

they ought to have transmitted a bill of a public bank, and had no right to make their employer incur a risk by any transaction entered into with a private banking house.

No 37.

THE LORDS, by a great majority, 'adhered.'

Lord Ordinary, *Justice-Clerk.*
Clerk, *Menzies.*

For the Charger, *Geo. Ferguson.*

Alt. *Hope.*

D. D.

Fol. Dic. v. 4. p. 61. Fac. Col. No 149. p. 341.

* * * This case was appealed:

1796. December 19.—THE HOUSE OF LORDS ORDERED and ADJUDGED, that the appeal be dismissed, and the interlocutors therein complained of be affirmed, with L. 100 costs.

No 38.

1795. December 1. BAINES *against* TURNBULL.

A FACTOR in Scotland, employed to sell goods for English merchants, was accustomed to lodge the price of the goods sold in a private banking-house, on an account in his own name, and to take from them bills drawn on their correspondent in London, payable to himself, which he indorsed and transmitted to his employers, against whom he charged two and a half *per cent.* commission. Upon the bankruptcy of the drawers and accepters, he was found liable for such bills as had not been paid by them, because he ought not to have taken the bills payable to himself, but directly to his constituents.

* * * This case is No 76. p. 1486. *voce* BILL of EXCHANGE.

1799. June 21.

ROBERT FARRIES *against* THOMAS ELDER, Deputy Postmaster-General for Scotland, and WILLIAM SCOTT, Postmaster at Ecclesfechan.

ROBERT FARRIES, on the 6th August 1798, delivered to William Scott, postmaster at Ecclesfechan, a sealed letter, for Sutherland and Company, Leith, which had 'L. 25 inclosed,' marked on a corner of it. Farries told Scott that it contained this sum, and paid 2s. 1d. as the postage of it.

It was too late for the mail of that evening; but, in Mr Scott's absence, it was next day dispatched by his wife, who, upon the letter-bill sent by the mail, wrote, 'Mr Sutherland's letter, supposed a money-letter.'

This letter was not delivered to Sutherland and Company, and it was never ascertained what became of it; but it has since been conjectured, that it had

No 39.

The officers of the Post-Office are not responsible for the safe delivery of money sent by post, where the loss of it is not imputable to the individual defenders.