No. 2. 1741, Dec. 2. A *against* B.

THE Lords refused to sustain indorsations of promissory-notes, the indorsations not being holograph, and would not ordain the money to be paid on caution, and therefore passed the bill of advocation.

No. 3. 1751, Dec. 13. MONCRIEFF *against* SIR WILLIAM MONCRIEFF.

See Note of No. 52, *voce* BILL OF EXCHANGE.

PROOF.

No. 2. 1735, Feb. 11. PATTISON, &c. *against* WILSON.

THE Lords refused the bill, and would not even find it relevant by the defender's oath that he paid no money for the discharge by the kirk-treasurer.

No. 3. 1736, Jan. 2. PROCURATOR-FISCAL OF EDINBURGH *against* CAMPBELL.

THE Lords found the libel proveable by the party's oath, and found that Campbell might bring Stewart as a witness to prove his exculpation or alleviation.

No. 4. 1738, Dec. 12. DR ARNOT *against* EL. YOUNG.

THE Lords seemed all to agree that a proof of cohabitation, and the defender's deliberately and solemnly, on several occasions, owning his marriage, especially where a child was procreate, was a habile way to prove a marriage, without a direct proof of the actual celebration, or of habit and repute in the sense of the law. They also agreed that the pursuer's sister and aunt would be habile witnesses for proving the actual celebration; but Royston and Arniston thought them not habile to prove this cohabitation and owning the marriage, notwithstanding the proof already brought that the pursuer enjoined secrecy to every body, and 2dly, that the witnesses already adduced referred to the sister and aunt as present at those meetings. But it carried by a great majority to approve the Commissaries' interlocutor, admitting them *cum nota*, and to refuse Dr Arnot's bill of advocation. *Me referente.*

No. 5. 1739, Nov. 27. BONTEIN *against* THE CREDITORS OF BUCHANAN.

THE Lords agreed that this Court must execute the sentences of the criminal Court, so far as is proper or competent to our jurisdiction; but as the sentence of the criminal Court in this case mentioned nothing of damages, they thought the verdict was no *pro-*