

No 182. M'Kenzie on that statute, where he tells, that the Parliament did expressly refuse to comprehend bills of exchange in that act.

Replied for the defender, That he did not plead that the bill cannot be the foundation of an action; but that it having lain over for so long without diligence done on it, Deuchar's acceptance of it must be with the burden of all the defences that were proponable against Douglas himself, if the same had continued in his person, and as he had been pursuer; and therefore, as compensation would have been a good defence against Douglas, so must it be against Deuchar.

THE LORDS found, That the bill not being protested against the acceptor, nor diligence done thereon for payment during the space of five years, Deuchar the indorsee is only to be considered as a common assignee.

Act. Ro. Dundas, Arch. Hamilton.

Alt. Isla.

Clerk, Robertson.

Bruce, No 80. p. 96.

* * * See Douglas against Erskine, No 2. p. 1397.

1719. February 6. FARQUHARSON against BROWN.

No 183.
Compensation found competent against an onerous indorsee of a bill which had lain over three years.

AN inland bill having lain over three years, without protest or other diligence upon it, compensation upon the debt of the indorser was found competent, against the indorsee for an onerous cause, in respect it was not judged for the benefit of commerce, that bills not protested in three years, should be better than bonds; or that bills which can easily be forged should stand out as lasting securities. See No 182. p. 1623.

Fol. Dic. v. I. p. 102.

See The particulars *voce* COMPENSATION.

1728. February.

GRIERSON against EARL of SUTHERLAND and LORD SRATHNAVER.

No 184.

A BILL had lain over two years and eleven months; yet compensation was not sustained. See No 50. p. 1447. See No 183. *supra*,

Fol. Dic. v. I. p. 102.

See The particulars *voce* COMPENSATION.

1728. June. HEDDERWICK against STRACHAN.

No 185.

THE LORDS sustained action upon a bill of exchange, though it had lain over near 20 years; but the action was against the acceptor himself, acknowledging