

THE FRATERNITY OF MASTERS AND SEAMEN IN DUNDEE

TRANSCRIPT OF TRANSLATION
OF THE ROYAL CHARTER

FRATERNITY OF MASTERS AND SEAMEN IN DUNDEE

SEALED AT EDINBURGH 19th SEPTEMBER 1774

CHARTER, &c.

GEORGE, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, to all good men, to whom these our present letters shall come. Whereas, Robert Pattullo, James Patrick, David Myles, James Fairweather, Robert Mawer, Alexander Whyte, David Boyter, John Patrick, John Rollo, James Brown, John Lamb, William Maiden, Edward Lesslie, Robert Lesslie, William Lyel, Andrew Spink, David Scott, George Nielson, Alexander Myles, Alexander Clark, John Guthrie, William Knight, James Key, Thomas Brown, William Stormonth, George Shepherd, David Clark, George Younger, Thomas Young, William Bell, William Logan, William Thornton, William Robertson, and James Kennedy, all members of the Society known by the name of "The Fraternity of Masters and Seamen in Dundee," in North Britain, have by their humble petition represented unto us, that the Burgh of Dundee is one of the most considerable towns in North Britain, as well in respect of trade as number of inhabitants ; that the Shipmasters and Seamen who have their residence in that Burgh, have from time immemorial been united into a Society known by the name of "The Fraternity of Masters and Seamen in Dundee," and by that name have been acknowledged in several Acts of the Privy Council of Scotland, particularly in one dated the twenty-fourth day of February one thousand six hundred and eighty seven, granting warrant to and allowing the said Society to erect Lights and Beacons at the entry of River and Firth of Tay, and to levy and exact-on account of these Lights a duty of twelve pennies Scots, or one penny sterling of every Ton of all the ships or other vessels either going out or coming into the River and Firth of Tay, between Fifeness and the Redhead inclusive, and to levy and exact the double of the said duty from Foreigners. That in character of the above-mentioned Society, they have by contributions among themselves, raised and established a considerable fund for the relief of decayed Members of the Society, and of the widows and children of Members dying in indigent circumstances ; and that in the same character they pay part of the stipend to the Ministers of Dundee, and a salary to a public Teacher of Mathematics there. That notwithstanding these circumstances, it does not appear there ever was any legal Constitution of the Society; and the Petitioners are advised and do believe, that were they and their successors in the management of the said Society invested with Corporate powers, the same might be rendered still more extensive and beneficial to the Public, and the funds more properly and with better security employed. The petitioners therefore humbly prayed us to grant unto them our Royal Charter, incorporating them and their successors in the management of the affairs of the said Society into a Body Corporate and Politic, by the name of "The Fraternity of Masters and Seamen in Dundee," with a perpetual succession, with power to use a Seal, to sue and be sued, to purchase lands, to make bye-laws, and with all other usual and necessary powers. And that we would likewise be graciously pleased by the same Royal Charter to ratify and confirm in favour of the Petitioners the above-mentioned Act of the Privy Council in Scotland, passed in one thousand six hundred and eighty-seven, agreeably to the terms and conditions thereof. We having taken the said Petition into our Royal consideration, and being willing to give all proper encouragement to so charitable and useful a foundation:- Therefore, we, in compliance with the said humble request, and by virtue of our Prerogative Royal, and of our special grace, certain knowledge and mere motion, have granted, constituted, declared, and appointed, as we by these presents grant, constitute, declare, and appoint,- That the said Robert Pattullo, James Patrick, David Myles,

James Fairweather, Robert Mawer, Alexander Whyte, David Boyter, John Patrick, John Rollo, James Brown, John Lamb, William Maiden, Edward Lesslie, Robert Lesslie, William Lyel, Andrew Spink, David Scott, George Neilson, Alexander Myles, Alexander Clark, John Guthrie, William Knight, James Key, Thomas Brown, William Stormonth, George Shepherd, David Clark, George Younger, Thomas Young, William Bell, William Logan, William Thornton, William Robertson, and James Kennedy, and such other persons who may be duly admitted Members, and shall contribute to the funds of the said Society in manner after-mentioned, shall be and be called one Corporation and Body Corporate and Politic by the name and style of "The Fraternity of Masters and Seamen in Dundee ;" and that they and their successors shall forever hereafter have a perpetual succession for the purposes of the better and more effectually managing, directing, ordering, and appointing in all matters and things respecting the said Society and the funds thereto belonging. And we, for the purposes aforesaid, do, by there Presents, make, create, constitute, and establish the said Robert Pattullo James Patrick, David Myles, James Fairweather, Robert Mawer, Alexander Whyte, David Boyter, John Patrick, John Rollo, James Brown, John Lamb, William Maiden, Edward Lesslie, Robert Lesslie, William Lyel, Andrew Spink, David Scott, George Neilson, Alexander Myles, Alexander Clark, John Guthrie, William Knight, James Key, Thomas Brown, William Stormonth, George Shepherd, David Clark, George Younger, Thomas Young, William Bell, William Logan, William Thornton, William Robertson, and James Kennedy, and such other persons who shall be first duly admitted members, and shall contribute to the funds of the said Society in manner after-mentioned, into a Corporation and Body Politic and Corporate forever, by the name and style of "The Fraternity of Masters and Seamen in Dundee," with power to them, or the majority of them, to manage, direct, order, and appoint in all matters and things touching and respecting the said Society, its government, estates, funds, and other business and concerns ; and that the said Corporation, by the name and style aforesaid, shall and may be able and capable in law, to have, purchase, receive, hold, possess, enjoy, and retain in perpetuity or otherwise, lands, tenements, or other hereditaments of what kind, quality, or nature soever (providing always, that the clear yearly rent of the lands, tenements, and hereditaments so to be purchased, or which have already been purchased, to and for the benefit of the said Society, shall not exceed the sum of five hundred pounds sterling, computing the rents as they stood at the time of purchasing the same respectively, and after deduction of all feu-duties, land tax, minister's stipends, and other public burdens whatsoever.) And likewise, to lend money upon heritable or personal securities, and to hold goods and chattels, and to receive and hold donations and legacies for the purposes aforesaid. And also, to sell, impignorate, or wadset any of the lands, tenements, or other heritable subjects, already purchased or acquired for behoof of the said Society, or which may at any time hereafter be purchased and acquired by the said Corporation, and to give and grant leases or tacks of the said lands, tenements, or other heritable subjects, and to grant them in feu in the way of perpetual location for a competent feu-duty. And also, in the name and style aforesaid, the said Corporation shall and may sue and be sued, plead and be impleaded, defend and be defended, in whatsoever courts and places, and before whatsoever judges, justices, or other officers, in all actions, pleas, suits, complaints, accounts, matters, and demands whatsoever, in such manner and form as any of our subjects able and capable in the law, or any other Body Politic or Corporate may or can. And also, that the said Corporation shall have a Common Seal for the doing of all manner of business and causes of them and their successors, and that it shall and may be lawful for them and their successors to break, change, or new make the same Seal from time to time, as to them or the majority of them shall seem expedient ; which Seal shall be kept by their Box-master, who shall attend with it, or cause it to be attended with, at all meetings where it shall be required. And we, for ourself, our heirs and successors, direct, order, and appoint, that there shall be held four

General Meetings of the said Corporation in every year upon the third Tuesday in March, the third Tuesday in June, the third Tuesday in September, and the third Tuesday in December ; and that the first General Meeting of the said Society shall be held on the third Tuesday in September in this present year, one thousand seven hundred and seventy four, in the usual place where the Members of the said Society have generally held their Meetings, and between the hours of twelve at noon and four in the afternoon ; and we further grant and declare, That the said David Myles shall be the first Box-master, and the said Robert Pattullo James Patrick, James Fairweather, Robert Mawer, Alexander Whyte, David Boyter, John Patrick, John Rollo, James Brown, John Lamb, William Maiden, Edward Lesslie, Robert Lesslie, William Lyel, Andrew Spink, David Scott, George Neilson, Alexander Myles, Alexander Clark, John Guthrie, William Knight, James Key, Thomas Brown, William Stormonth, George Shepherd, David Clark, George Younger, Thomas Young, William Bell, William Logan, William Thornton, William Robertson, and James Kennedy, shall be the first Members of the said Incorporation, and that the Box-master and Members shall and may have full power and authority at the said General Meeting in December, to elect for the ensuing year a Box-master and other necessary officers, and also to appoint a Committee of five of their own number to serve as a Council with whom their Box-master shall consult and advise in the ordinary management of the funds of the said Corporation, and with power of adjournment as they shall see cause. Declaring always, as it is here expressly provided and declared, that no one person shall be continued in the office Box-master for more than two years at one time, and that the Box-master when elected, shall have full power and authority, with consent of the Society, to name a Depute to act for him in case of his absence : And we grant power and authority to the Box-master of the said Corporation for the time being, or in his absence to his Deputy (at his pleasure, or as often as their affairs may require the same), upon twenty-four hours' notice to the other Members residing at the time in Dundee, to summon a Meeting of the said Society ; and that the said Box-master, or in his absence his Deputy, shall be entitled to preside at all Meetings of the said Corporation, and to exercise therein both a deliberative and a decisive or casting voice in every question upon an equality of voices amongst the Members present. Providing, nevertheless, that the Box-master, or in his absence his Deputy, shall have no negative upon calling of a Meeting of the Society ; but that in case of their absence or refusal so to do, it shall and may be lawful for any five or more Members of the said Corporation uniting together for that purpose, to call a meeting for any occasional business, upon giving the like previous intimation of twenty-four hours to the other members ; and that such meeting shall have power to choose a President *pro re nata*, and to proceed and determine any business and affairs of the Corporation that may be brought before them, in the same manner as if the Box-master or his Deputy was present and presided at such meeting. And we direct and appoint, that in every Meeting of the said Society, when legally called, any five members shall constitute a legal Meeting, and every act and thing done or transacted by such Meeting shall be equally valid and effectual and binding upon the Society, as if every Member thereof was actually present. And we order, direct, and appoint, That it shall not be in the power of the Box-master and Members of the said Corporation or their successors, to lay out any more or larger sum or sums of money in charity within a year, than what the clear and free yearly produce and income of the estates and securities belonging to the said Corporation, and of the current collections, subscriptions, and benefactions for such year shall (after every deduction out of the same), have yielded and produced, together with the savings of preceding years, so far as shall appear necessary for the charitable purposes of the Society : And that the estates and capital sums which compose the funds of the said Corporation shall forever hereafter remain entire and untouched for the behoof thereof ; and that the distribution of the said clear yearly produce and income, shall be confined to and made only amongst decayed and reduced Members of the said Society and

their widows, and to the children and grand-children of decayed Members in indigent circumstances, preferably to any others, and in the order of preference above set down, and failing any such, to indigent brothers and sisters of any deceased Member of the Society, and to their children in the same order. Providing always, that no Member of the said Corporation, who is indebted to the same, shall be entitled to any benefit from the funds of the said Society while such debt remains unpaid, and that such distributions shall only be made at the General stated Meetings of the said Society. And we order and appoint, that Thirty days at least before the General Meeting in March in every year, an annual accompt of the estates and funds of the said Corporation, and of the receipts and outgoings shall be made up by the Box-master and laid before the Committee of Five, (to be elected by the society in manner foresaid, to serve as his Council,) and that the said Committee shall audit and examine the said accompt and report the same to the General Meeting in March for their examination and approbation ; And that his books and accompts shall be opened at this and at all other Meetings for the inspection of the other Members of the Corporation ; and that a book be kept in which all the proceedings of the said Society shall be regularly entered, which shall at all times be open to the inspection of any Member of the Society, and that without any fee or reward to be paid by such Member. And we further will and declare, That no person shall have right or be entitled to become a Member of the said Society or Corporation, unless he be admitted by a majority of voices of the Members present, at one of the General stated Meetings of the Corporation, and until he has paid to the Box-master for the use of the Society, One Pound One Shilling Sterling as the fees of his entry, and One Shilling to the Clerk and One Shilling to the Officer of the Corporation ; and that when any Member shall be admitted into the said Corporation, his name shall be registered in a Register-Book to be kept for that purpose, and he shall remain and continue a Member as long as he shall continue to be rated, and to pay the annual dues of the said Society, or such annual dues as shall hereafter be settled and appointed to be taken from the Members of the said Corporation by any ordinance or bye-law to be made for that purpose ; and any Member falling in arrear the sum of Ten Shillings Sterling in payment of such annual or ordinary dues, shall thereby forfeit and lose his place in the said Society, and not be restored thereto till he pays up his arrears, and be re-elected by a majority of the Members assembled at one of their General meetings. And we, for ourself, our heirs and successors, do give and grant to the said Box-master and Members of the said Corporation and their successors, full power and authority, in General meetings assembled from time to time, to constitute, ordain, and make such and so many bye-laws, constitutions, orders and ordinances as they or the greater part of them being then and there present shall judge proper and necessary for the better government and direction of the said Corporation ; and the said bye-laws, constitutions, orders and ordinances, or any of them, to alter and annul as the said Box-master and Members so assembled, or the major part of them then present, shall see requisite : All and singular, which by-laws, constitutions, orders and ordinances, so as aforesaid to be made *we will*, shall be duly observed and kept ; but so always as the same be nowise contrary or repugnant to the laws of the realm and the tenor of this Charter, and so as such bye-laws, constitutions, orders and ordinances from time to time to be imposed, and every repeal or alteration thereof, or any of them, be likewise agreed to, established and confirmed by a General meeting of the said Box-master and Members to be held and kept next after the same shall be respectively made. And further, We, of our special grace, certain knowledge and mere motion, have of new given, granted and confirmed, and by these Presents for ourself, our heirs and successors, of new give, grant and confirm to the said Box-master and other Members of the Society aforesaid, the powers granted to the said Society by the aforesaid Act of the Privy Council of Scotland, dated the Twenty-fourth day of February, One thousand six hundred and eighty seven, granting warrant to and allowing the said Society to erect Lights and Beacons at the entry of the River or Firth of Tay, and to levy

and exact on account of these Lights a duty of twelve pennies Scots, or one penny sterling, for every Ton of all the ships or other vessels, either coming out or going into the River and Firth of Tay, between Fifeness and the Redhead inclusive, and to levy and exact the double of the said duty from Foreigners, and also all lands and estates, sums of money, rights, interests, benefits, securities, advantages, powers, privileges, and other matters and things whatsoever, by the said Society, or by any Members thereof, for the use and behoof of the same, which they have heretofore held, received, enjoyed, exercised, been entitled to, made or done, and to have, hold, receive, execute and enjoy all and singular the said premises last mentioned by them and their successors, and by the said Corporation forever, and in as ample and beneficial a manner to all intents and purposes as the said Society or any Member thereof for the use and behoof of the same heretofore held, enjoyed, and exercised the same : And we do for ourself, our heirs, and successors, declare that these our letters patent shall be in and by all things valid and effectual in law according to the true intent and meaning of the same, and shall be taken, construed, and adjudged in the most favourable and beneficial manner for the best advantage of the said Corporation, notwithstanding any mis-recital, defect, uncertainty, or imperfection in these our letters patent, and we for ourself, our heirs, and successors, do covenant, grant, and agree to and with the said Corporation, or Body Politic, and their successors, that we, our heirs and successors shall and will, from time to time and all times hereafter, upon the humble suit and request of the said Corporation, or Body Politic and their successors, give and grant unto them all such further and other privileges, authorities, matters and things for rendering more effectual this our grant according to the true intent and meaning of these Presents, which we or they can or may lawfully grant, as shall be reasonably advised and devised by the Counsel learned in the law of the said Corporation, or Body Politic for the time being, and shall be approved of by the Lord-Advocate or Solicitor-General in Scotland, of us our heirs and successors in our or their behoof. In testimony whereof, &c.

Written to the Seal and registered the Seventeenth day of September, 1774.

(Signed) Alex Watson, Dept.

Sealed at Edinburgh the nineteenth day of December Hundred and Seventy-four years.

(Signed) R. Meikle, Subt

Signed and dated this day 01 December 2004 'as adopted' by the Council of the Fraternity of Masters and Seaman in Dundee.

Percy Cecil Taylor, Boxmaster

Keith Philip Berry, Deputy Boxmaster

Ramsay dinnie. Treasurer & Past Boxmaster

Hamish Ramsay, Archivist & Past Boxmaster

Alexander Smith Buchan, Council Member & Past Boxmaster

Ian David Smith, Council Member and Past Boxmaster

Norman Tuddenham, Council Member and Past Boxmaster