

the ruin goods, that they were bought as such 27. Novemb. 1723 Commis-
sioners of the Customs contra Morison. By the Civil Law growing Fruits
or Corn may be bought l. 8. pr. ff. de Contrah. empt. But the buying
Corn in the ground is prohibited in France p. venweg. de Legib. a Croq.
in l. 78. ff. de contrah. empt. With us the buying or bargaining for
growing Corns is a Branch of forestalling.

There are some things, which tho' not altogether exempted from
Commerce, the Owner cannot unerrantly sell to some Persons; as
-traded Goods to Enemies Tit. C. que res venonon poss. & Tit. C. que
-exort. non sel. Among the Israelites Land in the Country could not be
sold forever from the Family to whose Lot it fell in the original Divi-
of a Land of Canaan, but was allowed to be redeemed at any time before
the year of Jubilee, and in that year, if not redeemed sooner, it return-
of course to him that had sold or mortgaged it Levit. 25. v. 23 et seq.
But a House within a walled City etc, except such as belonged to the Levites
if not redeemed within a year after the sale was confirmed to the pur-
-chaser or ever, and did not return, no not at the Year of Jubilee Tit. 12
et seq. Which Difference was made, because Houses in walled Cities are
more the ^{fruits of the} People's own Industry, than Land in the Country; and Stran-
-gers and Profelytes were thereby encouraged to settle among them, in
they might purchase Houses convenient for such as were supposed to live
on the side. Other Things some Persons are discharged to buy tho' strict
not. Thus Factors or Factors of sequestered Estates, or interposed Persons
to their Behoof, are incapable to buy in or transact Deeds affecting the Estate.
Tit. 25 Decemb. 1708. Members of the College of Justice, or of any
inferior Court, are prohibited to buy depending Pleas upon Pain of losing their
Places and all the Privileges thereof Tit 25. Par. 14. §. 6. Because such
Persons are by their Authority or Quality able to create more Trouble to the
other Party. By depending Pleas here we do not understand Things which
-about there may be Action, but such as are actually contravened in a judicial
-Process call'd in Court and not determined 6 July 1625 Mowat contra Mil-
-lan 3 July 1635 Richardson and E. Cranston contra Riddel and Sinclair.
Thus an Advocate was found not to have bought a Plea, by taking Assignation
to a Decree, when there was no lis pendens 23 June 1600 Ruthven contra
Weir. Nor by taking Assignation to an expired Apprising, during the
Dependance of a Declarator of Expiration of the Legal: In respect
such a Declarator, wherein the Apprifer's Right was not drawn in Quest-
-ion, did not render the Apprising litigious 22 July 1607 Stewart of Ascog
contra Sheriff and Feuars of Bute. This Restraint is extended only to
Members of Courts taking Rights to Things litigated in the Courts where
they

they serve McKenzie Observ. on Act 216. Par. 14. §. 6. And doth not hinder
Advocates to buy Pleas depending before inferior Courts; or the Members
of such Courts to purchase Rights litigious before the Session. But if an Ad-
-vocate should acquire a Plea depending in an inferior Court, and go to
plead there, as an Advocate may before any Court, the Law would reach
him McKenzie. The Statute discharges only the Members of Sand Rooms
Possessions depending in Plea d. Act 216. But the Lords by Darity of
Reason extend the Prohibition, to movable Deeds and Rights McKenzie
Thos. Albert. Members of the College of Justice are discharged to purchase
Pleas for money, they are not hindered to take Rights & Pleas gratis or in
free gift 3. July 1675 E. Hume contra Hume. Because as this fact not
under any express Prohibition of Law, so it is not presumed that they
will be so seen in pursuing such Actions, as those for which they pay out
Money. Nor were it just to render these Persons incapable of Liberty
from their Friends and Relations. Rights to Pleas bought by Members of
the College of Justice etc, are not null but only a ground to deprive the Pur-
-chasers of their Offices 30 July 1635 Richardson and E. Cranston contra
Riddel and Sinclair 15 Decemb. 1713 Hume contra E. Hume. The Reason
is, because when they are deprived the Advantage they had over others, which
was the Reason of the Law is taken away. But yet this Deprivation may
happen ex accidenti, to be a very great Diminution to Persons of Service,
who are least likely to transgress the Law, it would hardly be a Diminution
to Persons of Employment of lesser Form, who are most ready to
be litigious, and the Sanction of a Law should be so interpreted as it may
effectually restrain all Suits & Sunders. Therefore it may be doubted if a
Member of the College of Justice etc, buying a Plea should not be liable to
-so to restore Damages occasion'd by his transgressing a positive Law, seeing
otherwise the Party injured is not repaired, whatever Satisfaction is given to
vindicta publica by the Deprivation. By the Roman Law, those in any
publick Office are hindered to purchase in the Places where they exer-
-cise jurisdiction, either Lands or Movables during the Time of their Ad-
-ministration, without express leave to do it, except what they consumed in
Diet and Clothing: Which Prohibition is extended to these Domesticks
l. un. C. de contrah. jud. l. 46. l. 62. ~~et~~ ff. de contrah. empt. l. 46.
§. 2. ff. de jure Fisci. By the Law of England, Nothing in Action or
Cause of Suit can be granted over to a Stranger s. Reith. 2. cap. 9. Coke
s. Inst. 214 Rawlins's Pl. Co. Lib. 5. Chap. 26. §. 1 & 7. That pretended Ple-
-as might not go to great Men to oppress the minor Sort. Which is an
-agreeable to the Civil Law l. 2. C. ne licet potentioribus. Tho' I cannot
say, but that our Law and Custom of Scotland is defective in that Matter.
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