

# Contents

Preface	vii
Acknowledgements	ix
Introduction	x

## FOUNDATION AND CONTINUITY

1 From <i>Claves Curiae</i> to Senators of the College of Justice: Changing Rituals and Symbols in Scottish Courts	3
2 English Looters and Scottish Lawyers: The <i>Ius Commune</i> and the College of Justice	22
3 <i>Ius Civile</i> in Scotland, c 1600	34
4 The Law, the Advocates, and the Universities in Late Sixteenth-Century Scotland	67
5 Scottish Law, Scottish Lawyers, and the Status of the Union	88
6 Natural Law, National Laws, Parliaments, and Multiple Monarchies: 1707 and Beyond	115
7 Attitudes to Codification and the Scottish Science of Legislation, 1600–1830	144

## SIGNIFICANCE OF DUTCH HUMANISM

8 Importing our Lawyers from Holland: Netherlands Influences on Scots Law and Lawyers in the Eighteenth Century	223
9 Three Unnoticed Scottish Editions of Pieter Burman's <i>Antiquitatum Romanarum brevis descriptio</i>	242
10 Legal Study in Utrecht in the late 1740s: The Education of Sir David Dalrymple, Lord Hailes	253

## DEVELOPMENT OF THE LEGAL PROFESSION

11 The Formation of the Scottish Legal Mind in the Eighteenth Century: Themes of Humanism and Enlightenment in the Admission of Advocates	303
12 Advocates' Hats, Roman Law, and Admission to the Scots Bar, 1580–1812	330



- 13 Alfenus Varus and the Faculty of Advocates: Roman Visions  
and the Manners that were Fit for Admission to the Bar in  
the Eighteenth Century 371

BLACKSTONE, FEUDALISM, AND INSTITUTIONAL WRITINGS

- 14 Craig, Cujas, and the Definition of *Feudum*: Is a Feu a Usufruct? 401
- 15 Blackstone, an English Institutist: Legal Literature and the Rise  
of the Nation State 413
- 16 Eighteenth-Century Professorial Classification of English  
Common Law 462
- 17 Blackstone, Kahn-Freund, and the Contract of Employment 482
- 18 The Moveable Text of Mackenzie: Bibliographical Problems for  
the Scottish Concept of Institutional Writing 498
- Index 515

