

died without a wife, he might then dispose of one moiety, and the other went to his children; and so, *e converso*, if he had no children the wife was entitled to one moiety, and he might bequeath the other; but if he died without either wife or issue, the whole was at his own disposal. The shares of the wife and children were called their *reasonable* parts; and the writ *de rationabili parte bonorum* was given to recover them.” This right to the *rationabilis pars* still continues to be the general law of Scotland. By this a man’s movables are divided into three parts:—1. The *Dead’s part*; 2. The *widow’s part*, or *jus relictae*; 3. The *Bairns’ part*, or *jus legitimum*, a phrase which approaches the German word ‘Pflichttheil,’ which I have been obliged to render by a paraphrase. (See Burton’s ‘Manual of the Law of Scotland;’ *Private Law*, p. 105.) —TR.

[*] I have been much indebted in the above remarks to the speech of Mirabeau on this subject; and should have availed myself still further of his reasoning, had not he proceeded from a wholly different point of view from that adopted in this inquiry. (See ‘Collection Complète des Travaux de M. Mirabeau l’Aîné à l’Assemblée Nationale,’ tom. v. pp. 498–524.)

[*] Thl. 2. tit. 20. § 95.

[*] According to the law of England, a man may not be tried twice for the same crime; and the plea of *autrefois acquit* is a bar to any indictment. But it has been the practice in some countries to suspend decision, as it were, where the guilt of the criminal is not sufficiently proved, and so leave it open to the prosecutors to renew the trial whenever more conclusive evidence is found,

[*] Chapter IX.

[*] According to this system, agriculture alone gives a clear profit or surplus over the yearly expenditure and original outlay, such as the cost of clearing, etc. Hence, agriculturists alone constitute the productive class; the other industrial classes are not productive; and between these come the landowners: the productive class creates the means of subsistence for the others and the material of their labour, and hence retains them in its service, as it were, for board and wages. Hence it follows that all impediments should be removed from agriculture, but also from industry and commerce, since in this way the unproductive expenditure is lessened and commodities become cheaper. In order, then, not to disturb industry and activity, the pure products alone should be taxed, and there should be but one tax, and that upon the land. See Quesnay’s ‘Tableau Economique,’ 1758; Adam Smith’s ‘Wealth of Nations,’ *passim*; Hume’s ‘Essays and Treatises on Several Subjects,’ London, 1753, vol. iv. p. 8, etc.