

1812. the third action was for payment of the expenses of the two preceding actions.

THOMSON
v.
THOMSONS, &c.

Sir William did not defend these actions in the Court of Session, but allowed decrees to pass, for the purpose of delay, and brought suspensions. These bills of suspensions being refused, on the statements of fact made by the parties, whereby it appeared that Sir William had, in his letters, acknowledged the justness of the debt. Notwithstanding, he brought the present appeal to the House of Lords, contending chiefly that he only owed about £10,000 of the £16,000 bond, and that the difference was made up of bills due by Messrs. Ogilvie, London, to whom he had granted them for *their accommodation*; that Messrs. Ogilvie had discounted them with Templar and Co., and that the latter had given the money for them, in the knowledge that they were accommodation bills, because he had shown Ogilvies' letter to the bankers establishing this fact.

After hearing counsel, it was

Ordered and adjudged that the interlocutors complained of be, and the same are hereby affirmed, with £200 costs.

For the Appellant, *Wm. Adam, Ad. Gillies, James Moncreiff.*

For the Respondents, *Sir Sam. Romilly, W. Wingfield.*

NOTE.—Unreported in the Court of Session.

Lieut. THOMAS THOMSON,	} <i>Appellant</i> ;
KATHERINE THOMSON, and ELIZABETH THOMSON, Daughters of WILLIAM THOMSON of North Steelend, deceased, and their Husbands and Children,	
	} <i>Respondents.</i>

House of Lords, 14th Dec. 1812.

LIFERENT AND FEE.

An action of declarator was brought by the appellant, to have it declared that, under his father's disposition of the estate of Northsteelend, that he (appellant) had vested in him the fee of that estate, and was entitled to sell it. The destination was in the following terms: "To and in favour of the said

“ Thomas Thomson, my son, *in liferent, for his liferent use*
 “ *allenary*, and to his heirs whomsoever to be lawfully pro-
 “ created of his body; whom failing him and his heirs, viz.
 “ the said Thomas Thomson’s heirs, arriving at majority or
 “ marriage, to the said Catherine and Elizabeth Thomson,
 “ my daughters, *in liferent, for their liferent use only*; and
 “ to their children procreate, or to be procreate, equally
 “ *among* them in fee, heritably and irredeemably.” The
 Lord Ordinary, Lord Justice Clerk M’Queen (14th Nov.
 1792), held that Thomas Thomson, the son, had only a life-
 rent, the fee being in the daughter’s children, and he there-
 fore sustained the defences, and assoilzied.

1813.

 BANK OF
 SCOTLAND, &c.
 v.
 WATSON.

The Inner House adhered to this interlocutor, on re-
 claiming petition; and, on appeal to the House of Lords, the
 appeal was dropped; but afterwards (February 1806) a new
 appeal was brought, whereupon, and after hearing counsel,
 the judgment of the Court below was affirmed.

For Appellant, *M. Nolan, A. Fletcher.*

For Respondent, *Wm. Adam, Mat. Ross.*

NOTE.—This case appears reported in Dow, (vol. i. p. 417), under
 an erroneous date, (14th Dec. 1813.)

(Fac. Coll. vol. xiii. p. 550 : et Dow, vol. i. p. 40.)

The GOVERNOR and COMPANY of the Bank
 of Scotland, and ROBERT FORRESTER, } *Appellants*;
 their Treasurer, }

JAMES WATSON, Baker in Brechin, *Respondent.*

House of Lords, 26th March 1813.

BANK AGENT—LIABILITY—DEPOSIT RECEIPT—STAMP.—(1). Messrs.
 Smith and Sons were agents in Brechin for the Bank of Scotland.
 It turned out that they also carried on business as bankers on their
 own private account. A deposit of money was lodged with them, and
 a deposit-receipt obtained, signed by them, not as agents for the
 bank, but in their own name. Held, on their failure, that the
 principal bank, for which they acted as agents, was liable for pay-
 ment. Reversed in the House of Lords. (2.) Also held it unneces-
 sary to decide the point as to the document or deposit-receipt
 wanting a stamp.

James Smith and Sons were the appointed agents of the
 Bank of Scotland in Brechin, carrying on at same time, on