

COPY of the SECOND OPINION of JAMES WILSON, Esq., Scotch Advocate, on a Case, &c. submitted to him as to the Titles of the Earl of Stirling.

Lincoln's-Inn, 15, Serle Street,
12th November 1829.

I am of opinion, that by the service and retour in the preceding page, the claimant has established his character as nearest lawful heir, &c., and acquired, and vested in his person, the dignities possessed by his ancestors. Having so clothed himself, in the form required by law, with that character, the peerage, rank, and dignity of his ancestors drop on him by descent. He does not require any further or ulterior proceedings for the purpose of completing the investiture of these honors. I see no authority in the law of Scotland, for requiring that a claimant to a Scotch Peerage must, in order to complete or perfect his right, apply to the House of Lords for allowance of dignity. No person disputes or challenges the right and title of the claimant; on the contrary, he is known and recognized as the Earl of Stirling; has publicly exercised the privilege of a Peer, by voting in the election of a Representative Peer of Scotland; and his vote has been received without dissent by the assembled Peers. In my humble opinion, were he to go to the House of Lords by petition, for allowance of dignity, he would be confessing a doubt of his own character, surrendering the rights of the Scotch Nobility, and recognizing a jurisdiction in this particular not made imperative by the treaty of Union. Still, a party claiming the dignity of a Scotch peerage may, if he choose, try the experiment, whether the House of Lords will entertain his claim and decide upon it; and there are instances in which the party has so applied, and the House so acted. But as far as Scotch authorities enable me, on principle, so to judge, I consider such applications, except in cases utterly distinct and different from the present, to have been merely optional in the party, and probably resorted to from motives of convenience.