

No 177.

his banking house, and go to the country, he ought to commit his business to a responsible person, empowered to open his letters, and transmit such as require dispatch. On the part of Messrs Orrs, it was attempted to be shown, that no injury had in fact arisen from the delay, as the bill, though it had been notified on the 27th as dishonoured, could not have arrived at Bristol before Wright and Beavis had committed an act of bankruptcy. The Court thought it unnecessary to investigate that circumstance. It was enough that an undue delay of three days was clearly instructed; and on that medium they decreed for repetition against Messrs Orrs. See APPENDIX.

*Fol. Dic. v. 3. p. 87.*

No 178.

1794. February 21.

REID and Co. against COATS.

IN this case, which was ultimately decided in the House of Lords, it was held, in conformity with Murray against Grosset, No 156. p. 1592. that a bill indorsed in security requires negotiation. See This case in Synopsis.

*Fol. Dic. v. 3. p. 89.*

1794. December 31.

WILLIAM and JOHN HARRISONS, against EDWARD CHIPPENDALE, Trustee on the sequestrated Estate of Macalpine and Company.

No 179.

Found, that when a debtor in a bill becomes a bankrupt, and a claim is made for it on his estate before the term of payment, the want of due negotiation cannot be objected by his creditors.

When a bill has passed through the hands of a person who is neither drawer, acceptor, nor indorser of it, no recourse lies against him, if it be afterwards dishonoured.

WILLIAM and JOHN HARRISONS, and Macalpine and Company, had been accustomed to accommodate each other by a mutual exchange of bills.

The latter became bankrupt in May 1788, and at that time bills to a large amount were in the circle, accepted by the Harrisons, and which they were afterwards obliged to discharge.

The Harrisons had in their possession, at the time of the failure, bills to the same amount delivered to them by Macalpine and Company, by whom some of them were drawn, but others were neither drawn, accepted, nor indorsed by them. The debtors in all these bills had become bankrupt, and claims had been lodged on their estates before the terms of payment.

The Harrisons entered a claim on these bills on the sequestrated estate of Macalpine and Company, and produced, in support of it, on the one hand, the bills they themselves had accepted, retired; and, on the other, the bills they had got from Macalpine and Company, dishonoured; an account-current attested by Macalpine, after his bankruptcy; and a copy of certain proceedings in the Court of Chancery, relating to these bills, in consequence of a claim entered for them on the English estates of the bankrupts. They also referred to the mutual books of the parties.

The trustee on Macalpine and Company's estate