

A
Great Body of the Law of Scotland
containing

the Harmony thereof with, and Differences
from the Civil and Criminal Laws; and shewing
how far the Scots and English Law do agree and
differ; with incident comparative Views of their own
Constitutions of other Nations in Europe.

Vol. 1.
Comprehending the
Private Law.

A
Preliminary Dissertation
concerning

Law in general, and the several Kinds of it; as the
Divine, Natural and Positive Laws, Humane Law of Nations,
and Civil Laws, the civil Law of the old Romans, the
Canon and Feudal Laws, and the Municipal Law of Scot-
land; and how that Law is raised, founded on and influ-
enced by these other Laws.

There is no Term of which Men have a more confused and com-
mon Apprehension than that of Law.

Law is taken in a twofold Sense, 1^o for the Command or precept
of a Superior Power, obliging Subjects to act or not to act under
a Penalty. 2^o for a Science or Collection of such precepts.

Chap. 1.
Of Law considered as the Command of Sovereign
Power.

Law in this Sense may be divided with respect to its efficient Cause,
or different Authors, into Divine, and Humane.

1^{mo} The Divine Law is either Natural, or Positive.
[1] By the Law of Nature I don't understand those Dictates which
Nature, that is God the Author of Nature hath taught all living
Creatures: as the Copulation of Male and Female, Generation and
Education