

gain of Death against the person or persons in whose possession the wearing & clothes or any other two of the particular aforesaid were found within a few hours thereafter. But their Plan, that they bought the goods for a man, was not retained relevant to the strict to an indictment by punishment 10 August 1714 Charles Hutchison and Duncan McDougal. Goods stolen out of a house being found that land in the possession of one coming out of that house, was found relevant to infer the gain of death. Another, that he had possession of some part of the goods that had been stolen out of a house or shop broken open, and had broached iron or instruments proper for picking of Locks about him when he was apprehended 20 June 1715 John Pringle.

A person from whom goods are stolen pursuing the thief, will be found guilty and punished will get his own goods again where ever they can be had, or that he be own goods of the suit out of the proceeds of the thief and Expenses of the Sheriff or other Magistrate who apprehended the thief, the Charges he laid out in taking and Executing him Act 26 Parl. 1701 Ch. 2 who is provided for such Charges to the owner of the goods who observe on do Act 26. And the the owners of the goods have no civil Jurisdiction, they order such Red titution to the owners of goods stolen by an Incontinent Jurisdiction of Scotland, as they may be recovered from any possessor § 19 Just. do. ably. quæ re Soluto 21 Nov. 1677 Henry contra Leonard Carnegy and others the stolen oxen were found recoverable by the owner having the Sheriff's Summary Warrant directed to the officers without citation of the possessors, the thief

possessor had used them peaceably for months in the plough; Unless they had acquired possession of the oxen bona fide by an Over and title, in which case they could not be taken from them without citation and sentence of a Judge 4 July 1671 Strachan contra Gordon. The question if buyers of stolen goods in a public Market and obliged to restore them to the owners is settled Vol. 1 pag. 841.

By the law of England, if a man from whom goods are stolen pursues the thief, and get him convicted upon evidence and Attainted the Justice before whom he is Attainted, do Award a writ of Rescission of the goods contained in the appeal or Indictment to the party from whom they were stolen 21 H. 8 cap. 11. Pulton do page 227. 228. Not with standing of a sale of goods by the thief in Market overt and that which was purposed in the 17th Reg. 48. H. 8. 314. in Black. Co. vol. 1. pag. 532. 533. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000. Sect. 2.

of fire-raising.  
Fire is raised Either Maliciously and Voluntarily, or Negligently.

Sect. 1.  
of fire-raised Maliciously and Voluntarily.  
Raising fire Maliciously with Intent to burn that which belongs to another (called in the law of England Arson, and in the law of Scotland wilful fire-raising) is a Crime more heinous with the respect than any other Crime are committed With some prospect of gain, or pleasure thereby, and limited to the Injuring particular persons: whereas wilful fire-raising affords no profit or satisfaction to the offender, except what arises from some Hobditch Robbery or Envy; and the Mischief Element Employed as the Instrument of his Revenge against this Enemy doth often go beyond the bounds of its Commission by involving in the same calamity persons against whom he had no evil Design.