

Disobedience to Authority is a Crime of it self, and in
 the Basis of all Crimes. 2^d / Illegal Intruding with ano-
 mans goods or prizing them ~~is~~ prohibited to is a Crime
 3^d / Prizing off plough beafts is bid charged Conform
 to the Civil Law, by which it is punished as a Crime,
 For there are Many Crimes not Prohibited under any
 Certain pain, which cannot be Crimes upon that Rea-
 son and Punishable arbitrarily. However the prizing of
 beafts of the plough, in flocks on times, was thought
 found Most proper to be directed before the Civil ju-
 dicial in the first Instance as a Spuilzie 15 June 1674
 nants and servants of the Earl of Albany 20 Feb. 1683
 Robert Preston & Alexander. A Criminal libel for
 Unwarrantable prizing should Express that the
 said had other goods or lands to be prized or Apprized.
 Which allegation that there were other goods &c. he is not
 bound to prove, Unless the Messengers Execution beart
 be searched and could find no other Movable is prized
 But such an Execution produced makes faith the best
 the pursuer prove that other goods were Extant at the
 time, so that a Messengers Execution of prizing, bea-
 ring that he searched and could find no other Movable
 may be designed by positive Contrary proof. The
 such an Execution of Apprizing, bearing, that No
 Movable were found after search, is so far below
 that no Contrary Evidence is allowed Melonais Cri-
 me such Contrary proof to Defend against the
 then to Admire a Real Diligence of Apprizing.

Act. 2.
 of Apprision committed by private
 persons in Contempt of Law.

The Acts of this sort of Apprision are Manifest
 as Spuilzie, forswearing, Repeating, and Ingressing
 Monopolies, taking black Malt Duty, private

Imprisonment, and others.

of Spuilzie.

A Spuilzie is the taking away ones Movable without
 order of law, or Consent of the owner. Who had not only a
 Civil Action for Restitution, or Violent profits, in which the
 goods Spuilzied ought to be Restored and specified; but
 also may punish the Injurer Criminally for apprehension,
 in order to an arbitrary punishment. Thus a Spuilzie
 of Sheep and other goods 2 December 1696 Patrick
 James Esq. and, of Battol and other goods 20 December 1708
 Patrick Gordon of Glenairn was found to Infringe an Arbi-
 trary punishment.

In a Criminal trial for a Spuilzie, it sufficeth to
 libel the apprehensive fact which fallth under Vindicta pub-
 lica. Thus a libel for taking away ones Cows, Sheep, whole
 household ploughing and all that he had, without bond or
 consent, coming upon the Number qualiter, or quantities of the goods,
 was sustained Relevant 2 December 1696 Patrick James
 Esq. A Defence against an indictment of Spuilzie, that
 the goods were Mitted with by Virtue of a Decree of prin-
 ding, used to be Remitted to the Civil Judge, in order to try,
 whether the prizing proceeded orderly or Not. Thus it
 was sustained Relevant to Etas an Indictment for a
 Spuilzie of Corns, that my Intrusion upon the pannell
 had with such Corns, was by virtue of prizing and App-
 prizing upon Decrets obtained against the pursuer in
 an Inferior Court; Albeit the pannell himself was the
 Judge who pronounced these Decrets and the trial of
 the Matter whether the prizing proceeded orderly or Not
 Remitted to the ordinary Civil Judge; 11 Feb. 1667 James
 of Linthill, the Bailie of Edinburgh & others.
 The Criminal pursuit for a Spuilzie is not Excluded
 by the Criminal prohibition 2 December 1696 Patrick
 James Esq. Which Bars Civil process for the