

Wachop of ———, for slaying of herself;—the LORDS fand an exception relevant, founded upon her fury being qualified by the space of six months before her decease, and so she could neither incur pain in her body, nor loss in her goods, mair than she had slain a third person. Thereafter, there was an exception, *quod debita excedunt bona*, and this was repelled; and the LORDS fand, that the husband would be compelled to make the half of his goods furthcoming without deduction of his debts.

Fol. Dic. v. 1, p. 233. Kerse, MS. ff. 218.

No 13.
a liferent of a person who had killed herself, she having been furious six months before.

SECT. VII.

Forgery.

1739. July 6. COCHRAN against BAR and SPENCE.

IMPRISONMENT for life is a punishment rarely inflicted; but, in this case, a forger being banished, and ordered to be whipped once a-month, in case of his return, till occasion should offer for transporting him; he was, in case of his return a second time from banishment, ordered to be imprisoned for life, though not without expressing a dislike in general to that sort of punishment.

Fol. Dic. v. 3. p. 177. Kilkerran, (DELINQUENCY.) No 5. p. 156.

No 14.

1747. February 3. The ROYAL BANK of Scotland against CORRIE.

IN the complaint, at the instance of the Royal Bank, against Archibald Corrie, for the alleged forging the notes of the Company, the LORDS, on advising the proof, ' Found it proved, that the notes challenged were forged, and that the pannel had used the same, knowing them to be such, and remitted the pannel to the Court of Justiciary.'

THE LORDS waved giving judgment upon the actual forgery, and yet remitted as said is: But the truth is, That in the opinion of several of the Lords, there was even sufficient proof of his being the fabricator, who, otherways, would have doubted of remitting the pannel to the Justiciary; and therefore, this is not to be taken as a rule, that, in every case, one proved to have uttered

No 15.
Forger remitted to the Justiciary without finding the actual forgery.

No 15. false notes, knowing them to be such, is to be remitted to the Justiciary; that matter will depend on circumstances.

Fol. Dic. v. 3. p. 177. Kilkerran, (DELINQUENCY.) No 10. p. 160.

No 16.

Forgery does not fall under the act 1701 as to the time for trial and bail.

1748. July 29.

STARK *against* BURNET.

WILLIAM BURNET prisoner in the tolbooth of Edinburgh, at the instance of James Stark, for the crime of forgery, having used letters of intimation in terms of the act 1701, the complainer applied by petition, craving, 'That notwithstanding said letters, he might be ordained to appear and take his trial against the — day of November next, and for that effect be detained in prison.' THE LORDS 'granted the desire of the petition, unless he should find bail for L. 50 Sterling for his appearance.'

That forgery does not fall under the act 1701 as to the time limited for commencing and finishing trial is certain, that being what the forms and time of sitting of the Court could not permit; and, as to bail, though forgery is in some cases capital, yet that depends on circumstances; for, in many cases, it amounts not to a capital punishment: Therefore, as it is of an ambiguous nature, bail is generally admitted, and rarely opposed, but is made higher or lower according to circumstances.

Fol. Dic. v. 3. p. 177. Kilkerran, (DELINQUENCY.) No 12. p. 161.

1751. November 6. & 14. JAMIESON and Others, *against* FORRESTER.

No 17.
Forgery and falsehood punished by the Court of Session.

IN the complaint, at the instance of John Jamieson and others, partners in the rope-manufactory at Leith, against John Forrester, as guilty of forging certain bills, which he had impignorated to them, in security of a debt he owed them; the fact came out to be of a very uncommon contrivance. He had indorsed to them six different bills; and, with respect to most of them, they were suspected to be altogether fictitious, drawn on and accepted by persons that never had a being; at least, he could bring no evidence that there were ever such persons. And the account he gave of the matter rendered that suspicion a certainty, which was, that they had accepted the bills for value; and the value was, his obligation to put effects in their hands when he should be required so to do; and, that though he had got their bills payable at a day long elapsed, he had neither seen nor heard of them since. But one of these bills was a plain forgery; it was drawn upon James Cock merchant in Crief. And such a man there was; but then the prisoner, sensible that this James Cock would improve it, *alleged* that this James Cock was not the person on whom the bill was drawn, but another who called himself James Cock merchant in Crief.