



THE BLADESMITHS AND CUTLERS OF DURHAM.

THE following paper, communicated by Mr. Trueman, gives an earlier date to two companies at Durham than had occurred to Surtees, who only refers to an "original consent" of the Blacksmiths in 1610, and a "general consent" (probably owing to these chancery proceedings) of the Whitesmiths, Lorimers, Locksmiths, Cutlers, and Blacksmiths, in 1730. The city charter of Matthew only mentions "Smiths," and there had perhaps been some temporary junction of the crafts at a distant period. By the consent of 1730, no Blacksmith was to hire any journeyman that was a Lorimer or Locksmith, nor *vice versa*. So that the Lorimers were perhaps, formerly, a distinct body.

IN THE CHANCERY OF DURHAM. Between HENRY LAMBTON, Esq., Attorney-General of the Bishop of Durham, on the relation of John Johnson and Matthew Shaw, wardens of the Society of Blacksmiths, Lorimers, and Locksmiths, *Informants*; and MICHAEL WATSON, warden of the Society of Cutlers and Bladesmiths.

REASONS AGAINST THE SUBPŒNA.—Whereas the informant, on the relation abovesaid, purchased his Majesty's writt of subpœna, under the seale of this honorable court, in the nature of a scire facias to the defendant directed: reciting that, in a cause depending in this court, between Thomas Cradocke, Esq., then Attorney-Generall of John [Cosin], late Bishopp, at the relation of George Ridley and Wm. Johnson, wardens and searchers of the Society of Blacksmiths within the city of Durham, plaintiff, and Henry Fairlesse and Edward Fairlesse, defendants, it was decreed by consent that the relators and defendants and the members of each society should be admitted free of each others' company, as if they were present members, and the fines to be paid upon such admittances were referred to Sir James Clavering; that Sir James awarded that the relators should admitt the then defendants and all other members of their society free of the Society of Blacksmiths, upon payment of 6s. 8 α .; and that the Society of Cutlers and Bladesmiths should admitt the Blacksmiths free of their company, upon the payment of 40s. apeice, and for the future the members of each society should be admitted free of each others company, upon payment of 6s. 8 d . apeice; and that the award was confirmed by a decree of this court: commanded the defendant to show cause why the decrees should not be revived:

Now the defendant doth for causes show :—(1.) Edward Fairlesse is still living, and if the decree be revived, it must be against him only, for [he] Watson is neither party nor privy to the decree. (2.) Is not served with the decrees or award, and knows not the contents. (3.) The Society of Bladesmiths and Cutlers is an ancient corporacion, and had their Bylaws and Constitucions confirmed by Bpp. Tonstall, at the same time that he confirmed the Smiths' and Lorimers' Bylaws, and then the corporacions were not thought fitt to be consolidated, and neither can they be without the consent and confirmacion of the Bishopp. (4.) Every corporacion, being a body politick, speaks by their common seale and common consent, and are not bound by any decree where they are not partys, and noe particular member can, by their consents, bind the corporacion. (5.) The suits were against Henry and Edward Fairlesse, in their private capacitys, and not as wardens or searchers of the Society of Bladesmiths and Cutlers, nor were they wardens and searchers of that Society when the informacion was exhibited, or at the time the submission, award, decree, or other proceedings were made. (6.) It noe ways appears that the corporacion of Bladesmiths and Cutlers were partys to the submission. (7.) Soe farr from agreeing to the decree, they never would admitt any smith a freeman of their trade, nor did any smith or lorimer, since the decree, till the relator Johnson, set up the defendant's trade. (8.) If the whole Company be bound by the decree, then the writt ought to have been directed to the Warden and Company or Society, and not to Watson only as Warden.

Demands judgment whether he is concerned by the decree or award, or the same can be revived against the Corporation of Bladesmiths and Cutlers. And prays to be dismissed with his costs.