

1736. *January 13.* PATRICK CRAWFURD, *Supplicant.*

BILL not accepted indorsed through several hands, and at last indorsed blank, and protested by the possessor, and thereupon paid by one *supra* protest for honour of the second indorser by a receipt subjoined to the protest, without making over the bill and protest; yea, though the blank indorsation, which was the possessor's right to protest it, was cancelled; yet the Lords ordered the bill to be registered at the second indorser's instance.

No. 10.

1736. *January 15.* GILLESPIE *against* BARR.

BILL drawn upon and addressed to a father and son, the father as principal, and the son as cautioner, but accepted by both simply, was found null *quoad* the cautioner. See No. 26.

No. 11.

1736. *January 17.* A. *against* B.

BILL drawn by the husband upon and accepted by his wife, being protested for not payment, can only be pursued *via actionis*; for as to the wife it is null, and there can be no summary horning against the husband, because it is accepted. Lord Dun, Reporter.

No. 12.

1737. *January 7.* WEIR *against* PARKHILL.

A DONATION cannot be habily constituted by a writing in the form of a bill. Found that this bill was without an onerous cause; and therefore sustained the defence, and assoilzied. (See DICT. No. 17. p. 1413.)

No. 13.

1737. *February 22.* MARK KERR *against* CHALMERS.

THE last draught on the drawer's debtor, if first protested, is preferable to the first draught, but last presented and protested.

No. 14.