

1813.

WEBSTER
v.
CHRISTIE.

in cotton goods; and they purchased largely from the respondents. They gave an order for goods, to the extent of £6000, to be exported to New York and the West Indies; on delivery of these, they objected to a great part of the goods as of inferior quality. This dispute was submitted to arbiters; and the arbiters found in favour of the respondents. The appellants then brought a reduction of the decree arbitral. The Court of Session repelled the reasons of reduction, sustained the defence, and decerned. Affirmed in the House of Lords.

For Appellants, *Wm. Adam, J. Macfarlane.*

For Respondents, *Sir Samuel Romilly, Fra. Horner.*

(Dow's Rep. vol. i. p. 247.)

THOMAS WEBSTER, Merchant in Dundee, } *Appellants ;*
and ROBERT JAMESON, W. S. }
THOMAS CHRISTIE, Esq. of Phesdo, . *Respondent.*

House of Lords, 28th May 1813.

CAUTIONER FOR BANK AGENT — BOND OF RELIEF — FRAUD,
CONCEALMENT, AND MISREPRESENTATION.

This was an action brought by the respondent upon a bond of relief granted by the appellants to him as security for his nephew, agent for the British Linen Co.'s Bank at Montrose. The defence stated to the action was, that at a time when the respondent knew his nephew's affairs were getting involved, and when he knew he should suffer a loss under his cautionary obligations to the bank, he had applied to the appellants to relieve him; and that they had been induced by fraud, concealment, and misrepresentation in regard to the nephew's affairs, to grant him the bond of relief in question. The nephew became bankrupt, with £3422 owing to the bank. The Court of Session held that the appellants had failed to state relevant facts to infer that the respondent had been guilty of fraud. Affirmed in the House of Lords.

For the Appellants, *Thos. W. Baird, J. Greenshields.*

For the Respondent, *W. Adam, W. Macdonald.*