

No 204.

Action refused on a bill protested, but allowed to lie over about 20 years; there being presumption that it had been paid.

1768. August 5.

KER against KER.

ACTION was refused on a bill for 3000 merks, which had been protested immediately upon becoming due, but was allowed to lie over for about 20 years, when, after the death of both drawer and acceptor, an action was brought upon it, by the son of the drawer, recently after he had been decerned in payment of certain sums due by him to the son of the acceptor.

Other presumptions concurred in this case, particularly a clearance between the drawer of the bill himself, and the son of the acceptor, and another clearance with the drawer's son, after his death; in neither of which the bill was mentioned.

Reporter, Gardenston.
Ferguson.

A&T. Ilay Campbell,

Alt. W. Wallace.

Fac. Col. No 77. p. 323.

No 205.

1777. July 16.

ELLIOT against M'KAY.

COMPENSATION was proponed against a bill in the hands of an onerous indorsee, which had lain over two years after its date, and eighteen months after the term of payment, without any demand been made, or diligence used.—THE LORDS were of opinion, That the statute 12th Geo. III. ought to make an alteration of the former practice of the Court in similar questions; and therefore they found, That in the present case compensation was not proponable.

Eol. Dic. v. 3. p. 91.

See COMPENSATION.

No 206.

1787. February 6. ROBERTSON against M'GLASHAN.

FOUND, that bills retain their extraordinary privileges for six years, by act 12th Geo. 3. § 37.

Eol. Dic. v. 3. p. 91.

See The particulars voce PRESCRIPTION, SEXENNIAL.

No 207.

Action sustained for a debt vouched by a docketed account and a bill, both of the same date, after the latter was prescribed.

1797. May 19.

PATRICK CAMPBELL, against DUNCAN CAMPBELL and ROBERT STEUART, Trustees of Alexander Campbell.

PATRICK and ALEXANDER CAMPBELL were engaged in various joint concerns. On 15th May 1782, they settled accounts, and a balance of L. 490 was found to be due by Alexander; for which he then granted a bill to Patrick, payable three days after date.