

KING'S ADVOCATE.

1541. February 25.

The KING and SIR WILLIAM HERIOT *against* The SHERIFF of FIFE.

REDUCTION of ony decrete, or rolment of court, beand intentit at the instance of ony persoun, and be the King's grace for his interes, as the common use and consuetude is in sic causis; gif his Hienis discharges his interes thairintill, the partie nevertheless may persew conform to his summoundis; because the reduction of decretis or rolmentis of courtis concernis specialle the persoun and actioun of the partie.

Balfour, (PURSUER.) No 9. p. 291.

No 1.
Altho' the King discharge his interest, the party is not thereby affected.

1581. January 19. HIS MAJESTY'S ADVOCATE *against* ESSELMONT.

In crimine falsi, the King's Advocate may pursue *per se, ob vindictam publicam*, without the concurrence of an informer. See APPENDIX.

Fol. Dic. v. 1. p. 525. Colvil, MS.

No 2.

1582. June. HIS MAJESTY'S ADVOCATE *against* FERGUSON.

THE King's Advocate pursued one Bernard Ferguson for the production of an infestment, containing into it a bond and obligation for delivering of a reversion, the which infestment was under the note of Mr James Colvil; and there-after the said James was summoned to hear and see the same to be improven. It was *alleged* by the said Bernard, and the Laird of Balgony, who had interest in the said matter, That the Advocate had no interest, by himself only, to pursue any person for the production of his evidents, and improbation of the same, except he had some party to concur with him, and to be his instructor, and who was interested and damnified. To which was *answered*, That the King's Advocate had sufficient interest, by himself only, and needed no informer *quia interest reipublicæ ne crimina maneat impunita*, and the action of *falset fuit crimen publicum et publici iudicii et actio popularis*, and so the Advocate had sufficient interest by himself only. To this was *answered*, That the action of *falset* was civilly intended before the Lords, and concluded and contained

No 3.
Found that the King's Advocate cannot pursue an improbation by himself, but must have an informer.