suggested by the Court in argument that if a bill were made payable to the Pump at Aldgate or order it might be recovered on as in effect a bill to bearer. And in *Vere* v. *Lewis* (1789) 3 T.R. 182 a case decided upon the same day, the Court intimated an opinion that a similar bill, drawn and accepted under similar circumstances to those in *Tatlock* v. *Harris*, might be so treated. In *Gibson* v. *Minet* (1791) 1 H.Bl. 569 the same point was distinctly raised, subject to this qualification that the indorsement by the fictitious payee was there made before acceptance and was itself known not to be genuine by the acceptor at the time of such acceptance. The Queen's Bench held that the bill was in effect payable to bearer, and the decision was confirmed by the House of Lords. A perusal of the opinions of the judges in that case shews that they considered the exception in the case of such fictitious bills to be in reality nothing but a further application of the doctrine of estoppel in a case in which knowledge of the fiction by the acceptor gave rise to an estoppel of the kind.

In *Gibson* v. *Hunter* (1794) 2 H.Bl. 187, 288 the House of Lords appears to have expressly decided that it was only where the fictitious character of the bill was known to the acceptor at the time of acceptance that the bill could be treated against the acceptor as a bill payable to bearer. The question arose on a demurrer to evidence, and it is to be observed that the fourth count alleged merely that the supposed payee was fictitious without alleging that the acceptor knew of this. It was proved in evidence that no such person as the payee existed, and that the name of the payee indorsed on the instrument was not in the handwriting of any person of that name, but on the evidence it was still left in doubt whether the acceptor was privy to the fact of the payee being fictitious. The judges advised the House, and the House of Lords decided in conformity with their advice, that upon this record no judgment could be given, and a venire de novo was awarded. If the knowledge of the acceptor had been immaterial, judgment ought to have been given on the record on the fourth count. The case, how-