

1741. *February 25.* PATERSON *against* FINLAYS.

No. 23.

UPON the same principles, with the decision M'Niel, (No. 22,) a bill bearing annualrent from the date and penalty conform to law, was also found null, though that of the penalty was thought of no moment. (See DICT. No. 25. p. 1422.)

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1741. *July 10.*

ANDREW FORBES, *against* FONNEREAU of London, Merchant.

No. 24.

BILLS sent by a merchant to his factor or correspondent, indorsed value in account, though he may discharge them or indorse them for value, yet, after his death, the merchant, for whose behoof they were sent, is preferable to his executors-creditors confirming these bills. Only they may be retained for security of any balance that may be due to the factor, or any engagements he may have come under for the merchant. (See DICT. No. 65. p. 1472.)

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1742. *Feb. 31.—June 18.* CALDER *against* MARY PROVAN.

No. 25.

BILL for L.100 sterling, given by a man when he was intoxicated with drink, to a young woman, as a penalty in case he did not marry her, was not sustained; but afterwards sustained twice by the President's casting vote; the last time was, when there were four absent. Affirmed in Parliament. (See DICT. No. 60. p. 9511.)

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1742. *June 18.* JOHN ALEXANDER *against* SCOTT.

No. 26.

A BILL drawn on one as principal, and other two as cautioners conjunctly and severally, being paid by and indorsed to the cautioners, recourse sustained against the successors of the principal. See No. 11. (See DICT. No. 55. p. 14675.)