

No. 6.

COPY of the FIRST OPINION of JAMES WILSON, Esq., Advocate, upon the following question, with a brief statement of the facts out of which it arose, being submitted to him, *viz.*

Taking into view and perfect consideration the preceding statement,

Your opinion is requested,

Whether the Earl of Stirling has not acted with propriety in taking upon him that title; and whether, having been received in that rank, and exercised his right of voting among his co-Peers, he has not sufficiently invested himself in his honours according to the law and usage of Scotland, without any occasion of applying to the House of Lords for allowance of his dignity, until called there by competitorship, or by protest, and then put under the necessity of maintaining his right of succession to his title, &c.

OPINION.

If the documents and evidence by which the Earl of Stirling made out his claim, be clear and explicit, I am of opinion, that, having on that evidence published his character and *Status* by the general service, and assumed the honours and dignities of the House of Stirling, and having exercised the privileges attendant on those honors, he need not apply to the House of Lords for allowance of his dignity. No doubt, if the title had been an English title, it is probable that, on account of the time it lay dormant, the Lord Chancellor would not have issued a writ of summons without a previous examination of the Earl's right; but as matters stand, it may be as well to rest in the open enjoyment of the honours and dignity until they are challenged.

The opinion of

(Signed) JAMES WILSON.

15th December 1823.