

DICTIONARY AND DIGEST
OF THE
LAW OF SCOTLAND



BELL'S
DICTIONARY AND DIGEST
OF THE
LAW OF SCOTLAND

SEVENTH EDITION

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EDINBURGH
BELL & BRADFUTE, 12 BANK STREET
LONDON: BUTTERWORTHS, 7 FLEET ST.
Law Publishers to the Queen's most excellent Majesty

MDCCCXC

NEILL AND COMPANY,.EDINBURGH,
GOVERNMENT BOOK AND LAW PRINTERS FOR SCOTLAND.

PREFACE TO THE SIXTH EDITION.

THE WORK which has long been familiar to the Legal Profession in Scotland as "Bell's Dictionary" is said to have been originally projected by Professor George Joseph Bell. The first two Editions, published respectively in 1807 and 1815, were compiled by Mr Robert Bell, W.S. Their design was comparatively limited, and they contained little more than a short and popular explanation of Scottish law terms, with hardly any reference to authorities. A Third Edition, by Mr William Bell, Advocate, was published in 1827. The first part of this edition was planned on a larger scale; but in the latter portion the limited scheme of the earlier editions was reverted to. In 1838, Mr William Bell's "Dictionary and Digest of the Law of Scotland" was published. This work was executed on the enlarged scale which had been foreshadowed in the Third Edition of the former Dictionary. But the "Dictionary and Digest" claims to be a New Work, and not in any sense a New Edition of the former work. Its design is, besides explaining law terms and phrases, to digest and embody in alphabetical order, according to the subject-matter, all that is practically valuable in the works of the Institutional Writers. The law is frequently expressed in the very terms used by these writers themselves; and every statement is supported by reference to authority, whether of statutes, or of adjudged cases, or of the text writers. Another Edition of this Work, by Professor Ross, was published in 1861.

In preparing a New Edition, adapted to the existing state of the law, the present Editor, after much consideration, came to the conclusion that his best course was to adopt Mr William Bell's edition of 1838 as the text or groundwork, and to distinguish all additional matter by the use of square brackets. As a general rule, Mr Bell's exact words have been retained, in so far as still correctly representing the law; and where the law has been altered since 1838, if a statement of the former law has been deemed desirable, Mr Bell's statement is retained, with such necessary alterations as substituting the past for the present tense of verbs, and the like. With the exception of these unimportant changes, *all the matter that is not enclosed*

within square brackets is a reprint from the Edition of 1838; and all the matter that is enclosed within square brackets has been added by the present Editor. This method has the double advantage of preserving the authority due to Mr Bell's statement of the law, and of enabling the reader at a glance to distinguish the modern law from that which had already been settled in 1838.

To compress the Law of Scotland into a single volume is a more arduous labour now than it was half a century ago. The enormous growth of Case and Statute Law since that period has made it necessary to add much that is wholly new, as well as to recast much that had been written by Mr Bell. The Editor has given his best efforts to the difficult task of condensation. His aim has been to present a clear and concise statement of the leading principles of the law on each subject. For a more exhaustive exposition than the limits of this work have permitted, the Editor has endeavoured to refer the reader to the best sources of authority. In particular, he has sought, by copious but carefully selected citations, to supply a trustworthy guide to the more recent decisions of the Courts.

The Editor desires to acknowledge his obligations to Mr Andrew Mitchell, Advocate, by whom the articles on BANKRUPTCY, INSOLVENCY, and SEQUESTRATION IN BANKRUPTCY were written, and to Mr W. D. Thorburn, Advocate, who contributed the articles on JOINT STOCK COMPANIES and SHIPPING LAW. For the rest of the matter enclosed within brackets (with the exception of the Styles appended to the article WILL, which were furnished by a practical Conveyancer), the present Editor is responsible.

The articles relating to CONVEYANCING have been entirely recast, in conformity with the recent series of statutes. The law of MARRIAGE and the law of MASTER AND SERVANT have been in recent years considerably modified by statute and developed by judicial decision; and the articles on these subjects are substantially new. That portion of the article on INSURANCE which treats of Insurance upon Lives has been entirely re-written; and other articles on Mercantile Law, *e.g.*, SALE, PARTNERSHIP, PRINCIPAL AND AGENT, have been more or less remodelled. The modern Scottish systems of Poor Law and of Education have been described in the articles POOR and SCHOOLS, with as much fulness as is compatible with the scheme of the Dictionary. In the article ELECTION LAW, Mr Bell's account of the old system of Parliamentary Election has been retained, with some abridgment; and the existing system is described in the latter part of the article.

The more ordinary terms of English law are briefly explained; and the English authorities, where applicable to our law, have been largely referred to throughout the work.

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In referring to text-books, the pages of the most recent editions, at the time of going to press, have been cited. In referring from one page to another of the Dictionary, the letters *a* and *b*, affixed to the number of the page, have been used to denote respectively the first and second columns of the page.

While much addition and alteration have been found necessary, the Editor has endeavoured to preserve the general scheme and proportion of Mr Bell's work ; and he trusts that this publication will prove as serviceable to the legal profession and to the public as the former editions have been in their day.

G. W.

EDINBURGH, *October* 1882.

PREFACE TO THE SEVENTH EDITION.

The Statutes and Decisions of the last seven years have furnished ample materials for the preparation of a new edition. But besides bringing the book down to date, the Editor hopes he has increased its usefulness by adding new articles, and supplementing many that were formerly defective.

The articles on BANKRUPTCY, INSOLVENCY, and SEQUESTRATION, which were written for the last edition by Mr Andrew Mitchell, Advocate, have been revised by him. The article on JOINT STOCK COMPANIES, which was written for the last edition by the late Mr W. D. Thorburn, has been revised, and considerably enlarged, by Mr J. Campbell Lorimer, Advocate.

G. W.

3 FORRES STREET,
EDINBURGH, *December* 1889.

