

(Dow's Rep. vol. i. p. 259.*)

1813.

JAMES HAIG, Distiller at Lochrin, *Appellant* ;
 WM. HANNAY, Merchant, Kirkcudbright,)
 and ALEXANDER YOUNG, Writer to the } *Respondents*.
 Signet,

HAIG
 v.
 HANNAY, &c.

House of Lords, 17th May 1813.

SALE—PAYMENT OF PRICE—COMPENSATION.

Spirits were purchased by the respondent, Hannay, for which he granted a bill for £179. 16s. The respondent undertook to send a vessel for the spirits; and he was written repeatedly to requesting him to send the vessel. At last he sent a vessel for the spirits on 19th June, but she did not arrive until 18th July, by which time an additional duty had been imposed on spirits, and, in consequence of the appellant refusing to send the spirits, unless the additional duty were paid, the ship was delayed sometime in port at Leith. The respondent, in the meantime, had become bankrupt; and, when diligence was used on the bill, he suspended upon three grounds, 1st. That he had a claim of damages for not having sent the whisky on 19th June. 2d. That the master and owners of the ship had made a claim upon the suspender for the freight and demurrage, and that the appellant was liable to relieve him. 3d. Compensation for a decree obtained against him in the Admiralty Court, by the owners of the ship freighted, for freight which was paid by him. The Court of Session sustained this third reason of suspension. And this was affirmed in the House of Lords.

For the Appellant, *Wm. Adam, John Clerk, Geo. Cranstoun*.
 For the Respondents, *Sir Samuel Romilly, Fra. Horner*.

(Dow's Rep. vol. i. p. 255.)

JAMES HAIG, Distiller at Lochrin, *Appellant* ;
 JOHN NAPIER, Esq. of Mollance, *Respondent*.

House of Lords, 17th May 1813.

SALE—DAMAGES FOR NON-IMPLEMENT.

The respondent, who is a banker in Kirkcudbright, and a

* This for the year 1813 only.