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against him for the debt. Whereas, the only effect of sustaining the verdict was, that these documents would be cast aside, and each party would enter upon the investigation on its own real merits.

The Jury found for the defender on both issues.

Jeffrey, Moncreiff, and *Monteith,* for the Pursuer.
Solicitor-General, Cockburn, and *Wilson,* for the Defenders.
(Agents, *Muir,* w. s. and

GLASGOW.

PRESENT,

LORD GILLIES.

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Finding for the defender on a question of fraud and deception.

THE pursuer being charged to make payment of a bill, resisted, 1*st*, On the ground that his name had been forged; but he afterwards abandoned this statement, and maintained, 2*dly*, That, although the subscription appeared to be genuine, it was not, legally speaking, his subscription, because he had been deceived when he signed, and was defrauded in the transaction.

ISSUES.

"Whether the acceptance of the Bill of "Exchange, in process, for the sum of L. 300 "Sterling, (which Bill of Exchange bears date "the 6th day of May 1822, and bears to be "accepted by the pursuer William Syme,) "sought to be reduced, is the acceptance of "the said William Syme?

"Whether, on or about the 25th day of "November, and 6th day of December 1822, "or either of the said days, the property of "the pursuer was poinded, or was, on or about "the 18th day of the said month and year, "sold or carried off by virtue of diligence ille-"gally done upon the said bill, at the instance "of the defender James Marshall, to the in-"jury and damage of the said pursuer?"

Damages claimed, L. 50—*Solatium*, L. 100.

Forsyth opened the case for the pursuer; and upon being called on by the Court to state specially why the subscription was alleged not to be his, he, besides explaining the general circumstances of the case, stated, 1*st*, That, though not absolutely fatuous, the pursuer was silly, and extremely easily imposed upon: 2*dly*, That he was intoxicated when the bill was signed: 3*dly*, That no value had been

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given: *4thly*, That the defender was a person in such low circumstances, that it was impossible that he could ever have given any value for the sum in dispute.

The pursuer having closed his case,

Jeffrey opened for the defender, but led no evidence.

LORD GILLIES stated to the Jury, That it was the pursuer's business to remove the legal presumption against him, implied in the fact of his having subscribed the bills, and left it with them to say whether he had done so or not.

The Jury found a verdict for the defender on both issues.

Forsyth and *Cockburn*, for the Pursuer.
Jeffrey and *Russell*, for the Defender.
(Agents, *Andrew Paterson*, w. s. and