The same decided 29th November 1758, *Hepburn of Smethon* against ———, but by a very narrow majority.

1758. *July 5.* CLAIM on the ESTATE of ———.

A BILL was drawn, payable to the drawer, who was named in the body of the bill, but he did not subscribe it, only there was a blank indorsation by him upon the back.

The President was of opinion that the bill, as wanting the subscription of the drawer, was altogether informal, and therefore no bill or *literarum obligatio;* but the rest of the Lords thought that this want was supplied by the subscription on the back, which showed that the drawer accepted of the offer of the money by the debtor in the bill, which completed the mutual contract.

1758. *July 5.* IN COURT of TEINDS.

IN a valuation of teinds the lands were under a long tack, which expired in the year 1763, for payment of 600 merks of tack-duty, for stock and teind; but the lands were subset for twenty years for 1000 merks; and there was no doubt but the lands would set at the same rate, or a higher, upon the expiration of the lease. Nevertheless, the Lords unanimously found, that "the constant fixed rent which the lands pay or may pay," in terms of the Act of Parliament, was the rent paid to the master, viz. 600 merks.

1758. *July 28.* EARL of HOME *against* The CROWN.

[Kilk., *eodem die*; and *Fac. Coll. II.* No. 129.]

IN this case it was controverted, Whether there could be any prescription of the right of patronage?

LORD KAIMES said, that there could be none, because there was no continued possession; but in this opinion he was singular. And it was answered by the other Lords, that there were several acts of possession of patronage,—such as the uplifting vacant stipends, drawing the teinds, administrating the benefice by consenting to tacks; and in this way the President observed that a right of patronage could be possessed even while the Act 1690 subsisted, because that act only took away that part of the right which consisted in presentation. It was farther said, that the possession of the beneficed person was, in law, the possession of the person who presented him; so that one single act of presenta-