equally punished as their Common theft, was because
Robbery is more easily Committed by such Men, and they a
more apt to Rob than to steal. But now Robbery Com
mitted by landed men is punished only as other Capi
tal Crimes 7 A. cap. 21 § 2 and as Robberies Committed by
other persons, whereof the pain is Death and Confiscat
of Moveables. For Robbery is one of the four pleas of
the Crown and is punishable with Death Stat. Rob. 3 ca
44 § 4. Thus one Act of Robbery upon the highway of
small value too as 17 shilling and A plaid, was sustain
ed Relevant to infer the pain of Death 19 Innocent
Samuel Riccards. Again a man Convict of having Inva
ded Another on the high way with a pistol in his Ha
and Called for that others Money, and Robbed him
of his Cane, had Judgement to be hanged, the Never
formerly charged with guilt of that kind 11 September
1723 James Cranstoun. Albeit all Robbery is Capitally
punished with us, yet the parliament for Clearing to
the Judges, that Robbing or seizing the Mail or pacque
of Letters going or Coming by the Common post, where
not only the State suffers thro' the Disapointment of
their Dispatches and want of Intelligence in Matter
of the highest Consequence, but also private person
and Merchants are abridged of the Means of their Co
respondence with their doers, the life of trade and
lose often their Bills, is truely Robbery, thought fit
by a Particular Statute to Declare that Crime to be
Robbery and punishable with Death and Confiscat
=on Act 3 sess. 2 Parl. W. & M. Which is no New Cons
=tution but only Declaratory of what obtained before
by Constant practice Viz. that Robbery is punishab
with Death and Robbing of the Pacquet is Robbery
in law. Therefore a Robbery of the Common post
Riding betwixt Cockburns path and Haddingtoun
And Violently taking from him the Pacquet by

Letters and black box before making of the said Statute,
was sustained to infer the Pain of Death 18 July 1691
John Seatoun. But some Egregious Notorious Robbers
are Hanged up in Chains till they Rot 15 Aprile 1670
William Bruce alias Calum 24 March 1693 Robert
Waugh & James Campbell 4 July 1693 Samuel Smith. 27
July 1636 Patrick McGrigor alias Gilroy was drawn back
ward upon a Cart or Hurdle to the place of Execution,
and hanged on a Gibet much higher than ordinary, and
thereafter had his head and Right hands struck off which
were affixed on the Nether bow port of Edinburgh.

One may Lawfully kill Robbers breaking houses in
the Night or Masterfull Depredators act 22 Parl. 1 sess. 1
Ch. 2. And any Robber may be lawfully seized without
Authority McKenzie Crim part 1 Tit. 34 § 5. When the Owner
of goods Robbed raises the hue and Cry for help against
Robbers all Desired are obliged to Concur, upon pain of
being held partakers of the Robbery Act 21 Parl. 1 J. 6.
Sheriffs Justices of peace and Constables are bound,
upon Intimation to them by the owner of goods Robbed
or stollen, or some in his Name, to Raise and go along
with all fencible Men in pursuit of the goods and
Robbers Under the pain of being liable for the Value
of such goods Act 6 sess. 2 Parl. 1 Ch. 2. In case the
persons whose goods are so taken Away, or those obliged
to Rise with them in Manner aforesaid, happen to hurt
Mutilate or slay any of the Away takers, or their As
sociates in the pursuit of them, they cannot be Called
in question for the same, but are Indemnified, as if
they had the sovereign's Speciall Remission for that
Effect. And any who brings a Robber or thief after
he is outlawed and Denounced Fugitive, to the sheriffs,
Magistrates or Justices of peace, is upon their Receipt
of the Offender from them Intitled to A Reward of Loo