

S E C T. V.

Stellionate.

No 11.

Granting of
double rights
punished with
confiscation
of moveables.

1505. *January 15.*The KING *against* JOHN TELFER.

GIF ony man committand the crime of *stellionatus*, gevis and makis, willinglie and wittinglie, doubill infestmentis, takkis, assedatiounis, or ony alienatiounis, or dispositiounis of his landis to divers and sindrie persounis, he may be callit at the Kingis instance, and all his moveabill gudis and geir may be confiscat be his hienes for making of the samen.

Fol. Dic. v. I. p. 233. Balfour, (DOUBLE ALIENATIONS.) No I. p. 166.

* * * The like was found, 26th April 1513, Adam Kinghorn *against* John Macalister.

S E C T. VI.

Suicide.

No 12.

1610. *January 30.*SHEARER *against* STIRLING.

A DECLARATOR being sought of the escheat of a man in Stirling, as alleged having drowned himself;—it was *excepted*, That the defunct's escheat could not fall by that fact, because he drowned not himself wilfully; but having given a deadly stroke, with a durk, in Stirling, to a man, and, being pursued with drawn swords, by one Lairston, guid-brother to the hurt man, and the Laird of Craignageli, he was so hardly pursued by them, that he was forced, for safety of his life, to take the water of Forth; and so, drowning by accident, his escheat could not fall.

Fol. Dic. v. I. p. 233. Haddington, MS. v. 2. No 1767.

No 13.

The Lords
refused to sus-
tain action of
declarator of

1613. *June.*REDPATH *against* ———.

IN an action of declarator of escheat, pursued at the instance of Robert Redpath, as donatar to the escheat of umquhil Marion Forrester, spouse to William

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.