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PRINCIPLES

OF THE

LAW OF SCOTLAND.

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TO
THE HONOURABLE
LORD JEFFREY,
ONE OF THE JUDGES IN THE SUPREME COURT OF SCOTLAND,
AND SENATOR OF THE COLLEGE OF JUSTICE ;
TO WHOM, IN HIS SUCCESSIVE STATIONS IN THE SERVICE OF HIS COUNTRY,
AS DEAN OF THE FACULTY OF ADVOCATES,
AS LORD ADVOCATE OF SCOTLAND,
AND AS
MEMBER OF PARLIAMENT FOR THE CITY OF EDINBURGH,
THE FORMER EDITIONS OF THIS WORK
WERE PRESENTED ;
THIS FOURTH EDITION IS INSCRIBED,
IN MEMORY OF VERY EARLY AND LONG CHERISHED FRIENDSHIP,
AND IN TESTIMONY OF HIS ACKNOWLEDGED EXCELLENCE
AS A JUDGE.

ADVERTISEMENT

TO THE FOURTH EDITION.

I HAVE made important additions to the text of this edition ; Since the former edition was published, many decisions have been pronounced, both here and in England, greatly affecting the doctrines and rules of law : and several statutes have been passed, by which changes have been made both in legal doctrine and in matters of form. I have endeavoured, in a careful revisal, to incorporate this new matter in the present edition, in fulfilment of that duty which is most especially necessary in what is meant for students and the younger part of the profession.

In this work, and in the three volumes of Illustrations, I have completed my original design. My purpose was to exhibit for the use of students, and for the sudden occasions of practice, a concise and clear statement of the principles and rules of the law ; with proofs and illustrations from decided cases of their practical application in the actual business of the bar : And I am happy to learn, that, in the opinion of the profession, I have in some measure accomplished my object.

UNIVERSITY OF EDINBURGH,
1st Nov. 1839.

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LIST OF REPORTS OF SCOTTISH CASES.

Scottish Cases may always be found by turning to the Reporter for the time. The subjoined List will enable the Reader to refer at once to any Collection according to the date. During the revisal of part of this volume, I have been favoured with the perusal of some of the proof sheets of the late Baron Hume's Cases.

Durie,	11th July 1621 to 16th July 1642.	
Spottiswoode,	1623	1636.
Gilmour,	July 1661	June 1666.
Dirleton,	Dec. 1665	June 1677.
Gosford,	1668	1677.
Stair,	1661	1681.
Falconer,	Nov. 1681	Dec. 1685.
Sir P. Home,	1681	1688.
Harcarse,	1681	1691.
Fountainhall,	6th June 1678	30th July 1712.
Dalrymple,	June 1698	21st June 1720.
Forbes,	8th June 1705	30th July 1713.
Bruce,	Nov. 1714	31st Jan. 1717.
Kames' Rem. Dec. v. i.	22d Nov. 1616	27th Feb. 1728.
Edgar,	21st Jan. 1724	31st July 1725.
Kames' Rem. Dec. v. ii.	Feb. 1730	June 1752.
Elchies,	1733	1754.
Kilkerran,	1738	1752.
Lord Monboddo,	25th Nov. 1738	16th Nov. 1759.
Clerk Home,	25th Nov. 1735	28th July 1744.
Falconer,	9th Nov. 1744	21st Dec. 1751.
Kames' Sel. Dec.	14th Feb. 1752	25th Nov. 1768.
Lord Hailes,	8th March 1766	22d July 1791.
Tait's Cases,	1762	1779.
Bell's 8vo Cases,	1790	1792.
Bell's folio Cases,	1794	1795.
Faculty Collection,	1752	1839.
Baron Hume,	1781	1832.
Shaw and Dunlop,	1821	1838.
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Robertson,	1707	1726.
Craigie and Stewart,	1726	1743.
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Bligh,	1819	1828.
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N.B.—The Cases in the three volumes of ILLUSTRATIONS of these Principles will be found under the corresponding sections.
The Cases in Scotland and England more recently decided, and referred to in this volume, must be examined in the original Reports.

LIST OF REPORTS OF ENGLISH CASES.

KING'S BENCH.

Burr.	Burrow's Reports, 1756 to 1772, 4 vol.
Cowp.	Cowper's Rep. 1774 to 1778.
Doug.	Douglas's Rep. 1778 to 1782.
Term Rep.	Term Reports, 1785 to 1800, 8 vol.
East,	East's Rep. 1800 to 1812, 16 vol.
Maule and Sel.	Maule and Selwyn's Rep. 1813 to 1817, 6 vol.
Barn. and Ald.	Barnwell and Alderston, 1817 to 1822, 5 vol.
Barn. and Cress.	Barnwell and Cresswell, 1821 to 1829, 9 vol.
Barn. and Ad.	Barnwell and Adolphus.
Ad. and Ell.	Adolphus and Ellis.

COMMON PLEAS.

Blackst.	Blackstone's Rep. 1746 to 1780, 2 vol.
H. Blackst.	Henry Blackstone, 1788 to 1796, 2 vol.
Bos. and Pull.	Bosanquet and Fuller, 1799 to 1804.
N. R.	New Reports, 1804 to 1807, 3 vol.
Taunt.	Taunton's Rep. 1807 to 1819, 8 vol. <i>continued.</i>
Marsh.	Marshall's Rep. 1813 to 1816.
Moore,	Moore's Rep. 1817 to 1819.
Brod. and Bing.	Broderip and Bingham, 1819 to 1822, 3 vol.
Bing.	Bingham, 1822 to 1830, 6 vol.
Bing. N. S.	Bingham, New Series.

EXCHEQUER.

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Price,	Price's Reports, 1814 to 1829.

CHANCERY.

P. Will.	Peere Williams, 1695 to 1734, 3 vol.
Str.	Strange, 1715 to 1747, 2 vol.
Atk.	Atkin's Rep. 1736 to 1754, 3 vol.
Amb.	Ambler, 1737 to 1784.
Ves.	Vesey, Senior, 1746 to 1755, 2 vol.
Vesey, J.	Vesey, Junior, 1789 to 1812, 19 vol.
Ves. and B.	Vesey and Beames, 1812 to 1814, 3 vol.
Meriv.	Merivale's Rep. 1815 to 1817, 3 vol.
Swanst.	Swanston, 1818 to 1822, 3 vol.
Jac. and W.	Jacob and Walker, 1819 to 1821, 2 vol.
Jac.	Jacob, 1821, 1822.
Turn.	Turner, from 1822.
Russ.	Russell, from 1824.
R. and M.	Russel and Mylne.

NISI PRIUS REPORTS.

Esp.	Espinasse's Rep. 1795 to 1807.
Camp.	Campbell's Rep. 1807 to 1816, 4 vol.
Holt,	Holt's Rep. 1812 to 1816.
Starkie,	Starkie's Rep. 1814 to 1823, 2 vol.
Gow,	Gow's Rep. 1818.
R. and M.	Ryan and Moodie, 1823 to 1826.
Mood. and Malk.	Moodie and Malkin, 1826-7, <i>continued</i> .
Pay. and Car.	Payne and Carrington.

