



Foreword to “Information for the Hair Dressers in Edinburgh”

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[LINK TO ABSTRACT](#)

Searching for something in Eighteenth Century Collections Online ([link](#)), I stumbled upon a 1758 pamphlet whose last page purports authorship of “Hew Dalrymple.” The British Library deems that a pseudonym and the pamphlet itself a “squib” or spoof.

The pamphlet seems to have passed directly into oblivion; as of September 2018 it had just two Google Scholar citations, both ancillary (Festa 2005, 65; Markiewicz 2014, 151, 208).² Yet the pamphlet is a wonderful liberal criticism of what we term occupational licensing.

The pamphlet favors freedom in an Edinburgh turf battle. The “hair dressers” and “wig-makers” seek liberty to cut hair. The “barbers,” in rent-seeking fashion, assert an exclusive privilege to cut hair. Historically, barbers were principally concerned with shaving auxiliary to surgery, surgery often calling for shaving of hair. Barbers also pulled teeth, let blood, stitched up minor wounds, etc., as well as cut hair, and of course gave shaves.

“Industry needs no other Spur than the Profit and Honour attending her,” says the pamphlet author. The barbers’ claimed exclusive privileges are “a Restriction of natural Freedom” and “a Reproach to the Constitution.” The author asks the judges of Edinburgh, in interpreting the law, to “give a free and uninterrupted Course to the Bent and Genius of the People.” The author highlights that the hairdressers seek merely the freedom to practice, not a privilege of their own against other cutters of hair.

1. George Mason University, Fairfax, VA 22030. I am very grateful to Professor John W. Cairns for his generous help, to the librarians alluded to in a footnote below, and to Stephen Delli Priscoli for typing up the pamphlet.

2. Another ancillary citation, not captured by Google Scholar, is Williams (2016, 56 n.9)

The author teaches key insights against occupational licensing: The privileges reduce quality, supply, convenience and availability, and innovation. Consumer-protection rationales are fraudulent, and, at any rate, rationales go obsolete. The privileges are inevitably rather arbitrary, a source of social “Rancour” and hypocrisy. They are used opportunistically to seek rents.

The pamphlet highlights the expertise required by the original 1505 charter (“Seal of Cause”) of surgeons and barbers, including that the candidate “know perfectly” how to “make *Phlebotomia* in due time; and also, that he know in [which] Member the Sign has Domination for the Time.” Thus, entrance required “being acquainted with astrology in order to be able to bleed and operate satisfactorily” (Scott-Moncrieff 1912, 253).

Here are some pointers on the pamphlet’s language:

- *Defenders* – the hairdressers and wig-makers.
- *Pursuers* – the barbers.
- *Preses* – the president or presiding officer of a meeting or group.
- *Box-master* – treasurer.
- *your Lordships* – the judges, known as Lords of Session, hearing the case.
- *Seal of Cause* – charter.
- *Emulation* – competition.
- *Cujus est finis, ejus sunt media* – he who intends some end should choose the means of achieving it.
- *Laputa* – in *Gulliver’s Travels* (Swift 1726), a floating island, whose male inhabitants relish intellectual and mathematical abstractions, but impractically.
- *quondam* – former.
- *quhilk* – which.
- *Beker* – bowl.
- *Prescription* – a right, privilege, or presumption derived from custom.
- *in foro contradictorio* – where a court decision has been given after litigation by both parties.
- *Curdowers* – those working at a trade within a burgh in which they are not burghers.
- *Mantua-makers* – makers of women’s clothing.
- *taylors entering the mantua-makers* – tailors admitting the makers of women’s clothing to the corporation (and taking specified dues from them).
- *took Pepper in the Nose* – took umbrage.

The status of the document as an official court document (an ‘Information’)

remains highly uncertain; there is no complete inventory of official documents of the kind it pretends to be. Again, librarians have recorded it as a pseudonymous “squib.”³ To explore the matter further, I reached out to Professor John W. Cairns of the University of Edinburgh, an expert in Scots law of the time, who has, on short notice, responded avidly, as he could. The pamphlet assumes the form of a proper ‘Information,’ and it uses names that do appear in decreets on litigation about exclusive barbering privilege in Edinburgh and its suburbs.⁴ From certain sources (e.g., Scott-Moncrieff 1912 and similar antiquarian pieces by G. A. Fothergill and C. H. Creswell), it seems that the pamphlet’s historical information about the law and development of the trades is sound enough.

Cairns and I have a theory, built on curious features of the pamphlet. One of the curious things is that the title page of the pamphlet says “The SECOND EDITION;” no other edition is known to the British Library or elsewhere, which is not surprising; but more important is that Cairns has never before seen a second edition of an ‘Information.’ Other curious features are the ideological pointedness and, especially, the rollicking, over-the-top spirit. Finally, there is the extensive italicization throughout the pamphlet. Our theory is that the pamphlet is a take-off—hence “second edition”—of an official document from goings-on circa 1757, and that italics are used for additions or changes from the original official ‘Information’ (though not only for that). Where that theory would leave the pamphlet’s purported authorship, “Hew Dalrymple,” is unclear. Further investigation may resolve some of the mystery.

The pamphlet appeared when liberal principles were ascendant, and, indeed, when the guild privileges were falling apart. The matter before the judges is particular and circumscribed, but just principles would “throw open the Door to every *Footman*,” the author says, and: “no *Detriment*, but much *Benefit*, would arise to the Nation in general” if “*every Man of every Profession*, had it in his Power to *exercise* the same, when, and where he pleased.”

3. The prominent Hew Dalrymple of the time was Sir Hew Dalrymple (1712–1790), Second Baronet, of North Berwick; perhaps the pamphlet’s author used the name “Hew Dalrymple” as a jest of some sort. A kind librarian of the British Library (Rare Books and Music Reference Team) explained that both “Explore the British Library” ([link](#)) and the “English Short Title Catalogue” ([link](#)) indicate “Hew Dalrymple” to be a pseudonym, though no reason is given; but he advised that he and colleague felt that it made sense to conclude that the pamphlet was not written by the Sir Hew Dalrymple, and a similar assessment was offered by a librarian at the National Library of Scotland (Rare Books, Maps, and Music Collections). I thank these librarians for the fine help on the matter.

4. See Society of Barbers of Edinburgh Archive, Litigation 1722–1829 series, held by the Royal College of Surgeons of Edinburgh Library ([link](#)), notably the January 16, 1750, “Decreet: the Incorporation of Barbers of Edinburgh against Low, Boyd and all wigmakers in Edinburgh” Reference no. SB 7/4 ([link](#)) and the January 7, 1761, “Decreet and precept: the Incorporation of Barbers of Edinburgh against certain wigmakers of the city,” reference no. SB 7/5 ([link](#)).

Adam Smith called for reform “where every man was perfectly free both to chuse what occupation he thought proper, and to change it as often as he thought proper” (WN, 116).⁵ The words of the pamphlet also resemble Smith’s more general avowals—leaving every man “perfectly free to pursue his own interest his own way,” “allowing every man to pursue his own interest his own way”—in propounding, respectively, “the obvious and simple system of natural liberty” (ibid., 687) and “the liberal plan of equality, liberty, and justice” (664).

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5. See Smith on long apprenticeships and labor-market privileges (WN, 116–152)—“a plain violation of this most sacred property” (WN, 138)—and on the “privileges of graduation” (WN, 762, 780; LJ, 84, 363–364, 472, 497–498, 529; *Corr.*, 173–179). Today the leading scholar of occupational licensing is Morris Kleiner (2006; 2013; 2014; Kleiner and Krueger 2013; Kleiner and Vortnikov 2017) and the leading organization battling it in court is the Institute for Justice. *Econ Journal Watch* has published several articles on the topic including Svorny 2004; Stephenson and Wendt 2009; Reinhardt 2014.

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Information for the Hair Dressers in Edinburgh; Against the Incorporation of Barbers.

The SECOND EDITION.

7th March 1758.

INFORMATION

FOR

ALEXANDER LOW, WALTER BOYD, JOHN CHINEBOW, and JAMES
MACFARQUHAR, all Wig-makers in *Edinburgh*, Defenders;

AGAINST

The Preses, Box-master, and remanent Members of the Incorporation of
BARBERS of *Edinburgh*, Pursuers.

The Barbers of *Edinburgh*, upon Pretences equally groundless and extravagant, having taken it into their Heads, that the exclusive Privilege, which they have always enjoyed, of clearing the Face from that uncleanly and unbecoming *Excrement*, the *Beard*, gave them also a Right to lop and prune the ornamental Hair of the *Head*, in so far as was necessary for the proper dressing and adorning thereof, did exhibit a Complaint, against the Defenders, before the Magistrates of *Edinburgh*, for alledged Incroachments, made upon this, *their particular Province of the human Body*.

The Magistrates, *always ready*, and *always willing*, to support and extend the *Privileges* and *Pretences* of their Incorporations, did pronounce an Interlocutor, declaratory of the Privileges of the Barbers, and finding that they are in the Possession, and have the sole and exclusive Privilege of trimming and barberising, or, of cutting Hair and taking off Beards, within this City. And, in consequence of that, they thought proper, by a subsequent Interlocutor, to inflict a Fine on the Defenders, for having transgressed against the Incorporation, and incroached upon their Privileges, and to prohibit them from cutting Hair, within the City, in all Time coming, under a Penalty of 6 *l. Scots* for each Fault.

The Defenders advised, that the *Beard* and the *Hair* of the Head, as being ruled by *different Planets*, ought also to be under the Direction of *different sublunary Agents*, brought the Cause, by Advocation, before your Lordships: And the Barbers having consented to the Advocation, the Cause was debated before the Lord

Bankton, Ordinary: And his Lordship, having taken it to report, and ordered Informations upon the *important Question*, the following State of the Case is humbly offered upon the Part of the Defenders.

The Defenders are, all of them, Freemen and Burgesses in the Town of *Edinburgh*; and, as such, are intitled to exercise every lawful Art and Calling, of which no exclusive Privilege has been granted to an Incorporation. The Making Wigs and the Dressing Hair is yielded to them by the Barbers; so that the single Question is, Whether the cutting of the Hair, to render it proper for dressing, is more *germain* to the Profession of a *Hair-dresser*, or to that of a *Beard-shaver*? and whether there is any exclusive Privilege granted to the Barbers, and possessed by them, as to this Particular?

And, in arguing this Question, your Lordships will not fail to consider the Effect of an exclusive Privilege. It is, at any Rate, a Restriction of natural Freedom: It is a great Bar to Industry; and, in a free and trading Nation, almost a Reproach to the Constitution. In the Days of our Ancestors, such was the idle and barbarous Disposition of the People, that every useful Art and Calling would have been totally neglected, unless the Legislature had fallen upon the Expedient of establishing Incorporations, and granting to them Immunities and exclusive Privileges. But although this Remedy prevented the total Destruction of Arts, it had this bad Effect also, to prevent their Increase and Growth to Perfection. It left little or no Room for Emulation: Nay, it checked the very Seeds of that Virtue, and an aspiring Spirit was looked upon as a dangerous Thing. Mediocrity was safe, and none attempted to get above it. For Corporations considered themselves as Republics, in which it is the Interest of the whole, to crush the growing Power or Merit of Individuals.

But the Tables are so far turned, and the World so far sensible of the Error, that, in some of the Arts at least, indeed all the mechanical ones, Industry needs no other Spur than the Profit and Honour attending her. Therefore, the continuing these exclusive Privileges is as absurd, as it would be to continue a Person, in the Vigour of Health, under the Regimen and Medicaments that were necessary when he languished beneath a mortal Disease. And therefore it has been Matter of Speculation, and very well deserves the Attention of the Legislature, whether it would not be proper to beat down all these *Gothick* Inclosures, and give a free and uninterrupted Course to the Bent and Genius of the People.

But, as your Lordships are not possessed of legislative Power, you cannot do this, though you are possessed of an interpretative Power, which enables you to do a great deal. One general Rule you follow, which is, never to extend exclusive Privileges, farther than they are clearly and explicitly founded in the Grant; and where there is any Doubt or Ambiguity, it is a Maxim of universal Law, to give Judgment on the Side of natural Liberty; and surely, if these Maxims can ever be

applied in the utmost Latitude of Interpretation to any Case, they must in the present, where the Demands of Exclusion are so *unreasonable*, and the Request of Freedom so *natural*, and withal so *trifling*.

For all that the Defenders demand is, That, as they have confessedly a Right to dress Hair within the City, they should also have the Liberty of using the *Scissars*, to make it fit for the Operation of dressing, and they claim this upon the Import of that Maxim of natural Equity, *Cujus est finis, ejus sunt media*. On the other hand, the Barbers, who have the same Privilege of dressing with the Defenders, *together with that exclusive one of using the Bason and Suds, and of taking every one of his Majesty's Subjects, even the highest, by the Nose, with Impunity*, are unconscionable enough to demand, that they, and they only, should have the Power of cutting the Hair, which, in Consequence and Effect, would destroy the Defenders Business of dressing altogether: For no body would choose the Trouble and Expence of two different Operators; or, if any one was whimsical enough to have a Barber to cut his Hair, and one of the Defenders to dress it, the Consequence would be, that, *what with cutting to spoil the dressing, and dressing to shame the cutting, the poor Patient would soon be reduced to the Condition of the Man in the Fable, who, to his Misfortune, had both an old Wife and a young; or, at best, would look like one of the mathematical Inhabitants of Laputa, with the Hair on the one Side of his Head three Inches shorter than that on the other.*

Such fatal Consequences from the *Rancour* of contending Powers are to be avoided. And a just Interpretation of the Rights and Privileges established to the Barbers by their Seal of Cause, and the subsequent Act of Council founded on by them, will enable your Lordships to interpose your Authority for that Purpose. The Seal of Cause is granted in the 1505 to the Surgeons and Barbers, as a joint Society; and, it is to be remarked, that although the Barbers would now endeavor to *degrade* themselves to a Level with common *Friseurs*, yet, in their Original, they are of high Rank, *no less than Cadets of the Surgeons*; for Shaving was invented by the Sons of *Machaon*, and was by them used to clear away the Hair from these Parts of the human Body, that had been casually wounded. But, in Process of Time, *when the Degeneracy of Manners brought feminine Beauty into Repute, and transformed the rough Warriour into a whining Lover, then, and not till then, the Chins of Men were brought under the Barbers Yoke; and some Philosophers affirm, that the ignominious Treatment, which all Men must submit to from the Gentlemen of that Profession, was decreed as a Punishment for this Degeneracy, and a proper Badge of the Subjection of our Spirits, which evaporated with our Beards, and was conformable to the Gothic Custom of asserting Dominion over a Vassal, by leading him out of Court by the Nose, which is now become a proverbial Expression. But, be that as it will, the Beards, which had been often tugged in their Country's Cause, were thrown neglected aside, to make Way for the smooth and delicate Touch of a nimble-fingered Lady, upon the Lip and Cheek of her Paramour.*

In this Business were Surgeons first employed. But, as it was entirely me-

chanical, requiring neither Judgment nor Genius, the principal Persons of the Profession neglected it altogether, and it came to be left to the *Underlings*, who acquired the Name of Barbers, from that Operation in which they were only or chiefly employed; but still they retained a Connexion with their *quondam* Profession, and were understood to be in some Degree skilled in the lower Branches of Surgery, and practiced no other than that, and shaving. And therefore it is, that, in the Application to the Magistrates, in consequence of which the Seal of Cause was granted to the Incorporation, after a Demand of a general Prohibition against all Persons, for occupying or using any Part of the Surgery and Barber-crafts, until examined and admitted; the Particulars of the Examination and Profession to be incorporated are as follows:

That the Candidate should know *Anatomia*, Nature and Complexion of every Member of the human Body. And, in like Manner, that he know all the Veins of the samen, that he may make *Phlebotomia* in due time; and also, that he know in quihilk Member the Sign has Domination for the Time: For every Man ought to know the Nature and Substance of every Thing that he works, or else he is negligent.

And it is there expressly declared, “That nae Barber, Master or Servant, haunt, use, nor exerce the Craft of Surgery, without he be expert, and know perfectly the Things above written.” And the Deliverance of the Magistrates upon this Supplication, proceeds on a Narrative,

That they think the same consonant to Reason, and nae Hurt to his Highness the King, nor to any of his Lieges; and therefore they consent, and grant these Privileges to the Crafts of Surgery and Barbers, and in so far as they may, or have Power, confirm, ratify, and approve the said Statutes, Rules and Privileges, in all Points and Articles.

This Seal of Cause is the Charter of the Privileges, both of the Incorporation of Surgeons and Barbers, and, in so far as it goes, they have an exclusive Privilege, but no farther. And from the above Enumeration of Particulars, it is clear that the Privilege now demanded was neither given, nor meant to be given; all the Articles of Skill and Knowledge required, respect the particular Branches of Surgery, which it was necessary Barbers should know; it was superfluous to mention Shaving, because the Name of Barber imported and included that; but further than Shaving, and particular Parts of Surgery, no exclusive Privilege was given.

And it is impossible to suppose, that the Use of the *Scissars* in lopping the Hair of the Head, was meant to be given by the Seal of Cause. For altho’ in its original Institution, the Barber-craft, as being invented by Surgeons, and for a

long Time practiced by them; and a Sort of dangerous Nicety in using the sharp Instrument, a *Razor*, made it proper to confine the Business to those who had some Pretences to Skill in Surgery, yet that can never apply to lopping and trimming the Hair of the Head; for that Operation has no Connexion with the Profession of Surgery; either in Point of *Nicety* or *Danger*; the Instrument, with which it is performed, is a very simple one, the least dangerous of all edged Tools, and so far from being only fit for the Hand of a Surgeon and Barber, that even *our rude Ancestors* have ventured to trust that *terrible Weapon, a Pair of Scissars*, in the Hands of every Housewife, and of every Girl who goes to School to *stitch*.

But the Profession of Hair-cutting could not possibly have entered into the Privileges of the Barbers and Surgeons. For, besides that it has no Concern with their Profession, it was no regular Employment, any more than Hair-dressing, at the Time these Privileges were granted. We had no *Essay-writers* in those Days; and therefore it is impossible to know, with Certainty, the precise Time when this useful Art arose into a Profession. And therefore all our Authority is Tradition, supported by what appears to be very weighty Evidence, the *Portraits* of the Times. The tradition goes, *that the Mistress of the Family was Hair-cutter to the whole, to which she had an exclusive Privilege, as being Proprietor of the Scissars; and the Method she took, when the Tresses of any of the Family grew redundant and luxurious, was to clap a Beker upon their Heads, and cut all away under Edges of it*. Accordingly we see, that in all *Portraits*, down to the Time that *Wigs* came in Fashion, the only *Culture* and *Manœuvre* which the Hair received, was *shedding* it in the Middle of the Head with a Comb, and *squaring* it round the *Bottom*, like the modern Method of *Jockeys* with their *Horse Tails*.

But the Introduction of *Wigs* introduced quite a different *System of Hair-cutting*, above the Reach of the *Landlady's Skill*; *Wigs* were first used by those, who, by Disease, or Accident, were deprived of their Hair; and although, at first, it would, no doubt, be attempted to make them resemble the natural Growth of the Hair, yet, when *Wigs* came to be a fashionable Dress, *the poor Hair was tortured and twisted ten thousand Ways, in order to make it resemble a Wig*; thus it was, that the modern Professions of Hair-dressing and Hair-cutting were introduced. The Barbers did not pretend to an exclusive Privilege of making *Wigs*, when *Wigs* came into Fashion, nor yet to dressing Hair in the Form of *Wigs*; but, because *Scissars are sharp*, therefore, they must have a Right to *prune* and *lop* the Hair, to prepare it for that sort of Dressing, than which there can hardly be a more absurd or senseless Pretence.

The Barbers argue, That the Privilege of cutting the Hair comes in Place of shaving the Head, which they had a Right to in the more barbarous Times, before the modern Method of Dressing was invented; but this is a Sort of *Anachronism*; shaving the *Head*, and dressing the *Hair*, being introduced at, or very near, the same Time, and none of them very remote; and of this *Portraits* are a Proof: For no sooner do we observe *Wigs* in *Portraits*, but so soon, there appears a remarkable Difference

in the *Oeconomy* of the *Hair*, and neither of them at a very distant Period; for King *Charles II.* is the first of our Monarchs, *who makes his Appearance in a Bush of borrowed Hair.*

Therefore the Defenders apprehend, that there arises no Argument from the Seal of Cause in Favours of the Exclusion here claimed, for, that there is not the smallest Appearance that such exclusive Privilege was given to the Incorporation, or could be meant to be given, as it had no Sort of Connection with the Profession of *Surgeons* and *Barbers*, as it did not exist at the Time, and when it afterwards came to exist, it was as unconnected with the Occupation of a *Barber*, as that of a *Taylor* with a *Weaver*, or any other Vocation the most opposite.

The Pursuers, the Barbers, laid a great Part of their Argument upon an Act of the Town-council in 1682, recommending it to the Surgeons, to admit a sufficient Number of Persons qualified to *trim* and *barberize*, which Terms are afterwards explained by cutting *Hair*, and *shaving Beards*; and from this they contend, that the cutting of Hair was, and had been always esteemed as the proper Business of the Surgeons and Barbers, and that none could be permitted to exercise the Employment, who was not admitted a Freeman of the Incorporation.

As to which, it is not imagined your Lordships would suppose a Privilege of this Kind granted by Implication, or that a recommendatory Act of Council is any Proof, or would give any Right, which an Incorporation had not before: That they had it not before, is evident from the Seal of Cause, at the Date of which it was not a Profession, and, when it came to be one, it was taken up, and exercised by any Person who had a-mind, that was free of the Town. Just so it was with *Wig-making*; the Barbers never pretended any exclusive Privilege to that, though one should think they have full as good a Right to the one, as to the other.

The Argument taken from this Act of Council, so far as the Defenders see, resolves into Prescription; but the Prescription of an exclusive Privilege of this kind, they apprehend, is not at all a favourable one, and, at best, would require a much stronger Possession than is here founded on. The rather, that the Business pretended to be acquired by Prescription, is quite separate and distinct from that, for which the Incorporation was erected. If any Incorporation should acquire Right, by Possession, to any particular Business intimately connected with its own, the Proof of the Possession would not require to be so clear and strong, as your Lordships would think necessary, if the Right pretended to be acquired was utterly inconnected, and independent of the original Profession of the Incorporation; for the easy Progression in the one Case, in some Measure supplies a trifling Defect in Proof, as in the other, the Reverse makes a convincing Evidence necessary.

And what is the Proof founded on here? In the 1st Place, the Act of Council 1682; but, that being only a Recommendation, can have no Effect, either the one Way or the other; it gives no exclusive Privilege, and proves none; and so far as the

Defenders know, the only Proof that could establish such a Right by Prescription, is the actual prohibiting and preventing all Mortals from using the Privilege claimed, for the Term of Prescription, and that too by judicial Acts, and *in foro contradictorio*.

The Barbers have attempted to prove, that they have been in the Use of excluding others from this Profession by judicial Acts. They first found upon a Decree of your Lordships in the 1722, separating the Surgeons from the Barbers; but that Decision has plainly no Relation to the present Question, only adjusting the different Rights of the Surgeons and Barbers, as a Commonwealth; and the Act of Council proceeding thereon is no broader than the Seal of Cause. It does indeed enact that no Man shall be received to a Participation of the Rights and Privileges of the Society of Barbers, without first being admitted by the Society, and gives the Barbers a Power to curb all Incroachers upon the Privileges established by their Seal of Cause, and your Lordships Decree; but what these Privileges were, is in no Shape mentioned, further than by Reference to the Seal of Cause, which has been above explained to your Lordships.

But, from this Act of Council the Defenders apprehend, that the Argument arises in their Favours; for, the referring the Privileges entirely to the Seal of Cause, plainly shows, that they had acquired Right to no other, than such as were therein granted; and as the cutting of *Hair* neither was, nor could be granted by the Seal of Cause, therefore, it was not acquired by the Barbers: And this is further clear, from the Barbers having neglected to get this new Right ascertained by your Lordships Decree, and the Act of Town-council upon it, which it is impossible to imagine they would have misled, had they not been conscious of the Absurdity of the Pretension.

And, with respect to the Complaints and Decrees obtained before the Magistrates in the 1742, and 1743, these can as little affect the Question; for the Question there, was not between the *Barbers* and *Wig-makers* of *Edinburgh*, but between the Barbers of *Edinburgh* and Barbers of *Canongate*, Unfreemen of *Edinburgh* and Barbers of *Canongate*, Unfreemen of *Edinburgh*, or *Curdowers*; and the Complaints are exhibited against them, not only for shaving and cutting, but also for dressing of *Hair*, and making of *Wigs* within the Town; so that this was properly an Incroachment on the Privileges of the Town, and not solely the Privileges of the Barbers; but that cannot affect the Defenders, who are Burghers, and pay the same publick Taxations that the Barbers do.

But admitting in the Argument, that this exclusive Right to cut Hair had been established by the Seal of Cause, and that the *Barbers* had been in Possession of it, while it remained a *rude* and *barbarous Art*, performed by the Assistance of the *Beker*, in Manner above mentioned; yet upon such a Change of Circumstances, as has now taken Place, in the *Government* and *Oeconomy* of the Hair, your Lordships will consider it as a new Employment, and consequently will not exclude the Defenders

from the Profession of it.

There was a Case lately determined before your Lordships, upon the same Principles, between the *Taylors* and the *Mantua-makers* of *Perth*. The *Taylors*, for some *signal Services* performed to King *William* the *Lion*, had got from him a Grant in the most ample Form, to make all Sorts of *Men* and *Womens Apparel*, and to exclude all others from doing of it within the Town of *Perth*; and this they peaceably and uninterruptedly *enjoyed*, for many Centuries. At last, a *Set of female Adventurers* arose, who called themselves *Mantua-makers*, and bereaved the *Taylors* of the better Half of their *Perquisite*, the *Womens Work*. The *indignant Taylors* complained to your Lordships, and the Plea put in for the *Damsels* was, that the *Taylors* refused to *enter them*, except upon Payment of a *larger Sum*, than they imagined all the *Benefit* the *Taylors* could give them *was worth*; and further, that by the present *Mode of Dress*, used by the *Ladies*, the making of *Mantuas* was too intricate, either for the *Head* or *Hand* of a *bungling Taylor*, although he might have been very proper for *equipping a Woman* in the *Days of Yore*, when a *Blanket* and a *Brotch* was all her *Dress* and *Ornament*.

On the other hand, the *Taylors* defended their Privileges *valiantly*, as became *them*, under the *Intrenchment* of their Seal of Cause, and the *uninterrupted Possession* they had had of *taking Measure of the Ladies*; they complained of the *Mantua-makers*, as being of that Sort of People, who, if give them an *Inch*, will take a *Yard*, for that they had offered to *enter them to the full Enjoyment of all their Rights and Privileges*, for a *smaller Consideration than they had a good Right to demand* by the NATURE OF THEIR FREEHOLD, and the *Value of the BENEFIT* proposed to be *communicated*; and they took *Pepper in the Nose*, at the Charge of *Incapacity* and *Insufficiency* brought against their *Craft*, exclaiming against the *Luxury of the Age*, and *presaging Ruin to that Nation*, where the *Women* could not be satisfied with the *Work of the Men*. But, to remove the *Objection*, these *Knights of the Thimble*, hardily *challenged their Petticoat Party to run a Tilt with YARD and NEEDLE*, or, in other Words, to a *comparative Trial*, in which, if the *Damsels* were *defeated*, they, by the Articles of *Combat*, were to *yield up the Ladies* to the *Will* of the *Taylors*, or to be INCORPORATED with them.

Your Lordships see, that this Plea of the *Mantua-makers* resolved into the same with what the Defenders now make. For, as the *modern Method of Dress*, used by the *Ladies*, occasions a separate and distinct Art in the making of it up, from that which the *Taylors* had received by their Charter, so the dressing of Hair, as it is now practised, is altogether another Profession from that which the Barbers pretend they had by their Seal of Cause: And as your Lordships *sustained* the *Mantua-makers Plea*, upon the *Incapacity* of the *Taylors* to *work Womens Work*; or rather, because you thought the *Mantua-makers* might, and could do it better, all that is incumbent on the Defenders, upon the Principle of that Decision, is, to show, not, that the Barbers are utterly incapable to cut Hair, but that they are improper Persons to be employed in that Business; or at least, that the Defenders are more proper than

they.

And, at first Sight it must occur to your Lordships, that *a greasy Barber*, covered all over with *Suds*, and the *excrementitious Parts of the Beards of nasty Mechanicks*, is no very proper *Utensil* for the *Dressing-room* of a *Gentleman*, and much less of a *Lady*. The *Sight* is enough to some, the *Smell* loathsome to many, and the *Touch* intolerable to all. On the other Hand, the Defenders, who make the cutting and dressing of *Hair*, and making of *Wigs*, their sole Employment, have none of these *nausea* about them: It is their Study and Endeavour to keep themselves *sweet* and *clean*, that they may not prove *offensive* to their *Employers*; and therefore, in Point of Conveniency, they seem to be the properest Persons for that ornamental Business. They do not insist, that the Barbers should be excluded from it altogether, and if any Body chuses a Barber to cut and dress his *Hair*, *much good may it do him*; but they apprehend, that, as they have a Right to dress Hair, and are the properest Persons for that Business, they should also be allowed the Privilege of Cutting, without which the other can be of little Use to them.

The Defenders confess, that the Argument of Conveniency arises from the *Manners* of the present Age, or if the Barbers will have it so, *from the Luxury*; but it is never the worse for that, for the whole Arts and Sciences have no better Foundation, and the *Barbers* themselves are obliged to it for the best Part of their Employment; and if we must be *luxurious* and *effeminate*, it is better so with *Taste* and *effeminate*, it is better so with *Taste* and *Elegance*, than without it. The *Barbers* don't object to the *cutting* or *dressing* of *Hair* altogether; as much of that, and let it be as *nice*ly, and as *expensively* done as possible, provided they, with their *greasy Aprons*, have the doing of it; as if a Person could atone for the greatest Height of *Intemperance*, by taking a *dirty* and *disagreeable* Road to arrive at it. The *Barbers* are precisely like the *patriot Statesmen* of the present Age, who *rail* at the *Manners* of the People, and the *Measures* of the *Government*, when they are out, and *promote* and *encourage* the same *Measures*, whenever they get in.

And whereas it was alledged before the Lord Ordinary, that the Defenders Plea tended to throw open the Door to every *Footman*, who had got the Art of *cutting* and *dressing Hair*, and should be disposed to set up Shop in these Professions; the Defenders do humbly contend, that supporting this were a certain *Consequence*, and that *every* Man of *every* Profession, had it in his Power to *exercise* the same, when, and where he pleased, no *Detriment*, but much *Benefit*, would arise to the Nation in general, from it. But as this is no proper Consideration for your Lordships, so it can have no Place in Fact of the present Question, because the Privileges of the Town exclude all *Unfreemen* from exercising any Employment within it.

Upon the whole, the Defenders are Freemen of *Edinburgh*, their Right to dress Hair is not contraverted, and they humbly submit it to the Court, if they are not the properest Persons to be employed in that, and its Accessary the Cutting:

DALRYMPLE

The Barbers have no Right, by their Seal of Cause, to this; it is a distinct Employment from theirs, neither have they proved such Possession, as will support their Claim of an exclusive Privilege.

IN RESPECT WHEREOF, &C.

HEW DALRYMPLE.

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