

509. Malicious to justify them against the Restorers passing by the Principal offender: Yet that providence gives us Indemnity to the Restorers, more than the Benefit of his sufficient Compulsion to heirs and Cautions, can hinder them to be sued for their Job, if the person who should be Discussted is bankrupt, and nothing can be got from him. Quarta 30^a of the Principal thief is understood to be Discussted, by his being bitid and Denounced fugitive for not appearing, in due or provided against the Restorers: seeing in that case the principal takes guilt upon him by his flight & Quarta 31^a He is one Accuser of Rest of Theft Contained there an a third tid the principal thief was first Discussted: M^o 1^o tid Yet the Relevancy of the Crime of Rest of Theft and Rest before? Especially when the principal thief and Rest are Convicted together upon the same Indictment, which answers all the pretended ends and uses of the Restoffe Discussting the Principal thief before attacking the Restetter. But after all this privilege of Discusstion, of no farther use to the Restetter than when Law allows persons to be pursued as wit and part of Crimes Act 15th Car. 2. s. 6. saying Rest off Theft is a Crime of it self, and a Man whose goods are stolen finding them in the hands of one who cannot instruct how they came fairly into his custody, has reason to pursue that person as the thief though he knows not who did steal them. By the Law of England he is charged or Receivers of stolen goods if knowing, them to be stolen may be prosecuted and punished as a Murtherer and by fine and imprisonment for the principal thiefes convicted, which exempts such offenders from being pursued as Accessories if the principal be afterwards convicted, A. cap. 9. s. 2.

Ghosts in Lands Men when that Crime was punished as treason could not be pursued before any Judge or Judge but only before the Court of Chancery as in some Crimi. parli. tit. 19. s. 12. Sheriff Sherwilt and Bailiff

Bailiff of Royalty and Regality and having become & ofham power of pit and Gallows in their Chancery Judge thofe of the Criminal to taken for the King McLenzie Crimi. part 1. s. 19. s. 11 infir. But the procurator Fiscal in an Inferior court cannot purchase for thofe, if the thief was neither taken in red hand, or any private party from whom the goods were stolen Complaining. A ten best peoles and Destroyers of green wood haired Broom, Sea harts of Spades or orchards downe cuts Runningaird and yards, with the Consent of the owner may be prosecuted either before the Court of Chancery at the Kings Hill, or at taken in red hand may be ~~prosecuted~~ within three days before the Sheriff or Lord Lord of the ground where the offence was committed Act 64. Par. 6. s. 6. The Lordships Howard are not Judges in person; and if not taken in red hand may be tried before the Sheriff Stewart or Bailiff within five by Jurisdiction the off and or dwell; and may be convicted by Comptroller or Constable Act 64. Par. 6. s. 6. s. 2 that the Superior Court cannot condemn for such Statutory Theft upon presumptions. Nor do any Superior Judge punish the same with death, except either for the third theft, or gains him five or taken in the King McLenzie Crimi part 1. s. 19. s. 11 infir. The Lords of Justiciary are allowed to be more Arbitrary in their trials of thofe.

He who steals my goods from one who had stolen them from before, may be indicted as having stolen them from me though he had stolen from the other. Br. 64. Pl. 100. de pace 127. a. Haddins pl. Br. 11. s. 1. s. 3. s. 9. (counted in judgement of Law possession as well). If property is wrong continued in me. A label bearing the name of the thief and putting of myself at several fairs and Markets, and making a trade of it, and bringing into a Commonwealth and Society for that effect was held to be relevant to infer the pain of death; without specifying the person from whom the goods were stolen, or where they