

BANK.

1735. *July 25.*

SIR JOHN DALRYMPLE, *against* EXECUTORS of DAME JEAN HALKET.

No. 1.

BANK stock is simply moveable in all respects.

* * See this case, January 13, 1736, *voce* BONA ET MALA FIDES.

1749. *February 24.*

BANK of SCOTLAND, *against* ROYAL BANK and HUGH CRAWFORD.

No. 2.

HUGH CRAWFORD having sent a L.20 Old Bank note in a letter to his correspondent at Glasgow, which was somehow stolen out of the post-house, and came to the New Bank, who sent it in course with other notes to the Old Bank to be exchanged; and Crawford having advertised it, they gave him notice of its coming there, and he raised a multiplepounding in name of the Old Bank, calling the New Bank and himself. His plea was, that it was *res fustiva*, and therefore the property remained his, and not transferred. We thought the evidence of its being stolen not sufficient, but agreed to decide the general point; and thought, that if that objection was good, there could not be such a thing as a public bank; and therefore, unanimously found that he had no condiction of this note, nor no action against either of the banks. (See DICT. No. 2. p. 875.)

Bank notes are not
liable to *vitium*
reale.

See NOTES.