

1738. *December 6.**A. against B.*

No. 19.

Two bills accepted, payable to a defunct, and lying by him at his death, neither signed by him nor holograph of him, but bearing "pay to me James M<sup>c</sup>Artney, or order," found null and void; but the Lords thought they would have been good, if written by himself. *Me referente* without Informations. (See DICT. No. 36. and 37. p. 1436.)

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1739. *June 6.*AINSLIE *against* ARBUTHNOT and COMPANY.

No. 20.

THE Lords found, that Arbuthnot and Company having taken bills in their own name from Joseph Cave, and having given up the receipts of victual given by Joseph Cave to the tenants, without making any entry in their books, or taken any other document that these bills were for the behoof of George Ainslie, and without giving any notice to him that they had taken these bills in their own names to his behoof; that therefore the bills so taken were upon the proper risk of Arbuthnot and Company: But afterwards they altered, and thought the bills sufficiently stated in their books, and found they were upon Ainslie's risk;—but this last reversed in Parliament. (See DICT. No. 19. p. 4065.)

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1740. *January 22.*TARRAS *against* INNES of Dunkinty.

No. 21.

BILL accepted, bearing value in cash, immediately delivered, and payable at three days sight, presumed accepted at the date of the bill, and found payable, and to bear annual rent from three days from the date, though no protest taken on it, nor no date adjected to the acceptance. (See DICT. No. 4. p. 475.)

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1741. *February 11.*M<sup>c</sup>NEIL of Ugdale *against* CAMPBELL of Glenfaddell.

No. 22.

BILL bearing annual rent 17 days before its date, (when the money was due) was therefore found null, notwithstanding five decisions quoted against it, whereof the two preceding decisions (No. 5. and No. 16.) were two. (See DICT. No. 24. p. 1422.)