

1766. *December 2.*WILLIAM MACKECHNIE, (or M'KENZIE) *against* JAMES WALLACE.

No. 38.

Action for usury, not limited by the act 31st Elizabeth.

*Fac. Coll.** * This case is No. 342. p. 11144. *voce* PRESCRIPTION.1768. ———. CREDITORS of PITCAIRN *against* FOGGO:

No. 39.

The Creditors of George Pitcairn brought a reduction and declarator of usury against Samuel Foggo, banker in Edinburgh, for setting aside a state of accounts, in which was a charge to Pitcairn's debit of £.40 for commission during the period of the account. The suit concluded for reduction and for the penalties of the statute 12th Queen Anne, Cap. 16. against usury. The Lords having remitted the question as to the practice of charging commission to several of the most eminent merchants and bankers in Edinburgh, on advising their report, "That the universal established practice over all Europe authorises the charge of a commission not exceeding a half *per cent.* on all money transactions for account of another," found that there was no foundation for the charge of usury; and assolizied the defender.—See APPENDIX.

*Fol. Dic. v. 4. p. 393.*1773. *December 13.*

The objection of nullity of a bill on the head of usury found not competent to an onerous indorsee.—See APPENDIX.

No. 40.

*Fol. Dic. v. 4. p. 394. T. MS.*1775. *January 19.*JAMES WILSON, Procurator-fiscal of the Sheriff-court of Paisley, *against* JAMES JACKSON, Farmer in the Parish of Eastwood.

No. 41.

The Procurator-Fiscal brought an action before the Sheriff-court of Paisley, in his own name, and in that of George Park, the person to whose prejudice the offence had been committed, against James Jackson, concluding, in terms of the statute of the 12th of Queen Anne, that the defender had forfeited treble the value of the sum of £.50 Stirling, which he had advanced and lent to George Park, the private complainer, and should be decerned and ordained to make payment of the one half thereof to the procurator-fiscal, for his Majesty's behoof, and the other

How, and before what court, competent to be tried—If triable without a jury, and at the instance of the procurator-fiscal