

1698. *January 27. February 24. and June 22.*

EARL of BUCHAN *against* COCHRAN.

THE Earl of Buchan suspended a charge upon a bond granted by him for L. 1,000 Sterling to Sir John Cochran of Ochiltree, for his assistance in procuring to the Earl an English Lady in marriage, with a fortune of L. 10,000 Sterling, on this ground, that by decree of the Lord Chancellor, the bond had been found null as *contra bonos mores*. Sir John having restricted his claim to L. 600 in name of expenses, incurred by his staying some months in London and managing Lord Buchan's affairs; the LORDS, before answer, ordained him to condescend in what manner these expenses were incurred, and whether his stay in London was on this account alone, or any other business of the Earl or his own.

No 56.

*Fol. Dic. v. 4. p. 27. Fountainhall. Dalrymple.*

\* \* This case is No 82. p. 4544. *voce* FOREIGN.

1740. *January 25.*

NEILSON *against* BRUCE.

No 57.

IN a suspension of the charge upon a bill at the instance of an indorsee on this ground, that the bill had been granted for money won at play, offered to be proved by witnesses, the reason of suspension was repelled, unless it were offered to be proved, that the indorsee was in the knowledge of its having been granted for a game debt.

The like was found, 18th February 1741, Stewart *contra* Hislop, where a petition against an Ordinary's interlocutor, finding it not competent, against an onerous *bona fide* indorsee, to be proved by witnesses that the bill was accepted for money won at game, was refused without answers.

*Fol. Dic. v. 4. p. 34. Kilkerran, (BILLS OF EXCHANGE.) No 4. p. 70.*

\* \* C. Home reports this case :

1740. *January 29.*—The question betwixt these parties was, Whether the objection to a bill that it was granted, or came in place of another which was granted for a game-debt, was good against an onerous indorsee?

For the indorsee it was *pleaded*, That securities do not carry their causes in their face; and a fair trader, where there are no suspicious circumstances of the debtor, supposes the causes to be just, otherwise commerce would be at an end; for what man would receive indorsations to bills, if the objection of being won at play was to stop his payment? This would render all bills suspicious, especially with such cautious people as merchants, who would not fail to argue,