

No. 37.

1747. *June 28.—July 21.* CLAUD JOHNSTON *against* WILLIAM HOGG.

WILLIAM M'LEAN in Inverness drew bill on John M'Lean in London, L.150, to the order of William Hogg in Edinburgh, who sold and indorsed it blank to Claud Johnston, who in due time noted the bill; but instead of giving advice, took a new bill from John M'Lean on William Hogg the indorser; and John wrote him that it was for a bill in Claud Johnston's hands, without saying what bill; and William Hogg refused to accept, till he should know for what bill it was drawn, though Fairholms\* suspected it might be for the bill they had purchased, and some weeks intervened before certain advice came that it was for that bill. Claud Johnston pursued Hogg for recourse; but we thought he could not upon that suspicion have recurred on William M'Lean the drawer, or have arrested his effects; and therefore sustained the defence, that there was not sufficient notice of the dishonour of this bill. *Vide* Stewart *against* Ewing, No. 36, *supra*. (See DICT. No. 143, p. 1570.)

1747. *December 9.*Sir JOHN GORDON of Embo *against* LADY KINMINITY.

No. 38.

A BILL bearing annualrent from the date found void and null, contrary to two decisions in the 1737 and 1738, and other other two decisions in June and July 1743, but agreeable to two decisions in February 1741, which is a great reproach to the Court that we vary so often. See No. 30. (See DICT. No. 27. p. 10193.)

No. 39.

1748. *June 21.*TUDHOPE *against* TURNBULL.

A BILL of L.29 sterling being indorsed by Taylor to Tudhope, which he acknowledged to be in security of L.17 sterling, Turnbull the debtor in the bill produced a bill by Taylor for the like sum, and alleged that the bill charged on had been originally blank in the drawer and creditor's name; viz. Taylor's aunt, from whom the money was borrowed for Taylor's use, and after her death filled up by Taylor, which he offered to prove by Taylor's oath; which we found not competent, notwithstanding the bill was payable twelve months after date, and though the same person was drawer and creditor, and though it was indorsed not for ready money, but in security of an old debt for a less sum. (See DICT. No. 39. p. 1437.)

\* Fairholms had purchased the bill from Hogg as factors for Johnston.