

Merchant goods committed to his trust without account
or paying for the same, was found not Relevant to pursue
a Criminal pursuit in July 1683 James Thompson By the law
of England, a servant of the age of 18 (who is not an Appren-
tice) going away with goods to the value of 40 Shillings the
king of his master or Mistress is holden him to keep or
Embosiling or Converting them to his own use with an In-
tention to steal them, is guilty of felony 21 H. 8 cap. 7. Which
is to be understood only of such as were servants to the
owner of the goods both at the time when they were se-
cured, and also at the time when they were stolen off
pl. Cr. 63. Hawkins pl. Cr. lib. 1 Chap. 33 § 12. Sometimes
the ordinary punishment of theft is mitigated with
Mercy, upon the offenders frankly Confessing, and coming
in with. Gluist one who Confessed and came in with for
the stealing of wools 15 November 1636 To his Lord and a
servant Confessing and begging pardon for stealing fish
silver spoons from his Master 3 March 1639 William
Bar was only adjudged as Recruits to serve with
abroad. A person who came in with for stealing 9
of a badens Granary 18 June 1624 James Grogan a
servant for stealing and disposing of a Coffin with
Jewels and Money belonging to his master, having
been Confessed with an Appearance of Penitence for the
fact, and coming in with, and the Master having In-
tended to save his life 31 March 1647 John Mass
was only banished. A Man and his son being found
guilty of stealing Noll goats and sheep, the son
being within 16 years of age and having Confessed
and offered himself in with, was only banished
when the father was adjudged to be hanged 21 July
1624 Adis Wfhor and William Wfhor.

2^d The punishment of theft is greater or less
accord with respect to the things stolen. Criminal
-gated, the stealing herd of cattle viz. 10 sheep for

or five joints, one horse or one ox or four out of a flock
or Cattel house or out of the folds where they are pasturing,
is punished by the Civil law some times more and some times
less severely according to Circumstances, Int. P. 3. Abigail.
But now by the Custom of London, the stealing out of one
sheep is punished capitally by the Statute ad. pl. De Abig. 15
Edward. ad. pl. De Abig. 15. Elizabeth. Vol. 4. Titul
203 n. 4. In Scotland sometimes persons have suffered the
capital, and some times only an Arbitrary punishment for
sheep stealing or horse stealing, according to Circumstances.
This persons have been hanged for sheep stealing
14 June 1619 And row Dods 14 December 1615 Silvan
Miller. 1 March 1627 Thomas & White. This one was han-
ged upon his own Confession that he stole 90 sheep out
of the city and restored them again to the owner 3 Feb.
1663 John Watson But a man was found in the prison
and banished two shires for stealing and killing of
sheep 24 January 1662 John Rad. This another was ban-
ished the shire and ordered to find Ransom to keep
the King peace for stealing two sheep 16 December 1712
William Riddies Again, one was adjudged to be hanged 30
11 March 1590 Alexander Selhew others for stealing
January 1674 Davidson Wallace and Smith, for stealing
three oxen 23 October 1610 George Brown. This another
suffered the like punishment for stealing two oxen
7 June 1614 William Mudd to town. But yet a man for
stealing a horse out of a Park, was only adjudged as a
Recruit to serve abroad in the year of December 1627
James Purves. The spending a way for stealing Men and
Children in order to sell them is by the law of M of S
(Exod. 21. 16. Deut. 24. 7) the Civil law (L. 1. § 1. De Leg. lib.
de Plag. l. 7. § 1. l. 1. C. ad L. § 1. de Plag.) and the Canon law
(C. 12. de furis) punishable with Death. Which Crime is
called Plagium, either because the offender takes away
or Habia plagis Damnaletur, was condemned to be hanged