

A
 Great Body of the law of Scotland
 Containing
 The Harmony thereof, with, and Differences from the
 Civil and Feudal laws; and shewing the Scots and English
 law do agree and Differ; with incidental Comparatives
 Views of the Modern Constitutions of other Nations in
 Europe

Vol. 2.
 Comprehending the
 Criminal law.

The Criminal law of Scotland Consists of two parts. The first
 of these Contains every thing which relates to the Nature of
 Crimes and offences of several kind, and their punishment. The
 second part sets forth the manner how offenders are judicially
 prosecuted against, and brought to condign punishment.

Part 1.
 Concerning Crimes and offences, and the
 Punishment thereof.

Book 1.
 Of Crimes and offences in General.
 Good order and Government, life, property, possession,
 and other Substantive Enjoyments are secured and secured
 by the Fear of penal laws made against such as presume
 to Disturb, hurt, or disturb the same. Of Transgres-
 sions and offences. Which the Civil law Divides into pri-
 vate offences, whereby private persons are more immediately
 hurt; and public offences properly termed Crimes, which
 have a direct tendency to the Detriment of the Common
 Wealth: Not allowing any to prosecute the former in Judic-
 =ment, but the persons having Interest therein and al-
 lowing the prosecution of the latter to all Manner of
 persons, altho they had no particular Interest therein.
 But with us, under the General word Crimes both public
 and private offences are comprehended. In detriments
 and Criminal summons or letters are raised for accusing
 in both before Criminal Courts l. 75. ff. de Jur. Jur. l. 1.