposed they laboured under of holding office within borough should be removed; and secondly, that the booth upset of 40 merks Scots which was then payable on the admission of a Guild brother should in this case, receive no augmentation. For the consideration the brewers engaged to pay for the Towne use, the sum of 10/- Scots upon every Boll of Malt made and brewed within the Borough during the space of eleven years, from the 1<sup>st</sup> October 1690.

A regular contract to this effect was accordingly entered into. The parties to it were "the present Provost, Bailies, Dean of Guild, Treasurer, remanent members of the Town council of the said Borough, Deacon Convener, Deacons of crafts of the same as representing thee said borough, and for tem and their Successors in Office on the one part, and the present Brewers, Burgesses and Subscribers hereof, for themselves on the other part." The obligations on the Brewers it is unnecessary to quote as it was merely of a temporary Nature, and it has long ago been at an end: But the obligation on the Council was permanent; and it is as follows "For which causes the Provost, Bailies, Dean of Guild, treasurer, Town Council ,Deacon Convener, Deacons of crafts, as representing the Borough of Dundee for themselves and their Successors in office, do hereby declare, that the said Brewers, and succeeding Brewers in the Town upon account of their brewing, shall not be incapable of bearing office of the said Borough of Dundee: But being elected according to the ordinary customs, shall be admitted thereto as Merchants tradesmen, burgesses, and guild brethren of the said Borough and shall be capable of all offices and privileges within the same, as well as any other Merchants, tradesmen and burgesses thereof; they paying 40 merks of booth-upset, and also other accidents as Merchants and others, under the Guildry doeth; together with half a boll of malt to the Hospital, conform to use and wont, and their prentices still paying as before , notwithstanding of any custom or constitution of the borough to the contrary. Likeas, the Provost, Bailies, Dean of Guild, Treasurer, and Deacons of crafts thereof, for themselves and their Successors in office, binds and obliges them and their foresaids not to exact or impose upon the said Brewers any other composition, stent, taxation, or exaction whatsoever, by virtue of whatsoever gift or gifts recovered or to be recovered thereanent; which gift of gifts are warrants, they, for them and their Successors, do hereby renounce, and simpliciter, discharge for now and ever.

Upon this contract, the memorialists would in the first place, observe, that although it is entered into by the Magistrates and council it is nevertheless binding upon the Guildry Incorporation; for at that time the Council, in consequence of the surrender of the Guildry rights, had the sole and uncontrolled management of all the affairs of that body. Indeed, the Guildry, have since their rights were restored to them, sanctioned and homoligated all the acts of administration of the council relative to Guildry matters during the intervening period. The question of power thorn being clear the only subject for inquiry is, What did the council really agree to do?

Now, the Memorialists submit that the fair interpretation of the contract is precisely what they have before stated, - The Brewers, on the one hand, agreed to assess themselves in a certain sum upon every Boll of malt manufactured by them during a specific period. The council on the other hand, agreed, that the Brewers, who were parties to the contract, and likewise "succeeding Brewers should be incapable) of all offices and privileges within the borough as well as any other Merchants, tradesmen and burgesses thereof, they paying Forty merks of booth-upset" &c. but had this been all the Brewers would have received nothing in Exchange for the assessment which they had imposed themselves. For as to the disability to hold office, it had long before fallen into desuetude; and altho' the Brewers had no political rights, yet, taken as a party of the Guildry (which in Dundee they had been reckoned from time immemorial) they were surely entitled to the same rights as other members of that body. It is obvious then that something was stipulated as the price of the assessment agreed to by the Brewers: And that price evidently was this, - that in time coming, no additional dues wee to be levied from the Brewers for their booth-upset, as Guild brethren; or in the words of the Contract, the Council (who as already said, were the sole Managers and Administrators for the Guildry). Were not to exact or impose upon the said Brewers any other Composition, stent, taxation or exaction whatsoever; and which accordingly the council do thereby "for them and their Successors and simpliciter discharge for now and for ever."

The assessment agreed to by the Brewers being for eleven years, lasted till 1<sup>st</sup> October 1701. But the affairs of the Town still continuing involved, the council again applied to the Brewers for aid; and t latter agreed to contribute 7000 merks annually for the space of 5 years,

from 1<sup>st</sup> May 1702. a new contract was the consequence, in which the Brewers obtained a ratification and approval of the former one of 1690, with the exception of the clause renouncing all future taxations or gifts; an approval of which would have been inconsistent with the New contract itself. But with that exception, the old contract was ratified "in the whole heads, articles, clauses and contents thereof;" it was likewise declared, that any former acts of the Council in favour of the Brewers should be removed; and that besides the Committee appointed by the Council, there be three Merchants, not Councillors, chosen by the Dean of Guild and his Court, three Brewers and Maltmen themselves, and two tradesmen for auditing the small account pertaining to the Town and ilka treasurers account, and witnessing the right applying of the town's common good, as well as of the Brewers gift.

Accordingly a considerable number of Brewers appear to have entered to the Guildry upon payment of the 40 merks Scots. But that sum, though in consequence of the Depreciation of Money it is now of small importance, was at that time of some considerable magnitude; and it is likely that many of the Brewers were unwilling to pay it, since the regular Merchants who kept open shop, and gained their livelihood by buying and selling paid no more. A practice seems therefore to have crept in, of allowing Brewers who carried on trade merely as such to exercise their calling upon payment of a Composition of £4 Scots. This however, was merely a Composition paid for a tolerance or permission; and if any Brewer wished to become a full member of the Guildry he behoved in terms of the contract to pay 40 merks Scots for his booth-upset.

In those days however it was of very little consequence to be a regular member of the Guildry; almost all the rights of that body having been swallowed up by the Town Council. It is not at all wonderful, therefore, that it became less and less common for the Brewers to avail themselves of their rights under the contract.

In fact at that time, and even till within this year or tow, the admission money to the Guildry was little less than a tax. The person paying it acquired no political right, unless it be reckoned a right to be capable of being chosen a member of Council; and as this was a distinction to which few could aspire nobody sought to be admitted to the Guildry, provided he was allowed to exercise his calling without such admission.

Almost all the Brewers, therefore came at last to control themselves with payment of the composition of £4 Scots. but the memorialists apprehend that their rights under the contract of 1690, was not thereby lost. That right it will be observed could not prescribe by lapse of time. It was a right which the Brewers might exercise or not as they thought proper; in legal phraseology, it was *mera facultatis*, a species of right which, it is well known is not capable of prescription.

In the year 1730, the dues of admission to the Guildry were revised by the Town Council from 40 merks Scots to £100 Scots, or £8. 6. 8d Sterling. This was an act however, to which the Brewers were no parties, though, in terms of the contract, they behoved to consent to any augmentation which should be binding so far as they were concerned. But the presumption is, that they were meant to be excepted from the operation of this increase, and accordingly nothing whatever is said regarding them. It must be held, then, that the dues payable by Brewers remained exactly as before.

The same Argument applies to the next, and indeed the only other increase on the admission dues which took place in 1807 when the Council raised them from £8. 6. 8d. it appears therefore, that the right of the Brewers to be admitted full members of the Guildry stands precisely where it did in 1690, - that is they are still entitled to be entered, upon payment of 40 merks Scots; for it was at that time they agreed that the sum should not be increased. In point of fact it has not been increased; and although the right has been very little exercised, yet as has been seen, it cannot be lost by mere disuse. It would no doubt have been lost, at least to a certain extent, if the Brewers had consented to the Augmentations of 1730 and 1807; or perhaps if subsequent to these dates, it had been a constant and inveterate practice that the Brewers should enter to the Guildry, and make payment of the increased dues. But neither of these things took place. The Brewers never agreed that the dues should be increased; and it has not been their practice to enter as full members; for so far as appears from the Guildry records, there is only one instance since 1730, of a Brewer having paid the augmented dues, - namely, that of Mr James Guild in 1737, and to balance this there is an instance on the other hand of a Brewer having since augmentation in 1730, been admitted for 40 merks. The memorialists allude to the case of Robert Tod. And that person having afterwards fallen into poverty, applied for repetition of his admission money' and this having been granted, the following entry was made in the Collectors accounts for 1737: "Paid to Robert Tod maltman, at his earnest desire £26, 13.4d, being very poor, he and his Children

renounces their pretensions to the Guildry." This shows that Robert Tod was previously a regular member, entitled to all the usual privileges.

But, while the memorialists have thus endeavoured to point out what they conceive to be their right, they by no means wish to enforce it to the strict letter, in consequence of the great depreciation of money since the agreement of 1690, and in consequence of other circumstances which have since occurred none of the least of which is, the restoration to the Guildry of their ancient privileges, the memorialists are willing that the admission money payable by them as Brewers should be increased. But they submit, that they have a just claim to be received upon more favourable terms than those who are not Brewers. For independently altogether of their right under the contract, they would beg to remind the Guildry that they zealously co-operated with them in the last struggle to regain their privileges; and that they contributed both collectively and individually to the funds raised for effecting that object. Moreover from the moment the Guildry roused themselves from the state of torpor in which they so long slumbered, and resumed the exercise of their functions as an independent body, they recognised the right of the Brewers to participate in the privileges for which they were contending. And lastly the Memorialists may mention, that they lately laid a state of their case before counsel of eminence : by whom they were advised that they certainly have a very strong claim to be received as Guild Brethern upon more favourable terms than persons who formed no part of the Guildry, and who have no way contributed to aid the Guildry in maintaining their privileges. "But it is added in the circumstances of the Burgh strongly recommend to the memorialists to avoid all proceedings which might tend to produce discussion between them and the Guildry, which may be attended with the worst consequences to bother while it is obvious that an equitable arrangement may be made which will both recognise them as a part of the Guildry and strengthen and support their mutual rights."

In these circumstances the memorialists cannot doubt that the Guildry will lend a favourable ear to the following proposals: which are now submitted as the basis of a permanent union.

1. That a present all the Maltmen or Brewers of Dundee who are free burgesses and members of the Maltmen Fraternity, shall be admitted as members of the Guildry Incorporation for themselves and their posterity, with all the usual privileges and immunities, on payment to the Guildry fund of the Sum of £8. 6. 8d Sterling each, besides the usual accidents payable by Merchants.

2<sup>nd</sup>. That in future, Maltmen or Brewers within Borough shall be admitted as members of the Guildry incorporation for themselves and posterity, provided they shall produce regular Indentures, showing that they have served for two years at least as apprentices to Maltmen or Brewers within borough who are free guildbrethern, and shall make to the Guildry fund of £8. 6. 8d Sterling each besides the usual accidents.

3d. That the sons of Maltmen or Brewers, who are free guildbrethern shall provided they are Burgesses, be admitted as Guildbrethern, for themselves and their posterity, in right of their fathers, on payment to the Guildry fund of £2. 10/- Sterling, besides the accidents usually paid by the sons of Merchants.

4<sup>th</sup>. That the Sons-in-Law of Maltmen or Brewers who are Guildbrethren, shall provided they are Burgesses be admitted as Guildbrethren for themselves & their posterity, in right of their fathers-in-Law on payment to the Guildry fund of £2. 18/- Sterling, besides the usual accidents payable by the sons-in-Law of Merchants.

5<sup>th</sup>. That stranger maltmen or Brewers who shall set up their booths within borough shall be admitted as Guildbrethren, on making payment to the Guildry fund of £20 Sterling, besides the usual accidents.

6. That at present all the Maltmen or Brewers of Dundee, who are burgesses and members of the Maltmen Fraternity – and in future, all Maltmen who shall produce regular Indentures, showing that they have served for two years at least as Apprentices to maltmen or Brewers within borough who are free guildbrethren, - may be entered free guildbrethren for their respective lives on payment to the Guildry fund of £4. 3. 4d Sterling besides the usual accidents.

7<sup>th</sup>. That Stranger maltmen of Brewers, who shall set up their booths within Borough. May be admitted as Guildbrethren for their respective lives on payment to the Guildry fund of £10 Sterling besides the usual accidents.

8. That the dues payable under the various circumstances above mentioned shall be exclusive of the other dues presently payable to the Guildry fund by the Maltmen fraternity: which dues shall continue to be paid as heretofore.

9. That in case the Guildry incorporation shall at any time hereafter, increase or diminish the dues of admission payable by the members of the Guildry, the dues proposed to be paid by Maltmen or Brewers shall be increased or diminished in proportion.

The memorialists have made these proposals in the spirit of conciliation and concession. – trusting that the members of the Guildry, in considering them, will be actuated by a similar spirit. If in this expectation however, they should unfortunately be disappointed they beg it may be understood, and they accordingly protest, that nothing herein contained shall prevent them from afterwards urging their claims to the fullest extent, or fetter them in their place in a court of law, in case they shall find it necessary to have recourse to legal discussion. But they cannot anticipate such a result, being persuaded that both parties will be desirous to follow the advice given by counsel, - namely to avoid all proceedings which might tend to produce discussion between the Memorialists and the Guildry, which may be attended with the worst consequences to both.

Signed in name of and by appointment to the Maltmen fraternity of Dundee.

**At an Adjourned Meeting of the Guildry of Dundee held on Wednesday  
The 18<sup>th</sup> day of November 1818 at 11 o'clock forenoon to take into farther  
Consideration the claims of the Maltmen**

Robert Jobson Esquire Dean of Guild in the Chair

Mr Robert Thornton withdrew his former motion and moved that for a period of three months from this date maltmen Burgesses of Dundee and presently members of the Maltmen Fraternity thereof be admitted for themselves and their posterity for Ten pound Sterling and that after that period they shall pay the ordinary dues of Admission as Merchants and other Guild brethren do for themselves, their sons-in-law and Apprentices.

Mr William Anderson seconded the motion, Mr Robert Torbet moved as an amendment that in place of £10 the Maltmen shall pay £14. 3. 4d. Mr James Peat seconded the Amendment.

The question being put by a shew of hands first for Mr Thornton's motion and then for the amendment a great Majority voted for Mr Thornton's motion which was accordingly carried.

**At Dundee the Twenty sixth day of November 1818 years**

The Maltmen and Brewer Trade of Dundee being this day convened within the old or east church of Dundee their usual place of meeting...

...the Deacon introduced a subject which he considered of Great importance to the interest of the Trade: - He meant in regard to the late proceedings of the Guildry upon the Trades application to them as being free members of the Guildry. – A copy of the whole proceedings to be engrossed in the Sederunt Book.

The Deacon stated that the opinion which had been obtained from John Archibald Munro Esqr. Advocate or Counsel of the highest respectability induced the Trade to lay before the Guildry the Memorial engrossed in the Sederunt Book rather than go to Law with that body. But he regretted that the Guildry had not bestowed that liberality on the Trades application which might reasonably been expected.

The Deacon read to the Trade an Extract of the resolutions of the Guildry which he had also directed to be engrossed in the Sederunt Book.

The Deacon was of opinion that the favour granted by the Guildry was so small as that it was not worth accepting of by the Trade as a body but that any individual who chose to do so could not be prevented.

The meeting therefore agreed to the opinion of the Deacon, and the Trade reserved to themselves the right of insisting against the Guildry for their privilege at any future period they might be advised.

The Deacon stated that the Trade were highly indebted to the exertions of William Lindsay Esqr., Robert Thornton Esqr., and William Elliot Esqr., all Merchants in Dundee for their indefatigable exertions in behalf of the Trade at all meetings of the Guildry held for discussing the subject.

He therefore proposed that these Gentlemen be admitted Constituent members of the Trade in token of the Trades gratitude and esteem.

The Deacon's proposal was unanimously agreed to and they were elected Constituent Members accordingly.

**At Dundee the fifth day of April Eighteen hundred and nineteen years**

... The Deacon stated that there existed a very heavy tax (*blank*) upon the members of the Trade imposed by the Magistrates of Dundee in virtue of an act of Parliament passed in their favour whereby they are entitled to exact two pennies upon the pint of all Ale or Beer Brewed vended or sold within the Town of Dundee and liberties thereof and during the existence of this act the Trade have no remedy but to pay.

The Deacon however stated that there was a great evil which had long been complained of by the members of the Trade – In regard the manner of collecting the tax Of late there are a number of Brewers who have set up in the vicinity of Dundee and who are not taxed so rigidly as those within the Burgh (where the same powers exist under the Statute) thus giving them an unfair advantage over the Members of the Trade.

The Trade therefore resolved to petition the Magistrates and Counsel on this subject and to take such means of redress as might be judged advisable.

**At Dundee the ninth day of December One thousand eight hundred and nineteen years**

... The clerk stated that the application presented to the Town Council regarding the manner of exacting the two pennies on the pint, had been favourably received and the desire of the petition was granted.

The Meeting appointed Robert Whitton, George Murdoch, David Ferguson along with the present Deacon and Boxmaster as a committee to prepare a code of bye laws for the proper regulation of the trade.

**At Dundee the tenth day of February Eighteen hundred and twenty one years**

...the preses stated that the meeting had been called for the special purpose of taking into consideration the dispute between the trade and the Town of Dundee as to the towns claim for Multure on malt, he represented to them that in order to try this question in the court of Session it was agreed to do so by a process of advocation in the name of David Low alone of their number & that it is necessary by the forms of Court that he lodge caution to provide against the consequences, in the event of an unfavourable decision to the Corporation.

That this however being a general question in which the whole members of the incorporation are generally interested, it is reasonable that they should guarantee Mr Low for any loss he should sustain from his agreeing individually to try this question in his name in the event of a decision being pronounced against him, excepting to his own proportion and rateable share of such eventual loss, and also that they should guarantee any of their number from all risk or loss who may sign the bond of Caution in the bill chamber, to enable them to try this question & the trade having appointed the present Deacon & Boxmaster & four councillors of the Trade to sign the bond of Caution in David Lows advocation, the meeting hereby bind and oblige themselves & the funds & effects of the corporation to free and relieve not only the said Deacon & Boxmaster & Councillors of the trade the Cautioners therein from all loss or damage which litigation (*blank*) In respect that David Lindsay one of the Councillors was absent & could not therefore so sign the bond the trade appoint David Lindsay one of their number to sign the bond in place of David Duncan & entitle Mr Lindsay to the same relief.

**At Dundee the twenty sixth day of March Eighteen hundred and twenty three**

It was unanimously resolved that a Committee should be appointed to investigate into the propriety of paying to the Town Chamberlain the multure specified in letters sent to each of the members, & to wait again upon the Town Chamberlain for explanations as may be necessary for satisfying themselves on the subject...

**At Dundee the twenty ninth day of March eighteen hundred and twenty three**

The Committee appointed at last meeting reported that from enquiries they had made it appeared to them expedient for the members to pay individually the several sums asked by the Chamberlain as in full for the year commencing 5 July 1821 & ending 5 July last, without prejudice to the whole price insisted in for the Brewer Trade in the action presently depending in the court of Session betwixt them and the Town of Dundee; - the sum demanded for the aforesaid year appearing to the calculated according to the Entry Book of the several members...

**At Dundee the thirty first say of May One thousand eight hundred and twenty three years**

It was unanimously resolved that the dues of entry for unfree members or strangers to the Brewer Trade shall from and after the first day of September next be raised to Twenty five pounds Sterling. That the entry of free apprentices who shall have by regular indenture served eighteen months shall by Eighteen pounds & those who shall have served as apprentices for two years by regular Indentures their entry money to be Ten pounds Sterling – these dues being also exigible upon the said apprentices from & after the first day of September next.

**At Dundee the Twenty-sixth day of July One thousand eight hundred and Twenty three years**

The Deacon submitted to the Meeting a letter which he had received from Mr Christopher Kerr, conjunct Town Clerk of Dundee preparing a copy of certain resolutions adopted by the Town Council of Dundee relative to the exaction by the Town Council of duty of two pennies on the pint. The Trade acquiesced in these resolutions a copy of which is annexed, - but upon the express understanding that no homologation on the part of the Trades should be expressly inferred either as to the legality or mode of exaction of the duty by the Town of Dundee...

**At Dundee the ninth day of September One thousand eight hundred and twenty three**

The Deacon stated that as the Trade have been of a considerable time past had it in contemplation to purchase some heritable property with their lying money so as to afford a better return than what is presently obtained on deposit accounts in the Banks, he suggested the propriety of a Committee being appointed to look after certain subjects situated in church yard which are to be exposed to Public Roup to-morrow. The Meeting thereupon appointed Messers Robt. Mullen, John Sturrock, & John Easson, along with the Deacon & Boxmaster as a committee to enquire into the particulars respecting these subjects, and if can purchase them at a price from Seven hundred to Eight hundred pounds Sterling; the meeting authorised them to conclude a bargain for them on behalf of he Trade, and that either by private sale or Public Roup.

**At Dundee the second day of February Eighteen hundred and twenty four years**

...The Meeting received a report from the Committee of the Trade appointed at last meeting to take into consideration the paper titled "Estimates of the sums due by the several Brewers of the Town of Dundee for Multure", when the same was read & unanimously approved by the Trade – and it is of the following tenor: "The Committee of Maltmen appointed to revise the Sederunt regarding the Multure Malt handed by the Town Clerk of Dundee to the Deacon, having duly considered the same, do recommend to the trade most strongly to adhere to the pleas maintained by the Trade in the Bill of Advocation brought for them in the court of Session & not to pay any part of the sums claimed by the Town in the above mentioned statements, before they agree to pay the whole expenses incurred by the trade in the dispute between them & the town, And thereafter until the town shall furnish regular abstracts of the sums due by the members individually as required by the trade in these proceedings, the Committee of the trade being satisfied that the assessed statement made up by the Town is wholly incorrect.

**At Dundee the twentieth day of April Eighteen hundred and twenty four years**

There was laid before the Meeting a printed copy of Resolutions passed at a general meeting of the Brewers of Edinburgh, Leith &c., assembled at Edinburgh on the 14<sup>th</sup> current, relative to a Resolution passed by the House of Commons to exact a new Scale of Beer duty, upon a principal laid down by Government that this measure would produce a Documentation of Duty in the qualities of Beer for general use.

This meeting having taken these Resolutions into consideration was unanimously & decidedly of opinion that the Scale proposed, if adopted, would operate a consequence directly the reverse of the principal on which in relation to this matter throughout. Also other parts of Scotland should be cop-operated with, and support given to the Petitions to Parliament, which, by the Resolutions at Edinburgh it is intended to present. It was further recommended that a subscription should be raised among the Brewers of these places & its vicinity towards defraying the necessary expanses, - to be paid to the Deacons of the Trades & forwarded by him to Archibald Campbell Esq., Brewer Edinburgh.

**Copy Resolutions referred to in the above Minute**

**At a Numerous Meeting of the Brewers of Edinburgh, Leith and various parts of Scotland assembled in the Royal Exchange Coffee House**

Archibald Campbell being called to the Chair.

The following Resolutions were moved by Mr William Berwick, and being seconded were unanimously adopted.

1<sup>st</sup>. That it appears by the Report of the Parliamentary proceedings that the House of Commons have adopted a Resolution to enact the following Scale of Beer Duty vizt: - If from a quarter of Malt there are produced.

	Per Barrel		Per Barrel
Less than two barrels	24	Between 5 & 6 Barrels	4. 0 <sup>3</sup> / <sub>4</sub>
Between 2 & 3	12	Between 6 & 7	4. 0
Between 3 & 4	8	Between 7 & 8	3. 2 <sup>1</sup> / <sub>2</sub>
Between 4 & 5	6	Above 8	3. 0

That this scale of levying the duties on Beer so far from affording any relief to this part of the United Kingdom will add very considerably to the present high duties on Malt Liquor; and will operate in Scotland directly contrary to the principal laid down by his Majesty's Government in bringing forward this measure viz. "a diminution of duty in the qualities of beer in general use".

2. That the two qualities of Malt liquor in general use in this country comprehend the 1<sup>st</sup> and 2<sup>d</sup> classes a Table Beer. Namely Ales of a good strength, and also the last three classes generally sold as Table Beer.

3<sup>rd</sup>. That it is precisely on these qualities that an Increase of Duty to an alarming extent has been proposed.

4<sup>th</sup>. That the extent of Duty in the above scale annexed to Ales of the finest quality (in brewing of which Scotland has lately obtained the highest character both at home and abroad) will amount almost to a total prohibition.

5<sup>th</sup>. That upon Ales of the second degree of strength unquestionably in general use in this country the Increase of Duty will amount to 40 per cent while upon the quality of Beer (or Porter) in similar use in England there will be in the same scale a Reduction of Duty of 20 per cent.

6<sup>th</sup>. That upon Table Beer also in general use in Scotland there is an additional duty to be imposed from 50 to 100 per cent.

7<sup>th</sup>. That upon these last two qualities so great an increase of duty will be most severely felt in Scotland, in the larger towns by the mechanics and others whose principal beverage consists in the stronger qualities; in the country by labourers (and in harvest by reapers) who are now supplied with good Table Beer at a moderate price The Proposal in increased taxation on these classes at a moment when they anticipate reduction appears to this meeting to be ill timed, ill judged, and loudly to call for interposition.

8<sup>th</sup>. That this meeting cannot anticipate that his Majesty's Ministers will persist in a course so much at variance with the principles they have so often avowed. This meeting therefore trusts that the scale by which the Beer Duties are to be charged will be so modified as to produce the same effect on the Brewery of Scotland as are contemplated to be produced by it in England namely a reduction of duties and a relief to the Brewers and the public.

9<sup>th</sup>. That to secure so desirable an end, the co-operation of the trade in general would be necessary, and it is therefore recommended that meetings should take place throughout the country, and that Memorials to the Treasury and Petitions to Parliament, setting forth the injury and inequality of the proposed measure be immediately forwarded.

10<sup>th</sup>. That copies of these Resolutions be distributed and published in the Edinburgh newspapers with the view of making the community acquainted with the nature and extent of the tax in contemplation.

11<sup>th</sup>. That this meeting is of opinion that it would be of advantage that a Deputation should proceed to London for the purpose of pointing out to Government the injurious effects of the proposed measure in Scotland and for opposing the same in Parliament if found necessary.

12<sup>th</sup>. That a considerable expense will necessarily be incurred in prosecuting this object, but it is presumed that those concerned that those concerned need only be apprised of his intention to insure their liberal support. Such country Brewers as may approve of this proceeding are earnestly requested to send their subscriptions with the least possible delay to Archibald Campbell Esquire, Brewer Edinburgh.

Any communications connected with the above subject may be addressed to George Combe, Esquire WS, Edinburgh and Brewers in the country are requested to forward to him copies of their Resolutions for the use of the Deputation.

The thanks of the Meeting were unanimously voted to Mr Wm. Berwick for the zeal and ability displayed by him in preparing these Resolutions.

After which the unanimous thanks of the Meeting were voted to Mr Campbell for his assistance in the business of the Meeting.

#### **At Dundee the twenty ninth day of April eighteen hundred and twenty four years**

It was unanimously resolved that in place of the Brewers in Dundee joining in the Edinburgh Petition regarding the beer duties, a separate Petition should be presented for themselves to Parliament and a Memorial to the Treasury and that the subscriptions of money mentioned in both Minutes instead of being forwarded to Edinburgh should be expended in defraying any costs incurred relative to the above petition & Memorial. A petition and Memorial were accordingly by now subscribed by all the Brewers present. And it was Resolved to request that Lord Provost of the Burgh to forward them to the Honble. Hugh Lindsay MP soliciting him to present them and give them his support.

#### **At Dundee the twenty fourth day of July eighteen hundred and twenty four years**

...The late Act relative to Beer duties having been produced to the Meeting, they unanimously resolved that a Committee should be appointed to consider the same & collect such information in regard to the mode of operation as they could obtain by Correspondence with the Brewers of other places and to report to the next General Meeting. The following persons were then named as Committee Viz: Messers Robert Whitton, David Ferguson, George Pryde, John Sturrock and the Deacon of the Trade, the latter to be Convener.

#### **At Dundee the twenty sixth day of January 1825**

There were read to the meeting a letter from the Town Clerk to the Agents for the Brewer Trade, containing terms of agreement relative to the dispute about the Multure & proposing a meeting on the subject; and an answer to that letter, from the Deacon, to the Town Clerk, stating that the present meeting would be called to deliberate on the subject. Copies of these letters are annexed to the Minutes.

It was moved by Mr Ferguson and seconded by Mr Cathro, that at next general meeting each Brewer should come prepared to state what in case of a settlement being

expectit he would be willing to pay for the past year; & that a Committee should be named to treat with the Finance Committee of the Town council in relation to the amount of the past Multure; but that no setilment of the process should be made without an obligation upon the part of the Town Council to pay the whole expenses.

**At Dundee the fifteenth day of September One thousand eight hundred and twenty five years**

The Deacon stated that after many & repeated communings with the Committee of the Town council in which the Committee of the Trade and the Clerk had taken part they had at last been able to effect an arrangement for a final settlement of the process about the Multures and that the Town were willing to accept of the sum of Two hundred & fifty pounds stg., in full of all demands for arrears due by the Trade individually & to discharge them of the whole proceedings either in the Burgh court or the court of Session, each party being bound to pay their own expenses; And the Town signified their readiness to grant to any individual for behoof of the Trade an assignation (at the Trades expense) of all arrears due by the different members of the Trade in order that the Trade might be inabled to complete payment from such individual members as might be unwilling to enter into this arrangement.

The Meeting having taken the above Statement into consideration did unanimously approve of the arrangements proposed and authorised the Deacon & Boxmaster along with the Clerk to carry the settlement with the Town into execution without delay.

**At Dundee the twenty seventh day of July One thousand eight hundred and twenty six years**

...A motion was brought before the meeting by the Deacon, "that from and after this vote no member of the fraternity could be accepted as Cautioners for one another or for any other individual or individuals not connected with the trade, in relation to the funds of the fraternity". An amendment to the motion was afterwards made by David Ferguson that the matter should be allowed by lye over until next General Meeting. After bringing the affair to the vote of the members present the amendment was carried.

**At Dundee the thirty first day of August One thousand eight hundred and twenty six years**

The Deacon stated that he had called the present meeting at the suggestion of several members to represent that by Act of Parliament to morrow was the time appointed for the final regulation of the new Weights & Measures, and to take into consideration the price to be charged for the different Liquor sold by the respective members, after taking the matter into their consideration, it was resolved that each member should retail their commodities at their own discretion.

**At Dundee the Eighteenth day of January One thousand eight hundred and twenty Seven years**

The Deacon stated that he had been informed by the Dean of Guild that the Magistrates were to apply to Parliament this session for a renewal of the Act for the Two pennies on the pint of the Ale brewed &c., and he had called this Meeting to consider what steps they should take for opposing the same, and after discussing the matter at some length the Meeting appointed the Deacon, Messers William Anderson, David Ferguson, John Easson and Robert Whitton a Committee, the Deacon, Convener and three to be a quorum to obtain what information they could and to submit such information and what resolutions they might agree upon to a future meeting of the Trade, and such others interested in the paying of the Tax as might be thought proper to invite to thee said Meeting to be held on as Early a day as possible.

**At Dundee the Thirty first day of January One thousand eight hundred and twenty seven years**

...the Deacon stated that the Committee then appointed for looking after the proceedings of the Town of Dundee as to a renewal of the Act for exacting the Two pennies on

the pint of Ale &c., had had various meetings, that they had procured copies of the various Acts of Parliament, that the Clerk had written to London on the subject and had prepared a report pointing out the grounds on which the Bill could be opposed; but that it appeared necessary in the first place to take into consideration the indispensable necessity of raising funds for the purpose of supporting the necessary opposition to the Bill.

The report alluded to was read over and met with unanimous approbation of the Trade.

The Meeting resolved to subscribe the sum of one hundred and fifty pounds out of the funds of the Trade for the purpose of defraying the necessary expence and the Meeting authorised the Deacon in the name of the Trade to subscribe the said sum, which he did in the face of the Meeting.

The following persons were nominated as a Committee to procure Subscriptions from the individual members of the Trade as well as from those otherwise interested in the Tax, vizt: Deacon Whittet and John Easson.

The Committee appointed at last meeting was continued with power to report their proceedings from time to time to the Trade.

#### **At Dundee the fifth day of September One thousand eight hundred and twenty seven years**

There was laid before the meeting a Statement of several rules as to the Collection of Stipends and quarterly accounts and various other articles which are to be printed out to the Clerk and in the meantime to be put in proper order and engrossed in the Locked Book for the approval of the members of next General Meeting.

An account of expences for repairs of the Old or East Church was laid before the meeting shewing a Balance of £85.13.11d. against the Incorporation which was authorised to be paid.

It was resolved by the Meeting that in the event of the roof of the South Church being, taken off & raised the Deacon was instructed to protest on behalf of the Incorporation against any further expenses on the part of the Trade being submitted.

It was agreed that the Brewers seats in the South Church should be altered so as to slope down progressively as low as the floor will admit of, the first seat to be covered anew with green cloth the same as in the Old Church.

#### **At Dundee the twenty fifth day of October One thousand eight hundred and twenty seven years**

The Meeting appointed the following members to be a Committee to meet with the Committee of the Town Council for arranging the boundaries for meeting the duty of the two pennies Scots per pound vizt.

Deacon Murdoch, David Ferguson, Thomas Rattray, David Young.

It was agreed that the powers of the Committee to be as follows vizt. They shall object to the line of boundary pointed out by the Town council and contend that the suburbs shall only be where that ground extends in which the houses are built that pay feu duty to the Town but they shall hear any proposals used by the Town Council Committee, and report the same to another general meeting for their instructions; not agreeing to any thing conclusive until their own proposals be acceded to.

There was read to the meeting as abstract of the existing laws of the Trade, and the same having been considered and revised, certain alterations and additions were made thereon by the Meeting and unanimously agreed to; and the said abstract as revised, altered and added to in this manner, was appointed to be engrossed in the Locked Book of the Trade and signed by the Deacon as relative hereto, and as containing a summary of the Laws of the Trade to be observed and obeyed in time coming.

#### **At Dundee the twenty second day of November One thousand eight hundred and twenty seven years#**

...Messers Thomas Rattray, James Ferguson and Robert Whitton were nominated as a Committee (Mr Rattray Convener) to wait upon the Committee of the Town council and offer to consent to the suburbs being extended to the limits proposed by the Magistrates for the

calculation of the Beer Tax, provided the Magistrates will agree to levy only One shilling on each barrel & provided further that the same arrangements is to be adopted with regard to the Brewers without Burgh so that all may be placed upon equal footing & under this condition that the proposed arrangement be Sanctioned by the Commissioners in the Beer act or at least agreed to by them.

...The thanks of the Trade were unanimously voted to Mr Ronald Ferguson, Joseph Hume Esq., and the Honbl. Mr Maule Member of Parliament for the countenance and support given by them to the late opposition in Parliament against a renewal of the Dundee Ale and Beer Act; and the Deacon was directed to Communicate this vote of thanks in the most appropriate manner.

**At Dundee the fifteenth day of September One thousand eight hundred and twenty seven years**

...Letters of thanks by the Trade to be signed by the Deacon to the following Maltmen and others for their great assistance & support to the Trade as to the two penny on the pint and were read vizt to:

Sir Ronald Ferguson MP  
The Honble. Wm. Maule MP  
Joseph Hume Esq. MP  
Robert Dawson Esq. MP  
Robert Stephen Rintoul Esq. London  
John Cainage(?) Esq. London  
and  
Thomas Donaldson Esq.

These were approved of and ordered to be dispatched.

**At Dundee the eighth day of February One thousand eight hundred and twenty eight years**

It was stated that the present Meeting had been called in consequence of the Collector of Excise having considered it his duty to prevent the Brewers from keeping part of the first worste to ferment their Small Beer, when bottled, or at least without paying strong beer duty thereon.

The Boxmaster and Mr Whitton were deputed to wait upon the Collector on the subject, and to convene with him as to petitioning the board of Excise for relief, and they returned to the meeting reporting that the Collector approved of petitioning the Board.

It was therefore resolved that a proper Petition shall be drawn up to be signed and forwarded by the Deacon in name of the Incorporation without delay and Mr Rattray, Mr Ferguson and Mr Whitton were appointed a Committee to give the necessary information for preparing the petition.

**At Dundee the seventh day of April 1828**

...The Deacon stated that he and the other members of the Committee appointed by the first of three meetings had written as instructed by the Trade to the different Boroughs in Scotland, for their opinion with regard to the Bill proposed to be brought in by General Ferguson.

To these applications there has however been no answer as yet received with the exception of a letter from Dumfries refusing to interfere in the matter and some queries desiring an explanation of various parts of the Trades articles wrote merely in pencil and without date or signature understood to have been sent from Arbroath, which were both now read to the Meeting. The Trade appointed that Letters should again be written to the different boroughs stating that the Bill proposed by General Ferguson was of a public and not a private nature, urging the propriety the 'no object' to them which such a Bill was passed or not, and at any rate requesting them to send an answer.

The Deacon than stated to the Meeting that a Petition for an alteration in the existing Malt Laws along with a letter by the Deacon had been forwarded to General Ferguson whose answer dated the twenty second ultimo acknowledging their receipt was now read to the Meeting. Another letter from the same individual stating that the Petition had been presented was also read.

...the Deacon then stated to the meeting that the Trades' seats in the south church were now ready for the accommodation of setting and it was therefore necessary that some steps be taken as to getting them let. The Trade unanimously determined that the Seats be let by Public Roup on a lease for Three years upon Wednesday the Twenty third current at Twelve o'clock noon and that a notice to this effect be inserted once in the Advertiser and also published by means of hand bills.

The Trade directed that the Trade's Coat of Arms be replaced in the Chandelier belonging to them in the East Church, and that it also be put on the Seats in the South Church.

It was moved by Mr Young that a petition be made out, and presented to the Guildry praying that the Trade be themselves allowed to choose the Commissioner of the Lunatic Asylum, who is required to be a Maltman. This motion was agreed to though there seemed little likelihood of the prayer of the petition being granted, and the Petition was directed to be made out accordingly.

### **At Dundee the twenty sixth day of May 1828**

The Deacon and Boxmaster and Mr Murdoch were appointed a committee to wait upon the Town Chamberlain for the purpose of ascertaining whether the Brewers without Burgh had been paying the Town penny per pint Duty on the same footing as those within, and to report to next meeting on the subject.

It was reported that the Guildry Incorporation had, on a Letter (whereof a Copy is annexed to the present Minutes) elected the Deacon as a Commissioner of the Asylum, and that this letter had been appointed to be engrossed in the Minutes of the Guildry.

As no answer had been returned from the principal Brewers of the different Burghs to the last letter sent to them regarding a Petition to Parliament for the abolition of local taxes on Beer it was resolved to apply to Mr Alexander Berwick Edinburgh to enquire whether the want of an answer from that city arose from any mistake.

(Copy Letter to Wm. Lindsay Esq. Dean of Guild and other members of the Guildry)

Dundee 13 May 1828

The Maltmen Fraternity reflect that for the most part the Maltman elected by the Guildry as a Director for the lunatic Asylum has been one who was not in the practice of attending their meetings, and there are some Maltmen who are not members of the Fraternity.

Annexed is a List of the Members of the Maltman Fraternity who are Guild brethren.  
I am &c. (sigd) Wilm. Anderson

List of the members of the Maltman Fraternity who are Guild brethren.

W. Anderson Snr.	Andrew Hood
David Ferguson	John Sturrock
William Cathro	David Low
Thomas Rattray	J Ferguson
Daniel McIntosh	David Chisholm
Robert Whitton	Alexander Kay

7 July 1828

George Combe Esq., WS Edinburgh

In reply to you favor of the 25<sup>th</sup> ult I beg leave to state that the Bill in contemplation is a public general Bill, and that consequently the expense to the private parties who may support it would be trifling. I am unable, however, to reply directly to your query by what Member of Parliament the Bill is to be introduced.

Mr Hume & Sir Ronald Ferguson first suggested the measure: and the latter has expressed himself as not without hopes of getting some person connected with the Government to bring in the Bill. In the meantime he said "I strongly recommend that petitions from Dundee and as many other places as possible should be in preparation, stating the evils of the present system & praying that during the existence of the present acts, the annual revenue should be raised by an assessment on property.

These petitions would be a foundation for the introduction of the Bill."

It was in consequence of this recommendation by Sir Ronald Ferguson that my constituents the Maltmen Incorporation of Dundee caused circular letters to be sent to the

chief Maltmen in each of the considerable Boroughs in Scotland, but without having obtained any satisfactory answer from any of the boroughs they were applied to a second time, but still without effect, and this caused my constituents to trouble Mr Berwick of Edinburgh in the subject in case, from the general address of the Letter sent to that city, it might not have reached the proper person.

To make you acquainted with the original progress of this matter more completely, I take the liberty of sending herewith:

1. Printed case for the opponents of a Bill brought into Parliament last year for a renewal of the Dundee Ale & Beer Acts. This opposition was raised and conducted at the expence of the Maltmen & Venders of Ale & Beer in Dundee but was nominally against the Bill.

2. Extract from Dundee Advertiser Newspaper of 14 June 1827 in which the result of the opposition is recorded.

3. Circular Letter addressed to the Brewers of the different Boroughs, requesting their co-operation in support of a public general bill for the abolition of local taxes on Ale & Beer.

If we had the assurance from you as Clerk to the Brewers & Maltsters of Edinburgh that they would exert themselves to get up a petition of the nature mentioned in this circular as numerously signed by the inhabitants as possible, my constituents would instantly proceed to get a similar Petition subscribed here, and they would still exert themselves further in endeavouring to get petitions of the same description from other quarters.

It will be obliging if you favour me with your reply as soon as circumstances may enable you.

I am &c. (Sigd) Dd McEwen

Copies of the Papers referred to in the preceding Letter

**No 1  
Case  
for  
The Petitioners  
Against the  
Dundee Two Pennies Scots Bill**

The Object of this Bill (which has been read a second time and committed) is to continue a local Tax uncalled for now by any plea of necessity placed under management in effect irresponsible, vague and generous in its purposes, and unequal and unjust on its principle and Mode of operation.

This Tax was just imposed by an Act of the Scottish Parliament passed in 1701 whereby the Magistrates and Town Council of Dundee were authorised to levy a duty of Two pennies Scots on each pint of Ale and Beer brewed or vended within the Town or Liberties thereof. The preamble of this Act assigned, as the reason for imposing the Tax the lamentable condition to which the Borough had been reduced by a long train of public calamities. And the enacting clauses appointed the proceeds of the duty to be applied exclusively to the discharge of the debts which had been this unavoidably contracted. To secure this several provisions were made, which, however do not appear to have been attended to.

The duration of the Statute was limited to twenty four years.

In 1730, the Tax was continued for twenty five years longer, not only for the purpose of clearing off certain debts still alleged to be owing to the town but also for repairing an enlarging the harbour, rebuilding the common Hall and goal, Maintaining and preserving other public works of the town, paving the streets and providing salaries to school-masters.

Another temporary continuation of the Tax was obtained in 1756, for similar purposes and to enable the Magistrates to make a trifling additional provision for the Minister of Dundee.

Temporary prolongations of the period for exacting the duty were again procured in 1781 and 1802 upon the same pretences as those used in obtaining the Act 1756.

Circumstances which in some measure excused the imposition of the duty in 1707 had, from causes by no means implying any acquiescence in the necessity or expediency of the tax the prolongations before noticed were never opposed in Parliament and consequently were obtained as matter of course.

Of this last Statute there are upwards of four years yet to run. The Magistrates are again seeking to continue the tax for twenty five years after the expiration of the existing statute asserting vaguely that the money arising from the said imposition or duty has been

duly applied according to the direction of the several Acts and large sums have been expended on the public works of the said Town whereby a considerable debt is now owing on the Credit of the said recited Acts. And it is not in the power of the said Provost, Magistrates and council to 'pay off' the said debt, and carry on and complete the repairs, and other necessary public works of the said town authorised by the said former Acts granted be enlarged".

The Tax now proposed to be continued amounts to about 5 5/9 the per cent on the price of Small Beer: another local duty called "Multure on Malt" (also payable to the Magistrates) amounts to about 2½ per cent; and there are besides Government duties equal to about 30 per cent so that upon the whole the article of Small Beer bears a Taxation of upwards of 38 per cent.

The objection of the Petitioners to the renewal of the Tax for any additional period maybe comprised under the following heads.

1<sup>st</sup>. The debt, on account of which the duty was originally imposed, is now extinguished or at least would have been long ago cleared off, had the produce of the tax been duly applied to that purpose.

2<sup>dly</sup>. The Magistrates have of late years been relieved of the expence of several public works for which the continuance of the tax was formerly authorised, in particular, of the expence of maintaining and repairing the harbour, and of paving and lighting the streets.

The harbour, under the management of Parliamentary Commissioners, and out of funds collected from the trade of the port, has been enlarged and repaired in the most complete manner and will, in a few years, when the management of it will revert to the Magistrates become a large source of additional revenue to them.

In like manner the expence of paving and lighting the streets was, by a recent Police Act taken off the shoulders of the Magistrates altogether, and placed upon those of the inhabitants. This Police Act has also greatly diminished the expenses formerly payable by the town for attending to the criminal business of the Borough and Maintaining the prisoners of the district.

3<sup>dly</sup>. No money has been borrowed "on the Credit of the former said Acts" as the Preamble of the present Bill erroneously sets forth. All the money owing by the town has been borrowed on the security of the "Common Good" or general funds of the Borough.

4<sup>thly</sup>. The common good of the Borough is sufficient without the aid of any tax, not only to meet the ordinary annual expenditure of the town, but also in the course of not many years to clear off the whole debts of the Borough for whatever cause contracted.

It has been said that the yearly expenditure of the borough would without the tax in question be greater than the present actual yearly revenue. The Petitioners however, are able to show that, independently of that tax altogether, the annual revenue receivable by the Magistrates at this moment is adequate to meet all the fair and necessary ordinary annual expenditure of the Borough. But at any rate, many very valuable properties belonging to the town, and which at present produce but little return, might long before the present Statute expires be sold at a price sufficient to yield very considerable free surplus revenue.

5<sup>thly</sup> If the real object of applying for a renewal of the tax to be to enable the Magistrates to carry into effect certain undefined schemes for the improvement of the town, the Petitioners object that these improvements are not specified in the Bill, as is usual in all cases of local taxation. Besides, there are no improvements in the contemplation of the magistrates which would justify or require the Imposition of a tax for their accomplishment.

6<sup>thly</sup>. Viewed as a Tax for the improvement of the Town the Bill in question does not place the management of the funds in the proper hands.

Lastly. The Tax now proposed to be continued is unequal and unjust in its operation whether as a Tax for the improvement of the Town, - for clearing off debts of the Borough - or any of the purposes held out in the Preamble.

1. It is a Tax which presses heavily upon the poorer classes of the community, who are the great consumers of the commodity taxed, with whom indeed small beer is a necessary article of subsistence. It bears as much upon small beer as upon an equal quantity of porter or strong beer, thus affecting a necessary of life, in the same proportion as luxuries.

2. It is a Tax which bears also in a peculiar manner upon the Brewers and Venders of Ale and Beer in Dundee and its suburbs, by limiting to some extent the sale of their commodities increasing the capital necessary to carry on their business and depriving them of the power of competing successfully with the Brewers and Venders of the surrounding country, where no similar tax and no municipal exactions of any kind exist.

In conclusion, it may be noticed that there are four petitions against the Bill in question; one from the inhabitants of Dundee, subscribed by nearly 4,000 persons; another from the Nine Incorporated Trades of Dundee; a third from the Maltmen or Brewer Incorporation of Dundee and a fourth from a majority of the individuals composing the Guildry Incorporation of Dundee and resident in that place; whereas the Bill is supported only by the Magistrates and council themselves, and by a minority of the Guildry.

2. Extract from Dundee Advertiser of 14 June 1827 in which the result of the opposition is recorded  
Dundee Beer Tax

This Tax, we are happy to say, is on its last legs. Instead of twenty-five years from the expiry of the late act, the period to which the Magistrates wished the act extended, its endurance has been limited to twenty years from the date of the act just passed.

The Magistrates have been thus curtailed of about nine years of the tax. If it be said that this does not prevent them from applying for and obtaining a subsequent renewal of the act, it may be answered:

1. The regular progress of the tax from one period of twenty-five years to another has been interrupted; its stately march has been converted into a limp; it has been conceded that it is not a tax to be continued as a matter of course, without reason or investigation.

2. Whenever the tax comes to be investigated, it will be found an improper one. Every member of the Committee on the Bill admitted its injustice and it is not likely that sixteen years hence Parliament will have degenerated in point of legislative integrity and intelligence. At the end of that period the Magistrates cannot come forward with any grace to Maintain, as they did on the present occasion, that they have been going on trusting to the perpetuity of the tax, and that they will be in a scrape without it: They have been directly told that the tax is a bad one, and that it was only because they had run themselves into a corner and incurred as much expence in seeking it, that it had been renewed for any length of time

So much were the Committee satisfied of the injustice and impolicy of the tax, that they unanimously agreed to the insertion of a clause empowering Commissioners (a majority of whom to be elected by the inhabitants) to remove the impost, either wholly or partially from ale and beer, and place it on wine and spirits.

This clause was properly enough struck out by Lord Shaftsbury on the ground that the Notices prescribed by the standing orders of the House had not been given to those whom this alteration would have affected. But the principle of the clause, the principles be much scouted by some of the *pseudo* patriots of the Guildry – has been so far recognised that two thirds of the commissioners have been empowered to apportion the duty so far to affect strong ale and porter more than small beer.

3. Sir R. Ferguson, one of the members of the committee, had pledged himself to bring into Parliament next session, a bill for abolishing all the local taxes in Scotland on ale and beer.

Wherever there are current acts it is understood Sir Ronald will propose a substitute for the taxes leviable under them in the shape of a direct impost, being chiefly of the rich and influential classes of the community, will look very narrowly into the ground on which any continuation of the tax may be sought, and to take care that the management and application of its produce be put on a proper footing. This to be sure, will be a very serious matter for the self-elected, but one which they cannot with any show of reason, found a legislative objection.

At the third reading of the Dundee Bill, Mr Hume stated that it was only in consideration of Sir Ronald having undertaken to bring forward the General Measure that he abstained from opposing this bill on public grounds.

For these and other reasons, we hold that the beer tax is on its last legs. If we are correct in this the most important object of the opposition to the bill has been attained. But, whether correct or not it is plain that in the recent encounter another nail has been driven in the coffin of the borough system.

We allude here more particularly to a clause which the petitioners against the bill have got introduced, obliging the Magistrates to advance to the commissioners £2,500 to be expended by them on schools and £1,500 on public wells. It is true that the Magistrates are by the Act entitled to deduct from the £1,500 the money recently laid out by them on wells, and that they have already expended the greater part of that sum: But the £2,500 for schools is yet untouched, and the placing of this sum in the hands of the Commissioners for such a purpose is a matter of considerable importance. The clause alluded to is, in the first place a recognition

of the great principle so emphatically laid down by Mr Hume in his letter to the Dean of Guild that taxation and representation should be inseparable.

In the next place, its intrusting the control and expenditure of the £2,500 to the Commissioners will, if the community be judicious in their choice, probably have the effect of saving the patronage of the schools from falling into the hands of the Town Council. We must confess however, that, independently of any hold which the possession of this money by the commissioners may give to the inhabitants, we are inclined to give the present Town Council credit for as much liberality as would prevent them from settling the question of patronage with those who will still have to subscribe the erection and Maintenance of the schools before they can be raised from their present miserable condition.

We should rather say, perhaps that we think the present Town Council will have sense enough to see that without concessions as to the patronage as liberal as those made by the Cupar Magistrates in the establishment of their Academy, no adequate sum can be raised by subscription and that the whole must therefore stand still.

The Commissioners under this Bill are as follows:

Provost and five other members of Council.

Dean and two other members of Guildry.

Convener of Nine Trades and two other members of Trades.

Inhabitants chosen by Commissioners of Police (6).

Deacon and two other members of Maltman Trade

Survivors of overseers under last act (2)

Total 23.

The majority on ordinary occasions a quorum. The Town Clerk is obliged to act as Clerk to the Commissioners without fee or reward, but the Commissioners may chose their own Clerk who must act without fee or reward.

Besides having the control of that part of the tax applicable to improvements the Commissioners are vested with pretty extensive powers in overseeing the whole operation of the act.

Another material alteration in point of principle which the opposition has forced from the Town Council is that a draw back is to be allowed to the Borough Brewers on the ale and beer sent by them for consumption beyond the Town. Altogether the opposition to the Bill has been considerably more successful than any which the Town Council of the other Scottish boroughs have yet sustained in their unprincipled grasping at the power and influence derived from this antiquated and unjust mode of taxation. All the Town council have got for their general purposes by this "fuddling" and disreputable half measure is about £4,800 – to obtain which at intervals extending over a space of twenty years they have already paid above £1,000 of the public money in the shape of expenses.

After calculating compound interest on the sum which they have to advance to the Commissioners instantly if required, for the improvements we leave it to them to ascertain the balance of the tax which will remain to support their power and influence.

We have said that the Committee on the bill (notwithstanding a lecture on political economy from the Town's witness Mr P. H. Thoms) were unanimous in thinking the tax a bad one. And it will no doubt seem strange to every conscientious plain thinking man that after this they could on any consideration allow the tax to be continued. But the fact is that notwithstanding the recent exposures of the jobling and unfairness of Committees in private bills, and the measures adopted by Parliament for restraining them, but little improvement has taken place in this department of the machinery of legislation.

Borough influence was strong and manifest in the proceedings of the Committee on the Dundee bill. We have only to mention one instance to show this.

After Lord Shaftesbury had deranged the compromises betwixt the parties by striking out the clause as to the transference of the tax to wine and spirits the council and agents for the opposition wished to proceed with the evidence they had brought up to disprove that which had been deduced by the Town council in support of the preamble of their bill. But the Chairman of the Committee (Mr Keith Douglas) showed absolute horror at beind troubled with farther details. The parties were ordered out of the committee room; and on being again called in, the council for the opposition was told that the Committee did not consider it necessary in all the circumstances to hear any more evidence and had voted the preamble of the bill proved: This proceeding was justly characterised by some members of the Committee as scandalous in the extreme. After this it cannot be doubted that those acted for the opposition did wisely in assenting to the bill, with the alterations and modifications which

they had obtained. These alterations and Modifications indeed, are such, that the members attached to the borough system betrayed a strong inclination to throw out the bill altogether, as implying an insult on the Town Council, - who by its provisions, are in effect declared unworthy, as at present constituted to be entrusted with the entire management and control of a tax which has been at their unlimited disposal for upwards of a hundred years.

3. Circular Letter addressed to the Brewers of the different Boroughs requesting their co-operation in support of a public general bill for the abolition of local taxes on ale and beer.

The Incorporation of Maltmen in Dundee of which I am Deacon have requested me to bring under the notice of the Brewers in the other boroughs of Scotland an opportunity which has occurred of getting rid of a tax upon ale and beer, levied for local purposes in almost all the boroughs, - the removal of which would be of great benefit to the Brewers and venders of those liquors as well to the consumers. I therefore take the liberty of troubling you with the following details.

This tax was originally imposed on Dundee by an act of the Parliament of Scotland passed in the year 1707: whereby the Magistrates and Town Council were authorised to levy for the purpose of the Borough a duty of two pennies Scots on each pint of ale and beer brewed or vended within the town or its liberties and suburbs. The duration of the Statute was limited to twenty-four years.

Before that period expired however, the Act was renewed for twenty-five years more, and temporary prolongation of the period for exacting the tax were procured by farther renewals obtained in the years 1756, 1781 and 1802.

Whilst there were yet upwards of four years to run of the Statute of 1802, the Magistrates and Town Council applied to Parliament to continue the tax for twenty five years after the expiration of that Statute. The Incorporation of maltmen opposed this Application before the House of Commons. The grounds of opposition were – that the tax was now uncalled for by any plea of necessity, placed under management on effect irresponsible, vague and general in its purposes and unequal and unjust in its principles and mode of operation.

In particular on this last ground it was urged –

1. that the tax was one which bore in peculiar manner upon the Brewers and venders of ale and beer in Dundee and its suburbs, by limiting to some extent the sale of their commodities increasing the capital necessary to carry on their business and depriving them of the power of competing successfully with the Brewers and venders of beer in the surrounding country, where no similar tax and no municipal exactions of any kind existed. And,

2. That as the tax chiefly fell upon small beer, being levied not upon the quality but the quantity of the liquor, to press heavily upon the poorer classes of the community, the great consumers of the commodity taxed, with whom indeed small-beer was a necessary article of subsistence.

It was thus actually a tax upon a necessity of life.

In spite of all the influence used by the Town council the injustice and inequality of the tax were acknowledged by the Committee of the House who sat upon the bill, and it was suggested that in order to reconcile the parties a clause might be put in empowering the local commissioners to charge the tax into one upon spirits. But, after the clause was prepared Lord Shaftesbury struck it out, on the ground that no notice had been given of it in Dundee according to the forms of the House.

The parties had therefore to come again before the Committee, and it appeared to the opponents of the bill a hopeless attempt to get it thrown out altogether, both on account of the influence of the Town Council with the major part of the Members of Committee, and of the apparent hardship of depriving them suddenly of a tax to the continuance of which they had been trusting, it was considered prudent to compromise the matter by getting ten years taken off the period for which the renewal was sought, and the Magistrates bound immediately to advance the sum of £4,000 (nearly one half of the whole produce of the tax for the prolonged term) to commissioners popularly chosen in order to its being applied by them in procuring a better supply of water for the Town and better Seminaries of education.

At the same time, one of the Committee pledged himself that he would, early in the present Session, bring in a public general bill for abolishing all such local taxes on beer in all the Scottish boroughs where it exists, and substituting for it some other tax, such as an assessment on house rents.

He repeated this pledge before the House when the bill came to be read a third time: and another Member of the Committee, who spoke after him, stated that but for the prospect

of such a Measure he would have considered it to be his duty to have moved for a division of the House on the subject.

Since that time my constituents have been in correspondence with certain honourable members regarding the proposed bill. One of them, of considerable influence, writes thus:

“I have always considered the local tax on beer as unjust and oppressive particularly on the lower orders and shall not fail to give every aid in my power to get it repealed. I am not without hopes of getting some person connected with Government to bring in a bill for the repeal of this throughout Scotland.

In the meantime I strongly recommend that petitions from Dundee and as many other places as possible should be in preparation stating the evils of the present system, and praying that during the existence of the present Act the annual revenue should be raised by an assessment of property. These Petitions should be a foundation for the introduction of the bill.”

It therefore, a proper exertion be now made by the various Brewers and venders of beer in the different boroughs, to get up a Petition to Parliament as numerously signed by the inhabitants as possible there appears to be a fair prospect of getting clear of this obnoxious local tax; and I trust that you will procure the requisite support to the Measure.

I may be allowed however, to suggest that these petitions should not pray for the substitution of any particular tax in room of that complained of, but generally for the substitution of such other tax as shall appear to Parliament more fair and equitable in its principles and mode of operation. This will have a tendency to prevent opposition to the proposed measure from any particular class of the community.

It would be very desirable that the petitions should be forwarded with as little delay as possible as a bill has just been brought forward into Parliament for continuing the tax in Arbroath, and Mr Hume intimated his intention to oppose it, - so that the present seems a very favourable time for introducing the general bill.

I beg you will have the goodness to acquaint me what assistance to the measure may be expected from *blank* that we may all act in concert.

I am &c.

(Sigd) William Anderson

Dundee 10 April 1828

Sir

Upon the *blank* I took the liberty of sending you the proposed circular, but have not yet had the pleasure of receiving your reply. I therefore again beg leave to draw your attention to the subject.

Perhaps it is proper I should explain that the proposed Bill being a public one, no expence will be occasioned to the parties praying for its introduction further than such charges as they may incur in framing the necessary Petition to Parliament. These must be very trifling and as the object in view is laudable I trust you and the other Brewers in *blank* will give it your support even tho' it may not be very important to your own individual interests.

Requesting at all events to be favored with your sentiments on the subject.

I am &c.,

William Anderson.

#### **At Dundee the fourth day of December 1828**

The Trade met to audit the accounts of the Boxmaster for the bypast year- they were accordingly examined and found correct discharged accordingly.

The Pension list was gone over, and the following sums appointed to be paid to the respective individuals after mentioned and that half-yearly vizt.

Widow Dalrymple	1.10/-	Widow Easson	1. 5/-
Widow Gilbert	1. 5/-	Widow Eatton	1.10/-
Widow Mitchell	1.10/-	Widow Murdoch	1.10/-
Widow Brymer	1. 5/-	Widow Gow	1. 5/-
Widow Clark	1. 5/-	Peter Miller	2.10/-
Christian Dalrymple	1. 0. 0	Wm. Taylor	1. 0. 0
Widow Anderson	1. 5/-	Widow Mudie	1. 5/-
Widow Ormand	2. 0. 0	Wm Miller	2. 0. 0

Widow Syme	10/-	Wm Hunter (if then on Books)	1. 0. 0
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Officers Salaries

Alexr. Balburnie £2.10/- John Anderson £2.

And

A present to James Brown of £2 at the present time & if not able to work £1 at Whitsunday next.

**At Dundee the Twenty ninth day of January 1829**

... The Meeting considering that Parliament is about to meet, and that a public general bill is to be brought in for abolishing Beer Tax in the Scottish Boroughs and substituting where necessary some assessment in its place, appointed the following Committee to attend to the getting up of a Petition to Parliament from the Brewers of Dundee in support of the Bill, referring to the previous numerously signed Petition by the inhabitants, as also to endeavour to get proper Petitions sent up from Arbroath, Montrose, Kirkcaldy and Edinburgh in support of the Bill. The committee to consist of the Deacon and Boxmaster, Mr Murdoch & Mr David Ferguson: two to be a quorum and the Deacon, Convener.

The Deacon was requested to write to Mr Crisp Brown, Chairman of the Committee of Maltsters in London requesting to know if any thing was to be done this Session of Parliament in reference to the duties on Malt, and repeating the wish of the Brewers Incorporation to support the general measure as far as in their power.

Lieutenant General Sir Ronald Ferguson KCB, MP. &c &c  
London

25<sup>th</sup> February 1829

Since I had the honour to receive your letter of the *blank* in which you referred to the bringing in of a public general Bill substituting for the local tax upon ale & beer exigible in certain Royal Boroughs in Scotland an assessment upon property or other impost, and recommended that petition to parliament as numerously signed as possible should be got up from the different Boroughs in favor of the Bill, no exertions have been wanting on my part or that of my constituents the Brewer Incorporation of Dundee to get this recommendation carried into effect. Circular letters fully explaining the prospects of obtaining the Bill and the necessity of getting up petitions by the inhabitants of different borough, were dispatched to the principal Brewers in each Borough; as the person most naturally to take the lead in such a matter but with the exception of Arbroath, Montrose Kirkcaldy and Edinburgh, and notwithstanding a second circular referring to the former no answer was returned. The Brewers of Arbroath, Montrose and Kirkcaldy are however bestirring themselves & we are in expectation that those of Edinburgh will do so likewise. Having observed that notice was given at the end of last session that the Bill alluded to was to be brought into parliament early next session, I take the liberty in name of the Brewer Incorporation of Dundee to send by this nights post a petition to the House of Commons in support of the Bill and referring to the previous petition to the House signed by about 4,000 of the Inhabitants when the magistrates sought a renewal of the then current act. We beg you will have the goodness to present the petition if it meets your approval.

We trust that in the other towns before specified the petition will be numerously signed by the Inhabitants & we have pressed the necessity of this strongly upon the Brewers of these Towns. In the case of Dundee we should hope that the previous petition of the Inhabitants will be sufficient evidence of their opinion of the tax.

We regret the apparent delay on our part to attend to your suggestion, & we hope you will at once believe that it arose not from our apathy but that of others who should have shewn more activity & we feel assured that you will not on that account abandon the support of a measure so just and beneficially in itself as the abolition of the local borough taxes upon Ale & Beer.

I have the honor &c.

George Combe Esq WS  
Edinburgh

February 1829

Referring to my last letter to you of 7 July last, I beg leave now to state that my constituents the Maltmen Incorporation of Dundee having declared that notice was given last Session of Parliament that leave would be asked early this session to bring in a public general Bill for abolishing the local duty on Ale & Beer leviable by the Magistrates of several of the Royal Boroughs of Scotland, and being afraid that the apathy displayed by those interested might lead the member who gave you this notice, to abandon his design, they transmitted a few days ago to Sir Ronald Ferguson a petition to the House of Commons in support of the Bill; - referring to a previous petition signed by about 4,000 of the Inhabitants of Dundee. They mentioned at the same time that petitions from the Inhabitants of Edinburgh, Montrose, Arbroath and Kirkcaldy would in all probability also be got up.

My Constituents trust that after the trouble which has been taken, & the prospect of getting rid of the obnoxious tax by proper exertions your constituents the Brewers of Edinburgh will make a point of supporting the measure, by getting up without delay a petition on favor of the Bill signed by as numerously as possible by the Inhabitants.

For your information I have taken the liberty of sending a Copy of our petition.

As I mentioned in my letter of the 7 July, the Bill being a public one and occasions no expense to the parties supporting at by petitions.

Requesting to be favored with your reply

I am &c.

James Potter  
Brewer  
Montrose

2 March 1829

In reference to the public Bill to be brought into parliament this session relative to the local duty leviable on Ale & Beer by the Magistrates of several Scottish Boroughs I beg to state that my Constituents the Maltmen Incorporation of Dundee have now transmitted to Sir Ronald Ferguson for presentation a petition to the House of Commons in support of the Bill. I enclose you a Copy of the petition. It refers to a previous petition by about 4,000 of the Inhabitants, but in the case of Montrose as there was no previous petition by the Inhabitants it will be necessary that the petition from that town should in order to have due effect be from the Inhabitants at large and not the Brewers only.

With regard to the terms of the petition I shewed that transmitted by you to the Clerk of our incorporation, who though he approves of it in other respects thinks that the style of it should be more serious, as parliament likes this.

I trust you will lose no time in getting such a petition from the Inhabitants of Montrose suited to the peculiar circumstances of that term forwarded to London without delay. Petitions are also to be sent from Edinburgh, Arbroath & Kirkcaldy immediately and requesting to hear from you soon

I am &c.

Letters similar to the above leaving out the middle paragraph & changing the name of the Town were sent to John Bailie Brewer Arbroath & James Hope Brewer Kirkcaldy.

**Petition referred to in the above Letters  
Unto the Honorable the Commons of Great Britain &  
Ireland in Parliament assembled  
The Humble Petition of the Maltmen Incorporation of Dundee**

Sheweth

That in the royal Borough of Dundee and certain of the other Scotch Boroughs, there is leviable by the magistrates and Town Council of the respective Boroughs a tax upon Ale and Beer imposed originally by Acts of Parliament passed for temporary purposes & periods of limited duration, and subsequently continued from time to time on various pretexts and not unfrequently after the original purposes had been fulfilled.

That this tax presses chiefly upon the lower classes of the Inhabitants, the great consumers of the commodity taxed, with whom indeed in Scotland small beer is a necessary article of daily subsistence being used instead of milk. The injustice and impolicy of such a tax are too obvious to require comment.

That if the tax were removed the obvious consequence would be either a corresponding diminution in the price or increase in the strength of Beer. In the former view the labouring poor would be the better enabled to provide themselves with the other necessaries and comforts of life. In the other view they would not only be supplied with a better beverage, but the public revenue and the interests of the Agriculturist and Brewer would be greatly benefited. This may be illustrated by the following calculation.

The produce of the tax to the Magistrates of Dundee is about six hundred & ninety one pounds per annum. Now if the tax were taken off and the strength of the Beer proportionally increased this would occasion and additional consumption of Two hundred and sixteen quarters of Malt: And the duty to Government on those Two hundred and sixteen quarters would be Two hundred and twenty three pounds four shillings. But not only would the strength of the Beer be increased; there is every reason to believe that the consumption of Beer would also be increased at least one third.

In Dundee this encrease would amount to Three thousand Five hundred & twenty nine Barrels per annum the Government duties on which would produce Three hundred and thirty eight pounds three shillings and eleven pence. Besides this sum there would also be the duties on the malt out of which the additional quantity was brewed, that is Six hundred and sixty one and a half quarters; this would amount to Six hundred & eighty three pounds eleven shillings. Thus it is apparent that for the sake of raising annually to the Magistrates & Town council of Dundee Six hundred and Ninety one pounds, the public revenue suffers an annual loss on one thousand two hundred and forty four pounds eighteen shillings and eleven pence, while the Agriculturalists of the surrounding country lose the benefit of an annual demand for 5292 bushels more of Barley, and the Brewers Manufacturer one third less of Beer than he would do, if this obnoxious tax were removed.

That this tax is peculiarly unjust & inexpedient owing to the heavy taxation to which Ale and Beer are otherwise subject. In Dundee for example there is another local duty payable to the Magistrates called Multure or Malt<sup>r</sup> amounting to about two and a half per cent on the price of small beer; and the government duties are equal to about Thirty per cent, so that independently of the tax complained of the Article of small beer suffers the enormous tax of Thirty two and a half per cent. When the tax complained of was first imposed the Government duties upon Malt were not above one tenth of what they are at present.

That on the occasion of the last application for a renewal of the then existing Act for Dundee the application was opposed chiefly on these grounds by the inhabitants of the town, about four thousand of whom petitioned against it to your Honorable House of the impolicy of continuing the tax that they recommended the Bill to be passed solely on account of the apparent hardship of depriving the Magistrates suddenly of a tax to which they had been trusting: they proposed to insert a clause authorising local Commissioners to substitute for it a tax upon Wines & Spirits (which however was afterwards struck out as not comprehended under the notices given) and they limited the duration of the tax to a period nine years shorter than that for which the continuation prayed for had been in use to be granted.

May it therefore please your Honorable House to consider the case and to substitute for the tax complained of an assessment on property or such other local tax as your Honorable House in its wisdom may deem more just and expedient, to endure for the same period and to be applicable for the same purposes in each respective Borough as are fixed by the existing Statute in relation to the tax complained of if or to grant such other relief in the premisses as to your Honorable House may appear suitable.

And your Petitioner shall ever pray.

**At Dundee the Eleventh day of July 1829**

The Deacon drew the attention of the meeting to a clause in the Constitution for public schools lately agreed to by the Town council & certain of the Inhabitants of Dundee & recently published; by which clauses it was stipulated that the Council should contribute a certain annual sum to Teachers so long as the Ale & Beer Act should be continued, and thereafter cease to contribute the sum if the Ale and Beer Act should not be renewed, or contribute a smaller sum should the duty be modified in amount.

The Meeting unanimously resolved:

1. That the meeting consider the stipulation to have been inserted with the view of furnishing a pretext to the Council for seeking a renewal of the Ale & Beer Act after the period presently fixed for its termination.

2. That by such a stipulation the Council are endeavouring to make the Consumers of Ale & Beer pay the only consideration which they have held out to the subscribers in return for the patronage conferred upon the Council by the constitution of the new schools.

3. That the Brewer Incorporation therefore view what has been done as a stratagem for benefiting the council at the expence of the Beer consumer.

4. That this arrangement betwixt the Town Council and the subscribers to the new Schools having been concluded suddenly and without notice to this Incorporation,, the Incorporation shall not be held as acquiescing therein or carried to any extent from opposing any renewal of the Ale and Beer Act agreeably to the understanding on which the last renewal was obtained.

It was left to the Clerk to consider whether a protest would still be expedient, & if he should not think it to be too late, then to serve such a protest upon the council in name of this Incorporation as may be thought proper.

### **At Dundee the Twenty sixth day of November 1829**

... A Letter from George Combe Clerk to the Brewer Trade of Edinburgh containing certain resolutions of the Brewers there was remitted to the Deacon, Boxmaster and Committee above mentioned.

The Meeting proceeded to the election of Three Commissioners or Overseers under the Ale & Beer Act for the ensuing year when the following persons were elected with all the powers attached to the Officers, Overseers or Commissioners under the said Act: viz: The Deacon, Messers George Murdoch and Alexander Kay.

### **At Dundee the Seventh day of December 1829**

The Trade met to audit the accounts for the bypast year. They were accordingly examined, found correct & discharged. The pension list was gone over & the sums appended to be paid to the respective individuals after mentioned & that half-yearly vizt.

Widow Dalrymple	£1. 5/-
Widow Gilbert	£1. 5/-
Widow Brymer	£1. 5/-
Widow Clark	£1. 5/-
Widow Mitchell	£1. 5/-
Widow Anderson	£2.
Widow Easson	£1. 5/-
Widow Buttar	£1. 5/-
Widow Murdoch	£1. 5/-
Widow Gow	£1. 5/-
Widow Mudie	£1. 5/-
Wm. Miller	£2.
Peter Ramsay	£1.
Widow Young	£1. 5/-
Widow Hunter	£1.
James Brown	£1.10/-

### **At Dundee the ninth day of February 1830**

The Deacon laid before the meeting the draught of a petition prepared under the direction of the Committee to be signed by the different members of the Trade and laid before parliament, craving a reduction of the duties of Ale and Beer brewed in Scotland. A Copy of the petition is hereto annexed.

The meeting approved of the petition and the Deacon and Boxmaster were instructed to get the same extended and signed by them in name of the Trade and the meeting resolved that it should be then forwarded to General Ferguson of the purpose of being presented to parliament as speedily as possible.

**Unto the Honorable the Commons of  
The United Kingdom of Great Britain and  
Ireland in Parliament assembled  
The  
Humble Petition of the Brewers  
Incorporation of Dundee**

Sheweth,

That the Trade of your petitioners in Common with that of the Brewers in Scotland generally, has gradually been declining, and as at present in a state of very great depression. The causes of this are obvious.

Beer cannot be brought into the market till it has been doubly taxed, first in the shape of a duty on the malt from which it has been Manufactured, and next in the form of a direct tax upon the beverage itself. This double taxation too is very heavy in its amount. For example, on the article of Small Beer, which in Scotland is a necessary of life with the lower orders, these duties amount to no less than 30 per cent on its price. Over and above the Government duties, however, there is in Dundee, as in some other towns in Scotland, a local tax called Multure "on Malt", which amounts to 2½ per cent, and another local duty of two pennies Scots on every scotch pint of Ale or Beer sold within the Burgh or its suburbs, which is equivalent to about 81/3 per cent more:- so that upon the whole the article of small beer suffers a taxation of no less that 40% per cent or upwards.

The natural operation of these heavy duties, unaided even by any other cause, has been to diminish extremely the consumption of Ale and Beer: and it is a striking fact that although within the last 30 years Dundee has nearly tripled its inhabitants, the number of Brewers in not now one third of what it was at the commencement of that period.

But of late years an additional cause has been at work, which threatens, in conjunction with this heavy taxation, to supercede in a great degree the use of Ale and Beer, your petitioners allude to the recent reduction of the duties on whisky and other spirituous liquors. Before that reduction, whisky of an ordinary quality could not be bought from the dealer under 10/- per Gallon, while now it can be purchased at from 6/- to 7/- per gallon. This great reduction on the duty on spirituous liquor, while the duties on Beer remain undiminished has had the inevitable effect of inducing an excessive use of the former species of liquors; and a corresponding diminution on the consumption of the more wholesome beverages manufactured by your petitioners.

The Scotch Brewer, moreover, is subjected to great disadvantages, as compared with the English and Irish Brewers.

In England the duty on Malt whisky is 7/- per gallon, while in Scotland it is only 2/10d., subject however to a draw back of ½d per Gallon on such spirits as are distilled exclusively from Malt. Thus the English Brewer has the benefit of a protecting duty of no less than 5/4d per gallon over the Scotch Brewer, and the quality of English Malt, which is on an average 29 per cent inferior to the Scottish, and which of course affords a corresponding saving on the Malt duty, gives the English Brewer an important additional advantage.

It Ireland no duty is payable on Beer.

It thus appears that while the Scotch Brewers have to contend at home against the advantages enjoyed by the distiller, as well as against the pressure of taxation both public and local, they are placed in a situation which renders them totally unable to compete with the English or Irish Brewers, who in fact have the means afforded them of underselling the Scotch in their own market.

Were it seen expedient to relieve the petitioners by a reduction of the duties on beer, it is to be presumed that as happened in the case of the reduction of the duties on wines the increased consumption would have the effect of making up entirely, or at least in a great degree of the reduction of the rate of duty.

Mat it therefore please your Honorable House to take the depressed state of your petitioners trade into consideration, and to grant them relief by abolishing or reducing the duties on Ale and Beer brewed in Scotland or in such other manner as your Honorable House may in its wisdom see expedient.

And your petitioners will ever pray &c.  
Signed by the Deacon and Boxmaster  
of the Brewer Incorporation  
of Dundee at a general meeting of the

Incorporation held this day.

**At Dundee the twelfth 24<sup>th</sup> day of April-March 1830**

The Deacon stated that as no Minutes had been taken at the meeting held on the twenty fourth Ultimo for the purpose of considering what steps should be taken by the Incorporation in consequence of the disenfranchisement of the Borough, it would be as well, now, to put down what had taken place at that meeting. The Clerk was accordingly instructed to put on record that the following individuals were all at that meeting appointed a Committee to take the subject into consideration and adopt any steps that might be considered expedient of the Incorporation to adopt vizt. The Deacon, David Ferguson and Wm. Anderson.

The said committee had visited the Clerk to prepare a petition to the King in council embodying the claims by this Incorporation to a share in the representation of the Town through the medium of the Guildry. This Incorporation being from time immemorial a part and branch of the Guildry. The Clerk had accordingly prepared this petition which was submitted to the Committee of the Trade, and met with the approbation of that committee, and it was now brought before this meeting for the purpose of directions being given to its being forwarded to the proper quarter. This Petition (a copy of which is hereto appended) was approved of and the Deacon was authorised to take the proper steps for sending up the Petition to the King and council.

The Deacon was authorised to subscribe Five Guineas towards the expenses attending the different applications for an amelioration of the set of the Borough.

There was produce to the meeting a letter from Mr Combe, Clerk to the Maltmen Incorporation of Edinburgh of the following tenor:

Edinburgh 7 April 1830

Gentlemen,

I annex a copy of an advertisement, calling a general meeting of the Brewers of Scotland, to oppose the renewal of the Impost Duty of two pennies on the pint. You are requested to male the Meeting known to the Trade in Dundee, and to solicit them to send a Mandatory to it. It would be useful that they would insert the advertisement in one or more of the Dundee papers, but this, if done, must be at the expence of the trade in Dundee. I am &c (Signed) Geo. Combe.

And the subject of Mr Combe's communication having been taken into consideration the trade approved of the Deacon having caused the advertisement referred to, to be inserted in last Advertiser, and the trade now appointed the Deacon along with David Young, a member of the trade, as delegates to attend at Edinburgh on behalf of the trade and to report what may take place, not to subscribe any sum whatever in the meantime, towards defraying the expence of any general measures that may be resolved on.

Copy Petition before referred to

**Unto the King's Most Excellent Majesty  
The Humble Petition of the Maltmen or  
Brewer Incorporation of Royal Borough  
of Dundee in general meeting assembled,**

Sheweth

That the sett of Municipal government of this Borough prior to Michaelmas 1818, was one of the closed in Scotland; the Magistracy and Town Council being self elected and altogether independent of the will of the community for their continuance on office.

That at this period a Slight improvement was made upon the Sett under the sanction of the Convention of Royal Boroughs, whereby the Guildry Incorporation were entitled to the election of two members of Council and the nine Incorporated Trades to the choice of one; but as the remaining eighteen members were self elected, this very partial change conferred upon the popular members no real power, when opposed to so very large a majority.

That the government of the Town & the Management of its affairs being thus vested in a self elected and irresponsible body, the funds of the Town have not been expended with that judgement and economy or it's true interests pursued with that discrimination and zeal, which under a different and more equitable system of Borough Government might certainly be anticipated; and the result has been an absence of that influence and respect which a magistracy naturally ought to profess; a general distrust of their measures, & dissatisfaction

with the management and an entire want of that mutual co-operation so essential towards securing the accomplishment of any public measure.

That as the Burgh of Dundee is now without a municipal constitution in consequence of its having recently been disenfranchised by a judgement of the supreme Court of Scotland, your Majesty's petitioners feel it to be their duty to join the voice to the voices of the other Incorporations of the place, in humbly beseeching that your Majesty may be graciously pleased to grant such a sett or constitution for the Borough as will prevent a recurrence of the evils which have been suffered in time past from the self election system.

That as the Incorporation of Maltmen are a numerous body and are not included among the nine Incorporated Trades your Majesty's petitioners would humbly submit for consideration the justice and expediency of providing that one of the members of council should be appointed by the Incorporation of Maltmen.

Your Petitioners therefore most humbly pray that it may please your majesty, by and with the advice of your Majesty's most Honorable Privy Council, to grant such as Municipal Constitution for the Borough of Dundee as will best prevent the recurrence of the evils which, in time past, have arisen from the self election system un that Borough.

And your petitioners, as in duty bound, shall ever pray.

Signed in name of and as authorised by the Incorporation at a meeting held by them this day & sealed with their seal.

(Signed) Thomas Rattray, Deacon.

#### **At Dundee the Twenty fourth day of June 1830**

The trade authorised the Boxmaster to subscribe any sum not exceeding Ten pounds towards defraying the numerous expences to be incurred in seeking for and obtaining a new set or constitution for the Burgh of Dundee. The Trade directed the Clerk to copy the letter of thanks sent by the Trade to Mr Kay unto the Sederunt Book.

Copy Letter referred to in the foregoing Minute.

Dundee 26<sup>th</sup> June 1830

Sir

The Maltmen Incorporation have directed us as their present official Representatives, to congratulate you upon the success which you have obtained in your prosecution against the Magistrates & Town Council of Dundee for the injustice which they attempted to practice upon you, and as they have now laid aside all pretensions to call in question the Sound and upright decision of the supreme judges of this country in your favor, by a withdrawal of the appeal which they had presented to the House of Lords against it, the Maltmen anticipate that future rulers of the Town will take an example by what has passed and act in the spirit of wisdom and liberality in time to come.

While the Maltmen Incorporation thus presume to offer you their most hearty and grateful thanks for the spirit of independence which has pervaded your conduct in your late struggle with a self elected and irresponsible body, they cannot by be extremely happy that the beneficial consequences to be anticipated from the disenfranchisement of the Town Council of Dundee have been alone attributable to the exertions of one of their youngest members.

And that you may ever be happy in the reflection of what you have done for the public good is the sincere wish of your fellow brethren in the Maltmen Trade.

We are respectfully, Sir

(Signed) Tho. Rattray Deacon, Andw. Butchart, Boxmaster.

#### **At Dundee the seventh day of October 1830**

The Deacon stated that he had deemed it proper to call this General Meeting of the Incorporation to take into their consideration the conduct of a number of the journeymen, servants of free members of the Trade on having processed to a neighbouring cottage and have "Washed the head" of a Brewer, without having, in the first place obtained the consent of the Deacon or having paid the booking money, according to the Universal Practice and usage of the Trade. and the meeting having taken the subject into consideration, they after taking

the vote, it was resolved not only that the Trade marks its disapprobation of the conduct & behaviour of the individuals referred; but resolved to fine, as they hereby do fine each of them in the sum of two shillings and six pence each, and direct the Boxmaster to make this sum instantly forthcoming & to apply to the penr's of the Trade, the persons referred to are:

George McLagan	servant to James Ferguson
George Watson	servant to Wm. McTarboth
Thomas Butchart	servant to Andw. Butchart
Alexander Sinclair	servant to Wm Archer
Thomas Hodge	servant to Wm. Coupar

Copy Letter Messers McEwen & Miller to Willm. Berwick, Brewer Edinburgh dated  
Dundee 27 Octr. 1830

As agents for the Brewer Incorporation of this place we are requested to apply to you for the purpose of ascertaining on what form the Brewers of Edinburgh intend to make their returns to the Town Council ordered by the late Statute, with a view of determining the quantity of Ale and beer liable to the local duty payable for the purposes of the Burgh.

By the Statute two returns are ordered, one as to the quantity brewed and the other as to the quantity sold without the Royalty and entitled to Drawback, according to which two returns the duty is to be levied. There is no order in the Statute for a specification of the names of the persons to whom ale and beer are sold without the Royalty; it is merely said that there shall be made a "true and particular" return. Now it has occurred to us that if the quantity brewed each day be specified, in one return, and the quantity sold beyond the Royalty each day be specified in another return, without giving any farther details, it may be held a sufficient compliance with the Statute. But it is not likely that the Town Council here will be satisfied without the names of the persons buying the respective quantities sold beyond the Royalty, and it would on the other hand be difficult and extremely troublesome from the smallness of each individual sale and indeed impossible for some of the Brewers to specify the names. They are anxious to know therefore, how the returns are to be framed with you, as this may perhaps regulate the course they will adopt as to their reply within a few days.

We are &c.

Copy Letter Mr William Berwick to Messers McEwen and Miller dated Edinburgh 29<sup>th</sup>  
Octr. 1830

I have received your letter of 27<sup>th</sup> in reply to which I beg leave to mention that the arrangements between the Town of Edinburgh and the Brewers are not yet finally completed; but printed specimens of the proposed plan will be forwarded to you in a day or two.

I agree with you that the Act requires nothing more than the total quantity Brewed and the total quantity sold without the limits monthly; but the Brewers here are inclined to enter the names into a Book to be kept for that purpose and which is to be exhibited to the Collector, if he should require to see it.

The Edinburgh Brewers have a large sum to pay the Expenses in London about this Business. They hope your Corporation will send them a trifle to assist in paying off the Debt.

I am &c. (Signed) Will. Berwick

#### **At Dundee the tenth day of November 1830**

...the Deacon stated that the present meeting had been called for the purpose of laying before the Trade a correspondence which had taken place between Messers McEwan & Miller and Mr William Berwick Brewer Edinburgh in reference to the manner in which the returns as to the two penny on the pint duty should be made, which has been rendered necessary from the late change in the Excise laws... before adopting any resolutions on the subject they should wait until the printed form referred to in Mr Berwick's letter shall have been forwarded as promised.

The Deacon was authorised to wait on the Town Chamberlain and request him to state the sum which he thought the Town would farm the duties above referred to, as the Trade, for the purpose of getting the same laid before a meeting to be called for the purpose when such resolutions could be adopted as might be deemed competent.

#### **At Dundee the twenty fifth day of November 1830**

...The Meeting remitted to George Murdoch the Deacon, and David Young as a sub Committee to consider as to the best method of making the return under the new Ale & Beer Act.

The Meeting resolved that in future those elected Counsellors should be freed from paying any sum on their being elected, and also that the quarterly accounts should be paid annually at the Deacon's house on the second Wednesday of September.

### **At Dundee the second day of December 1830**

...the Trade declared that Mr Ferguson was liable in a penalty of ten shillings and sixpence for not accepting of the office of Boxmaster and instructed the present Deacon and Boxmaster now appointed, to make that sum furthcoming for behoof of the Trade.

Copy Letter Mr Thos Rattray to P. H. Thoms Esq., Town Chamberlain

Dundee 7<sup>th</sup> Decr 1830

As Deacon

of the Maltmen Incorporation of Dundee I beg leaved to request you will obtain for them information as to the terms on which the managers of the borough would be inclined to give a lease of the whole sums leviabie under the two pennies on the pint act, and the period which they would let them. As you stated in a late conversation that it was extremely probable the managers would grant a lease of the tax, I trust you will take the earliest opportunity of laying the matter before them, and letting me know their determination with which I will immediately make my constituents acquainted & should the terms be in any ways favourable I have no doubt an arrangement may be entered into.

I remain &c.

(Sigd.) Thos. Rattray.

### **At Dundee the twenty fifth day of December 1830**

The Meeting unanimously resolved to present petitions to Parliament for Parliamentary & Burgh Reform, and appointed the Deacon and David Young and George Murdoch as a Sub Committee to superintend along with the Clerk, the framing of a petition in the above terms and lay the same before then next general meeting for approval.

Unto the Honorable the Commons of Great Britain & Ireland in Parliament assembled  
The Humble Petition of the Brewer or Maltmen Incorporation of Dundee

Sheweth

That your petitioner s are rejoiced at perceiving that a desire for reform in the representation of the people in parliament is now universal throughout the country; and whilst your petitioners concur in this sentiment they are satisfied that nothing except a very great extension of the election franchise, and the establishing of a mode of voting by ballot or otherwise, so as to prevent or mitigate the evils arising from bribery, corruption & intimidation now so prevalent, will satisfy the just wishes and expectations of the people.

That the Municipal governments of the Royal Boroughs of Scotland are at present constructed on a most vile and indefensible principle now inconvertibly reprobated, and which cries aloud for a thorough reformation.

May it therefore please your Lordships  
to reform the present system of parliamentary  
any representation by extending greatly the  
elective franchise and giving separate  
representation to the large towns as well as vote  
by ballot, and also to reform the municipal  
constitutions of the Royal burghs of Sspotland.

And your petioioerss shall ever pray

Signed in name and by appointment of the Fraternity.

(Signed) Tho. Rattray

Lord Duncan. Wrote him to the same effect as Sir R. C. Ferguson.

**At Dundee the tenth day of March 1831**

the Deacon laid before the meeting the letters which he had received from Lord Duncan and General Sir Ronald Ferguson to the petitions which had been presented by the Trade for parliamentary & Burgh reform – which letters were directed to be engrossed in the Trade's Minutes.

The Trade expressed their gratitude to Lord Duncan and General Ferguson for their condescension & zeal for the cause.

The important measure of parliamentary reform having been introduced by his Majesty's ministers, under the sanction and approbation of his Majesty himself, and which is of such a wide and comprehensive character, justly requires the support of the whole country. The Trade resolve to present another set of petitions in support of the cause & respectfully request that Lord Duncan & General Sir R. Ferguson will again do the Trade the honor to support them.

The Deacon & Clerk in conjunction with Messers George Murdoch and David Young, members of the Trade were nominated as a Sub Committee to get the petitions prepared and forwarded without any delay.

Copy Letter from General Sir R. C. Ferguson referred to in preceding minute.

London 26<sup>th</sup> Feby 1831

Mr Thos. Rattray

Sir

I have to acknowledge receipt of you letter of 23d accompanied by the petition of the Maltster Incorporation Company of Dundee.

I hope I shall this day have an opportunity of presenting it to the House.

I agree in every part of the prayer of the petition & shall cordially support the important object they have in mind.

I am, Sir

Your Faithful humble G

(Signed) R. C. Ferguson.

Copy Letter from Lord Duncan referred to in preceding minute.

Bath 3 March 1831

I am highly honoured by having the petition of the Maltmen Incorporation entrusted to my charge.

Being obliged to remain till the middle or end of next week when it might be too late to present the petition to the House of Lords, I have this day forwarded it to Lord Belhaven requesting him to do this for me which I trust will meet with your approbation.

I shall certainly be in my place when the measure of Reform is introduced into the Upper House and highly approving of every part of it more particularly as it regards Scotland you may depend on my giving it my humble but most zealous support.

I remain Sir

Your faithful & ob. Sert.

(signed) Duncn

Unto the Honorable the Commons of Great Britain & Ireland in Parliament  
assembled

The Honorable petition of the Incorporation of Maltmen Dundee

Sheweth

That your petitioners view with satisfaction and delight the measure of reform lately introduced into your honorable house by his Majesty's Government, being convinced that if passed into a law it will remove the causes of that judicial discontent which had lately become so wide spread ad so formidable and that it will eminently conduce to the general prosperity of the whole empire.

Mat it therefore please your Honorable House  
to pass the proposed measure into a law.  
And your petitioners will ever pray.

Copy Letter to General Sir R. C. Ferguson with the foregoing petition by the  
Boxmaster

Dundee 11 March 1831

I had the honor to receive your letter of the 3d curt., and am directed by the Maltmen Incorporation of this place to beg that you will accept of their best thanks for the service you have done them in so condescending a manner.

As instructed by the Corporation, I have by this night's post taken the liberty of forwarding to you another petition to the House of Commons expressive of the delight with which they regard the measure now proposed, and which exceeds what they had ventured to expect at the date of their former petition. I trust that you will do them the honor of presenting the petition now forwarded.

I would further take the liberty in name of the Incorporation to acknowledge generally the many obligations your have conferred upon them, and to say that if the elective franchise were extended in Scotland in the manner proposed every member of the Incorporation would be proud to join his fellow townsmen in offering you his vote for the Representation in Parliament of this Burgh.

Unto the right Honorable the Lords  
Spiritual and Temporal of the United Kingdom of Great Britain & Ireland in  
Parliament assembled  
The Humble Petition of the Incorporation of Maltmen in Dundee

Sheweth

The your Petitioners view with satisfaction and delight the measure of reform lately introduced into the commons Houses of Parliament by His Majesty's Government, being convinced that if passed in a law it will remove the causes of that political discontent which has lately become so wide-spread and so formidable and that it will eminently conduce to the general prosperity of the whole empire.

May it therefore please your Lordships when the  
propose measure comes before your Right  
Honorable House to pass the same into a law.  
And your petitioners shall ever pray.

Copy Letter to Lord Duncan by the Boxmaster with the foregoing petition

Dundee 11 March 1831

My Lord

I had the honor to receive your Lordship's Letter of 3<sup>rd</sup> current and am directed by the Maltmen Incorporation of this place to beg that you will accept of their best thanks for the service you have done them in so condescending a manner.

As instructed by the Incorporation I have by this night's post taken the liberty of forwarding to your Lordship another petition to the House of Lords expressive of the delight with which they regard the measure now proposed, and exceeds what they had ventured to expect at the date of their former petition. I trust that your Lordship will do them the honor of presenting the petition now forwarded.

I have the honor to be &c.

**At Dundee the fourth day of May 1831**

The Deacon stated that he expected to have been able to lay before the meeting a list of twenty one persons made out by the conjoined Committees of Inhabitants and Public Bodies, as the proper individuals to be elected at the ensuing Poll election of Magistrates and Council for the Burgh, for the consideration of the Trade. the meeting were of opinion that they should use their utmost endeavours to get proper persons elected to the Magistracy and accordingly resolved to do so and report their proceedings to as adjourned Meeting of the incorporation to be held tomorrow evening at seven o'clock.

**At Dundee the fifth day of May 1831**

The Deacon now produced the list of those individuals referred to at last meeting of the Incorporation, as the most proper individuals to be elected at the ensuing Poll election as the Magistrates and Town Council of this Burgh. The Meeting was of opinion that the list now produced should be approved of, but as it appeared possible that the names stated in the above list would be altered at a public meeting to be held on Saturday first, as stated in the advertisement giving notice of the above individuals as the persons most qualified to be elected, the meeting resolved to adjourn till Monday first, for further consideration of the subject, and the Deacon was in the meantime instructed to wait on the Conveners of the Committees of the other public bodies and attempt to get a conjoined meeting of these bodies, and the Members of the Incorporation to take into consideration the most efficient measures to be adopted in the circumstances.

**At Dundee the third day of September 1831**

The Deacon stated that the present meeting had been called for the purpose of taking into consideration the expediency of petitioning the House of Lords, for speedily passing the Reform Bill presently before them into a law.

Mr George Murdoch moved that a petition be immediately forwarded to the Earl of Camperdown to be presented by him to the House of Lords, praying that no delay may take place in the passing of the reform Bill into a law, and be submitted to the meeting a draught of a Petition which he thought should be sent.

This Motion was Seconded by Mr David Ferguson and unanimously carried and the petition was appointed to be signed by the Deacon & Boxmaster in name and for behoof of the Incorporation and sealed with their seal, and a copy of the petition was appointed to be engrossed at the end of this Minute.

**Unto the right Honorable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled  
The Petition of the Maltmen Incorporation of Dundee**

Humbly Sheweth

That your Petitioner look forward with the greatest anxiety to the late Bill for amending the representation of the People in Parliament, for while they anticipate results most beneficial from the measure, if passed into a law, they cannot, without dread, contemplate the probable consequences of a rejection of the measure by your Lordships, it being one upon which the hearts of the people are firmly and unalterably set.

Your Petitioners therefore humbly & most earnestly pray that the Reform Bill may be speedily passed into a law

Copy Letter by the Deacon of the Incorporation to  
The Right Honble.  
The Earl of Camperdown  
London

24 September 1831

As Deacon of the Maltmen Incorporation of Dundee I take the liberty of forwarding this day's post a petition by them to the House of Lords in favor of the Reform Bill which I trust you will do them the honor to present.

I have the honor to be &c.

**At Dundee the fourteenth day of October 1831**

It was unanimously resolved that an Address to sent to His Majesty stating that the sentiments of the Incorporation remain unchanged in regard to the Reform Bill lately thrown out in the House of Lords, and expressing their confidence in his present ministers and at the same time craving his Majesty to keep them in office. It was further resolved that the address should be forwarded to Earl Camperdown of the purpose of being presented.

**To the King's Most Excellent Majesty  
The Humble Petition and Address of the Brewer or Maltmen  
Incorporation of the Royal Burgh of Dundee**

May it Please your Majesty

We, your Majesty's faithful & loyal subjects with the highest regard for your Majesty's person and government now humbly approach your Majesty to express our bitter disappointment and regret at the rejection by the House of Lords of the Bill which was brought forward by your Majesty's Ministers for reforming the representation in the Commons House of Parliament.

Your petitioners being satisfied that had this salutary Bill been passed into a law to would have in an eminent degree promoted and advanced the best interests of the country and prevented the General dissatisfaction which now pervades all ranks of the people.

All the same we beg to assure your Majesty of our fullest faith in the probity, energy and high qualifications of your present Ministers; and entreat that your Majesty may be graciously pleased to continue to them your countenance and support and make that use of the unquestionable prerogative of the Crown which is necessary not merely for the welfare of but absolutely for the very preservation and safety of the State.

Signed by the Deacon of the Maltmen Incorporation of Dundee in name & for behoof of the Incorporation and sealed with their seal.

(Signed) Thos. Rattray, Deacon

The Right Honble the Earl of Camperdown  
London

14 October 1831

As Deacon of the Maltmen Incorporation of Dundee, I have to return thanks to your lordship for the honor conferred them by your presenting to the House of Lords, their petition in favor of the Reform Bill, and at the same time, to acknowledge receipt of your letter stating that the petition had been laid before the House.

In consequence of the rejection of the above Bill by the Upper House, I beg to forward by this post and Address & Petition by the Corporation to His Majesty, expressing their sentiments in regard to the measure, which I trust your Lordship will do them the honor to present.

I have the honor to be &c.

Tho. Rattray.

Copy Letter received from Earl Camperdown.

London 1<sup>st</sup> October 1831

I last night presented to the House of Lords the Petition of the Maltmen in favor of Reform which you did me the Honor to entrust to my care.  
I remain &c.

London 20<sup>th</sup> October 1831

I had the honor to present at the levee yesterday the address to the King from the Incorporation of Maltmen Dundee. His Majesty was pleased to receive it most graciously.

I remain &c.

### **At Dundee the seventh day of March 1832**

The Trade again met to reconsider the cases of James Scobie and James Watson who were encroaching on the exclusive privileges of the Incorporation. With regard to James Scobie as he had stated his desire to become a free member, but at the same time mentioned his inability to pay the full dues of entry at present. He meeting agreed to accept ten pounds in cash from him in the meantime and his bill for the balance payable at twelve months after date, under the especial declaration that unless the amount of that bill be paid he shall not be admitted a free member, but shall forfeit the sum paid by him in the interim.

The Clerk was instructed before adopting legal proceedings against James Watson again to write him giving an opportunity of settling with the Trade for the damage which he has incurred by encroaching upon their exclusive privileges by not taking out his freedom to the Incorporation and thereafter to report to the Deacon and Boxmaster the result of the second application.

### **At Dundee the twenty eighth day of March 1832**

There was laid before the Meeting a Memorial for the Members of the Incorporation of Bakers of Dundee approved of at a general meeting of the Baker Trade held on the twenty third day of March current in reference to the "Ladles" exacted by the Magistrates on victual and salt coming into the Burgh, or limits comprehended within the Ancient Royalty, and complaining of the injustice of such injustice of such exaction, while the Bakers without the Ancient Burgh are freed from this tax. This Memorial was appointed to be engrossed at the end of the present minutes.

On taking the subject into consideration referred to in the above memorial, this meeting were of opinion that the Members of the Maltmen Incorporation should also express their disapprobation of the above tax being continued, and appointed the Clerk to prepare a short Memorial or Statement to the same effect as that from the Baker Trade and laid before the meeting of the Town Council to be held tomorrow.

On further consideration it was deemed more expedient for the Deacon to write a letter to the Ton Council stating that they concurred with the views of the Members of the Baker Incorporation as set forth in the above Memorial.

### **Copy Memorial referred to in preceding Minutes**

#### **Memorial For the Members of the Incorporation of Bakers of Dundee**

By the ancient Charter of the Royal Burgh of Dundee, the Magistrates and Town Council are invested inter alia with the power "of levying and receiving, for cleaning the High Street and Market places of the said Burgh, for every load of victual and salt which shall happen to be brought, either to the market or any houses or other places within the said Burgh to be sold, a ladle full according to the ancient custom & use" (which now, by decree of the Lords of Parliament, having commissioners to that effect from the Estates of Parliament, in the year of our Lord one thousand six hundred and thirty three, is restricted and reduced to half a lippie, the said decree dated at Halyruid house the twenty sixth day of our Lord One thousand six hundred and thirty three more fully bears.

The contributions which the Magistrates & Town Council are thus authorised to exact were at the time of granting these charters, and for a long time after, fair equitable and proper, and necessary for enabling them to fulfil the objects for which they were to be executed. But the memorialists think that they will be able to show that such is not now the case, but that the continuation of these exactions operate upon the memorialists in a very heavy, partial grinding and inquisitorial manner, without being beneficial to the revenue of the town in any measure nearly commensurate to the hardship to which the memorialists are subjected thereby. At the time these charters were granted the Town of Dundee was altogether contained within the ancient royalty, and all the Bakers who furnished the inhabitants with bread were subjected to the same exactions, and, of course they had then only to add the amount of the exaction of ladles to the cost price of their wheat or flour, and make the price of the bread so as to cover the same and leave them a fair profit; for being all subject to the same exaction on could have no advantage over the other in that respect. But the case is now completely altered. The suburbs are now extended to a greater size than the ancient royalty altogether, and there are a greater number of bakers resident without the royalty than there are operative members belonging to the Memorialists Incorporation; and as the exaction of ladles does not extend to the Bakers resident in the extended royalty or suburbs, while these Bakers in the Suburbs bake bread and send it within the Burgh for the use of the inhabitants, without being liable for ladles; thus the memorialists are placed in a decided disadvantage, and this takes place even in very aggravating circumstances for a baker resident at the eastern suburbs may purchase his grains from a farmer who comes from the Carse, or other parts to the westward of Dundee, and though, in this case, he takes the grain along the streets of the burgh to the greater extent, yet he escapes without payment of ladles in the same way may the balers in the other suburbs have the full use of the streets and yet escape – while your memorialists alone are liable, and must pay these exactions.

It is thus evident, therefore, that by continuing the exaction of ladles the Magistrates & Town Council will perpetuate upon the members of the incorporation a tax which is heavy and partial, because it cannot be exacted from the Bakers resident in the suburbs though the

carts with grain to them should use the streets to the fullest extent, nor though the very grain, when made into bread by these suburb bakers be brought in and sold to the inhabitants in competition with that baked by the memorialists.

By the late Harbour Act, a great degree of liberality has been displayed in the Table of shore-dues, by putting free men and unfreemen upon the same footing and in the present instance, it would only be a remunerative piece of justice, that the unfree baker should not continue to enjoy a decided advantage over the burgesses and members of the Baker Incorporation.

All that the Memorialists wish is that they may be put upon equal footing with the grain dealers and unfree bakers of the Suburbs. At present they have to compete with them at a disadvantage to the memorialists of sixpence per quarter.

The Memorialists are well aware that the time has gone by for perpetuating such antiquated and partial exactions, even although the cause for such exaction had remained as formerly. But such is not the case. The exaction was to be levied for an express purpose "for cleansing the High street and market places of the said Burgh". Now the Magistrates and Town Council are well aware that the cleansing of the High street and market place of the Burgh is most amply provided under the Police Act.

The memorialists are under that act assessed in heir fair share of cleansing the whole burgh; and by continuing the antiquated tax of ladles against the memorialists it is evident that they are twice taxed for the same purpose. But the memorialists are more than doubly taxed at present, for, besides the imposition of ladles already measured and the assessment upon them under the Police Act along with the other inhabitants of the Burgh, the memorialists have been deprived by the Police Act of the power of accumulating and selling the ashes and other refuse from their ovens, while a reservation was inserted in that act in favor of the said ashes and filth from the Slaughter house, and from tan yards, spinning mills, stables and cow houses. The memorialists submitted to this heavy loss and willingly agreed to it, and to pay a fair share of the general assessment, on account of the great public benefit to be derived from the general provisions of the Police Act; but they feel confident that the Magistrates and Town Council will be duly impressed with the justice of their present complaint, and for ever annihilate the cause of it by striking of the "ladles" from the Schedule of Petty Customs, previous to the first annual sale thereof.

Under a Self Elected Magistracy, the memorialists could not have expected relief from the antiquated fetters by which they have been, and still are galled. But the ancient Magistracy, even although they had been willing to do so, were not impowered to grant them relief. Fortunately, however, for the memorialists such is not now the case, for the present Magistracy have it in their power to grant the memorialists the desired relief. By the new Municipal Act, the great Magna Charter of Dundee which bestowed upon the burgesses the power of electing as their rulers those whom they consider best qualified for the discharge of these duties, it is expressly provided "that it shall not be imperative upon the said Magistrates & Council of the said Burgh, acting under the authority of this Act, to levy or exact the Petty Customs in use to be levied within the said ancient burgh"; and the memorialists are confident that the present liberal enlightened and patriotic Magistracy will use the power thus conferred upon them, of ceasing to exact that most obnoxious of all the petty customs the ladles upon exacted.

Approved of at a general meeting of the Baker  
Trade of Dundee held in their hall upon the 23d day of March 1832; and signed  
in presence of the meeting by

(Signed) George Moir, Deacon

Letter by A. Butchart Deacon of the Maltmen Incorporation to  
The Magistrates & Town Council of the Burgh of Dundee

29 March 1832

At a meeting of the Maltmen Incorporation of Dundee held yesterday I was instructed to make the Town Council acquainted with the views which the Incorporation hold respecting the duty of "Ladles" presently exacted by you upon victual brought within the limits of the Ancient Royalty.

It being impossible to prepare a full Memorial on the subject in time to be laid before your meeting today the Incorporation directed me to refer you to a Memorial for the members of the Incorporation of Bakers in Dundee which my constituents are informed has besides

being generally circulated, been likewise presented to you, and to state that all the incorporation which I represent concur entirely with the views of the Member of the Baker Trade as set forth in the above mentioned Memorial.

Trusting that you will give this subject your serious consideration.

I have the honor to be &c

(Signed) Andw. Butchart Deacon.

#### **At Dundee the eleventh day of April 1832**

Mr Rattray stated that he had been requested by the Town Council of Dundee at a meeting of that body held lately to lay before this incorporation that Mr Erskine of Linlathen had sent a communication of the Town Council expressing his desire to purchase the Town Mill at Fountainbleau with the ground adjacent; but that in taking this subject into consideration the council were of opinion that as the members of the Maltmen Incorporation had to pay Multure to the town who were of course bound to uphold a mill for grinding their malt, they were thereby prevented from selling the property at Fountainbleau above referred to without the consent of this Incorporation.

On taking this subject into consideration the meeting instructed Mr Rattray to inform the council that he had laid the above matter before the meeting and to state that the Incorporation could come to no final resolution until the council should come to some definitive determination on the subject, when the Incorporation would be happy to treat with them. The meeting being of opinion that the tax of two pennies on the pint is at present partially collected resolved ~~not to pay any further tax until the Incorporation are satisfied that the same is impartially collected.~~ to stand out against paying the taxes in future until a regular statement of the Collectors accounts is made out to shew that opinion now expressed is erroneous.

#### **At Dundee the twenty fourth day of April 1832**

The Deacon laid before the meeting the following excerpt from the minutes of a Committee of the Town Council of Dundee, appointed to consider and report to the Council relative to the collections of duty of Two pennies on the pint of Ale & dated the 16th of April current forwarded to him by the Town Clerk in reply to the resolution come to by the incorporation at their last meeting held on the 11<sup>th</sup> instant.

The excerpt is as follows:

“Excerpt from the Minutes of a Committee of the Town council of Dundee, appointed to consider and report to the Council relative to collection of duty of Two pennies on the pint of Ale & dated the 6<sup>th</sup> April 1832

The Committee, having considered the Extract of the Minutes of the Maltmen Incorporation, held on the 11<sup>th</sup> Current instructed the Clerk to write to the Deacon of the Trade, expressing the surprise of the Committee at the resolution contained in the Minute of the Trade; because, assuming as a fact, that which the Committee are not yet aware of; that the duty is partially levied such would form no reasonable ground still less any ground in Law for resisting the payment of the impost by those who were actually liable in payment of it; and that the Committee trust that the respectable incorporation of the Maltmen would, on reconsidering their Minutes, alter the Resolution therein expressed. The committee do not mean to recommend that the collectors accounts should not be made out and exhibited; on the contrary they recommend to the Council that the collector's accounts should at all times be exhibited to all persons having interest, or who may even wish to see them; and further that he Chamberlain be instructed to collect the duty, and to enforce payment of the Collection to the full extent, and in the most impartial manner, by all means afforded him by the Acts of Parliament.

The Committee trust that the corporation of Maltmen, will readily, upon reconsidering their Resolution referred to, alter the same, but if contrary to this expectation, the Trade should persist in refusing to pay the duties due by them, the council will have no course left, but one, namely to enforce the duties in the way and manner pointed out by the Acts of Parliament; and the Committee resolved to recommend to the Council accordingly.”

Mr Rattray stated to the Meeting that on the above report of the Town council committee being read at the council Board, and after a considerable discussion on the subject,

the council instead of approving of the above report in the meantime, had continued the above committee of their number for a week longer for the purpose of again considering the matter, in conjunction with a committee of this Incorporation.

On considering this statement the meeting appointed the following persons as a Committee to meet the committee of the Town Council vizt.

The Deacon, Messers Thomas Rattray & George Murdoch.

The Deacon, Boxmaster and Mr Alexander Dick were appointed as s Committee to adopt any proceedings against James Watson & others which they may consider necessary to prevent the privileges of the Incorporation from being encroached on.

#### **At Dundee the tenth day of October 1832**

The Deacon stated that he had received a letter from the Town Clerk of Dundee reciting an order of the King, in pursuance of a resolution of the House of commons dated the 17<sup>th</sup> of July last, requiring a statement shewing the nature, extent and quality of any exclusive privilege of trade or otherwise possessed or claimed by the corporations in the Royal Burghs of Scotland, the fees exacted on the entry of persons connected with such corporations and the sums levied annually from the Members thereof. In consequence of this a requisition had been made upon the Trade to furnish the said information so far as applicable to this Incorporation.

The Clerk was instructed with the assistance of the Deacon & Boxmaster, along with Mr George Murdoch one of the members of the Trade to prepare a draught of the return required, and to submit the same for the approbation of a general meeting before sending an answer to the Town Clerk.

#### **At Dundee the twenty second day of November 1832**

...A draught of the return required by the Town Clerk in his letter to the Trade and laid before them at their meeting on the tenth of October last was read to the meeting. The meeting approved of the return and directed the Clerk to send the same to the Town Clerk. The Return was appointed to be engrossed at the end of these Minutes.

Copy return referred to in the preceding Minute

Dundee 22<sup>nd</sup> November 1832

Sir

Referring to your of the 3 Augst & 8<sup>th</sup> Octr & the Brown Agents of the 27<sup>th</sup> July last, a copy of which was handed over by you. I beg in reply to state that owing to the sett of the Borough previous to the obtaining of the Municipal Act the Maltmen Incorporation had no voice in the election of any of the members of the Town Council, but they think it proper to state that the Incorporation of Maltmen consisted of about 40 members at Michaelmas 1831, and for upwards of two hundred years they have possessed & claimed the exclusive privileges of making malt & brewing Porter & Ales within the Royalty of the Town. The fees exacted from Persons entering with the Incorporation have been raised from time to time but since the 1 Sept 1823 up to the period the have been as per enclosed Notice besides 10/- to the Guildry, 5/- to the Hospital & other contingencies. The quarter accts & other dues collected annually from their members amount to £10. 10/- per annum.

#### **At Dundee the thirty first day of May 1823**

The following Enactments were unanimously agreed to, relative to the dues of admission of members to the Trade; which shall take effect from, & after the first of September next vizt:

- I. That strangers shall pay Twenty five pounds Sterling.
- II. That free apprentices who shall have served eighteen months shall pay Eighteen Pounds Sterling: and
- III. That free apprentices serving two years shall pay Ten pounds Sterling.

Extracted from the Records by  
Dd. McEwen, Clerk.

**At Dundee the sixth day of December 1832**

The Clerk was instructed to write to Donald McLaren stating that if he did not come forward and settle with the Incorporation within one week from and after this date, a prosecution will be raised at the Trades' instance against him for encroachment on their privileges.

**At Dundee the ninth day of January 1833**

The Deacon stated that as Donald McLaren, the individual referred to in the minute of the last meeting had not come forward and complied with the Trade's request, the Clerk had been instructed to present a petition against McLaren for encroachment on the Trade's privileges, which had accordingly been done, and the same was now approved of by this Meeting, and the clerk instructed to lose no time in following out the proceedings commenced against McLaren.

**At Dundee the sixteenth day of October 1833**

On taking into consideration, the practice presently in use of washing the heads of Apprentices engaged by Members of the Trade, it was moved and seconded that the above practice should be discontinued from and after this date. And the vote having been taken on this motion four voted for it, nine voted against it, and four declined to vote. The Motion was therefore declared to be lost and the Meeting resolved accordingly.

**At Dundee the fourth day of December 1833**

The Clerk was instructed to write Blair Wedderspoon that he will be prosecuted if he delays any longer the payment of the pennies due on his steeping of Malt, and at the same time to request payment of the fine imposed on him at last meeting. The Clerk was likewise instructed to write Peter Ure in the same terms.

**At Dundee the fifth day of February 1834**

The Meeting took into consideration of the heads of two lads being washed without the booking money having been first paid, at which Messers Thomas Rattray, James Ferguson and George McLaggan, three free masters of the Trade were present.

Mr Andrew Butchart moved that as the washing of the heads of these lads was contrary to the regulations of the Trade, the above named individuals should be censured and that Mr Rattray should be fined in the sum of Two pounds, as the individuals whose heads were washed were in his employment.

This Motion having been seconded was carried by a majority of eight voting for the motion, three voting for the fine being only one pound, and Messers Rattray, Witherspoon and McLaggan voting against any fine being imposed as altogether illegal.

**At Dundee the Twenty eighth day of May 1834**

The Deacon produced a letter which he had of this date received from Thomas Rattray a member of the Trade to the following effect.

"Dundee 28 May 1834. Mr William Anderson, Dundee, Sir, At a meeting held on the February last in the old or East church I was called in question for washing my two men's heads – after having obtained from the Locked Book by your hands a Rule to be guided thereby, nonetheless it was resolved by a party (made up before I believe) that I should be fined Two pounds without considering whether I was faulty or not: and being conscious that I have walked according to the Rules of the Trade in the Locked Book, I therefore took a legal protest against the proceedings – Blair Wedderspoon, G. McLaggan, James Ferguson and Peter Ure join me in protest. (Signed) Thomas Rattray.

P.S. I request that you either enter this in the Minute Book or rescind the Resolutions come to at said Meeting."

The meeting remitted to the Deacon and Boxmaster along with Messers George Murdoch and Andrew Butchart in conjunction with the clerk to consider the subject referred

to by Mr Rattray, the powers of the Trade and to report to a General Meeting what course ought to be pursued in respect that Mr Rattray has referred to obtemper the Resolutions of the Majority of the Trade held at their meeting in February last.

#### **At Dundee the eleventh day of September 1834**

The Deacon stated that he had called the present meeting in consequence of a verbal communication made to him this forenoon by the provost of Dundee that the Lord High Chancellor of England, the right Honorable Henry (*blank*) Lord Brougham & Vaux was to pass through Dundee tomorrow & that his Lordship had condescended to hear & receive an address from the Provost, Magistrates & Town Council of Dundee as representing the community as well as from any other of the public bodies in Dundee who might think proper to join in such an address.

The Trade unanimously approved of the said measure & resolved to join with the Provost, Magistrates & Town Council of Dundee in any address which may be prepared by them upon such an auspicious & important an occasion & that the Trade as a body should wait on his Lordship accordingly in full procession.

#### **At Dundee the ninth day of October 1834**

The Deacon stated that he had called this Meeting to consider the report of the Committee in obedience to the remit made to them by the General meeting held on the twenty eighth day of October 1834.

Committee of the Trade in reference to the case of Mr Thomas Rattray – Present, The Deacon, Boxmaster, Clerk and George Murdoch and Andrew Butchart

Your Committee on obedience to the remit made to them by the General Meeting of the Trade held on the 28 day of May last, have carefully gone over the rules and regulations of the Trade, and find that at a General Meeting of the Trade held on the 25 October 1827 there was read to the Meeting an abstract of the existing laws of the trade and the same having been considered & revised certain alterations and additions were made thereon by the Meeting & unanimously agreed to; and the said abstract as revised, altered and added to in this manner was appointed to be engrossed in the Locked Book of the Trade and signed by the Deacon as relative hereto and as containing a sumptuary of the Laws of the Trade to be observed & obeyed in time coming.

Your Committee are therefore decidedly of opinion that no fine can legally be exacted from Mr Rattray or any member of the Corporation unless impowered under the laws of the Trade deliberately settled at the above meeting as the existing laws by which members were to be bound.

Your Committee then referred to the abridgment of the Laws mentioned in the said Minutes and engrossed in the Locked Book and found that the only laws in reference to the head washing of apprentices in this:-

“Tenth, that no free master allow of any apprentices head being washed within their houses or liberties except a moderate refreshment to the lads of the same Malthouse with the apprentice not exceeding six and are not to be allowed above one pint of ale to each and to take care that all moderation be used and all disturbances to be kept free of”.

Your Committee therefor must of course come to the conclusion that the fine imposed of Mr Rattray cannot be exacted under the existing laws as the offence charged does not fall under the Regulation before quoted. (Signed) William Anderson, Deacon, Alexander Dick, Boxmaster, D. McEwen, clerk, George Murdoch and Andr. Butchart.”

The Meeting unanimously approved of the above report of the committee.

It was moved by Mr Murdoch and seconded by Mr Ure and unanimously agreed to that the fines imposed by the Trade on Alexander Sinclair, Thomas Butchart & George McLaggan be paid back to them in consequence of the above report of the Committee, and the Boxmaster was authorised to pay the same accordingly. The said fine having been imposed on the said parties at a General Meeting held on the 7<sup>th</sup> October 1830.

#### **At Dundee the sixteenth day of October 1834**

Mr George Murdoch in terms of what he stated at last meeting moved the following resolutions which being deliberately considered by the Trade, were declared to form part of

the fundamental laws of the Trade and were appointed to be engrossed in the Locked Book and signed by the Deacon as relative hereto.

1. That it shall not be imperative upon any Master to have their apprentices heads washed, but they may or may not as shall suit their own inclination; and furnish what entertainment they may think proper provided nevertheless that the same Booking money shall be paid as specified in Article 3d of the laws of the Trade and that within fourteen days from the commencement of the apprentices service under the penalty of ten shillings and sixpence Sterling, the master being liable to the Trade for said Booking money and penalty incurred.

2. That no Master or Journeyman or Apprentice belonging to the Trade shall be present or assist at the head washing of an apprentice to any unfree Master unless One pound Sterling be paid to the Trade in name of booking money. Those transgressing this rule to be liable in payment of said booking money and five shillings of fine if a Master & two shillings and sixpence if a Journeyman or Apprentice.

3. That any Master or servant guilty of any irregularity relative to the Trade or their affairs not specially mentioned in the Rules presently in force for their government shall be liable to be taken account of by the Deacon, Boxmaster and Committee and a fine imposed upon them.

### **At Dundee the Twenty first day of January 1835**

The Deacon stated that he had called the present Meeting to take into consideration the claims set up by Alex. Martin, Brewer Seagate Dundee and Alexr. McIsaac, Brewer, Murraygate, the one as being himself a discharged soldier and the other as being the son of a person who had been in the Perthshire Militia for upwards of seven years, to be exempted from entering free of the Trade on these grounds. The following were appointed a Committee to investigate in to the matter and particularly whether they were entitled to exemption in consequence of the discharges produced to the Meeting vizt. Andrew Elder, Andrew Butchart, the Boxmaster and the Deacon & Geo McLaggan – three to be a quorum and the Deacon, Convener.

### **At Dundee the Twenty eighth day of January 1835**

The Meeting took into consideration the remit made to them to enquire into the right of the parties named in the Minute of the last General Meeting of the Trade vizt; Alex. McIsaac, Brewer, Murraygate and Alexr. Martin, Brewer, Seagate, and having consulted the Acts of Parliament the meeting were of opinion that the above named parties could not be compelled to enter free of the Trade.

### **At Dundee the Twenty second day of April 1835**

...Mr Andrew Elder presented a Dft of a Petition to the House of Commons against the Bill for assessing the inhabitants for a supply of water which he moved should be adopted by the Incorporation and which Motion was seconded by Mr George McLagan.

Mr Thomas Rattray moved as an Amendment that the Legislation should be petitioned to pass the Bill for supplying the Town with water by means of assessment that being the best way of supplying the Town upon the cheapest scale. Mr Andrew Butchart seconded the amendment.

And the amendment having been put there voted for it Deacon Anderson, Provost Kay, William Anderson Jr., William Ireland, Andrew Butchart and Thomas Rattray and against it George McLagan, James Ferguson, James Gilruth, Peter Ure, Andrew Elder, Alexander Kay, Alexander Dick, and Robert Ramsay.

Thomas Butchart and Blair Wedderspoon left the room before the vote was taken, and Alexander Sinclair and George Murdoch declined voting. The motion was therefore declared to be carried by a majority.

### **Copy Petition referred to:**

**To the Honorable the Commons of the United Kingdom of Great Britain & Ireland in Parliament assembled.**

Sheweth

That the Magistrates and Town council of the said Town have brought in a Bill intituled "A Bill for supplying the Royal Burgh of Dundee and Suburbs thereof with water", whereby it is proposed to levy a compulsory assessment on all dwelling houses, shops, warehouses, cellars, vaults, Breweries, manufactories and other buildings within the said Royalty for Water to be supplied with the authority of the said Bill.

That whilst the necessity of an additional supply of water for some parts of the Town is admitted, your petitioners who are at present amply supplied with water from springs and wells erected at great expense, decidedly object to the imposition of any tax on them in order to lessen the expense of an additional supply of water to those who may require it, because such a tax would be most unjust in principle: and it is wholly unnecessary because such of the inhabitants as desire to are offered an abundant supply of pure & wholesome water by another measure now before your Honourable House for establishing a Joint Stock company for introducing water into the said Town. That in these circumstances your Petitioners feel it to be most unjust and oppressive to be compelled to pay for an article which the majority of them do not require; and which those who stand in need of an additional supply can obtain voluntarily from other sources.

Your Petitioners therefore humbly pray that the said Bill introduced by the Magistrates and Town Council of Dundee may not pass into a Law and that your Petitioners may be heard against the same on such parts as affect their interests by themselves, their Counsel and Agents – and that they may have such relief as your Honorable House may think fit.

And your Petitioners will every pray.

#### **At Dundee the second day of December 1835**

There was laid before the Meeting a letter from Alexander Croll of the following tenor:

"As I understand it is customary for those connected with the Brewer Trade to be buried at their expence I beg therefore to request that as I was at the expense of James Watson's funeral you will make the ordinary allowance in my favor. I am Sir, yours respectfully (signed) Alexr. Croll

The meeting unanimously refused the application and instructed it to be minuted that it is entirely optional to the Trade to assist in the funeral expenses of Members.

#### **At Dundee the seventh day of April 1836**

The Deacon stated that he had called the present meeting of the Trade in consequence of his having upon the first current attended a meeting of the Commission under the Ale & beer Act, at which a proposal was brought forward to extend the boundary lines within which the duty was at present exigible. The proposal was so far recognised as to induce Commissioners to appoint a Special Committee of their number consisting of Messers Walker Saunders, Andrew Roxburgh, John Young & the Deacon of this Incorporation as a Special Committee to enquire into the powers of the Commissioners in this respect and to report the result to a general meeting of the commissioners.

The Trade having taken this subject into consideration were unanimously of opinion that the Commissioners under the said Act have no right whatever to extend the boundary lines; that those lines were definitely fixed when the Act which was last reviewed by Parliament came into operation, and that there was a distinct understanding entered into with those persons liable in the duty settling in time to come the lines within which the impost was to be exacted. Under these circumstances the Trade instructed the Deacon not only to oppose in the said Committee but also at the General meeting of the Commissioners to do so, and the Trade signified their firm determination to resist to the utmost any attempt to change the present arrangements and to try the question in as Court of Law should the Commissioners under the said Act contrary to the expectation of the Incorporation take a different view of the subject.

The Clerk was instructed to issue to the Deacon an Extract of this Minute that he may produce it at the deliberations of the commissioners under the Bill.

### **At Dundee the fifth day of July 1836**

There was read to the Meeting copy of the Minutes of the Ale and Beer duty Commissioners of date twenty two June last, which was ordered to be engrossed in this Sederunt Book. The Trade observed by this Minute that the Tacksman of the duty had made an offer of Ten pounds Stg. per annum for an extension of the boundary lines as mentioned in the Minutes of the Trade held on 7 April last.

The Incorporation decided that it would most unjust to extend the boundary lines within which the duty is exigible, seeing as was mentioned in the said Minute that those lines were definitely fixed when the Act was last renewed by Parliament came into operation, and they denied the right of the Commissioners to extend the lines.

The meeting instructed their Clerk to communicate on this subject with the Clerk to the commissioners or the Clerk to the Council & remonstrate against such an extension of the line, and when an answer was received to communicate the same to the Deacon that he can call a meeting of the Trade.

### **Copy of the Ale & Beer Duty Commissioners of 23d June 1836**

...there was then produced and read to the Commissioners a Minute of the Committee appointed at the General Sitting of First of April last reporting that it appeared doubtful to the Committee whether the Commissioners had power by the Bye law of Sixteenth January Eighteen hundred and twenty eight to fix the limits to which the Act extends, and that at any rate it appeared to be expedient that the limits should not be otherwise fixed than by the Act itself. And recommending to the Commissioners and the Magistrates and Town Council to concur in rescinding the Bye law or regulation of Sixteenth January Eighteen hundred and twenty eight in so far as it limits the boundaries to which the act extends for the consideration of Ten pounds per annum of additional rent as proposed by the Tacksman or for such other consideration as the Commissioners and Council may consider equitable as more fully stated in the Committee Minute which is engrossed in the Sederunt Book.

The Commissioners having considered the said Committee Minute and the Minutes therein referred to and having also considered the Act of Parliament approving of the Report of the Committee as contained in the said Minute, and unanimously resolved to rescind, as the Commissioners so far as they have power do hereby rescind, the said Bye law which limits or purports to limit the boundaries to which the act extends leaving the said boundaries to stand or be regulated by the said Act itself and further the Commissioners recommend to the Magistrates and Council to concur in this resolution and to give notice to the public of the rescinding of the said Bye law.

### **At Dundee the Thirteenth day of October 1836**

There was read a Report by the Committee of the Trade relative to the Process which depended at thee instance of the Trade against William Stiven at Balkello for payment of £20. 9. 9d being the sum which the Trade had to pay to the Trustee on the Sequestered Estate of the late Roderick Ormond in consequence of the Trade having ranked on the said Estate for a Bill due by Ormond and for which Stiven was liable. The report by the committee was ordered to be engrossed at the end of this Minute.

The Meeting having taken into consideration the Report of the Committee agreed that under existing circumstances they will not proceed farther with the Action against Stiven; but if Stiven urge on the case himself with the view of obtaining his expenses from the Incorporation,, they will resist and bring the case to a decision, as they are satisfied in their consciences that the debt is justly due by Stiven.

The Deacon was authorised to pay the Agent in the case against Stiven (Mr John Gellatly) the account incurred by him in prosecuting Stiven amounting to Eight pounds 16/11d.

The following were appointed as a Committee to wait on Mr William Stiven and endeavour to effect an arrangement with him on the best terms they could videlicet Messers George Murdoch, Andrew Elder and the Deacon, the Deacon to be Convener.

### **At Dundee the eleventh day of October 1836**

The meeting having taken into consideration the State of the Process at the instance of the Trade against William Stiven at Balkello unanimously agreed to report as follows to a General Meeting of the Trade which they requested the Deacon to call on an early day for the purpose of considering and disposing of this business.

It appears that in 1818 the Brewer Incorporation agreed to rank as Creditors of the Estate of Roderick Ormond and James Lowson of the amount of a Bill granted by them and William Stiven to the Trade for £110. Lowson's Estate yielded a dividend to the Creditors and there is no dispute about this ranking but Ormond's Estate instead of yielding a dividend was not sufficient to pay the Expenses of the Sequestration and the Trade had, in July 1831, to pay Mr Crammond the Trustee £20. 9. 9d. as their share of the deficiency. It was the general understanding and belief of the Trade that obligations had been granted by Stiven to relieve them of all Expenses to be incurred by the rankings, an obligation of this kind has been found amongst the papers of the Incorporation relative to Lowson's Estate: but no written obligation regarding the Expense of the ranking on Ormond's Estate has been found: notwithstanding that the most careful searches have been repeatedly made amongst the papers of the Incorporation and Mr McEwen.

An Action at the instance of the Incorporation against Stiven was raised in 1829 partly in the hope that Stiven's obligation would cast up, but as this has not been the case, doubts are entertained as to the process of the Incorporation in the Action; and it remains with the Members to consider whether they will allow the Action to drop with the hope of raising Stiven's Expenses which would probably be awarded against them if the Action were to be decided in his favor, or whether they will incur the Expense of leading some proof which can yet be had on the subject and take the opinion of the Sheriff. The additional Expense of doing this is estimated at about £2 on the part of the Incorporation, and if they succeed they will get the whole of their Expenses from Stiven. The expenses already incurred by the Incorporation according to an Account given in by their Agents amount to £8.16.11d.

The chief reasons for anticipating a favourable decision for the Incorporation are:

1<sup>st</sup>. Stiven has all along been in good circumstances and the Incorporation could easily have recovered the debt from him without troubling themselves or incurring risk by rankings on Bankrupt Estates.

2d. By the Incorporation ranking Stiven gained or at least had the prospect of gaining some advantage which he could not have got had he paid the debt and ranked in his own name.

3d. Stiven, having granted an obligation to relieve the Incorporation from the consequence of ranking in Lowson's Estate a presumption arises that a similar obligation was granted or undertaken with regard to Ormond's Estate; and at any rate as Stiven was to get the whole benefit (had there been any) of the ranking on Ormond's Estate it is but equitable that he should be held to have incurred the risk of the ranking, in which the Incorporation had no interest whatever.

Besides these considerations and some additional evidence derivable from the Minutes of the Trade (which however is not held to be of much consequence) there is a fact which if it can be proved satisfactorily may give the Trade an additional chance of success: it is this:

Mr McEwen at the time of his transaction was Agent for Stiven as well as the Incorporation. In his Books he gives the Incorporation credit for a sum of £4 odds paid to him for their behoof by Stiven. There is considerable hope that it can be proved that this sum was paid for business done by Mr McEwen relating to the ranking on Mr Ormond's estate, and if this can be done either by the evidence of Mr McEwen or by recovering the account of the £4 odds from Stiven the chances of the Incorporation succeeding in the action will be considerably increased, although on the whole the case is not considered to be a perfectly clear one in their favor. Mr McEwen

has not preserved any separate account of the items of charge for which the £4 odds was paid; but there are in his Books items connected with the ranking on Ormond's Estate which tally very nearly with the £4 odds.

With these remarks the committee leave it to the General Meeting to decide which is the most prudent course to be followed in this matter.

#### **At Dundee the Twenty fourth day of November 1836**

...The Deacon stated that in terms of the instructions of the Trade he and Mr Murdoch had called in Mr William Stiven in reference to the Process betwixt him and the Trade mentioned in last Minutes and that Mr Stiven had declined to give any answer till he had consulted with his Agents. The Deacon farther stated that Mr Stiven was to call on him when he had seen his Agent but he had not done so and the Deacon was instructed to speak to Mr Stiven on the subject if he saw him in town to-morrow.

#### **At Dundee the twenty ninth day of November 1838**

...the Trade considering that Margaret Simpson widow of William Ross had commenced to Brew Ale & Beer on their premises in Cowgate street, the Trade resolved to grant her an annual license to Brew within the ancient Royalty of Dundee on her paying into the funds of the Trade the sum of One pound eleven shillings & sixpence annually in advance, but it is expressly understood that this resolution of the Trade shall not form or be constructed into a precedent in any future cases that may arise of which the Trade are to be the sole judges: and it is also declared that in the event of Mrs Ross again marrying and still carrying on business as a Brewer this license should immediately cease, and such husband shall be bound to enter as a free member of the Trade.

#### **At Dundee the Fifteenth day of May 1839**

The Deacon stated that he had called the present meeting in consequence of a letter which he had received from Mr Andrew Willison, Writer Dundee the Common Agent in the process originally raised at the instance of the Cashier of the Dundee Bank and subsequently insisted in by the Town of Dundee against the Brewer Trade and other Trades and private individuals for payment of the balance of the expense of the repair on the old and South Churches, calling on the Trade to furnish him with any receipts or discharges which the Incorporation may have for their proportion of the expence of said repairs.

The Deacon was authorised to deliver to Mr Willison as acting for the Incorporation the following documents and to take a Special Receipt for the said Viz.

1. Receipt by P. H. Thoms Town chamberlain for £40.10/- dated 11 July 1826.
2. Do for £85.12.11d. being balance of the Brewers Trades proportion of the Repairs and alterations on the old church.
3. Do for £61.10. 8d. being the Trades proportion of the expence of repairs and alterations on the South Church dated 19 February 1829.
4. State of Accounts for repairs on the South Church.
5. Do for repairs on the Old Church with Report by the committee annexed.

It was remitted to the Deacon & Boxmaster & Messers Thomas Rattray and George Murdoch to watch over the conducting of the said process and to report to the Trade when any thing of importance occurs.

The Clerk was directed to apply to Alex. Mackenzie, Captn Adjutant Ross & Militia to know whether the document bearing that William Ross private of Captain William Mackenzie's Company had served four years in that Regiment was a genuine document, in consequence of the widow of the said William Ross having commenced business as a brewer and claimed a right to do so as the widow of a soldier who had served the requisite period to enable him to be free of the Trade, and in the event of the Discharge turning out to be a genuine document to abandon the Article which had been raised at the instance of the Trade against Wm Ross; but if it shall be found that that document is a forgery the Clerk was to directed to proceed with the action without delay.

### **At Dundee the Fifth day of December 1839**

The Committee to whom it was remitted by the last meeting of the Trade to examine into the late Boxmaster's accounts reported that they had done so in presence of the Boxmaster and had carefully examined the Vouchers thereof.

They had in consequence directed a Balance-sheet to be made out, which was acknowledged to be correct by the Boxmaster now present and the Balance sheet had by the direction of the Committee been engrossed by the Clerk in the Trade's Ledger.

He balance on these Accounts was found to be Eighty pounds six shillings and five pence, and Mr Sinclair having been called upon immediately to account for that balance to the Trade, he stated his inability to do so, that when he was elected Deacon at the last Meeting, he expected a friend to assist him but he had failed to do so, and that he had nothing to liquidate the debt (along with other debts due by him to nearly similar Amount) but his household furniture and brewing utensils had cost him about Two hundred pounds, and debts due to him which would probably amount to about Forty pounds. Mr Sinclair farther stated that the rent of the premises occupied by him had been paid up to Martinmas last.

As Mr Sinclair stated that he was unable to make any proposal for a settlement of the debt due by him to the Trade, the Trades instructed him forthwith to execute a Trust Deed for behoof of the Trade and his other Creditors in favour of Mr Robert Ramsay, Mr Thomas Rattray (*blank*) and Mr George Whitton all Brewers in Dundee, with power to tem immediately to take an Inventory of the effects, and failing of Mr Sinclair agreeing to do so the Clerk was instructed to raise an Action at law against him and proceed with diligence for the recovery of the debt.

In the above circumstances the said Alexander Sinclair resigned his situation of Deacon of the Trade which was accepted of and the Trade proceeded to the election of a Deacon for the current year, Mr George Murdoch proposed that Mr Thomas Rattray should be elected Deacon, which was seconded by Mr William Anderson. Mr Thomas Butchart proposed that Mr James Gilruth be elected Deacon which was seconded by Alexander Martin. Mr George Whitton proposed that Mr Andrew Butchart be elected Deacon for the current year which was seconded by Mr James Gilruth. When the votes having been taken Mr Rattray was elected Deacon by a majority, and he accepted of the Office accordingly.

### **At Dundee the Twenty third day of January 1840**

The Clerk stated that in conformity with the instructions of the Trade given at last meeting he had prepared the Draught of a Trust Deed to be executed by Alexander Sinclair in favour of the parties named in the said Minute, which had been sent to Sinclair for his approval, but which he refused to Sanction; after being waited on by Messers Ramsay, Rattray and Whitton along with the Clerk, and the Agents had in consequence, in terms of the instructions of the Trade, raised an action against Sinclair, in which, after the Summons had been borrowed up by Sinclair's Agent and retained by him for a week, decree had been obtained & Sinclair imprisoned at the instance of the Trade. Sinclair on his incarceration had applied for aliment and, after being examined by the Agent for the Trade, had been allowed ten pence per day aliment.

The Clerk farther stated that he had caused Sinclair's effects to be removed under the Disposition *omnium bonorum* granted by him in favour of the Office Bearers of the Trade in his application for the benefit of the Act of Grace to the Public Weighhouse where they now remain and they were, in consequence of the instructions of the Trade, advertised to be sold to-morrow at one o'clock afternoon. The Clerk now craved instructions from the Trade as to his future proceedings.

The Trade unanimously approved of the proceedings which had been adopted by the Agents for the Trade and directed the Sale of Sinclair's effects as advertised to be carried into effect; and in conjunction with Messers Ramsay, Whitton and Rattray to take such other steps as may be necessary for recovering the debt due by Sinclair to the Trade.

### **At Dundee the Sixth day of February 1840**

The Deacon stated that he had called the present meeting at the request of the Clerk to consider what farther proceedings were to be adopted against their debtor the late Boxmaster who had been in jail at the instance of the Trade for about a month, and who had applied for the benefit of the Act of Grace and is now pursuing a process of *cessio* against his Creditors.

The Clerk read to the Trade the Deposition emitted by Sinclair under his application for aliment, and the Trade were utterly astonished at its import and were thoroughly convinced from the circumstances which had come to their knowledge, and more particularly from the information of credible witnesses, that Sinclair has been guilty of fraud, wilful imposition and of perjury and they directed and hereby direct the Clerk to give information to the Procurator Fiscal for the County against Sinclair.

The Clerk stated that Sinclair's effects had been taken possession of so far as they could be discovered under the Disposition *omnium bonorum* executed by him and that the proceeds of the sale amounted only to about Forty pounds, from which preferable claims, such as rent and Servants wages had to be paid.

As Sinclair is to be examined on the fourteenth current under his process of *Cessio* the Trade resolved to oppose his getting the benefit of *Cessio* and instructed the Clerk accordingly.

#### **At Dundee the Twentieth day of February 1840**

The Deacon state that he had called this meeting in consequence of a requisition made to him to consider as to the propriety of liberating Sinclair from prison, or of still keeping him in confinement. The Clerk was directed to write Sinclair that, if he would agree to deliver up the Articles of household furniture and other effects which it was known had been removed from the premises, the Trade would agree to his liberation, but otherwise it was the determination of the Trade still to keep him in prison.

#### **At Dundee the Seventh day of January 1841**

At a Meeting of the Brewer or Maltmen Incorporation held within the house of Robert Ramsay the present Deacon of the Incorporation, in consequence of the calamitous fire which took place on the morning of Sunday the Third current, by which the Town's Churches (with the exception of the Steeple Church) were totally destroyed, and in consequence of which the Incorporation were deprived of their privileges of meeting on the Old or East Church.

The Deacon stated that he had called the present Meeting in consequence of the calamitous fire which occurred on the morning of Sunday last the Third current, by which the Cross, South and Old or East Churches had been totally destroyed, and in order that the Trade should deliberate and resolve on the steps proper to be adopted to protect the rights and interests of the Incorporation to their property in the two latter churches.

After consultation and deliberation, it was unanimously resolved to appoint a Committee to watch over the interests of the Incorporation in the latter referred to: But it is hereby expressly agreed that the Committee shall have no power to accede to any proposal which may be made by any or either of the public bodies of private parties interested without the sanction of a meeting of the Trade to be specially called for the purpose.

The following members of the Trade were then appointed as a Committee for the purpose before mentioned viz. The Deacon and Boxmaster and Mr Andrew Butchart, two to be a quorum and the Deacon, Convener.

#### **At Dundee the fourteenth day of January 1841**

There were read Minutes of meetings of the Incorporations and individuals holding right to pews in the Old South Churches, dated the ninth current, as were also Minutes of a Meeting of the Town Council Committee dated the fifth current. The

Meeting directed these documents and the letter of the Town Clerk enclosing them to be engrossed in the Sederunt book.

### **At Dundee the Eighteenth day of May 1841**

The Trade met to revise and consider the half yearly Pension List, and were unanimously of opinion that, in consequence of the recent calamity by the burning of the Churches in Dundee (in which the Incorporation held a considerable interest) they are necessitated to reduce their Annual expenditure *ad interim*; and they accordingly resolved that the Pension payable at the ensuing term of Whitsunday shall be reduced one moiety thereof, and the Trade farther resolved at the suggestion and with the concurrence of the Clerk that his Salary should be reduced one half, and farther that the Officer's Salary instead of being Five pounds per annum as formerly should be reduced to Three pounds: all these reductions being contingent upon the future prosperity of the financial affairs of the Incorporation. It was farther resolved that in the meantime the Customary allowances to persons having no direct claim on the Incorporation would be dispensed with.

### **At Dundee the nineteenth day of May 1842**

This being the day fixed by the Town Council of Dundee and the other Incorporated bodies, for the purpose of laying the foundation stone of the East or Parish Church on the site of the Old or East Church which was burned down on 3d January 1841, the Trade met in the house of the Deacon each member being dressed in a full suit of black clothes with white aprons & white gloves. From thence they proceeded to the Guild Hall & found the Guildry Incorporation in terms of the programme which is inserted at the end of the present Minute & to which reference is made.

After the ceremony had been gone through the Trade adjourned to the house of Mr William Anderson & dined together & spent a happy and harmonious evening.

The Trades flag was carried by one of the Members in advance of the Boxmaster before the Guildry & alongside of the Guildry flag.

### **Programme at laying the Foundation Stone of the East or Parish Church of Dundee, on Thursday 19<sup>th</sup> May 1842**

1. The Magistrates and Town Council, Guildry Incorporation and Maltmen, Trades, Seamen Fraternity, and Masonic Bodies, to proceed from their respective Halls to St Andrew's Church, a quarter before two o'clock.

The East half of the area of the church, and the Front Seats in the Galleries, to be reserved for the Public Bodies. The rest of the Church to be open to the Public generally, but it is hoped that the Seats will be occupied by those only who contribute to the collection, which is made for the benefit of the Unemployed.

2. It is expected that the service in the Church will be concluded shortly after 3 o'clock. In leaving the Church the Public Bodies will proceed by Panmure Street and Reform Street, in the following order, vizt:

The Magistrates and Town Council  
The Clergymen of the East and South Churches  
The Dean of Guild and Assessors  
The Guildry Incorporation and Maltmen  
The Strangers invited  
The Nine Trades  
The Three Trades  
The Seamen Fraternity  
And the Masonic Lodges as follows  
Camperdown, Forfar & Kincardine, Thistle, Ancient Operative and  
Provincial Grand Lodge.

3. On arriving at the site of the East Church the Magistrates and Council, Clergymen of the East and South Churches, committee of Seatholders and the Office

bearers of the different Public Bodies, will take their places next to the Foundation Stone. The Heads of the different Masonic Lodges to assist at the ceremony.

After the Stone is laid, Provost Lawson will ask the Revd Dr McLachlan, as Parish Minister, to offer up a Prayer for the Divine Blessing on the undertaking.

Dundee May 18 1842

#### **At Dundee the twentieth day of May 1842**

The Deacon stated that he had called this present meeting to lay before them the following letter which he had received from the Town Chamberlain:

“Chamberlain’s Office Dundee 17<sup>th</sup> May 1842

Sri, I have been directed by the Town Council of Dundee, to collect from the Proprietors of Seats in the East Church, one pound for each sitting belonging to them respectively, according to a List signed by the Kirkmaster, and in my hands; but under this declaration, that the same shall not be held as fixing the number of sittings truly belonging to each Proprietor, which shall nevertheless be subject to alteration in terms of the Deed of Agreement between the Council and Seat Proprietors.

The number of sittings standing against your name in said List is Fifty four, and I therefore request you will pay me Fifty Four pounds on or before Monday 23d current.

I am &c (Signed) N. B. Baxter”

In reference to which the Boxmaster was authorised to draw the said sum of £54 from the Eastern Bank and pay the same to the Town Chamberlain.

#### **At Dundee the twenty fourth day of November 1842**

...the Trade unanimously, upon Motion of Mr Whitton the Boxmaster, expressed their high gratification and pleasure by the attendance of the Member of the Burgh at the present Meeting, as a constituent member of the Incorporation and tendered a vote of thanks to him for the consistent and uniform course of conduct he had pursued in Parliament since his election and wished him good health and long life to follow out his endeavours in Parliament for the good of the country.

The Duncan returned his warmest thanks to the meeting and assured the Maltmen Incorporation of Dundee, that he would ever endeavour to promote the interest of the country generally and of his fellow Townsmen in particular.

#### **At Dundee the Seventeenth day of May 1843**

The Deacon stated that there was a prevailing opinion amongst the different Public Bodies and many private Individual proprietors of Seats in the Old or East Church now in the course of being rebuilt (and the work far advanced) that it would add greatly to the external & internal decoration of the Building were the principal Window thereof Stained and Arms of the different public Bodies holding interest in the Church inserted upon the Glass of the Window, a suitable plan of which had been prepared, and the Trade being of the same opinion & willing to contribute their Mite for the purpose authorised the Deacon to subscribe & contribute to the extent of Six pounds fifteen shillings from the funds of the Trade.

#### **At Dundee the Twenty eighth day of September 1843**

The Deacon laid before the Trade a printed circular he had this day received from James Brown Esq. Kirkmaster, addressed by him on behalf of the Magistrates and Council stating *inter alia*, that it was found necessary to finish and complete the work of the Old or Parish Church, to paint the ceilings, fix Gas Brackets and Pillars and introduce Heating Apparatus and defray some extra work that a payment not exceeding six shillings per seating additional to the sums already agreed upon to be paid by the parties respectively interested in the proprietorships of the Church should be paid.

The Trade having taken the above communication into consideration Agreed unanimously to make the additional advance required and directed the Clerk to intimate this resolution to the Kirk Master in reply to his representation.

#### **At Dundee the first day of December 1843**

...The Deacon stated to the Meeting that the Clerk had rendered to him an account due to him connected with the formation of a Brewers Association, the amount of which was £7.18.11d. The Clerk explained to the Meeting that a great portion of that account had been recovered by their Deacon of the Trade, Mr Wedderspoon, and he stated that under the circumstances he was quite willing to pay from the amount unrecovered being £1.14/-. The meeting resolved to pay the account under the said deduction, claims being reserved against Mr Wedderspoon for the amount and the Boxmaster was instructed accordingly.

#### **At Dundee the twenty sixth day of December 1843**

The Deacon stated that he had called the present Meeting of the Incorporation to lay before them a letter which he had received from Mr Barrie, Town Clerk transmitting to him copies of Two Orders by the Arbiter Mr Carver of Kinlock of date the 22d current allocating the sittings in the Cross or Parish Church of Dundee. The letter from Mr Barrie, together with the order of publication under the Intromission were read, and they were instructed to be engrossed at the end of the present Minute of the Incorporation.

It was remitted to the Deacon and Boxmaster along with Mr Ramsay to inspect the Mortcloths belonging to the Trade, with power to get any repairs necessary to be made thereon & should they find that any of the Mortcloths require to be renewed to report thereon to a future meeting of the Trade.

#### **Copy Letter William Bruce Esq., Writer Dundee**

To the Deacon of the Incorporation of Brewers Dundee

Sir

I am directed by the Arbiter under the contract and Submission betwixt the patrons of the Kirk Fabric Fund of Dundee and the seat Proprietors of the East or Parish Church of Dundee to send you the preferred (two) copies of two orders by the Arbiter of yesterdays date, regarding the allocation of sittings in the said Church.

I am Sir, your most obedient servant,

(Signed) Will. Barrie

Copy orders referred to on the above letter.

Kinlock 22 December 1843

The Arbiter having considered the Submission between the Magistrates and Town Council of Dundee as Patrons of the Kirk Fabric Fund of that Burgh, and the proprietors of the Pews or Sittings in the East or Parish Church of Dundee, presently in the course of being finished; and having also considered the place of the sittings of said church, as prior to the destruction, and the plans of the sittings in the New Church and having several times visited the Church, has allocated, and does hereby in terms of the powers conferred upon him by the parties, Submitters Allocate to the parties who have right thereto the respective Sittings as specified in the said new plan, and as marked by the numbers thereon, and in the right hand columns of the foregoing state of Allocation opposite the respective numbers on the old plans (these sittings that are not immediately opposite being fully explained in the foregoing List of Allocation) and the said sittings as allocated. In the said right hand columns of the foregoing state of Allocation, to belong to the said parties, as in place of the sittings which belonged to them in the Church prior to its destruction; And the arbiter appoints the names of the parties having right to the pews or sittings so allocated to be filled up in the blank space on left hand in the foregoing List of state of allocation,

opposite the pews or sittings so allocated to them in the new Church; and appoints the said plans and the foregoing state again to be submitted to him.

(Signed) John Carver.

Dundee 22<sup>nd</sup> December 1846

The Arbiter having again considered the submission and proceedings, and the foregoing state or test of allocation in which the names of the said proprietors have now been filled up in obedience to the Arbiters order of this date, above written appoints the foregoing state or List, together with the plans of the sittings in the church, as before its destruction, and the plans of the Sittings in the new Church, to be in the Town Hall of Dundee for inspection by all parties interested, or their Agents, for the period from Monday the twenty fifth December current to Monday the first January next, both days inclusive, on the expiry of which period the Arbiter hereby intimates, that he will pronounce a Decree Arbitral in the Submission, with or without objections: And in the meantime the Arbiter appoints a Copy of this and of his former order of this date, to be immediately transmitted to each seat Proprietor or his Agent.

(Signed) John Carver.

#### **At Dundee the twenty ninth day of January 1844**

The Deacon, Boxmaster and other members of the Trade present at last Meeting reported that they have inspected the Allocation of Sittings in the New or Parish church referred to in the minutes of last Meeting, and they now reported to the present Meeting that they were satisfied with their allocation.

The Boxmaster & Clerk reported that since the Trade inspected the allocation some alteration had been made in the Allocation, and the present meeting therefore Appointed the Deacon & Boxmaster, Messers Robert Ramsay, Joseph Brown & James Lamb as a Committee to examine the new allocation and to report to another Meeting of the Trade.

#### **At Dundee the thirty first day of January 1834**

The Committee appointed at last meeting reported that they had inspected the new Allocation and having also preceded to the Church and examined the Pews Nos. 1, 2, & 3 which had been allocated to the Trade in the place of heir former sittings, by the arbiter interlocutor of date 22 December last, they were not satisfied therewith. The Committee stated that the Pews Now 1 & 2 were only seated for four persons with comfort, while they were given over to the Trade as capable of containing five, and in these circumstances they had directed the Agents for the Trade to address a letter to the Kirkmaster on the subject,

The Copy of the letter by the Agents to Mr Harris the Kirkmaster was read and directed to be engrossed in the Sederunt Book of the Incorporation.

...the following letter was handed to the Clerk in reply to the communication referred to:

“Dundee 31 January 1844

Gentlemen,

Your letter of yesterday's date on the part of the Maltmen Incorporation, addressed to Mr Harris, Kirkmaster, was this day submitted to a Committee of the Town Council; when the Committee having considered your latter, and having since considered the decree arbitral pronounced by Mr Carver on the 26<sup>th</sup> Inst and relative clauses, (which decree has been final as to the allocation and has been placed on record) under the contract and Submission between the Kirk Fabric and seat holders, were of opinion that the committee and the Town Council had no power to interfere in the matter of your letter.

I am &c. Yours truly

(Signed) William Barrie (Addressee) Dr J. McEwen, Writer Dundee.”

The Meeting approved of the proceedings of the Committee, and of the said letter written by their instructions, and the Trade resolved before coming to any resolution as to the letting of the seats, or otherwise, to remit to the Deacon & Boxmaster along with Mr Ramsay & the Clerk to examine the terms of the Deed on Submission to Mr Carver the arbiter & the allocations referred to, & report to another meeting of the Trade, and in the meantime (until the Trade shall agree to take the sitting, allocated to them) they instructed the Deacon &

Boxmaster to give notice by Advertisement or Memorial, that the sittings belonging to the Incorporation would be let by public Roup on a day to be afterwards named.

### **Copy Letter referred to**

William Harris Esq., Kirkmaster Dundee

Dundee 30<sup>th</sup> Jany 1844

Sir,

As Agents for the Maltmen Incorporation of Dundee we have been directed by that body to address you in reference to the change which has taken place in the new allocation of the seats, belonging to them in the East or Parish Church.

Until last night they were not made aware that any alteration had been made by Mr Carver of Kinlock, since Mr Barrie sent them two Copies of Interlocutors, promised by Mr Carver last month, and having seen the sittings allocated to them by these Interlocutors, they were satisfied, but at a Meeting held last night called for the purpose of considering as to the letting of the seats it was casually stated by one of the Members present, that there was a different arrangement.

The Incorporation felt hurt at not being informed of the change; as had it not reached the ears of one of the Members, they would have advertised & proceeded to Let, what was not their property, And with deference, we think some communication should have been made to the Incorporation.

Before however coming to any resolution, regarding the Letting it was resolved to remit to a committee of the Incorporation to inspect the new allocation and report to another meeting of the Trade, which is to be held tomorrow evening at 7 o'clock.

That Committee met this forenoon and having examined the plan and allocation and also the new sittings in the Church, they are by no means satisfied.

The Incorporation formerly had all their sittings in one place, but of this they do not complain. What they remonstrate against is that the new sittings being Pews Nos. 1 & 2 will not each hold 5 persons. They will hold only 4 consequently the Incorporation has lost 2 seats or in other words they will only have 52 sittings instead of 54 they have paid for.

We are satisfied that this has merely to be pointed out to you and your Committee to obtain redress and on behalf of the Incorporation we have to request that for the two sittings short, allowed them they should get from the Kirk Fabric the same number in Pew No. 22. this would give the Maltmen Incorporation 5 sittings and the Kirk Fabric 1 sitting in the No 22 & if this is agreed to our constituents will be happy to treat with the Kirk Fabric for the purchase of this additional sitting.

We have conversed as to this matter with Mr Scott, who will, if necessary, explain the views of the Incorporation more fully, but we hope you will be able to have a meeting of your Committee to-morrow forenoon & favor us with their news before the meeting of our Incorporation tomorrow evening.

Fir the meantime

We are &c.

(Signed) D. & J. McEwen

### **At Dundee the seventh day of February 1845**

The Committee appointed at last meeting reported that they had examined the Deed of Submission referred to by them with the relative Decree Arbitral & that they had caused Messers McEwen to write Mr Barrie in reply to the letter referred to in last Minute of the Trade. the Copy letter from Messers McEwen to Mr Barrie was read to the meeting & approved of & the further consideration of the matter was deferred until Mr Barrie's reply shall be viewed.

It was unanimously resolved by the Trade to let the sittings in the new Church by private bargain, and it was remitted to the Deacon and Boxmaster to let the same, at a sum not under 10/- for Pews Nos. 22, 23, 24, 25, 26, 27 & 28 & at a sum of not less than 8/- for the seats Nos. 1, 2 & 3 as an average of these three Pews, and with power to the Deacon & Boxmaster should they not get the seats let by private bargain at the above prices to advertise the sittings to let by Public Roup.

### **At Dundee the twelfth day of March 1845**

The Deacon stated that he had called the present meeting of the Incorporation to take instructions in reference to the sittings in this Church belonging to the Incorporation. The meeting having considered the subject resolved that the Officer be instructed to go round the present tenants and ascertain from them whether or not they are willing to remain for another year at the present rate and to report to a Committee of the Trade to be named by the present meeting.

The Meeting therefore made choice of the Deacon and Boxmaster, Messers Andrew Butchart & Thomas Lamb, three to be a quorum as a Committee with full power to let the sittings in such a manner as they may consider proper and with power if they see fit to cover the seats with common cloth.

#### **At Dundee the fifteenth day of April 1845**

The Committee named at last meeting of the Trade in reference to the letting of the seats belonging to the Incorporation in this Church and getting them covered with common cloth reported what they had done. The Meeting approved of the contract they had entered into for covering the seats and continued the power formerly given to the same Committee with instructions to get proper cover for preventing injury to the cloths from dust.

#### **At Dundee the eighteenth day of June 1845**

At a General Meeting...held within the New or Parish church...

The Deacon stated that he had called the present Meeting of the Incorporation to submit to them a circular letter which he had received from Mr Barrie the Town Clerk calling a meeting if the prospectors of sittings in the South Church of Dundee for the evening of Monday last in order to consider propositions for re-building that church.

The letter was produced and read, and the Deacon reported that he had attended the Meeting at which plans were submitted, and it was reported that the cost of erection would be about £3.3/- per sitting not including heating, and that the meeting had adjourned for the purpose of giving the representatives of the different Incorporations and an opportunity of consulting with their constituents.

The meeting having maturely considered the matter resolved that it was expedient to join in the re-building of the Church & instructed the Deacon to state this to the adjourned meeting.

#### **At Dundee the fourth day of September 1845**

The Deacon stated that he had called the present meeting of the Incorporation to report to them what had been done at a meeting of the proprietors of sittings in the South church held yesterday.

At that meeting the different Seat Proprietors had resolved to join in rebuilding the Church and the Draft of the necessary agreement was submitted to the Meeting. The Deacon recommended that before the Incorporation should become parties to the Contract that a small Committee should be appointed along with the Clerk to revise the Deed and with full power to attend to all matters in reference to the rebuilding & completion of the Church.

The meeting having deliberated appointed the Deacon, Boxmaster along with Messers William Anderson and George Whitton as a Committee to revise, along with the Clerk, the said Draft contract and with full powers to attend to all matters whatever in reference to the rebuilding and completion of the Church and with power if it shall appear to them requisite to subscribe along with the new proprietors in any extras that may appear necessary for the proper finishing and decoration of the Structure.

#### **At Dundee the fifth day of September 1845**

The Committee met for the purpose of revising the Contract and Agreement referred to in the Minutes of the Corporation of yesterdays date and the same was produced by the Clerk and read over and approved of, the plans & Specifications of the Church were likewise produced and Examined by the Committee and approved of & the Deacon was instructed to subscribe on behalf of the Incorporation the said Contract and Agreement.

#### **At Dundee the nineteenth day of September 1845**

The Deacon laid before the Meeting a communication which he had received from Mr William Barrie, one of the Town Clerks of Dundee dated the 11<sup>th</sup> Current prefixing Copy of a Minute of a Meeting in the following terms vizt:

“At Dundee the 9<sup>th</sup> day of September 1845 at a Joint Meeting of the Council Committee, as to the Rights and Obligations of the Town in regard to the churches and of the Seat-holders or proprietors of Seats in the South Church of Dundee.

Present of the Council Committee: -

Bailie Moyes

Bailie Hean

Messers Easson

Harris

Of the Proprietors: -

Mr Nyall Neil for the Maltmen Incorporation

Mr John Young for the Tailor Trade

Mr John Justice for the Hammerman Trade

Mr Shepherd as in right of Seats which belonged to the Glover Trade

Mr Kennedy for the Fraternity of Masters & Seamen of Dundee

Mr Andrew Scott for the Wright Trade

Dean of Guild Thoms and M. R. Adamson for the Guildry Incorporation

Mr James Hunter, Writer for David Hunter Esq., of Blackness

Mr Easson, Press

A Minute of this date of a Meeting of the Council Committee above mentioned as to the offers made by Tradesmen to execute the several portions of the work of the proposed New South church, was read to the present Meeting, from which it appears that the offers which had been made to execute the work, amounted to £4,185.10/- to which sum there will fall to be added for meeting the expense of plans, superintendence and other incidental charges the further sum of £500, making the total expense of the new Church £4,685.10/- or £3.17. 6d for each and every sitting in the said Church, instead of £3. 3/- per sitting as supposed and estimated in the previous Minutes of the Council Committee and of the Seat proprietors: And farther bearing that the Committee had requested Mr Scott, Architect again to examine the plans, and to report as to what further modification the same would admit of without affecting the exterior appearance or diminishing the stability of the Church. There was also produced and read to the meeting a Minute of the Council committee dated the 9<sup>th</sup> Instant as to a report by Mr Scott regarding a further modification of the work of the Church to the extent of £300, without affecting its exterior appearance or diminishing its stability, which would reduce the rate per sitting to £3.12.6d.

The Meeting having considered the said Minutes Mr Hunter moved that in respect the saving referred to was so small it would not be judicious to make the alterations on the plan which have been suggested, and therefore that this Meeting should recommend to their constituents to approve of the proposed rate of £3.17.6d per sitting & to consent to and authorise the council to accept the said offers. Mr Kennedy seconded the said Motion and the same was unanimously adopted by the meeting.

And further, the Meeting directed Mr Barrie to send a Copy of the present Minute to the various Corporations, and private seatholders interests as early as possible; and adjourned to Tuesday next the 16<sup>th</sup> current, then again to meet in order to receive the Report of the Seatholders on the subject of the motion.

(Signed) Alexr. Easson, Press.

#### **At Dundee the thirtieth day of June 1847**

The Deacon stated that he had convened the present Meeting of the Incorporation in consequence of the following communication which he had received from the Clerk to the Guildry Incorporation and which is in the following terms:

Reform Street  
Dundee 22 May 1847

Sir,

The Collector to the Guildry Incorporation of Dundee having reported to the Dean of Guild and Assessors that you as deacon of the Maltmen Fraternity of Dundee have declined to

pay the annual payment of £4.13.4d payable by the Fraternity of Maltmen to said Guildry Incorporation and due at Martinmas last, in consequence I am instructed by the Dean of Guild and Assessors to intimate through you to the Maltmen Fraternity, that unless said dues are paid to the Collector within 14 days from this date, legal proceedings must of necessity be adopted against them to enforce payment of the Guildry claim.

I am Sir, &c.

John W. Baxter Clk (Addressed) Mr Robert Ramsay, Brewer, Deacon of the Maltmen Fraternity Dundee.

The Boxmaster stated that he had called on the Clerk to the Guildry Incorporation on the subject but that he had not been so fortunate as to find him, and that he had been informed that there was to be a meeting of the Guildry assessors this evening.

The Meeting appointed the Deacon & Boxmaster and Mr Andre Butchart as a Committee to wait on the Guildry Assessors along with the clerk of the purpose of getting information as to the nature of the claim and with power if they should see cause to consult with counsel as to the liability of the Trade for the claim.

The Clerk was instructed to write to the Town Council complaining of the delay in getting the South Church completed in terms of the contracts and requesting them to hold the Tradesmen liable in damages.

The Clerk was further directed to effect a policy of Insurance against fire on the Trades Sittings in the New Church to the extent of Five hundred and fifty pounds.

#### **At Dundee the 29<sup>th</sup> day of July 1847**

The Deacon laid before the meeting a letter from Mr William Boyd Baxter, the Town Chamberlain dated the twenty first current calling up the last instalment of Seventeen shillings and sixpence per sitting in the Trades sittings in the South Church.

The meeting instructed the Deacon and Boxmaster to pay the same, and subscribed an order on the Trades accounts on the Eastern Bank of Scotland for Sixty three Pounds Sterling being the said Call in the said Seventy two sittings belonging to the Incorporation.

The Clerk stated that in terms of the instructions of the Trade given verbally at last meeting of the Trade, he had perused the Ale and Beer Act which he reported had received the Royal assent on 14<sup>th</sup> June 1827 and that he found that the act was in operation for twenty years from and after the passing of this Act and from thence to the end of the then next Session of Parliament.

The minutes of last meeting of the Incorporation having been read the Committee appointed at that meeting reported that they had waited on the Guildry Assessors in reference to the claim therein referred to and that the Assessors had appointed a Committee of their number to meet with the Committee of the Trade but that noting farther had been done.

#### **At Dundee the Twentieth day of October 1847**

The Deacon stated that he had called this meeting of the Incorporation in consequence of the recent Proposals to Apply for renewal of the Ale & Beer Act, which shortly expires and the attention of the Incorporation having been called to the subject, it was unanimously resolved that any renewal should be strenuously opposed by the Incorporation, and in the meantime the following gentlemen were appointed as a Committee to co-operate with the Wholesale dealers to arrange for joint proceedings, and with full powers to take all requisite proceedings with the view, if possible, of checking any application being made to Parliament vizt: The Deacon and Boxmaster, James Gilruth, Andrew Butchart and Alexander Kay –three to be a quorum and the Deacon, Convener with full powers.

#### **At Dundee the Sixteenth day of November 1847**

The Deacon stated that as the South Church was now ready for occupancy it was necessary that the Trade should resolve on what steps should be taken for the purpose of getting the seats let.

Before proceeding to dispose of the Business of the meeting the Trade proceeded in a body to the Church to inspect the Sittings allocated to them which consist of twelve Pews of six sittings each situated in the area of the Church nearly under the Southern large window

fronting the Nethergate Street; the numbers of the Pews being from 137 to 142 and from 148 to 153 both inclusive.

The Meeting having returned to their usual place of meeting unanimously expressed themselves satisfied with the allocation, and resolved that the Pews shall be advertised to be let by Public Roup until Martinmas 1848 of Thursday the Twenty fifth current. The Clerk was instructed to give the necessary advertisements and notices and in the event of the seats being readily let by Public Roup it was remitted to the Deacon and any other Two members of the Incorporation to take such steps as may appear to them proper, to secure tenants even for a lesser period than twelve months.

#### **At Dundee the fifteenth day of May 1848**

The Deacon stated that he had called the present meeting in consequence of the following communication from the Manager of the Eastern Bank of Scotland & which is in the following terms:

“Eastern Bank of Scotland  
Dundee 12th May 1848

Sir,

As one of the members of the Maltmen Incorporation of Dundee I beg to intimate to you that the account of the Incorporation is over-drawn to the extent of £40.11. 2d & I would feel obliged by a settlement of this balance.

I am Sirs &c

(Signed) Jas. Westland”

The members of the Incorporation now present having considered the said communication instruct the Clerk to wait upon Mr Westland & explain to him the present position of the Corporation; intimating to him that the A/C can be reduced by payments only of £5 & upwards every 6 months as the rents of the Incorporation sittings in the parish & South Churches are drawn from time to time.

The Members of the Incorporation now present in the event of the managers or the Bank refusing to concede to the proposals now made, instructed the Clerk to give a guarantee to the Bank for the due payment of the balance until such time as the Incorporation shall again meet & give fresh instructions & the Members severally & jointly by subscribing this Minute become bound to relieve the Clerk of such obligation if so entered into.

The Meeting in respect of the funds of the Incorporation instruct the Boxmaster to give information to the Pensioners that there are no funds to meet the Payments of their Pensions & that such will not be again paid until the debts of the Incorporation be liquidated.

#### **At Dundee the 29<sup>th</sup> day of May 1848**

...the Clerk stated that he had communicated with the manager of the Eastern Bank of Scotland on the subject and his reply is in the following terms:

Dundee 26 May 1848

Dear Sir

I was duly favoured with your letter of 16<sup>th</sup> Inst., with an excerpt from Minutes of Meeting of the Maltmen Incorporation relative to their overdrawn account.

The directors are willing to take payment by half yearly instalments as proposed but they would like to have the personal guarantee of the members of the Incorporation who sign the Minutes for the Amount.

Yours truly

(Signed) Jas Westland

Before replying to the communication the meeting resolved to appoint a Committee of the Incorporation for the purpose of going round amongst the members of the Trade with the view of getting a voluntary subscription towards liquidation of the debt.

The Committee to consist of the Deacon & Boxmaster, Messers James Gilruth and James Lamb, with instructions to report to another meeting of the Incorporation to be held as early as possible.

#### **At Dundee the twenty third day of November 1848**

...the Meeting having taken into consideration that the Ale and Beer Act had expired at the end of last session of Parliament it was now unnecessary according to use and wont to appoint Commissioners in terms thereof; they now desire to record their sense of the services rendered by Deacon Ramsay for his exertions not only on the General interest of the Incorporation but likewise of the interest he took in bringing the Brewers and Dealers in malt liquors together in order to combine and oppose any renewal of such a Tax.; in consequence of which the measure was abandoned.

**At Dundee the twenty ninth day of November 1849**

... in respect of the Balance due to the Boxmaster and seeing he has discharged the debt due by the Incorporation to the Eastern Bank of Scotland, as referred to in the previous minutes, the meeting resolved that he shall be entitled and is hereby authorised to charge the Incorporation with five per cent per annum on such balance if he shall insist on such.

**At Dundee the fifth day of September 1850**

..laid before them a letter received from Mr John Anderson the Clerk to the Guildry Incorporation of date the thirtieth Ultimo making a claim against the Trade of Eighteen pounds eleven shillings and two pence being arrears of sum alleged to be payable by the Trade to the Guildry Incorporation in lieu of two pennies as Stipend.

The Meeting having deliberated unanimously resolved not to recognise the Claim and the Clerk was instructed to write the Guildry Clerk to that effect.

**At Dundee the eighth day of October 1850**

The Clerk stated that in consequence of the instructions contained in the Minutes of last meeting of the Incorporation, he had written to the Guildry Clerk refusing to recognise the claim made.

The Deacon stated that in consequence of a communication he had received from the Clerk last evening, prefixing copy of a letter from the Guildry Clerk he had called the present meeting.

The Guildry Clerk's letter was produced and read and is in the following terms:

"Dear Sir

As I mentioned to you today an Action has been raised at the instance of the Guildry against the Maltmen Incorporation, and my object in addressing you at present is to request that you will procure the necessary Authority from the Maltmen so as to authorise you to hold the summons as executed, and thereby save expense, as well as incurring the disagreeable necessity of summoning the Office Bearers at their dwelling houses.

I shall expect you will be ready to hold the Summons executed in the evening tomorrow.

Yours truly

(Signed John Anderson)

Dundee 7 October 1850"

The Members of the Incorporation present, having considered the said letter resolved in consequence of the smallness of the Meeting to delay consideration of the subject to a future meeting to be called for the special purpose.

In the meantime, the Trade remit to the Deacon & Boxmaster along with Mr Robert Ramsay as a sub-committee to enquire into the origin of the claim, and report to another meeting.

In the meantime the Clerk was instructed to write Mr Anderson to request a Copy of the summons which he says the Guildry has raised.

**At Dundee the twenty eighth day of November 1850**

...the Clerk reported in reference to the last Minute of the Trade which was read over, that nothing further had been done in the threatened action at the instance of the Guildry against the Trade, as to the two pennies of the Stipend.

### **At Dundee the twenty third day of January 1851**

The Deacon stated that he had convened the present meeting of the Trade for the purpose of laying before them a letter which the Clerk had received of date the Sixteenth Current from Mr John Anderson the clerk of the Guildry Incorporation wishing to know the names of any individuals who may have been entered as Master Members or Apprentices of the Trade sine the first of January Eighteen hundred and forty five.

The meeting having deliberated were of opinion that under present circumstances & seeing that an Action is threatened at the instance of the Guildry against this Incorporation in reference to the dues payable to them, it was inexpedient to furnish the Guildry Clerk with the Information required and the Clerk was instructed accordingly.

### **At Dundee the twenty second day of September 1851**

The Deacon stated that he had called the present Meeting of the Trade in consequence of an action having been raised and executed against the Trade before the Sheriff Court for payment of arrears of the sum of ten pennies Scots on every steeping of malt alleged to be payable by the Trade to the Guildry Incorporation.

The meeting having deliberated instructed the Clerk in the meantime to enter appearance of the Trade ion the action, and remitted to the whole Trade in the Action, and remitted to the whole Trade as a Sub-committee to watch over the proceedings and instruct the Agent, with full power to take such steps as they consider prudent to effect a compromise or to carry on the litigation, three members constituting a quorum.

While the Meeting was assembled an officer appeared and executed a copy of the Summons on the Deacon in presence of the meeting.

### **At Dundee the thirteenth day of November 1851**

The Deacon stated that since the last meeting of the Trade, the Action at the instance of the Guildry Incorporation against the Trade for the arrears of the sum formerly paid to the Guildry in lieu of ten pennies on every steeping of malt on Ministers Stipend had been called in Court and that the Clerk had as instructed entered appearance for the Trade in the Action.

The Deacon further reported that at the suggestion of the Clerk, the Guildry had appointed a Committee of their number to meet with the Trade and that the two bodies had since met and had a conference on the subject, and he had called the present meeting for the purpose of considering what offer of compromise should be made to the Guildry or otherwise.

The meeting having considered the matter and considering that the low state of their funds would preclude them from carrying on a tedious litigation resolved in the meantime and without admitting any liability whatever to make offer to the Guildry to convey to them, for a full discharge of the claim in all time coming, the seats in the East or Parish Church numbered one, two and three respectively belonging to the Trade and the Trade resolved to have another meeting with the Guildry Committee for the purpose of submitting the said offer.

The Clerk was directed to communicate the views of the Corporation to the Clerk of the Guildry.

### **At Dundee the Fifth day of February 1852**

...the following received by the Clerk from Mr Anderson the Clerk to the Guildry Incorporation and which is in the following terms:

"Dundee 22d January 1852

Dear Sir

Guildry Incorporation to Maltmen

With reference to our former correspondence I am now authorised to say that the Guildry will discharge the Maltmen of their obligation on receiving a conveyance to the Pews Nos. 1, 2 & 3, and three sittings on Pew 22 in the East Church, the expense of conveyance to be paid by them, I will be glad to hear that your clients agree to these terms but of course if they do not so the action will be proceeded with.

Dear Sir

Yours truly

(Signed) W. Anderson for John Anderson.

James McEwen Esq., Writer Dundee."

The meeting having taken the subject of this action into serious consideration resolved to agree to the terms proposed for a settlement of the case upon getting a warranty from the Guildry that they will be relieved now and for ever from any claim by the Clergy from this corporation, they hereby repudiating any claim by the clergy & protesting that no such claim exists and the Clerk was directed for the information of the Incorporation to procure the Drafts of the necessary conveyance and Discharge to be submitted to a future meeting. In the meantime the Clerk was instructed to procure a Draft from the Guildry Clerk of the conveyance which he proposes to take from the Incorporation.

In agreeing to the terms proposed the Incorporation resolved that the whole proceedings shall be ratified by a duly constituted meeting of the members of the Guildry Incorporation that their sanction and approval be made to the Discharge to the arrangement now proposed.

**Disposition**  
**By**  
**The Maltmen or Fraternity of Maltmen**  
**Of Dundee**  
**To**  
**The Guildry Incorporation**

We Robert Ramsay Brewer in Dundee, the present Deacon or visitor and James Lamb also Brewer in Dundee the present Boxmaster of the Maltmen or Fraternity of Maltmen of the Burgh of Dundee, as representing the said Maltmen or Fraternity or for behoof thereof, and as specially authorised by a Meeting of the said Maltmen or Fraternity held on the Fifth February Eighteen hundred and fifty two, to grant the conveyance underwritten. Considering that, upon the fifteenth day of September Eighteen hundred and fifty one an Action was raised before the Sheriff of Forfarshire at the instance of the Guildry Incorporation of the Royal Burgh of Dundee, and of Alexander Keay Esq., Merchant in Dundee, then the present Dean of the said Incorporation for behoof thereof, against the Maltmen or the Fraternity of Maltmen of the said Burgh of Dundee and James Gilruth, Brewer in Dundee the then present Deacon or Visitor and James Lamb the present Boxmaster of the said Maltmen or Fraternity of Maltmen of Dundee, as representing the said maltmen or Fraternity, and for behoof thereof, the Summons in which Action proceeds on the narrative, that by the Twenty ninth Act of the Eleventh Parliament of James the Sixth it was Statute and ordained that the Maltmen can have no Deacon, nor be repute a craft for ever; and by another Act, chapter fifteenth of the Second Session of the second Parliament of Charles the Second, the foresaid Act was ratified, and it was thereby Statute and ordained, that the office of a Deacon, Visitor, Boxmaster or any others pretending to the like power amongst Maltmen, should cease in all burghs with certification that if ever thereafter they should be found to meet or keep correspondence amongst themselves, and the persons of meeting should be liable in five hundred merks (whereof one half to the informant) by and attour what personal punishment the heads of Privy Council should think fit to inflict and an Act of the Town Council of Edinburgh ranking the Maltmen amongst one of their Trades and allowing them to have a Box was ordered to be seized out of their registers and all Burghs were discharged to presume ever to do the like again, that the Maltmen of Dundee were a branch or Pendicle of the said Guildry Incorporation, and, upon the Seventeenth September one thousand seven hundred and seven the then Dean of Guild of the said Burgh, for himself and in name and behalf of the Members of the Guildry, presented a Petition to the Magistrates and Town Council of Dundee which on the narrative of the Acts before referred to, represented that several years before these Acts, the then Council and Community of said Burgh of Dundee did grant several concessions in favor of the Maltmen thereof, particularly the uplifting of Ten pennies Scots of each steeping of Malt made within the Town, and certain sums of money from Maltmen Apprentices and Maltmen Setting up within the same, which imposition and many others, the Maltmen had been in use to collect, and had likewise established a Deacon and Visitor among them, contrary to the Acts of Parliament above referred to, and such like, the Maltmen as a Branch of the Guildry, had been in use of payment to the Stipendiary Ministers of the Burgh, of the sum of Fifty Pounds Scots as a part of their Stipend, which sum they then postponed and deferred to pay; and the Petitioners being afraid that the Maltmen might not only fall under the penalties contained in the said Acts of Parliament for having a Deacon, Visitor, Boxmaster,

and the Box, contrary thereto, but that the Magistrates could not warrantably and without hazard sustain procedure at the instance of them of their Visitor for any imposition in use to be uplifted by them. And out of which they paid the said Stipend and therefore craved the said Provost and Bailies and remanent Members of the Council of the said Burgh would be pleased (for shunning of any such inconveniency) not only in pursuance of the said Acts of Parliament to cause rescind and annul all Acts of the Town Council of the Burgh made at any time in favor of the Maltmen thereof contrary to and incontinent with any of the Acts of Parliament therein referred to, and to discharge the said Maltmen from having any Deacon, Visitor, Boxmaster or Box in time coming, but also to appoint the Dean of Guild of the Burgh for the time or his Collector and their Successors in Office, to uplift the said pennies on the steeping of Malt with any other impositions payable to the Maltmen's Boxmaster by the Maltmen Apprentices, Maltmen setting up to Brew or any otherwise and to ordain that said fifty Pounds of Stipend to be paid furth of the first and thereof which Petition having been at length heard, seen and considered by the said Provost, Bailies and remnant members of Council of he said Burgh and they being therewith & with the Acts of Parliament therein referred to well and ripely advised they therefore (in pursuance of the foresaid Act of Parliament) not only eased, rescinded and annulled all and whatsoever Acts of the Town Council of the Burgh made at any time theretofore in favor of the Maltmen thereof contrary to and inconsistent with the Acts of Parliament, declared the same to be of no force, strength or effect at any time thereafter, and likewise had discharged and did thereby discharge the said Maltmen from having any Deacon, Visitor, Boxmaster or Box in time coming, but also for the better payment of that part of the Ministers Stipend payable by the said Maltmen as a Branch of the Guildry had appointed and did thereby appoint the Dean of Guild of the Burgh for the time or his Collector, and their successors in Office to uplift and receive the said ten pennies on the steeping of Malt with any other impositions in use to have been paid to the Maltmen Boxmaster by the Maltmen, Apprentices of Maltmen setting up to brew within the Town or any otherwise, and the Dean of Guild or his collector to make yearly payment to the Stipendiary Ministers of the Burgh of the said sums of Fifty Pound Scots furth thereof, that upon the Twenty second day of said Month of September Seventeen hundred and seven and at a Meeting of the said Guildry Incorporation or Court, the Court in consideration of the foresaid rescinding by the Magistrates and Town council unanimously statuted and ordained that from and after that time the two stipendiary Ministers should be paid by the Dean of Guild and his successors the sum of fifty pound Scots yearly in lieu and place of said Sixty Pound formerly paid by the Maltmen and for that end the Collector of the Guildry was appointed to Collect & receive Ten pennies of each Steeping of Malt from Maltmen and also ordained each Maltmen's Apprentice to pay forty shillings at their entry as an Apprentice; that at another meeting of the said Guidry Incorporation or Court held on the Twenty first day of September seventeen hundred and Twenty three, on considering of a Petition from the Maltmen of the said Burgh the Dean of Guild and Court thereby *inter alia* Statuted and ordained that in time coming during the Guildry's pleasure, the Maltmen who collected the money for the use of the Maltmen's poor should likewise collect from them to the Guildry for each steeping of Malt they made for their own use, on the six shilling eight pennies they made for the use of noblemen, Gentlemen strangers and for which the said maltmen & collector should be obliged to pay to the Collector to the Guildry yearly the sum of Fifty Pound Scots money for helping to defray and pay a part of the Ministers Stipend in the Burgh, and to collect the same for that year and to pay the said Fifty Pounds to Archibald Doig the Collector of the Guildry for that year, and that Act in so far as concerns the Maltmen's Poor and their collecting the said ten pennies, and six shilling eight pennies on the steeping of Malt was to continue of force during the pleasure of the Dean of Guild and his Successors in office, and the Guild Court of the Burgh; that although from the date of said Minute, the said Maltmen of Maltmen Fraternity had been in use, by their Officers of collecting the foresaid ten pennies, and six shillings and eight pennies on each stipend or steeping of Malt, or at least of the ten pennies for each steeping or stipend of Malt made by the members thereof up to the present time, and had continued for sometime to pay yearly to the Guildry, the foresaid sum of Fifty Pound Scots or as convertible accepting at Law, four pounds three shillings and four pence Sterling, for helping to defray and pay as part of the Ministers Stipend in the Burgh, yet for sometime back they had failed or refused or neglected to make these payments to the said Guildry Incorporation according to the immemorial usage and custom of the said Maltmen of Maltmen Fraternity as contained in the Minutes before referred to, and otherwise established, and which summons farther narrates that in particular, said payments were due for each year from and inclusive of Twenty second November eighteen hundred and forty six, up to and inclusive of Twenty second November eighteen

hundred and fifty, and the legal Interest of each of these sums from time to time the same became due and until paid, and therefore the summons concludes that the said maltmen of Maltmen Fraternity and...the said James Gilruth, as the then present Deacon or Visitor and James Lamb as the then present Boxmaster thereof, and our successors in office as Deacons and visitors and Boxmasters thereof, ought and should be decerned by Decree and Sentence of Court to make payment and satisfaction to the Pursuers on the particular sums therein specified as due for each of the foresaid years under the yearly deduction mentioned, and with the interest as therein concluded for, and also of the like sum of Fifty Pound Scots or four Pound three shillings and four pence Sterling to become due on Twenty second November yearly and each year in all time coming thereafter under deduction of Thirteen shillings and four pence Sterling for each years allowance for the salary of the Mailmen's Officer as therein mentioned, with Interest and expenses as therein concluded for as the said summons in itself more fully bears; which summons was duly called in court on Twenty first October last and appearance entered therein, & also considering that at a Meeting of the said Maltmen or Maltmen Incorporation held upon he thirteenth day of November last Eighteen hundred and fifty one, it was resolved to make offer to the Guildry to convey to them for a full discharge of the claim in all time coming the Pews ion the East of Parish church Nos. One, two and Three, respectively belonging to the Fraternity or Trade and the Trade resolved to have another Meeting with the Guildry committee for the purpose of submitting said offer;. That at a meeting of the Sub-committee of the Guildry /assessors appointed to confer with the Maltmen as to the Claims of the Incorporation as on the Maltmen held on the Eighteenth day of said month of December last the foresaid Minute of the Maltmen or the Maltmen Fraternity was read and it was reported to the meeting that the Pews offered by the Maltmen being Numbers One, Two and Three, and three sittings in Pew Number Twenty two, might be accepted as in full of the Guidry's claim against the maltmen; and at another Meeting of the Maltmen or Maltmen Fraternity held on the fifth day of the month of February last it was resolved to agree to the terms proposed for a settlement of the foresaid action, upon getting a warranty from the Guildry that they the Maltmen or the maltmen Fraternity would be relived now and for ever from any claim by the clergy from that Fraternity, as the respective Minutes of said several meetings in themselves more fully bears; and farther considering that by a discharge bearing date the Twenty seventh May current granted by Charles Smith Esquire, Builder in Dundee present Dean of Guild of the said Guildry Incorporation as representing the said Incorporation and for behoof thereof and as specially authorised by a Meeting of the said Guildry Incorporation held on the (*blank*) day of (*blank*) in the year Eighteen hundred and fifty two which proceeds on the foresaid narrative and in the further narrative of this disposition, and that in respect of this conveyance it has been agreed on by and betwixt the said Guildry Incorporation to discharge the foresaid Action raised and instituted as aforesaid, and whole conclusions thereof, and of all and every claim at the instance of the said Guildry Incorporation against the said maltmen or Maltmen Fraternity for in respect of the said Fifty Pounds Scots or as convertible according to Law four Pounds three shillings and four pence sterling for helping to defray and pay a part of the Ministers Stipend in the Burgh, therefore the said Charles Smith as Dean foresaid and as representing the said Guildry Incorporation and for behoof thereof, and as authorised aforesaid exonerated and discharged as he did thereby for the said Guildry Incorporation and his successors in office as Dean thereof, and as representing the same exoner, acquit and simpliciter Discharge us the said Robert Ramsay and James Lamb, Deacon and Boxmaster foresaid and our successors in office, and the said Maltmen and Maltmen Fraternity itself of the sums concluded for in the foresaid action above mentioned, and of the Action itself whole conclusions thereof and procedure therein an with all other action diligence or execution which have followed or are competent to follow by or under the same, or in any way whatever under the premises.

Therefore and in implement of that part of the foresaid arrangement incumbent on the Maltmen or Maltmen Fraternity, WE, the said Robert Ramsay as the present Deacon or visitor and James Lamb as the present Boxmaster of the Maltmen or the Fraternity of Maltmen of the Burgh of Dundee as representing the said Maltmen or Fraternity and for behoof thereof and as specially authorised as aforesaid do hereby sell, aliment, assign and dispone from the said Maltmen ort Fraternity of Maltmen of Dundee and from us as present Deacon or visitor and the present Boxmaster thereof, and from our successors in office as Deacons or visitors and Boxmaster foresaid in all time coming to and in favor of the said Guildry Incorporation of Dundee, and of Charles Smith Esquire, Builder Dundee the present Dean of the said Incorporation for behoof thereof, and his successors in Office and their Assignees All and Whole three Pews or Desks numbers One, Two and Three and Three sittings

in the Pew or Desk numbered Twenty two presently belonging to the said Maltmen or Maltmen Fraternity in the Area of the Old or East or Parish Church of Dundee, together with all right Title or Interest which the said Maltmen or Maltmen Fraternity or which we or our successors in office as Deacons, or Visitors and Boxmasters foresaid had, have or can claim or pretend thereto, in all time coming; And we hereby Assign and Dispose to and in favor of the said Guildry Incorporation and the said Charles Smith as the present Dean thereof and his successors in office, and their foresaids the whole units and evidents of the said Pews or Desks and sittings before conveyed, and also the rents thereof from and after the term of Whitsunday first Eighteen hundred and fifty two and in all time coming Surrogating and substituting the said Guildry Incorporation and the said Charles Smith the present Dean thereof & his successors in office in the full right and place of uses and our successors in office and of the said Maltmen or Maltmen Fraternity in the whole premises with full power to enter into possession of the said Pews or Desks and sittings, and uplift receive and pursue for the rents thereof, and generally to do every thing in the premises competent for us to have done before granting hereof; And WE Bind and Oblige ourselves and our successors in office Deacons or Visitors and Boxmasters foresaid, and the said Maltmen or Maltmen Fraternity to warrant these presents from all facts & deeds done or to be done by us or them in prejudice hereof; And we consent to the Registration hereof in the Books of Council and Session or others competent for preservation and that all execution necessary may pass hereon in common form as effeirs and thereto WE CONSTITUTE & WITNESS WHEREOF these presents consisting of this and the five preceding pages together with the marginal addition on page first all written on stamped paper by David McLean, Clerk, John Andrews, Writer in Dundee, are subscribed by us in presence of a meeting of the said Maltmen or Maltmen Fraternity held in the vestry if the East of Parish church if Dundee the Twenty seventh day of May One thousand eight hundred and fifty two before these witnesses James McEwen, Writer in Dundee, and John Mackintosh Tyrie his Clerk. The words "as the then" on the sixth line and the words "of thirteen" on the sixteenth line counting from the top of page fourth being written and examined before signing.

Robt. Ramsay, Deacon, James Lamb, Boxmaster, Jas. McEwen Witness, John M. Tyrie Witness.

**Discharge**  
**By**  
**The Guildry Incorporation**  
**Of Dundee**  
**To**  
**The Maltmen or Maltmen Fraternity**  
**Of Dundee**

Charles Smith Esquire, builder in Dundee present Dean of the Guildry Incorporation of the Royal Burgh of Dundee as representing the said Guildry Incorporation and for behoof thereof and as specially authorised by a meeting of the said Guildry Incorporation held on the Twelfth day of May in the year Eighteen hundred and fifty two to grant the Discharge underwritten considering that upon the fifth day of September eighteen hundred and fifty one. An Action was raised before the sheriff of Forfarshire at the instance of the said Guildry Incorporation of the Royal Burgh of Dundee and of Alexander Keay Esq., Merchant in Dundee the then present Dean of the said Incorporation for behoof thereof against the Maltmen or the Fraternity of Maltmen of the said Burgh of Dundee and James Gilruth, Brewer in Dundee the then present Deacon or Visitor and James Lamb also Brewer their present Boxmaster of said Maltmen of Fraternity of Maltmen of Dundee as representing the said Maltmen or Fraternity and for behoof thereof the summons in which Action proceeding upon the narrative that by the Twenty ninth Act of the Eleventh Parliament of James the sixth it was Statute and ordained that the Maltmen can have no Deacon nor be repute a Craft for ever and by another Act Chapter Fifteenth if the Second Session of the Second Parliament of Charles the Second the foresaid Act was ratified and it was therefore Statute and ordained that the office of Deacon, Visitor, Boxmaster any others pretending to thee like power amongst Maltmen should cease in all Burghs with certification that if ever thereafter they should be found to meet or keep correspondence amongst themselves and the persons so meeting should be liable in five hundred merks (whereof one half to the informer) by and attour what personal punishment the heads of Privy Council should think fit to inflict & an Act of the Town Council of Edinburgh ranking the maltmen amongst one of their Trades, and allowing them to have a

Box was ordered to be razed out of the registers and all Burghs were discharged to presume ever to do the like again that the Maltmen of Dundee were a branch or Pendicle of the said Guildry Incorporation and upon the seventeenth September One thousand seven hundred and seven the then Dean of Guild of the said Burgh for himself and in name and behalf of the Members of the Guildry presented a Petition to the Magistrates and Town Council of Dundee which on the narrative of the Acts before referred to represented that several years before these Acts the then Council and Community of the said Burgh of Dundee did grant several concessions in favor of the Maltmen thereof, particularly the uplifting of ten pennies Scots of each steeping of Malt made within the Town, and certain sums of Money from Maltmen Apprentices and Maltmen setting up within the same which imposition and many others the Maltmen had been in use to collect, and had likewise established a Deacon or visitor among them, contrary to the Acts of Parliament above referred to, and such like, the Maltmen as a branch of the Guildry had been in use of payment to the Stipendiary Ministers of the Burgh of the sum of Fifty Pound Scots as a part of their Stipend which sum they then postponed and deferred to pay. And the Petitioners being afraid that the Maltmen might not only fall under the penalties contained in the said Acts of Parliament for having a Deacon, Visitor, Boxmaster and Box, contrary thereto, but that the Magistrates could not warrantably and without hazard sustain procedure at the instance of them or their visitor for any impositions in use to be uplifted by them and out of which they paid the said Stipend and therefore craved the said Provost and Bailies & remanent Members of the Council of the said Burgh would be pleased (for shunning of any such inconviency) not only in pursuance of the said Acts of Parliament to cause, rescind and annul all Acts of the Town Council of the Burgh, made at any time in favor of the Maltmen thereof, contrary to and inconsistent with any of the Acts of Parliament therein referred to, and to discharge the said Maltmen from having any Deacon, Visitor, Boxmaster or Box in time coming, but also to appoint the Dean of Guild of the Burgh for the time, or his collector, and their successors in office, to uplift the said pennies on the steeping of Malt with any other impositions payable to the Maltmen Boxmaster, by Maltmen apprentices, Maltmen setting up to Brew, or any otherwise, and to ordain the said Fifty Pound of stipend to be paid furth of the first end thereof. Which Petition having been at length heard, seen and considered by the said Provost, Bailies and remanent Members of Council of the said Burgh, and they having therewith and with the Acts of Parliament therein referred to, well and ripely advised, they therefore (in presence of the foresaid Act of Parliament) not only caused, rescinded and annulled, and thereby caused rescinded and annulled all and whatever Acts of the Town Council of the Burgh made at any time theretofore in favor of the Maltmen thereof, declared the same to be of no force, strength or effect, at any time thereafter, and likewise ad discharged and did thereby discharge the said maltmen from having any Deacon, visitor, Boxmaster Box in time coming, but also for the better payment of that part of the Ministers stipend payable by the said Maltmen as a branch of the Guildry, had appointed and did thereby appoint, the Dean of Guild of the Burgh for the time, or his Collector, and their successors in office, to uplift and receive the said Ten Pound on the steeping of Malt, with any other impositions in use to have been paid to the Maltmen's, Boxmaster, by Maltmen's Apprentices, or Maltmen setting up to brew within the Town or any otherwise, and the Dean of Guild or his collector to make yearly payment to the Stipendiary Ministers of the Burgh, of the said sum of fifty Pound Scots furth thereof, that upon the Twenty second day of said Month of September One thousand seven hundred and seven and at a Meeting of the said Guildry Incorporation or Court, the Court in consideration of the foresaid rescinding by the Magistrates and Town Council unanimously statute & ordained, that from and after that time the two Stipendiary Ministers should be paid by the Dean of Guild and his successors the sum of Fifty Pound Scots yearly in lieu and in place of said Fifty Pound formerly paid by the Maltmen and for that end the collector of he Guildry was appointed to collect and receive Ten pennies of each steeping of Malt from Maltmen and also ordained each Maltmen's Apprentice to pay forty Shillings At their entry as an apprentice, that at another meeting of the said Guildry Incorporation or Court held on the Twenty first day of September Seventeen hundred and Twenty three in considering of a Petition from the Maltmen of the said Burgh to the Dean of Guild and Court thereby *inter alia* statued and ordained that in time coming during the Guildry's pleasure the maltmen who collected the Money for the use of the Maltmen's poor should like wise Collect from them to the Guildry for each steeping of Malt they made for their own use and the six shillings eight pennies they made for the use of noblemen gentlemen or strangers and for which the said Maltmen and collector should be obliged to pay to the Collector to the Guildry yearly the sum of Fifty Pound Scots money for helping to defray and pay a part of the Ministers Stipend in the Burgh and to Collect the same for that year and to

pay the said fifty pound to Archibald Doig the Collector of the Guildry for that year and that Act in so far as concerns the Maltmen's poor and their collecting the said ten pennies and six shillings eight pennies on the steeping of Malt was to continue in force during the pleasure of the Dean of Guild and his successors in office and the Guild Court of the Burgh that although from the date of said Minute the said Maltmen or Maltmen Fraternity had been in use by their Officers of collecting the foresaid ten pennies and six shillings eight pennies on each stipend or steeping of Malt or at least of the ten pennies for each stipend or steeping of Malt made by the Members thereof up to the present time and had continued for sometime to pay yearly to the Guildry the foresaid sum of Fifty Pound Scots or as convertible according to Law Ten Pounds three shillings and four pence Sterling for helping to defray and pay a part of the Ministers Stipend in the Burgh yet for some time back they had failed or refused or neglected to make these payments to the said Guildry Incorporation according to the immemorial usage and custom of the said Maltmen or Maltmen Fraternity as contained in the Minutes before referred to and otherwise established and which summons farther narrates that in particular said payments were due for each year from and inclusive of Twenty second November One thousand eight hundred and forty six up to and inclusive of Twenty second November One thousand eight hundred and fifty two and the legal Interest of each of these terms, from the time the same became due and until paid, and therefore the summons concludes, that the said Maltmen or the Maltmen Fraternity and the said James Gilruth, as the then present Deacon or Visitor and James Lamb as the then present Boxmaster thereof, and their successors in office, as Deacons or Visitors, and Boxmasters thereof, ought and should be decerned and ordained by Decree and sentence of Court, to make payment and satisfaction to the Pursuers of the particular sums therein specified as due for each of the foresaid years under the early deductions therein mentioned and with the Interest as therein concluded for and also for the like sum of Fifty Pound Scots or Four Pounds three shillings and four pence Sterling, to become due on Twenty second November, yearly and each year in all time coming thereafter, under the deduction of Thirteen shillings and four pence for each years allowance for the Salary of the Maltmen's Officer as therein mentioned, with Interest and expenses as therein concluded for as the said summons in itself more fully bears which commons was duly called in court on Twenty first October last and appearance entered therein, and farther considering that at a Meeting of the said Maltmen or Maltmen Fraternity held upon the Thirteenth day of November last Eighteen hundred and fifty one it was resolved, in the meantime, and without admitting any liability whatever to make offer to the Guildry to convey to them, for a full discharge of the claim in all time coming, the Pews in the East or Parish Church numbers one, two and three respectively belonging to the Fraternity or Trade, and the Trade resolved to have another Meeting with the Guildry Committee, for the purpose of submitting said offer; that at a meeting of the Sub Committee of the Guildry Assessors appointed to confer with the Maltmen, as to the claims of the Incorporation on the Maltmen, held on the Eighteenth day of said month of December last, the foresaid Minute of the Maltmen or the Maltmen Fraternity was read, and it was reported to he meeting that the Pews offered by the Maltmen being numbers One, two and three and three sittings in Pew numbers twenty two, might be accepted, as in full of the Guildry's claim against the Maltmen; and at another Meeting of the Maltmen or the Maltmen Fraternity held on the Fifth day of the Month of February last it was resolved to agree to the terms proposed, for a settlement of the foresaid Action, upon getting a warranty from the Guildry that they the Maltmen or Maltmen Fraternity would be relieved now and for ever from any claim by the clergy from that Fraternity of the foresaid sum of Stipend as the respective Minutes of said several meetings in themselves more fully bear, and farther considering that by Disposition bearing date the Twenty seventh day of May current Robert Ramsay, Brewer in Dundee the present Deacon or Visitor and the said James Lamb the present Boxmaster of the Maltmen or the Fraternity of Maltmen of the Burgh of Dundee as representing the said Maltmen or Fraternity, and for behoof thereof, and as specially authorised by a meeting of the said Maltmen or Fraternity, held on Fifty February One thousand eight hundred and fifty two, sold, alienated, assigned and disposed., from the said Maltmen or the Fraternity of Maltmen, and from them as the present Deacon or Visitor and the present Boxmaster thereof, and from their successors in office, as Deacons or visitors and Boxmasters foresaid, in all time thereafter, to and in favor of the said Guildry Incorporation of Dundee, and of me of the said Charles Smith, the present Dean of the said Incorporation, for behoof thereof, and my successors in Office, and Assignees, All and Whole these Pews or Desks numbered One, Two and Three and the Three sittings in the Pew or Desk numbered Twenty Two, presently belonging to the maltmen or the Maltmen Fraternity in the Area of the Old or East or Parish Church of Dundee, together with all right, Title and Interest, which the

said Maltmen or Maltmen Fraternity or which they or their successors in office as Deacons or Visitors or Boxmasters foresaid, had, have or can claim or pretend thereto, in all time thereafter and farther considering that in respect of the foresaid conveyance to the said Pews, Desks and Sittings, it has been agreed on by and betwixt the said Guidry Incorporation and the said Maltmen or Maltmen Fraternity, to discharge the foresaid Action raised and instituted as aforesaid, and whole conclusions thereof, and of all and every claim, at the instance of the said Guildry Incorporation against the said Maltmen or Maltmen Fraternity for and in respect of the said Fifty pound Scots or as convertible according to Law, Four Pounds three shillings and four pence Sterling for helping to defray and part a part of the Ministers Stipend in the Burgh. Therefore I as Dean foresaid and as representing the said Guildry Incorporation and for behoof thereof and as authorised aforesaid have Exonerated and Discharged as I do hereby for the said Guildry Incorporation and my successors in office as Dean thereof, as representing the same EXONER ACQUIT AND SIMPLICITER DISCHARGE the said Robert Ramsay the present Deacon and the said James Lamb the present Boxmaster of the said Maltmen or Maltmen Fraternity and their successors in office and the said Maltmen or Maltmen Fraternity itself of the terms concluded for in the foresaid Action above mentioned and of the said Action itself whole conclusions thereof and produce therein and with all other Action, diligence or execution which have followed or are competent to follow by and under the same or in any way whatever under the premises, which discharge I bind and oblige the said Guildry Incorporation to warrant at all hands and against all Mortals as Law will and farther and in terms of the Minute before referred to of the fifth day of February last I as Dean foresaid and as authorised foresaid bind and oblige the said Guildry Incorporation to free and relieve harmless and skaithless keep the said Maltmen or Maltmen Fraternity from any claim at the instance of the Guildry for the foresaid sum of Stipend now and for ever or of any claim by the clergy from that Fraternity all in terms of the Minutes before referred to and I consent to the Registration hereof in the Books of Council and Session or others competent to remain therein for preservation, and that all necessary execution may pass on a Decree to be interponed hereto; and for that purpose I CONSTITUTE,

MY PROCURATORS &c.

IN WITNESS WHEREOF these presents written upon this and the six preceding pages of stamped paper with the marginal addition on page fifth hereof, all written by William Lyon, apprentice to James McEwen, Writer in Dundee and subscribed by the said Charles Smith, for behoof and representing the said Guildry Incorporation, and as authorised aforesaid at Dundee the Twenty sixth day of May One thousand eight hundred and fifty two, , before these Witnesses: William Anderson, Writer Dundee, and David McLean, clerk to John Anderson, Writer Dundee.

(Signed) Chas. Smith DG., W. Anderson Witness, Dav. McLean Witness.

#### **At Dundee the Twentieth day of may 1852**

The Clerk produced to the Meeting the extended Disposition by this Incorporation in favour of the Guidry, and the relative Discharge by them in favour of this Incorporation Copies of which Deeds are engrossed in the Sederunt Book previous to the insertion of this Minute.

In consequence to the absence of the Boxmaster and in respect of this being so few of the Members present, the Meeting was adjourned to this day week being the 27<sup>th</sup> current, and the Meeting is accordingly adjourned to that time.

In the meantime the Clerk was instructed to intimate to the Guildry clerk the reason of the nonexecution of the conveyance before engrossed.

#### **At Dundee the Twenty seventh day of May 1852**

...and the Deacon and Boxmaster now being present they were instructed to execute the Deed referred to in the previous Minute and engrossed in this Sederunt Book, and the Clerk was instructed if it should be considered necessary to adhibit the Seal of the Incorporation to the conveyance, and the Deed was now formally executed by the Deacon and Boxmaster by desire of the Trade.

#### **At Dundee the thirtieth day of November 1854**

...the Meeting thereafter proceeded to examine the pension list for the ensuing year when they were found to be as follows:

1. Widow Rattray	£1
2. Widow Ireland	£1
3. Widow Elder	£1
4. Widow Archer	£1
5. Widow Brymer	£1

In all half-yearly

The meeting considering the delicate state of health of the Officer Alexander Anderson, voted to allow him Four pound for the next year.

### **At Dundee the Ninth day of September 1858**

The Deacon stated that he had convened the present meeting of the Incorporation consequent on the present movement regarding the management of the Morgan Hospital. He stated that the matter had been brought under his notice by the Clerk, but he deferred taking any steps in the matter until he had a special meeting of the Corporation.

The Meeting having deliberated were of opinion that the Deacon for the time being should be Ex Officio a Life Governor of the proposed Hospital, more especially seeing that the corporation are represented at other public Institutions, and resolved that a respectful Memorial be prepared on behalf of the Incorporation requesting that the Deacon for the time being should be an Ex Officio Governor, and it was remitted to the Deacon, Boxmaster & Clerk to get the necessary Memorial adjusted, and revised and laid before the Joint Committees of the Town Council and other public bodies, & with full powers to assert such right in every competent way.

### **Copy Memorial and Representation**

**By the Maltmen or Brewer Incorporation of Dundee, and by George Whitton, Brewer in Dundee present Deacon and John Hill, Brewer there, present Boxmaster, in name and behalf and by authority thereof**

To the Joint Committee of the Magistrates and Town Council  
and other Public Bodies on the Morgan Bequest

The Memorialists learn that Your Honours are in the course of forming the Draft of a Constitution to be submitted to the Court of Session for the government and management of the proposed Hospital.

The Memorialists as Your Honours are aware are represented through their Deacon at various of the Public Institutions connected with the Burgh of Dundee.

The Corporation which the Memorialists represent is a very ancient one, indeed the date of their being incorporated cannot be traced, but their Records extend upwards of three centuries back, and, they humbly solicit that in framing the constitution you will be pleased to include the Deacon for the time being of the Incorporation and they humbly solicit that in framing the constitution you will be pleased to include the Deacon for the time being of the Incorporation as an Ex officio Governor of the proposed Hospital, and they respectfully crave your Honours to grant the prayer hereof:

Subscribed by us the present Deacon and Boxmaster of the Incorporation in name and behalf of the same by instructions of a General meeting of the Trade held in the East or parish Church the usual place of Meeting on the Ninth September;

At Dundee the thirteenth day of September in the year One thousand eight hundred and fifty eight.

(Signed) Geo. Whitton  
John Hill

**Copy letter by Mr McEwen to Provost Rollo transmitting the foregoing Memorial, dated 14<sup>th</sup> September 1851**

"As Clerk to the Maltmen Incorporation of Dundee I have been directed to transmit to you a Memorial and Representation by that Body to the Joint Committees of the Magistrates and Town Council and other Public Bodies on the Morgan Bequest soliciting that The Deacon

for the time being should be Ex Officio a Governor of the proposed Hospital which I trust you will submit to the first meeting and give the Corporation your able support in having them represented along with the other Public Bodies in Dundee.

I think you are the proper party to address but less there should be any mistake I have sent a copy of the Memorial to Mr Anderson the Town Clerk. I am &c.

### **At Dundee the Sixteenth day of March 1860**

The Deacon stated that he had called the present Meeting in consequence of what had taken place at the Parochial Board regarding the Governorship of the proposed Morgan Hospital. The Clerk submitted to the Meeting Memorial or Representation by the Trade on the subject which was read, and the same was ordered to be subscribed by the Deacon and Boxmaster and the Seal of the Incorporation appended thereto. The Clerk was instructed to transmit the Memorial to the proper quarter, so as the interests of the Incorporation may be properly provided for.

A Copy of the Memorial was ordered to be engrossed in the Sederunt Book.

### **Copy**

### **Memorial and Representation by the Maltmen Incorporation of the Burgh of Dundee and by John Hill, Brewer in Dundee, present Deacon and James Lamb, Brewer, present Boxmaster for and in name of the Incorporation and by authority of the same.**

The Memorialists in common with the other members of the Community of Dundee received with feelings of gratitude the decision of the House of Lords, by which effect was given to the evident wishes of Mr Morgan to found and endow an Educational Hospital in Dundee. If the design of Mr Morgan be carried out as the Memorialists wish and expect it will be, the Hospital will be the source of much benefit to the Town of Dundee.

The Memorialists laid before the Committee specially charged to watch the interests of the public in Mr Morgan's succession, a Statement of their claim to be represented in the Management of the Hospital, and the Memorialists are gratified to find that their claim has been so far admitted that the Deacon of the Incorporation is now admitted to be one of the Governors.

The Memorialists think it expedient very briefly to repeat the main grounds on which their claim to be so represented on the Management of the Hospital is founded.

The Incorporation of Maltmen or Brewers is of great antiquity. The date of creation is unknown but the Trade has had a potent voice in the management of the Affairs of the Burgh for upwards of three centuries; and at the present day the Incorporation is represented on the Management of the principal charitable Institutions of the Burgh, such as the Corporations of the Royal Lunatic Asylum, and Infirmary, and the Royal Orphan Institution. But a more weighty reasons why this Incorporation should be represented in the Management of the Morgan Hospital remains to be stated.

The late Mr Morgan was himself a member of the Maltmen Incorporation. He was not connected with any other Guild or Craft in Dundee, and it is chiefly on the ground of this connexion which subsisted between Mr Morgan and them, that the Memorialists confidently expect that their Deacon will be appointed a Governor of the Hospital founded by their deceased brother.

In these circumstances the Memorialists Pray that the Deacon of the Maltmen Incorporation be appointed one of the Governors of the Morgan Hospital.

Subscribed by us the present Deacon and Boxmaster of the Maltmen Incorporation in name and behalf of the same by instructions of a General meeting of the Trade held in the East or Parish Church of Dundee on the Sixteenth day of March 1860, and the Seal of the Incorporation affixed hereto.

(Signed) John Hall, Deacon  
James Lamb, Boxmaster

### **At Dundee the twenty sixth day of November 1874**

...the Meeting having considered the existing laws of the Trade it was unanimously resolved that the following alterations should be made thereon vizt.

That each person to be admitted a Free Master who has never served as an Apprentice or Journeyman to any Member of the Trade before he be booked as such shall in future pay to the Visitor as the dues of his freedom instead of the sum of Twenty five Pounds presently payable to the Trade for the poor the reduced sum of Twelve Pounds ten shillings for the poor and the stamp duty exigible by law on admission and the other dues exigible under the existing laws of the Trade in all respects excepting that the payment to the Clerk shall be increased to seven shillings and sixpence.

It was further resolved that the dues of admission in all other cases should remain unaltered but that the stamp duty and Clerks fee of seven shillings and sixpence should be exigible in all cases.

### **At Dundee the eighteenth day of November 1909**

...the Deacon expressed regret at the death of Mr Stewart who had been for over forty years Clerk to the Incorporation. The Meeting appointed Mr John M. Hendry Solicitor Dundee Clerk to the Incorporation at the same salary, commission & emoluments as those allowed Mr Stewart.

The Clerk reported that he has uplifted from Mr James Thomson the various Books &c belonging to the Incorporation and produced to the Meeting:

Locket Book, Minute Book, Cash Book, plan of the South Church.

Bond buy the Dundee Town council police Administration for (1) £150 No 109a dated 2<sup>nd</sup> August 1896 maturing Whitsunday 1911 @ 7½% interest. (2). £50 No 119b dated 4<sup>th</sup> December 1908 maturing Martinmas 1911 @ 3¼% interest.

London & Lancashire Fire Insurance Co. Policies.

(1) No 2882072 Pews in East Church for £300 Annual premium 6/- Martinmas.

(2) No 2882073 Pews in South Church for £400 Annual premium 8/- Martinmas

Mr James Thomson's Cash Account & Business Account.

Box marked "Maltmen", containing:

1. Cash accounts for the years 1866, 1868, 1669, 1870, 1872, 1877, 1878, 1879 & 1881 to 1908.

2. Bundle of Miscellaneous papers.

Also Wooden Box containing old papers.

### **At Dundee the first day of December 1927**

... the Clerk drew attention to Schedule 29 of the Church of Scotland (Property and Endowments) Act 1925 which provides that on the expiry of one year from the date on which any Church is transferred to the Church Trustees the right of allocating Sitting accommodation in the Church and the right to dispersal of the proceeds therefrom shall belong to the Kirk Session & any existing right to such accommodation shall cease and terminate.

It is understood that the intention is to put this Section into operation so far as Dundee Parish Church is concerned immediately & therefore the Incorporation will not be entitled to collect any Pew Rents after the present term of Martinmas.

The Clerk explained that as a result of this the Revenue of the Incorporation would be reduced by about £11 pew annum, in view of this it was agreed that it would be necessary at next Annual Meeting to review the payment of Pensions & Donations so that the total amount thereof would be within the limit of the Revenue which would be now available to the Incorporation.

### **At Dundee the third day of December 1929**

...the Clerk submitted and read to the Meeting Circular Letter dated 31<sup>st</sup> October 1929 he had received from the Session Clerk of Dundee Parish church (St Mary's) pointing out the provisions under the Church of Scotland (Property & Endowments) Act 1925 regarding the right of allocating sitting accommodation in the church and the right of disposal of the proceeds therefrom. In terms of the letter the owners of Pews were invited in the event of there being any special circumstances to submit these to the Kirk Session before 16<sup>th</sup> November 1929 when they would be considered.

The Clerk also read letter dated 8<sup>th</sup> November 1929 which on approval of the Deacon & Boxmaster he had written the Session Clerk in reply pointing out the special circumstances of the Incorporation in relation to the Pews belonging to them.

No reply had yet been received to that letter but the Clerk stated that it had been arranged, pending consideration of the matter by the Kirk Session, that the Session Clerk would collect the Pew Rents due at Martinmas last.

The Clerk also reported that he had written the Session Clerk of St Paul's (South) Church in similar terms and he read letter from him dated 13<sup>th</sup> November 1959 in reply stating that as the Church had not yet made over to the General Trustees, the Kirk Session were not yet in possession of the Sitting accommodation and were therefore not in a position to deal with the question.

The letter also stated that accordingly the Incorporation would continue to uplift the Rents of the Pews belonging to them.

#### **At Dundee the fifth day of December 1930**

...the Clerk submitted and read to the meeting letter dated 18<sup>th</sup> September 1930 from Mr Charles Soutar, Session Clerk of Dundee Parish Church (St Mary's) intimating that the Kirk Session, after fully considering the provision and representations made to them by the Incorporation, have decided to allow the Incorporation the Rents of the Pews in so far as received by them, for a period of five years from 10<sup>th</sup> December 1929, being one year after the date on which the Church was transferred to the General Trustees.

The Clerk also reported that in accordance with the above decision he had received from the Church Treasurer the Pew Rents collected by him at Martinmas 1959 and Whitsunday 1930 amounting to £7.12.6d. These had been credited in the Accounts of the Incorporation for the last year.

The Clerk also reported that as no facilities had been afforded him for collecting the half years Rents of the Pews in St Paul's (South) Church due at Martinmas last he had written the Session Clerk of that Church for a remittance for same and had received a letter in reply referring him to the J. A. S. Millar, M.V.O., WS, chairman and Legal Adviser to the Church of Scotland General Trustees, 40 queen Street, Edinburgh.

The Clerk stated that he had written Mr Millar making representations similar to those which had been made to the Kirk session of the Dundee Parish Church (St Mary's) and he then submitted to the Meeting letter of 1<sup>st</sup> December 1930 he had received in reply. The Clerk was instructed to communicate the terms of Mr Millar's letter to the Session Clerk of St Paul's Church.

#### **At Dundee the third day of December 1931**

The Clerk reported that as instructed at last Meeting he had communicated to the Session Clerk of St Paul's Church the reply he had received from Mr J. A. S. Miller, Chairman and Legal Advisor to the Church of Scotland General Trustees. He the submitted letter of 26<sup>th</sup> December 1930 from the Session Clerk of St Paul's Church in reply stating that the Kirk Session after having given the mater full consideration and in view of the heavy financial burdens with which they were faced, much regretted that they could not authorise any of the Pew Rents which they may collect from Pews formerly belonging to the Incorporation to be applied in any other manner than for Church purposes.

*Ed. I will be noticed that after 1852 there are comparatively few entries in this file. This is because, although there were regular AGM's held and pensions awarded, the Trade was otherwise almost inactive and nothing of real interest took place.*