

ceedings to accomplish that object were commenced, though discontinued for want of the document itself. The map was then brought over by a son of Lord Stirling, who had been sent over to fetch it about the close of October 1837, and presented on the 25th of November to the Court of Session. This step appears to have been premature, and Lord Stirling, who looked upon such presentation to the Court as a mere form to break the seal of the cover in which it was enclosed, was surprised to learn that the Clerk of the Court had taken possession of it, and that, instead of sending the document back to France as originally intended, a commission would be applied for to Paris in order to obtain and complete any other verification. He was told that it would be imprudent, as well as impossible, to send the document otherwise, such proceeding being the *regular course according to the law of Scotland*. Thus the document, in a sort of *half-proved* state, was literally impounded.

The consequence of this hasty proceeding has been since severely felt. This course, however, having been pursued, Lord Stirling in vain demanded, from November 1837, permission to proceed to proof by commission; he was really tied hand and foot. And it is scarcely to be believed that, in any other case, an application of so reasonable a nature, an application too in conformity with the usual course of proceeding in Scotland, could have been refused by the Crown counsel. Why such a course was refused Lord Stirling it is not difficult to imagine. Had he failed to prove the document in the manner required, it would *then* have been the time, properly speaking, for proceedings against him, if the Crown thought it had any ground for so doing. They would have had an opportunity, and ought to have produced, or, as the Scotch lawyers have it, have *led*