

The Regiam Majestatem is one of the books about which controversies have raged. Regarded as genuine by many, it is denounced by others as spurious. It has been held that Glanville was copied from the Regiam Majestatem. It has also been held that the Regiam was copied from Glanville, in a cunning attempt to Anglicise the Scottish law. Whichever way belief tends, the inherent interest of the volume is sure.

A sample of the law in Regiam Majestatem is this Chapter *Of Pactions*. "Paction is the consent of twa persons or moe anent the giving and receiving of ane thing. (2) Ane paction is nocht quhen ane consent is given anent ane thing quhilk is trew, or quhilk is false: for, gif twa or more persons consent to this false proposition, William is an oxe; or to this true proposition, William is ane man; sic consent is nocht ane paction, non saie way obligatour; for neither of the parties is oblissed to other be sic ane consent. (3) And quhere I said that paction is the consent of twa or moe persons, thereby paction is different fra pollicitation, quhilk is ane hecht or promise of ane person onely. (4) Paction is driven and hes the name fra *pax* and *actus* (that is, from ane action or deid of peace) for they quha makes pactions haveand divers opinions and contrarious motions of minds, after divers and many strifes and contentions, peaceablie convenes and agries in ane constant will and uniforme sentence. (5) Or, paction is driven fra percussio, or striking together of hands; for in auld times, in contracting of obligations, the use was to shaik hands, in signe and taken that faith and trueth sould be keiped by the makers of the paction."

"Item, There is twa kinds of pactions, some are profitable (lawful) and others are unprofitabill (unlawful).

"(2) Profitabill are they, quhilk are not unprofitabill."

After this somewhat obvious statement, subsequent paragraphs are mainly devoted to unprofitabill pactions, ending with "Ane paction quhilk is filthie, or is impossibill, is in no waies obligatour."

"We decerne and ordeine all pactions to be keiped, quhilks are nocht to the detriment or hurt of the saull."—*Legal Bibliography*.