

little ground thereof for the the Common objections  
against observing the Lords Decisions.

Some Complain we have too Many Collections  
of Decisions, fancying as Palligula did when he pro-  
jected the burning of all law books then extant,  
that Equity would run clearer and Justice brisker,  
when the Niches and peripheries of the law  
were gone: as if for fault Parabrime Equity, Law  
Judges too Convents of Men were to be referred  
to grave Resolutions of Great Masters in Justice  
and Judicature.

Others cry out against showing due regard to  
Decisions of the session, for that many of them do  
Contradict one another. such may please to consider  
1<sup>o</sup> that no Judges in any other Nation have Reason to  
boast of more Uniformity in their proceedings, than  
the Lords of session might easily be demonstrated  
by running the parallel betwixt that and other fore-  
ign Courts. 2<sup>o</sup> Many Decisions which at first view  
may seem to clash together will upon a more narrow  
consideration of specialities be found very compa-  
table. 3<sup>o</sup> Alteration of Decisions may be accounted for  
Distingwendo temporai wherein process of time the  
Reason of an old Decision comes to pass, or a contrary  
more cogent Reason takes place. Inhibition in the  
days of York, when trading in Scotland was not much  
thought on affected Moorsables as well as herstages.  
But now when Commerce is increased, the effect of  
that Diligence is restricted to herstages. For that  
same Reason, the preference newly in use to  
be given to wives for the provisions in their Con-  
tracts of Marriage, in Competition with personal  
Creditors of their dead husbonds, is now justly de-  
nied to them by the Lords. Again, the effects of Gen-  
eral Delinquencies are generally extended and favour-  
ed by our old Decisions: because if appeals (whether  
had their feet gated) ought to have been more ob-  
servant

vant of the terms thereof, whether Express'd or Implied in  
the Nature of the General Contracts. But later Decisions, more  
that feet are purchased for Associate or various causes, Gene-  
rally restrict such Injunctions, and Delinquencies as odious  
and Unfavourable.

It may be here observed, that some Decisions are Different  
by Marked by the Lord Stewart and Dirlotain. As those following  
31 July 1666. Gordon contra Keith, vid. Vol. 1 pag. 420. 20 December  
1665. M. Wood contra Young vid. vol. 1 pag. 889. 1650. And the case  
betwixt Gordon & Pittsige Marked by Dirlotain 12 November  
1674 And by Stewart, December 1674 vid. Vol. 1 pag. 819

Monological treatises upon some par-  
ticular subjects of the Law.

For George M. Lewis hath writ a treatise of the Law and  
Customs of Scotland in Matters Criminal in date to Anno 1670.  
In the second Edition whereof in folio in the Year 1699 for Alex-  
ander featon of Pitmedden some time a Senator of the College  
of Justice, added by way of Appendix a treatise of Mutilation  
and Emendation.

The said for George hath also published some obser-  
vations upon the Act of Parliament, 1621 Against Bankrupts:  
wherein he is more full than in his General Book of  
Observations on the Acts of Parliaments. He hath also left  
behind him three imperfect treatises one of Gifts, ano-  
ther of Leases, and a third Concerning Actions: All which  
are but rude Sketches of what he intended, or at least  
might have been expected from him, had he been spared  
to finish what he had scarce well begun.

I have published several Books upon particular subjects  
of the Law of Scotland as

1<sup>o</sup> A Methodical treatise concerning bills of Exchange,  
whereof a second Edition corrected and improved with  
large Additions is Printed in the Year 1718.

2<sup>o</sup> I wrote a treatise of Church lands and tithes published  
in the Year 1705. Upon which Mr James Gordon Parson  
of Banbrhie Author of the Book Intituled The Reformed  
Bishop, wrote a furious Erroneous and Scurrilous  
 pamphlet