

man, who made the stamp for the King's face. The man most dangerous was Parker : But as he was the person who was prevailed upon to make the discovery, it became necessary to attack Young ; and in the trial which was in this cause, as usual, *per modum simplicis querelæ*, the objection made for the pannel to Parker, when adduced as a witness, That he was *socius criminis*, was repelled ; an objection never sustained *in crimine falsi*. But when his examination was over, the pannel was allowed to put the question, Whether he had been promised a pardon ? as what might affect his credibility with the jury, and to which he deponed *negativé*.

No. 183.

*Kilkerran, No. 14. p. 602.*

1750. July 13. FALCONER of Pheedo *against* FALCONER,

In this cause, which is stated in the decision 23d June last, betwixt the same parties, No. 182. p. 16759. Patrick Falconer sought to adduce John Douglas of Tulliquholly as a witness for him, and particularly to prove the Lady's having expressed her good intentions towards him, before and after granting the bond in his favour ; and insisted he was a *habile* witness, consistent with the former interlocutor, as he neither was in the defendant degree of relation to him, nor had himself got any bond.

No. 184.

The administrator in law, of a person benefitted by certain deeds, sustained as a witness, relative to a matter connected with these deeds.

Answered : There was a bond granted to his infant daughter, to whom he was administrator in law, which was under reduction, and he called as a party to the process ; so that the same objection lay against him, as those who got bonds themselves.

The Lords, on the Lord Ordinary's report, sustained this objection ; but afterwards, on bill and answers, allowed him to be examined, on the Lady's having expressed her design of giving something to Patrick Falconer.

Act. *H. Home.*

Alt. *Lockhart.*

*D. Falconer, v. 2. p. 173.*

1751. February 22. SIR DAVID CUNNINGHAM *against* SCOT.

The objection to a witness adduced by Sir David, for proving that James Scot had encroached upon Sir David's property, by ploughing and inclosing a part of Drumshorland-muir, that belonged to Sir David, That he had an interest as being tenant of the ground that lay contiguous to the alleged encroachment, and had

No. 185.

If the tenant be admitted for his master to prove the marches of his own possession ?