

1778.

LORD
FALCONER
v.

LAWSON.

Feb. 21, 1775.

Vide Journals
of the House
of Lords.

Against this interlocutor Lord Halkerton presented a reclaiming petition, but the Court adhered.

Against this interlocutor the present appeal was brought to the House of Lords.

After hearing counsel,

It was ordered and adjudged that the interlocutor complained of be, and the same is hereby reversed.

For the Appellant, *Al. Wedderburn, Al. Forrester, Gilb. Elliot.*

For the Respondent, *E. Thurlow, Henry Dundas.*

1779.

GRAY
v.
DOUGLAS, &C.

ALEXANDER GRAY, W.S., *Appellant;*

Messrs DOUGLAS, HERON, and Co., late
Bankers in Ayr, and GEORGE HOME,
Esq., Factor for the Partners of the said
Company, } *Respondents.*

House of Lords, 10th May 1779.

PARTNERSHIP—LIABILITY TO CONTRIBUTE FOR PAYMENT OF COMPANY DEBTS.—Held the appellant liable to contribute his proportional share of the debt owing by the Company, he being a partner of the Company.

The appellant was an original partner of Douglas, Heron, and Co. He was of the committee named by the subscribers for regulating their plan of operations, and was present, either personally, or by proxy, at seven of the nine general meetings of the partners, which were held during the subsistence of the Company, as a banking society. He was, therefore, it was stated, in the full knowledge of the Company's transactions. The Company having become insolvent in June 1772, the question for determination was, Whether the appellant, in these circumstances, could decline paying his share, along with the other partners, of the money which it was necessary for each partner to contribute, in order to pay the debts of the Company?

The appellant had only paid up £200 of his subscribed capital of £500; and the present action was raised against him for the £300, and for an additional call of £200 to pay off the debts.

The Lord Ordinary decerned against him for these sums. On representation, the Lord Ordinary pronounced an interlocutor refusing. On reclaiming petition, the Court pronounced this interlocutor:—"Adhere to the interlocutors of the Lord Ordinary reclaimed against, and refuse the desire of the petition: Find expenses due, and allow the pursuers to give in an account thereof." And of this other date, the Court pronounced this interlocutor.--"The Lords modify the within account to £8, 8s. 11d. sterling, and decern."

1779.

 GRAY
 v.
 DOUGLAS, &C.
 July 31, 1777.
 Nov. 26, 1778.
 Jan. 24, 1779.

Against these interlocutors the present appeal was brought.

After hearing counsel,

It was ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed.

For the Appellant, *Ja. Wallace, A. Macdonald.*

For the Respondents, *Al. Wedderburn, Henry Dundas, Ilay Campbell.*

The Right Honourable EARL of MORAY, *Appellant;*
 CHARLES ROSS of Balnagowan, Esq., and
 Others, *Respondents.*

1744.

 THE EARL OF
 MORAY
 v.
 ROSS, &C.

House of Lords, 6th April 1744.*

ENTAIL.—Special circumstances in which it was held that it was competent to the maker of an entail and the institute to put an end to the entail, and to convey the estate, although there were prohibitory and irritant clauses against selling and conveying the estate, and the entail was recorded.

David Ross of Balnagowan having fallen into debt, in consequence of which, and of outlawry, the liferent escheat of the Balnagowan estate was granted to James, Lord Ross, who afterwards acquired right to other adjudications, whereby the right to Balnagowan became vested in him.

Robert, Lord Ross, having made up proper titles to the estate of Balnagowan, conveyed the estate to David Ross, the eldest son of the said David Ross, and to the heirs male of his body; remainder to the said Lord Ross, his heirs and

1647.

* Omitted at its proper date.