

1760. *July 3.*JOHNSTON *against* MONZIE.

IN this case the Lords unanimously found, that a prorogation of a tack, upon which no possession had followed, the old tack not being expired, is not a real right, and, consequently, not valid against a singular successor. It was offered to be proved in this case, that the purchaser knew of this prorogation : but the Lords did not listen to that.

1760. *July 15.*NEIL *against* ———.

IN this case the Lords unanimously determined, that the contract betwixt the master and an apprentice is merely personal, and dissolved by the death of either party,—of the master as well as of the apprentice : so that the apprentice is not bound to serve out his time under the master's executors succeeding him in the business.

1760. *July 15.*POLLOCK *against* MAXWELL.

IN this case a bill was indorsed by a debtor of the indorsee's for payment, and, accordingly, he got a receipt from the indorsee, acknowledging it to be in payment *pro tanto*. The acceptor of the bill had an objection of fraud, which was good against the indorser. The question was, Whether the same was good against the indorsee ?

Lord Alemore made no distinction betwixt this case and the case of a bill indorsed for security : in which case it is established law that every objection competent against the indorser is likewise good against the indorsee ; because, he said, wherever a bill is indorsed, not in the way of commerce, (that is, as a vehicle of money,) but by way either of security or payment, *utitur jure communi*, and the indorsement is no more than a common assignation : But Lord Coalston inclined to be of a different opinion, and to make a distinction betwixt payment and security ; but all the Lords agreed, though upon different media, that the objection of fraud in this case was competent.

1760. *July 22.*

TENANTS of KILLILUNG.

AN apparent heir, who had been three years in possession, set a tack for an adequate rent. After this, the creditors of the predecessor adjudged the estate, which was sequestrated and a factor appointed by the Lords, while a ranking