(Due by thofe who uplift Sums bearing Annualrent.)

No 95 . No 96.
One creditor having, by confent, uplifted from a judicial factor, rents due to another, found liable in annualrent thereof.

No 97.
A perion, who, by deceiving a weak man, had obtained a bond from him, and ranked on his eftate for it ; when forced to make tepetition 44 years afterwards, was found liable in intereft only from citation.

The Lords found Mr Gordon liable for the 116 merks, and the annualrent thereof from the time the fame was paid to Mr Thomas his father.

$$
\text { Fol. Dic. v. 1. p. } 42 . \quad \text { Forbes, p. } 465 .
$$

## 1736. February 18. Colonel Erskine against Earl of Lauderdale.

A factor upon a bankrupt eftate, having a confiderable fum of bygone rents in his hands, bearing intereft, the two preferable creditors upon the eftate, who had long difputed which of them was to be ranked firft in order, apprehenfive of the rents perifhing, agreed to divide the fame in a certain proportion: In confequence of this agreement, application was made to the Court of Séfion in the name of one, with confent of the other ; and he accordingly uplifted the bygone rents out of the factor's hands; and being many years thereafter purfued by the other creditor tupon the agreement, was obliged to repeat the purfuer's proportion of the rents, with interelt from the time of uplifting.

$$
\text { Fol. Dic. v. r.p. } 42 .
$$

1762. November 23. Dickson against Hamilton.

Hamilton, writer to the fignet, got a bond for 4000 merks from Ballie of Waliton, a weak foolifh man, on account of fervices he had done, in negotiating a fale of his eftate. It came out, that inftead of doing him fervice, he had betrayed him.

Action was brought by Walfon's Reprefentativees, for reftitution againft Hamilton's Reprefentatives. The Court found the latter liable.

Then the queftion occurred, Whether annuatrent for 44 years was alfo due? It was found due upon this medium, that Hamilton had taken decreet for the fum, and got himfelf ranked for it, upon the price of the lands of Walfon, which was bearing intereft.

This interlocutor was afterwards altered, and intereft allowed only from citation.

