Stellionate is a General word signifying any Crime of
mitted by fraud wanting a more Particular Name l. 3 §1 ff. St
tion. It is so called because of the Variety of its Shifts, from
Stellio a subtile kind of Lizard a Creature spitefull to ma
kind having its back of Different Colours, Speckled as it was
with Stars.

He is guilty of Stellionate who assigns Sold or Mortga
the same thing which he had already assigned Sold or Mor
gaged to Another, and Conceals the former Engagement
d. l. 3 §1. ad l. 40 Parl. 12 J. 6. or gives in payment of a Debt do
that which doth belong to Another d. l. 3 §1 or who Receives
payment of a debt formerly paid l. 29 §1 ff. Mandati or who
pawns one thing of less Value in Stead of Another, ad Coppe
in Lieu of Gold l. 36 pr. ff. de pign. act. or who pawns the
ther mans thing for his own Debt, without Acquainting the
Creditor that it was not his own d. l. 36 §1. But if the Cre
ditor knew that it was not his own d. l. 36 §1. Or if the Cre
which is pawned or Mortgaged to a second Creditor, after
it hath been pawned or Mortgaged to a former, be sufficient
to satisfy both, then it is not Reckoned Stellionate d. l. 36
§1. l. 1 C. de Crimine Stellionatus. Nor do we look upon it as Stellio
nate where a Debtor Mortgages his whole estate to Diverse
Creditors, provided the Debtor be otherways honest, Leges
Leges Civiles &c. Tom. part 1 lib. 1 Tit. 13 sect. 6 Art. 6 his 3
Tit. 1 sect. 1 Art. 21. He is Reckoned guilty of Stellionate who
takes money from a Barrier sent by one to pay a Debt owing
by him to another, as if the Receiver of the Money had
been the person it was sent to. Prosp. Farinacius de Delictis qu
ig. n. 35 infine. Rosius (Tit. de Crim. Stellionatus) infine. Where Crim. part 1 Tit. 13 Tit. 1 sect. 1 Art. 21 Tit. 3 sect. 6 Art. 6 which act
that Delict tantum in Committendo, non delict in omittendo
Infert Stellionatum. As if V. G. d was not Stellionate to sell
one thing twice, Unless the seller do say to the second buyer
that it was formerly Sold; or for one to pawn a thing that
is not his own, Unless he assert it to be his own. But
this opinion is given in Vita Jurisprudentiae Ejus hoc
does think add a lie to his fault is guilty of falsehood
l. 21 ff. ad L. Cornel. de Falsis. Where as law Requires No
more to infer Stellionate than for the seller of a thing
twice to Conceal from the last buyer, that it had been

sold before l. 3 §1 ff. Stellion, or for one to pawn another mans
thing for his own Debt, without Acquainting the Creditor,
that it was not his own l. 36 §1 ff. de pign. act. Where for
when Money sent to a writer to the signet by his Creditor,
was thro the ~~Carrier's~~ Mistake Delivered to Another Cre
=ditor to the signet of the same name, that others Receiving the
Money as if he had been the true Creditor, was thought
by our Lawyers to be Stellionate, albeit he had not said to the
Board, that such a man was his Debtor: seeing he was sufficiently
proved to know that the Money was not due to him and should
not have Received it McKenzie ibid. Indeed where a Debtor
Declares to his second Creditor, that the thing which he Mort
gaged to him was not Mortgaged to others, the knavery is
the greater: and even then ~~all~~ tho the debtor should have goods
enough besides for the satisfaction of his Creditors, yet he
would be Unforgivable for the Consequences L. Leges Civiles
&c. Tom. 1 Part 1 Liv. 3 Tit. 1 sect. 1 Art. 21.

The Crime of Stellionate is punished Arbitrarily by
the Civil law l. 3 §2 ff. Stellion. l. 1 C. de Crim. Stellion. And
that law is our law in this Matter, And act 140 Parl. 12 J. 6.
Which prescribes death to be inflicted by forbidding to Dispone the
Duties or rents of lands to several persons, which is Cri
men Stellionatus, without appointing a particular
punishment for it McKenzie Crim. part 1 Tit. 28 §2. And
the the granting of double Alienations of lands or An
nualrents or double assignations or assignations, or
double Rassignations,
A Superior Wittingly Receiving double Rassignations, tis pu
is not Expressly Mentioned to be Stellionate, tis pu
nishable as such, by Declaring the offender infamous
and punishable in his person and goods at the King's
Will act 105 Parl. 7 J. 5. Where the Superior who Witting
by Receives Double Rassignations is justly subjected to
the pain Inflicted on the Grantors of Double Disposi
=tions: seeing he being Conscious to the evil Design of
making double Dispositions which upon the Rassig
nations followed, is art and part of the Fraud, and
in effect his granting Infeftments upon Diverse Bodies.