

The first of the above Acts is omitted in Skene and Glendoick's Acts, but is to be found in the Black Acts.

It was alleged that the above laws are peculiar to this country, and that there are none similar in any other country; but it is informed there are statutes much of the same import, both in England and France.

BILL.

1776. *August 3.* GIBSON *against* GIBSON.

THIS day, 17th July 1776, in a cause, Gibson against Gibson, the Lords held it to be a fixed point in law, that a donation could not be constituted by a bill. See Home, No. 36, and 111 *New Coll.* No. 20. The case here was of a father, unlimited in his powers, granting bills to his younger children. The Lords held, that, so far as the onerosity of these could be instructed, either by services or value, the bills were good; but so far as gratuitous, or by way of provision, they found they were not good: and this day, 3d August 1776, refused a reclaiming petition, without answers; and adhered.

1776. *July 23.* MURRAY *against* CALDER.

A BILL indorsed before the term of payment must be negotiated, in order to afford recourse against the drawer or indorser; but, if the term of payment is past before indorsation, strict negotiation is neither practicable nor necessary to found recourse against the drawer. See Kilk., p. 87, *Forbes against Young*. Accordingly the Lords, this day, 23d July 1776, in determining a cause, Murray against Calder, approved of this decision *Forbes against Young*; and held it for law.

1776. *February 10.* M'KENZIE *against* M'KENZIE.

IN a cause, M'Kenzie against M'Kenzie, the Lords found that a legacy could not be constituted by a bill. It had been so found by Lord Justice Clerk, Ordinary, 20th January 1776; and, this day, the Lords refused a reclaiming petition, without answers, and adhered: but with this quality, that they remitted to the Ordinary to hear parties if it was not good to the extent of £100 Scots; to which extent a nuncupative legacy would have been good. See 111 *New Coll.*, No. 20, *Wright against Wright*, 9th December 1775.