

case in *Modern Reports*, Vol. XII, p. 564. ANSWERED,—Such practice is even not common in England; it is indeed so as to indorsations, but not as to signing as drawer, which is infinitely more dangerous: and as to Scotland, an appeal was made to merchants, that no such practice is known, either as to drawer or indorser, (3d March 1775.) The Lords found the letters orderly proceeded, and gave expenses. This last upon circumstances.

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1776. *November 26.* GLASS *against* KELLIE, &c.

IN a cause, Glass against Kellie, &c. it was argued, That an indorsee in security is not entitled to recourse against the indorser. But this was held to be bad law: an indorsee in security, is not liable to negotiate; and, at the same time, is entitled to recourse, unless the debt has perished through his fault.

1776. *November 26.* GLASS *against* KELLIE, &c.

IN the same action, the Lords adhered to Lord Covington's interlocutor, finding, that an indorsation of a bill by a wife *vestita viro*, was void and null.

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1775. *December 20.* VEZIAM *against* CORBEANY.

How far bills are to be compared to a bag of money;—and, like money, subject to no *vitium reale* though stolen.

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1777. *January 16.* ELLIOT *against* MACKAY.

By the decision, *Sougal against Ker*, 111, *Fac. Coll.* No. 79; bills, after the lapse of twenty months, lose their extraordinary privileges, and are subject to compensation, arrestment, &c. In a case, *Fulton against Dunlop*, decided by Lord Auchinleck, winter 1775, his Lordship reduced this period to six months after the term of payment; and the interlocutor was acquiesced in. In another case, *Elliot against Mackay*, where compensation was pleaded on a debt of the drawer, against an onerous indorsee, into whose possession the bill came, before the term of payment, but who had taken no step, nor raised action upon it for 21 months after the term of payment; Lord Pitfour, 25th February 1775, pronounced an interlocutor to the same purpose, fixing the extraordinary privileges at six months after the term of payment. And Lord Auchinleck, to whom the cause was remitted, having taken it to report, the Lords found, That compensation was proponable against the bill in question; and remitted to the Ordinary to proceed accordingly. But this day, (16th January 1777,) the Lords found, That compensation was not proponable against the bill in

question ; and therefore they decerned for payment, in terms of the libel. It seemed that, in pronouncing this decision, the late Act, limiting the duration of bills to six years, had a great influence ; and, in general, the Lords seemed of opinion, that extraordinary privileges ought to last for the same period ; though, at present, they did not go that length.

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1774. *June 30.* JOHNSTON *against* MURCHIE.

WHERE a bill is dishonoured, notification of the dishonour must be made, in order to preserve recourse. But, *Quere*, To whom must this notification be made, in order to preserve recourse against the drawer and all prior indorsers ; and will notification to the last indorser have this effect ? This point occurred in the case of *Thurot's* bills ; and again, 30th June 1774, in the case of Johnston against Murchie. But, in both cases, the decision went off upon other points.

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1777. *July 25.* BLANDS *against* EWING and COMPANY, and DINWIDDIE.

IN Thurot's case, the Court called for the opinion of merchants ; and they differed in opinion.

The general point was again argued, in the case, Messrs Bland against Ewing and Company, and Robert Dinwiddie, but still not determined,—having gone off on other points. It again occurred, 25th November 1779, *Allan Marlan and Company against Laurie, &c.*, and a hearing ordered.

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1778. *December 15.* CAMPBELL *against* M'TURNER.

USURY is not pleadable against an onerous indorsee to a bill, no party to the usury.

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1774. *February 8.* REYNOLDS *against* SYME.

IN a case, Reynolds against Syme, &c., with regard to the notification of the dishonour of a bill drawn from Scotland upon England ; the Lords pronounced this interlocutor, (8th February 1774,) :—“ In respect that, by the practice of merchants, not denied by the pursuer, the dishonour of bills drawn from Scotland upon England is in use to be notified within three posts after the dishonour ; therefore the Lords find, That the dishonour of the bill in question was not duly notified, and that no recourse lies thereon ; sustain the defences, assoylie the defenders, and decern.”