

Lords of Session, and got a Yearly salary of 700 Marks from them for so doing. In the Discharge of which trust, I wrote a Journal of the Session, containing the Decisions of the Lords and their Acts of Parliament in a Continued Course from the first of June 1705 inclusive, down to the first of November 1713. Which Journal was by allowance and Approbation of the Lords and Advocates printed in the Year 1714. I have also Continued it since that time, till the end of July 1715 which Continuation lies yet in Manuscript in the Library belonging to the Faculty of Advocates. In this Journal I have taken what I thought Material in the pleadings of the Lawyers, and what further was stirred by the Lords in their Impartial Reasoning among themselves, without setting forth any more Matter of fact, than had a Necessary Connection with the points of law Determined; and pointed Carefully at the suggestions that appeared to beigh with the Lords. So that the Ingenious Reader will not only therein learn what had been sustained as Law, but will also see the Grounds and Reasons where upon it was adjudged to be so, by those Oracles whose presence is, de Jure Respondere, to Define what is Law.

17/ Mr Alexander Bruce Advocate hath Collected and printed the Decisions from 1 November 1715 where I left off till

18/ Mr Harry Home hath Collected some remarkable Decisions of the Court of Session from 22 November 1716 till the End of February 1726. In Doing whereof he Acknowledges the Assistance he had from Mr Hugh Dalrymple Lord President of the Session printed in the Year 1727

It Remains, that I say something Concerning the Advantage of Publishing the Lords Decisions from time to time.

These Decisions being Applications of Law in Various Cases, and the best Explanations thereof, furnish Notions of things for Determining parallel Cases, without the Expenses of that time and thought Employed in sitting upon them at first. Judges do thereby see, not only with their own eyes, but also with the Eyes of their Judicious and Learned predecessors, whose observations they (who being Repts upon the others shoulders can see further) may Improve to the Best Advantage. Decisions serve not only for a Directory to the Lords themselves in like Cases, according to the Rule, ubi eadem Ratio &c. And to Lawyers who have Occasion to plead before them; but also as a pattern to Judges who act in a lower Sphere, under the Controul and Correction of superior Courts to Copy after in their proceedings. Nor can it be Imagined, that the subject of Decisions is or can be Exhausted, when we daily see so great Variety of Cases, out of which the Rich Profusion of Law yet do all ways Discover something, that falls not Directly Under the former precedents, but Must be Determined by Analogy. What ever Latitude the Lords May have taken in Deciding contrary to former Unprinted Decisions, which were known only to Lawyers. Yet they have always Approved themselves very tender to alter printed Decisions; Especially in Determining Cases happening after such precedents were published, Upon the faith whereof the Lieges Might have probably transacted their Rights, or Contracted and settled their Interests. And as it is Desirable for the Lords to regard their own Decisions, that others May pay the more Respect to them: So it is Certainly better to have an ill Rule, than no Rule at all; at least to alter an Established Rule, tho' attended with some little Inconvenience, is a share to people doth Mass Commerce and Confound humane Society.

From what hath been said, it plainly appears how little