

A LETTER From an Eminent Scots Lawyer,
To Mr. William Forbes, Concerning the
Usefulness of such a Complete Body of the
Scots Law, as he Projects.

Sir,

IN Compliance with your Desire, I send you my Thoughts of your
Proposal, without Prefacing or Ceremony.

Seeing by the 18 Article of the Union, tho' Laws concerning Regulati-
on of Trade, Customs, and several Excises, are to be the same through all
Britain; Yet the other Laws of Scotland, not Clashing with the Treaty,
Remain in Force as before, with this Difference, That such of them as
concern Publick Right, Policy and Civil Government, are Alterable at the
pleasure of the British Parliament, and those concerning private Right are
not to be Altered, Except for the Evident Utility of the Subjects in Scot-
land; such a Complete Body of the Scots Law as you project, will, in
my Opinion, be of Universal Advantage, and Especially Subservient to
the following particular Uses.

1. To know the Agreement and Difference betwixt the Laws of Britain,
will be of great Use to Members of Parliament, when New Laws are
offered, or former Laws desired to be Amended or Abrogated. 2. It will
be Expedient for the State-Ministry, and Members of Her Majesties Privy
Council, who will thereby easily understand the Laws of that part of this
Isle, in which they were not Educated: And so be in a better Capacity to
Judge of Cases concerning both Publick and Private Right, whereof many
having Relation to all Parts of the United Kingdom, will frequently pass
through the Offices of Secretary, Admiralty, and Council, &c. 3. The
new frequent and more free Intercourse betwixt the Subjects of North and
South Britain, will produce Pleas of Right to be Determin'd in the Nor-
thern Courts of Justice, according to the Law of England, and in the
Southern Judicatures, according to the Law of Scotland; as has already
been found by Experience before the Session and Exchequer: Which
will Oblige all Judges and Lawyers within the United Kingdom, to be
well Seen and Conversant in both Laws. A distinct Apprehension where-
of, cannot be easily Attained by Men of so much Business, without such
a Directory as is proposed. 4. Even Merchants and Traders will find
their Account in such a Work, who by Contracting with Persons Residing
in a Part of the Isle, whereof they know not the Laws that concern the
Quality, Circumstances and Estate of these they Deal with, are apt to run
into Snares, and Inconvenient Bargains, and to be Frustrated of such as are
Advantageous, which Inconveniences may be Prevented by Consulting
the Proposed Body of Law. 5. In short, it will have this general Effect,
to serve for Cementing the Union, and Rendering it more Complete: For
thence will appear the Excellency of the English Constitution as to the
Matter of Publick Rights; the great Affinity and Harmony betwixt the
private

private Laws of Scotland and England; Which vary little or nothing in
the Point of Substantial Justice, but only as to Form and Terms. The
Rendering of all which Familiar and more Intelligible to the whole Inha-
bitants of the Isle, will Contribute to a mutual Good Understanding.

I Promise, Sir, to my self from your Laborious Pandect, the Easie Injoy-
ment of what Choice and Useful Reading is to be found in many Volumes,
And Doubt not but the whole College of Justice Intertain the same Senti-
ments and Expectation with me: Having had such Experience of your
former Successful Performances upon Subjects hitherto Esteemed the
Crucis Juris-consultorum, and never before Treated of. I am
Edinburgh 9th November 1708. Yours, &c.

A Copy of the Lords of Session's Recommendatory Approbation of
Mr. Forbes's Proposal.

WE Subscribers, The Senators of the College of Justice, having
Considered a Proposal published by Mr. William Forbes Advocate,
That he, if Incouraged by the Government, is Resolved to Imploy himself
in making up the Decisions of the Lords of Session from November 1681,
where the Viscount of Stair left off, and also to handle the Consistorial
Maritime, and Criminal Laws of Scotland by distinct Treatises, and then
to set about the Compiling a Complete Body of the Law of Scotland, con-
taining the Harmony thereof with, and Differences from the Civil and
Feudal Laws; and shewing how far the Scots and English Law do Agree
and Differ; with Incident Comparative Views of the Modern Constituti-
ons of other Nations: Are of Opinion, That the Prosecuting and perform-
ing such a Work will be of very Great Use and General Advantage;
And Considering, That the former Treatises published by the said Mr. Wil-
liam Forbes concerning Bills of Exchange, and concerning Church-Lands
and Tithes, and concerning the Duty and Powers of Justices of Peace in
Scotland, have been Received with General Approbation, and found very
Useful, and do evidence Great Learning and Diligence: We are of Op-
inion that the said Mr. William Forbes (whom we know to be a Person of
Sufficient Capacity and Great Application) is fit to be Employed in profes-
suring the proposed Work; and that he Merits Incouragement from the
Government to Inable him to Apply the more closely to the Carrying on
of that Undertaking, to the Benefite and Advantage of the Publick. In
Testimony whereof, We have Subscribed these Presents at Edinburgh the
12th Day of November 1708 Years.

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| Ro. Mkenzie | Herw Dalrymple P. |
| Alexr. Campbell | Ro. Dundass |
| Ad. Cockburne | Lauderdale |
| Gilb. Eliot | Jo. Lauder |
| Alexr. Ogilvie | W. Anstruther |
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