

No 165.

ings affixed by Brown to the cashier's letters were corroborated by the oath of the said Brown, this would be satisfactory evidence of such intimation. They therefore allowed Brown to be examined; and his deposition confirming the afore-mentioned allegation,

' THE LORDS found the letters orderly proceeded.'

Lord Reporter, *Justice Clerk.* A&T. *Wight.* Alt. *Arch. Campbell.*  
*Stewart.* Fol. *Dic. v. 3. p. 85.* Fac. *Col. No. 118. p. 217.*

1781. February 13.

DOUGLAS, HERON, and COMPANY, against ROBERT ALEXANDER.

No 166.  
 Found in conformity with the above.

ALEXANDER, for behoof of Douglas, Heron, and Company, indorsed a bill to John Christian, their cashier at Ayr, and who was likewise one of their numerous partners. Being dishonoured, it was regularly protested; and a note, under the hand of Christian, appearing on the back of it, bore that the dishonour had been duly intimated to Alexander. Diligence having followed, a suspension was raised; in the course of which process, Christian emitted an oath, corroborative of the above-mentioned marking.

*Pleaded* for the suspender: Christian, being not only the cashier, but likewise a partner of the Company, his testimony is inadmissible.

*Answered* for the chargers: It is a method universally received in mercantile practice, to notify the dishonour of bills verbally, or by a card, without the writing of a formal letter, a copy of which is to be entered in the letter-book. Hence, if cashiers, or other persons intrusted with the affairs of merchants, be not admitted, as habile witnesses, it will often be impossible to obtain any proof in such a case; and it would be very hard, were the possession of a small share in the stock of a company to disqualify them. Upon these grounds the Court determined the question between Sir George Colebrooke and Co. and William Douglas and Co. (*supra*) a case, in every particular, similar to the present.

THE COURT ' found the intimation sufficiently proved.'

Lord Ordinary, *Kennet.* A&T. *Wight.* Alt. *Macormick.* Clerk, *Tait.*  
*Stewart.* Fol. *Dic. v. 3. p. 90.* Fac. *Col. No 34. p. 59.*

No 167.

Found, that notification of dishonour to the last indorser, was not, *per se*, sufficient to preserve recourse against prior indorsers.

1781. February 14. DAVID ELLIOT against JOHN BELL.

WILLIAM BELL granted to John Bell his promissory note for L. 560. John Bell indorsed this note to John Grant, by whom it was again indorsed to David Elliot.

Elliot not having recovered payment from William Bell, the granter of the note, intimated the dishonour to Grant, the last indorser, but made no intima-