

laded laded baggage) 500 Marks for a piece (or one halving
 ring for a single) 200 Marks for an Unladed Gentleman
 (or a burgess without Aid) and 100 Marks for a Common
 del 166 July 13. F. 6. Which penalties are Determined Accord-
 ing to the quality of the person charged to find surety, but
 this matter I have handled more fully in the first Volume
 pag. 940 at 597. id 598.

The Criminal Court also doth exact caution of law
 borrow in prosecution before them. But the particular
 pains of law borrow in ordinary Civil cases be deter-
 mined by law; yet in Criminal cases, because of the
 Importance and Danger thereof it left to the Discretion
 of the Judges, to cause persons find caution of law borrow
 under what penalty they please. It is also observed
 Act 27. ch. 13. F. 4.

One being indicted at the first instance of two private
 persons, with the concurrence of their Advocate, for having
 conspired to take away the lives of those private persons
 by a Plot that or otherwise, and find that he is guilty
 and concludes that he ought to be imprisoned during
 the life time of the pursuers for their greater safety, and
 during imprisonment with the pains of law. It was supposed
 for the Honour of the design of a Criminal process is
 to punish Crimes actually committed and not to find
 out Mollers to prevent the Commission of them. If sin-
 gle threats without any attempt to put feet the water
 in Execution do not amount to a Crime at law. If the
 Punishment of perpetual Imprisonment is not a Barran
 ted by the laws of Scotland even for Crimes committed
 and far less for preventing the Commission of Crimes,
 the only legal Remedy in that case, being to oblige
 those suspected of any bad Design against their King,
 bond person or Goods, to find caution of law borrow,
 which the pannel had already done. Required for the
 punishment of them do not so much respect to have that bond
 be a Crime, as that since they have ground
 to apprehend they may be in Danger of their lives,
 from the Pannels threatening them in so outrageous
 a manner, the Law is not provided it to prevent

Crimes as well as punish them, may fall upon a Mollard
 to put the persons of the Complainers in a safe place
 city which can no other way be done, than by imprisoning
 the Pannel during their lives, which is conform to law and
 the System of Nations. All the ordinary cases where per-
 sons dread harm from another in their bodies and other
 other Evidences of their ground of fear than their own oath,
 it is ordinary to make the party complain'd of find caution
 of law borrow. Yet where the Danger appears to be
 less than the taking away of a life, and the Ground of
 apprehension is restricted by a legal planary process, more
 effectual Remedy may be apply'd, at least the Judges are
 in use to oblige the persons suspected, to find caution
 in a higher sum. Then the Court the libel as libell'd
 relevant to oblige the Pannel to find caution for keeping
 the pursuers harm less and shall be left under the pains
 of such a sum of Money as the Lords shall find fit. And the
 10th November 1712 Explain'd in an Act. 1712. 1713. 1714. 1715.
 persons without Benefit of Clergy knowing to send any Letter, or to send
 with a malicious name, or sending any Barron or other malicious thing of force. cap. 22. 11.