

purse were cut or picked 12 December 1698 Hamilton alias
 Scarlet & Green. Because it is not possible to know the per-
 son who ^{the} pockets and purses picked and cut in fairs and
 public Markets; and these cannot be on the offenders.
 A libel for stealing of pearls Jewels and goldsmiths
 in General to a Certain Value belonging to the Queen, was
 sustained without showing the particular Number and
 quality of them, or in whose possession they were at the
 time; June 1608 Margrahal Hartico. But an indictment
 for the Crime of forning in General without specifying an
 Act of forning, impleas or person injured, was found to be
 Relevant & Right 1714 William Bailles and others. No
 than it would be Relevant to libel Murder or Reibling
 in General: because the Jannels were all together there
 by Disparates of their Defences of offering to prove
 alibi or that the Meat and Drink said to be taken by
 force was freely given or paid for. One Accused for steal-
 ing two Cows from the pursuer having pleaded, that he could
 not be tried for the Cows till the event of a Civil process
 commenced ~~for~~ him for them as his own Cows eight 9
 notified before the Criminal pursuit: this Defence was
 regarded as not Relevant to stay the trial by an Inquest
 of ~~Horob~~ ~~Law~~ & ~~Peoles~~ ~~hominis~~ ~~patris~~, which is more
 solemn than a ~~Spizilis~~ that may be proved by two wit-
 nesses, whose of neither would be admitted upon the Inquest
 being if it was otherwise, this was might always save
 a Civil process, about goods they have stolen before they
 are Criminally punished it July 1624 John Robert Jones
 got after words whose one indicted of stealing goods off the
 pursuers ground, pleaded, that the goods belonged to the
 Jannal himself, and were only Deposited to the pursuer
 in trust for the Jannal's behoof to secure them again,
 being provided by his Creditor; and he had a Civil Ac-
 tion of trust for Restitution depending before the
 Lord of Session. Glorified continued all Criminal

process till either pursuer or Defendor the part of depending
 of the Civil point, and obtained the process to be put in
 appear before the Board of Justice when it was charged by
 the pursuer after Discussion. It that it was ~~for~~ for
 the pursuer, that if such a Defence were received, all thieves
 might plead that goods taken away by them belonged to
 themselves in property, where by a ~~Cr~~ ~~iminal~~ ~~Ac~~ ~~tion~~ ~~would~~
 be staid; June 1633 James Spence. Again, One being ac-
 cused of stealing a Certain quantity of Corns, explaining
 to the Accuser, in so far as they were found to and stacked
 by him. It was answered for the Jannal, of his accusers
 swearing to and stacking the Corns in Contravention
 do not infer, that they belonged to him, unless it were
 specified where they grew, or any other thing on the parcel
 that with those Corns was by Virtue of a process appoint-
 ing upon the Decree of a Civil Judge. The fact being
 found this matter to be all together Civil, and therefore
 permitted a trial thereof to the ordinary Judges Feb.
 1631 Robert Dykes. A man punished for the offence of
 being or Robbing of a horse and two Mares, having pleaded
 that he bought them in a public Market but the
 ordinary Market time for an adequate price which
 freed him from punishment, and Restitution of the
 horse, which cannot be Decreed by the Justices, but
 must be permitted to the Civil Judge, and the same will
 suffice the thing of ~~the~~ ~~particular~~ before he can have
 Restitution Act 26 Parli. sess. 1 Ch. 2 The Justices ordained
 the Dilly to pass to the Jannal's of an Appraisor, and
 Reforred the Jannal's Defence to them 17 June 1662
 George Patric. A Shuttle of a Cabelinet, two Pairs two
 wall coats, a pair of breeches, a pair of Silver Knives,
 a tobacco box and a pair of buttons, being stolen out
 of a house; it was sustained Relevant to infer ~~part~~