

No. 9. 1737, Jan 9, 19. MURRAY *against* COWAN.

A CASE was reported by Lord Minto of a suit at the informer's instance upon the act against gaming *9no Annæ* for triple value. A defence was proponed upon the statute of limitations in Queen Elizabeth's time, which respects future as well as bygone penal statutes. Answered, That the statute of limitations did not reach Scotland thought it regulated the act *9no Annæ* in England. The Lords repelled the defence. Dun, Monzie, Murkle, *et ego*, did not vote. 10th December 1736.

The question between these parties marked 10th December last was it seems only upon a report for advice, and this day I am told, (for I was in the Outer-House) the Lords on bill and answers adhered to the Ordinary's interlocutor. Royston was for finding that the statute of limitations did not extend to the gaming act, but they say the interlocutor is general adhering.

No. 10. 1740, Jan. 25. CORNELIUS NELSON *against* BRUCE of New Grange.

THE Lords found the game act *9no Annæ* not competent against the onerous indorsers to a bill of exchange, agreeably to two judgments given in the Courts of Westminster, and indeed to the principles of law.—N. B. Though once we admitted the cedent's oath against the assignee upon that act, yet that interlocutor was stopped on a reclaiming petition and never determined.

No. 11. 1740, Nov. 6. WILKIE *against* M'NEILL.

THE Lords were of opinion, that setting aside the question, Whether bargains concerning run goods are at all lawful? the interlocutor in this case was wrong, because the brandy truly was delivered by Wallace the seller to Wilkie, the joint purchaser, which was the same with delivery to M'Neill. The President indeed thought the *merx* was *illicita* and not binding. But the Court were all of a different opinion, and therefore found M'Neill liable for the sums in the bill, with a proportionable abatement effeiring to the ease that Wilkie got from Wallace; and they thought the decision betwixt Young and Gilchrist and the act on which it was founded, has no connection with this case because of the delivery.—18th November The Lords adhered without answers.

No. 12. 1740, Nov. 7. ROBERT BIGGAR *against* SIR ROBERT PRINGLE.

See Note of No. 15. *voce* ARRESTMENT.

No. 13. 1741, Feb. 18. STEWART *against* HYSLOP and CLERK.

THE Lords found a reason of reduction upon the game act *9no Annæ* not proveable by witnesses against an onerous indorsee to a bill of exchange.

No. 14. 1743, July 1, 12. COULL *against* CRAMMOND.

The question was, Whether the L.4. 11s. part of the bill of L.9. 11s. granted in 1729 fell under the game act? for if it did not, then that bill and interest to the daté of the