

The following opinions were delivered :

HAILES. Here an attempt to impose a new burden on tenants. Tenants are in use of assisting the heritors in leading the materials for building the manse, but they are not bound to assist. Great pains has been taken to prove that, by heritors, the law meant tenants. The minister ought to have remembered the Act 1690, which vests the power of choosing a minister in the eldership and heritors. No one ever imagined that the Act comprehended tenants. There are statutes in the reign of Charles II. which make heritors liable for their tenants. The words are totally distinct : as much as heritable and moveable.

AUCHINLECK. The misfortune of the charger's plea is, that it is not only without law, but contrary to law. The law would never have imposed such a constant burden on persons having an uncertain and temporary possession. Expenses ought to be given to the suspender.

On the 18th December 1769, " The Lords suspended the letters, and found expenses due ;" adhering to Lord Ellick's interlocutor.

Act. D. Dalrymple. Alt. J. M'Laurin.

1769. December 18. GEORGE GRANT *against* DAVID CRUIKSHANKS.

BILL OF EXCHANGE.

Bill, blank in the Drawer's name, found not to be effectually transmitted by delivery to a Creditor of his, who inserted his own name as drawer.

[*Fac. Coll. V. 25 ; Dict. Appendix I.—Bill of Exchange, No. 1.*]

MONBODDO. This is a blank writ in terms of the statute 1696.

JUSTICE-CLERK. A bill is made payable to me or order. If this bill may be transmitted from hand to hand, and only filled up in the drawer's name when necessity requires, numberless frauds, to the prejudice of lawful creditors, will ensue.

AUCHINLECK. The principle of my interlocutor was, that I do not incline to give new privileges to bills.

On the 18th December 1769, " The Lords found that, as this bill was accepted as payable to Low, the intended drawer, Low's giving the bill to George Grant, his brother-in-law, that he might sign as drawer, was not a habile method of transmitting the contents to George ; and therefore preferred Donald Cruikshanks, on his arrestment, for the two bills which Low owed him ;" adhering to Lord Auchinleck's interlocutor.

Act. A. Wight. Alt. J. M'Laurin.