No. 42. 1749, Jan. (June) 29. FORBES *against* WILLIAM YOUNG.

CAMPBELL, in Philadelphia, 20th June 1747, drew a bill for L.30 on ————, Treasurer to the Society for Propogating Christian Knowledge, payable to A. Forbes, merchant there 30 days after date, who indorsed it to William Young in Aberdeen for value, but it arrived at Aberdeen on 15th August, 21 days after it was due; and 17th August he indorsed it for value to George Forbes, who granted Young his own bill for L.30. 15s. payable 12th December. Forbes indorsed Campbell's bill to his correspondent at Newcastle, who sent it to his correspondent at London, who did not receive it till 13th November; and when he demanded payment, was answered they had no effects of the drawers; and sent it back to Aberdeen, without any protest, to George Forbes, who returned it to London, where it was protested no earlier than 7th January 1748. Young charged Forbes on his bill, who suspended, for that Campbell's bill was not honoured. Answered, Not duly negotiated. Replied, No necessity for negotiating where the term of payment is past before the bill arrives, or is indorsed. And I, on the authority of Molloy, lib. 2. lit. 10. § 27. *in fine*, found Campbell's bill not duly negotiated, and that no recourse lay for it, and therefore repelled the reasons of suspension. But on a reclaiming bill, the Lords remitted to ———— Coutts and Arbuthnot here, and Ouchterlony and ———— in London, to report their opinion, which was this day reported to us, that there lay recourse on Campbell's bill, though there was quoted to us from the Bar not only Molloy, but the authority of Jaffrays of bills of exchange, Chap. 1. in effect in point against it, and a proof was offered that such was the custom. However, we found that recourse lay, and sustained the reasons of suspension. I did not vote, because of the opinion of these merchants, and yet as I was not convinced of it without further authority or proof, I could not be for altering.—29th June Adhered, and refused a reclaiming bill. 16th June 1749.

No. 43, 1749, Feb. 1. THOMSON *against* COLVILL.

A BILL was accepted by Colvill to Spence of L.51. 6s. July 1742, payable in six months, but was not protested. 20th August 1744, Spence accepted to Thomson for L.47, and indorsed to him this bill in security, under back declaration that it was in security, and he not obliged to do diligence; and in fact none was done till 1746, when Spence was bankrupt. Thomson sued Colvill, who in defence proponed compensation and retention for relief of debts. On Justice-Clerk's report, we sustained the defence.

No. 44. 1749, June 28. JAMIESON *against* GILLESPIE.

WILLIAM SCOTT, drover, 12th February 1745, drew on Swan, also a drover, for L.80 sterling, payable to Thomas Gillespie, or order, 18th May, at the house of William Highmore, merchant in London, for value received of Gillespie, and was indorsed to John Gillespie, and by him to Jamieson, and by him to Claud Johnston, who, 21st May, and no sooner, protested for non-acceptance and non-payment, and re-indorsed it to Jamieson; who brought a process against Gillespie for recourse. Kilkerran sustained the defence, not duly negotiated, because not protested for non-acceptance till the