

Institutes of the law of Scotland.

Mr Thomas Craig of Riccarton Advocate was the first who reduced our law and Customs into a formal treatise in his learned book de Jure Quodalis. The study whereof before was so hard and difficult to Master, that Sir Lewis Stewart of Kirkcaldy Advocate, after his Return from France, where he had for three or four Years laboured Diligently in the Civil law, Disparos of Attaining any tolerable knowledge in ours, till he fell upon this book. By the help where of he applied himself to the Bar and became Very eminent in his station. Mr Craig was the son of a Barrister of Edinburgh, who, having studied the law in France at his Return Entered Advocate, and Distinguished himself by his Learning probity and solidity of judgment. In the Year 1604 he was Named by the Parliament, and called up to London by King James 6 as one of the Commissioners of the then proposed Union betwixt Scotland and England: Where he acquitted himself to the general satisfaction of all Men. His Uncommon Modesty made him privately withdraw from the Court, when he understood that his Majesty designed to knight him with others. Which having come to the Kings Ears, his Majesty ordered, that notwithstanding he should ever after be stiled Sir Thomas Craig. But he who fled honours as much as others sought after them, never assumed that title. He died About the Year 1608 Aged 60 Years. An Edition of this Book was published at Leyden in the Year 1716 with a preface and Glossary by a French Monack Lawyer. In which that Gentleman Remarks that Mr Craig, tho his book be full of Learning, both sometimes Mistakes in point of History; that he hath not always hit the true purport and Meaning of the Customs of Normandy, which he should have divided better into, as being the source of the Customs of England; and that it is probable the Scots

England would not approve of what he says Concerning the Hereditary Right of Succession to the Crown.

Mr Alexander Bruce Advocate had sent an Abridgement of this book in Latin bearing the title of Principia Juris Quodalis printed in the Year 1713. Another short but Distinct book of our law was writ by Sir Thomas Hope of Craig Hall Advocate to King Charles first for the use of his own son, which goes under the Name of Hoopes Minor practised. Which was printed in the Year 1726. by Alexander Baynes professor of the Municipal Law in the College of Edinburgh. But many things in that little book are altered by our later Custom. The Next Great Light in the Law of Scotland was Sir James Dalrymple Viscount of Stair Lord President of the session. Whose Institutions of the Law of Scotland is a Most usefull book (because we have no better in that kind) but not to be studied ^{with} by Persons that first sitting out in the study of the law: for that it is writ in a stile so peculiarly dark, that if the Reader be not previously ballanced by some tolerable knowlege of the Law, he will not only grievously stumble, and find himself often gravell'd with many seeming Contradictions, and some real ones, but also shall hardly be able to reach the Authors Meaning of some passages. Concerning this Learned Man see more in the Preface to my Journal of the session pag. 296 300.

Sir George Mackenzie of Rossburgh Advocate to King Charles 2 hath drawn the Institutions of our Law in Miniature in a little book out of the Lord Stairs larger Volume in a More happy and Distinct stile. Wherin he observes the Method of Justinian and the English Practitioners. One Edition of this book was published in the Year with an Appendix of Notes by me, wherein the Author Mistakes are Remark'd. Another Edition was set forth by John Spotswood Advocate Anno 1723 wherein the best Notes are