

(DUE by CONSIGNATARS.)

1728. *February.*WALLACE *against* CUNNINGHAM.

No 100.

A consignatory found liable in annualrent.

MR WALLACE of Ingliftoun, in the year 1713, sold lands to Sir James Dick, and certain incumberances remaining unpurged, 2000 merks of the price was consigned in Ballandallock's hands, who gave an obligation to the feller, declaring, That the money was put in his hands to be expended in perfecting and completing the rights and diligences affecting the purchase, and therefore obliging himself to count to the feller for the said sum; and, if any overplus remained, after completing the diligences, to pay the same on demand. In the year 1728, Ingliftoun having raised a process, against the present Ballandallock, for recovering the said sum consigned in his father's hands, the LORDS found the defender liable for annualrent as well as principal.

*Fol. Dic. v. 1. p. 41.*


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### ANNUALRENT due by TRUSTEES.

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1738. \* *January 4.*TRUSTEES of COLONEL JOHNSTON'S CREDITORS *against* The CREDITORS.

No 101.

A DEBTOR having conveyed his effects, to certain trustees, to be converted into money for the behoof of his creditors, the trustees, in counting with the creditors, were found not liable for annualrent of the sums that, from time to time, came into their hands during the course of their management.

*Fol. Dic. v. 1. p. 41.*


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### Whether ANNUALRENT due to Creditors upon a Bankrupt Estate after a Sale?

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1713. *June 25.*WALTER CARMICHAEL *against* THOMAS LOCKHART, Her Majesty's Land-Surveyor at Leith.

No 102.

After a judicial sale, a creditor, whose debt did not bear

THE estate of Muir of Annistoun being sold, by a judicial roup, to the Earl of Hyndford, in the year 1700; and, in a ranking of Annistoun's creditors, competing for payment out of the price in the purchaser's hand, Walter Carmichael,