

1740. *January 25.* CORNELIUS NELSON *against* BRUCE of New Grange.

No. 10.

GAME ACT found not competent against onerous indorsees to a bill of exchange, and here it was observed that the former decision anent the cedent's oath, No. 4, was stopped on a reclaiming bill, and never decided. (See DICT. No. 57. p. 9507.)

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1740. *November 6.* WILKIE *against* M'NEILL.

No. 11.

PROHIBITED GOODS found not to be *merx illicita*; and therefore Wilkie having bought from Wallace some rum and brandy, and made over a part of his bargain to M'Neill at the same price, for which he took his bill payable to Wallace, and the brandy being afterwards delivered by Wallace to Wilkie, and seized in his possession, he paid the price of the whole to Wallace with some abatement, and Wallace made over M'Neill's bill to him. M'Neill was found liable to Wilkie for the sum in the bill, with a proportional abatement, and the defence repelled that it was a bargain for prohibited goods which were seized and not delivered to M'Neill, because they were delivered to Wallace; and likewise the other defence that they were *merx illicita* was repelled. (See DICT. No. 77. p. 9538.)

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1740. *November 7.* ROBERT BIGGAR *against* SIR ROBERT PRINGLE.

No. 12.

GAME ACT found competent against an arrester, and found proveable by the oath of the common debtor, or his trustee in the bill. (See DICT. No. 58. p. 9509.)

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1741. *February 18.* STEWART *against* HYSLOP and CLERK.

No. 13.

GAME ACT, this reason of reduction found not proveable by witnesses against an onerous indorsee to a bill of exchange. (See DICT. No. 57. p. 9507. and No. 59. p. 9510.)