

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.