

' money ;' and Mr Clephan obtained a writ of extent against Drummond's effects, but which produced nothing. In an action in the Court of Session, involving the question of recourse, Clephan *pleaded*, That holding the bill not for value, but only in security, or as a deposit, he was not bound to strict negotiation ; and that, beside, Groffet knew Drummond's situation all the time, and had been verbally informed the bill had not been retired.

Groffet *pleaded*, That the practice of remitting to the Receiver-General, by bills of exchange, was usual and legitimate ; and that Clephan had allowed the bill to lie over, in order to derive advantage by the interest growing on it.

Groffet died during the dependence ; and his representative was made a party.

The COURT of SESSION found that Clephan was not liable for the amount of Drummond's bill :—But the case went to appeal ; and the HOUSE of LORDS, 17th March 1763, " ORDERED and ADJUDGED, That the interlocutors complained of in the said appeal be, and the same are, hereby reversed ; and it is further ordered, that the respondent is liable to the appellant, as representative of his father deceased, for the sum of L. 205 : 6s. lost by the insolvency of James Drummond, the acceptor of the bill of exchange in question in this cause ; but is not liable to any interest on account thereof."

For the Appellant, *C. York, At. Wedderburn.* For the Respondent, *Thos. Miller, At. Forrester.*

*Fol. Dic. v. 3. p. 89. Appealed Cases in Advocates' Library.*

1764. November 14. STEVENSON against STEWART and LEAN.

A BILL was found regularly protested in London, though the notary was not present. His clerk presented the bill for payment, and returned with the answer to his master ; who extended the protest at home ; and inserted the names of two witnesses as being present ; this being according to the form and practice of London. See The particulars, No 103. p. 1518.

*Fol. Dic. v. 3. p. 90.*

1766. June 17.

MESSRS CHARLES and ROBERT FALLS, Merchants in Dunbar, Chargers, against ALEXANDER PORTERFIELD of Fulwood, Merchant in Glasgow, Suspender.

TEN pieces of Madeira wine, the property of Mr Porterfield, were, at Charlestown South Carolina, shipped on board the Black Prince, a ship of the Messrs Falls, bound to Dunbar, and consigned to the care of the Messrs Falls. The vessel arrived at Dunbar 1st April 1764, which the Messrs Falls, by a letter of 3d April, notified to Mr Porterfield, and desired to know to whom they should apply, at Edinburgh, for payment of the freight, duty, and other charges, of the

No 156.

No 157.

No 158.

A bill payable at three days sight, was allowed to lie some time in the hands of the drawee, neither accepted