

The point occurred also in the year 1766, in passing a bill of advocacy,

KNEAN and SAYLE *against* GRAHAM,

before Lord Elliock. The advocacy was past, but never afterwards appeared in the Inner-House.

It occurred also, in a complaint against John Blacklaw, at the instance of his creditors; but the complaint, on account of an informality, his Majesty's advocate not being a party to it, was not insisted in.

It occurred again,

1775. *November 3.* M'LURE and M'CREE, Indorsees from Ferguson, *against* PATERSON and OTHERS,

but not indorsees for value. The Lords ordered memorials, and afterwards a hearing in presence, which came to be advised 26th February 1779. "The Lords, after long reasoning, found that no action lay upon the note in question; therefore they sustained the defence, and assoilyied." It was a note for £272, as the price of a certain number of casks of brandy, delivered out of a smuggling vessel in a bay in Galloway, to the defenders, who brought boats to the ship-side for that purpose. This was admitted, and indeed was proved; so that both the pursuers and defenders were clearly guilty of smuggling,—and hard to say which was most. The Lords decided on the case as it stood; refused a reclaiming petition, without answers; and adhered, 3d November 1775.

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DALLAS *against* MACKAILLE.

Mrs Dallas having undertaken to procure a wife for M'Kaill's son, of a certain description; old Mackaille, the father, granted a missive for money, payable to Dallas's husband. A wife being provided, and young Mackaille being married, action was brought upon the missive; but, upon report of Lord Kaimes, the Lords found, "That the office undertaken by Dallas was *contra bonos mores*, and that no action lay upon the missive, and found expenses due." And to this they adhered on a reclaiming petition.

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1779. *July 27.* SIBBALD *against* MR WILLIAM WALLACE.

SIBBALD, a partner in a house at Gottenburgh, had been applied to, by Betty Irvine, a shopkeeper in Edinburgh, for goods, upon credit, which he delivered without security. She applied to Mr William Wallace, who cautioned her