

No. 11. the petitioner, whose credit was not meant or expected to be further pledged, than that the sum drawn for was truly due.

Public officers are frequently obliged to incur engagements of this kind, for sums greatly exceeding their private fortune, which, from pressure of business, or negligence at public offices, may not be immediately discharged, and it would be hard that any personal responsibility should be incurred. The contrary is established in England; 10th May 1806, Macbeath against Haldiman, Durnford's and East's Reports, Vol. I. p. 172. p. 180; 1st May 1787, Unwin against Woolsley, *Ibid.* p. 674.

The Earl likewise stated, that various other bills, drawn by him in the same circumstances, had at first been dishonoured, but afterwards paid by the Treasury, on his accounts being settled; and that the holders of them had acquiesced in an opinion of the Attorney and Solicitor General, that no personal claim lay against him. This opinion was not produced.

The Court were unanimously of opinion, that the ordinary rules of recourse applied, and refused the petition, without answers.

Lord Ordinary, *Methven.*

For the petitioner, *W. Erskine.*

Clerk, *Home.*

*D. D.*

*Fac. Coll. No. 199. p. 457.*

1802. *February 20,*

HENDERSON *against* HAY.

No. 12.

A BILL of exchange altered in the term of payment, admitted as a legal document; the alteration appearing to have been made merely to correct a mistake.

\* \* This case is No. 340. p. 17059. *voce* WRIT.

1803. *June 17.*

FERGUSSON and COMPANY *against* BELSH.

No. 13.

Protest is necessary, though the acceptor has become bankrupt before the term of payment.

JOHN BELSH, cashier of the Merchant Banking Company at Stirling, remitted to R. and G. Fergusson and Company, merchants in Carlisle, a bill for £12. 12s. drawn upon and accepted by John Risk in London. When the bill became due on 5th June, Risk had committed an act of bankruptcy: He was unable to pay it; but no protest was taken upon the bill.

The dishonour was notified to Belsh in a letter of the 15th, who, in answer, (18th June 1801), desired the protest to be sent to him, and added, "the moment that the protest comes to me, I shall send you a draught on London at sight." A protest was accordingly taken on the 29th, and sent; but Belsh