

But as he could give no satisfying account who this other person was, it was, on the 6th of November, found, 'That this bill was false, feigned, counterfeit, and forged by the said John Forrester; and the other bills were found false and feigned; and the whole six bills reduced and improven, and decerned and declared to be void and null, and to make no faith in judgment.'

No 17.

And upon the 14th November, the LORDS having again resumed the consideration of the complaint, &c. 'Found the complainers entitled to their damages, amounting to L. 300 Sterling, and decerned therefor; and declared the said John Forrester *infamous*, incapable of bearing evidence in any action or suit, or of passing on any inquest or assize, or of bearing any public trust or office; and ordered and adjudged him to be carried back to prison, and there to remain till a day certain, when he was to be brought to the common pillory, thereon to stand bare-headed for a full hour, between twelve and one, with this inscription on his breast, *Infamous Forger, and falsifier of Writings*; and thereafter to be carried back to prison, there to remain till an occasion should offer of transporting him to one or other of his Majesty's plantations in America, to which he was banished for ever, with the usual certification in case he should return; and ordained the bills to be torn and cancelled in their presence, and the sentence to be recorded in the books of sederunt.'

This is a strong instance of not remitting to the Justiciary, notwithstanding forgery is found proved. Another like instance occurred in a late case, David Chalmer against John Stevenson of Dykes, and in Russell against Adie, anno 1729, *voce* JURISDICTION, that being a matter pretty arbitrary.

N. B. Although in most crimes, a pannel may lay his hand upon his mouth and plead to be assoilzied, unless his prosecutor prove his libel, there is this speciality in forgery, that a defender must support by evidence, the account he gives of the deed challenged. *Vide* L. 22. C. ad L. Corn. de Falsis.

Fol. Dic. v. 3. p. 177. Kilkerran, (DELINQUENCY.) No 14. p. 163.

1752. February 27. JAMES SMITH in Prison for Forgery, Petitioner.

As forgery is a crime, whereof the punishment is not always capital, the LORDS were in use, on application, to let the person out of prison on bail, for a greater or lesser sum, according to circumstances. And accordingly, in this case, Smith, who stood accused of forging certain deeds, which he made use of for extinguishing and compensating a debt of L. 80 Sterling due by him, was allowed to be liberate on his finding caution for L. 100 Sterling, being the debt, and L. 20 more.

Fol. Dic. v. 3. p. 177. Kilkerran, (DELINQUENCY.) No 16. p. 164.

No 18.
Prisoners for
forgery are
commonly
admitted to
bail.