ANNUALRENT,

(Due by those who uplift Sums bearing Annualrent.)

No 95.

THE LORDS found Mr Gordon liable for the 116 merks, and the annualrent thereof from the time the same was paid to Mr Thomas his father.

Fol. Dic. v. 1. p. 42. Forbes, p. 465.

1736. February 18. COLONEL ERSKINE against EARL of LAUDERDALE.

A FACTOR upon a bankrupt effate, having a confiderable fum of bygone rents in his hands, bearing intereft, the two preferable creditors upon the effate, who had long difputed which of them was to be ranked first in order, apprehensive 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 Selfion 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 upon the agreement, was obliged to repeat the purfuer's proportion of the rents, with interest from the time of uplifting.

Fol. Dic. v. 1. p. 42.

1762. November 23. DICKSON against HAMILTON.

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

Action was brought by Walfton's Reprefentatives, for reftitution against Hamilton's Reprefentatives. The Court found the latter liable.

Then the queftion occurred, Whether annualrent for 44 years was also 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 Walfton, which was bearing intereft.

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

Dregborn, MS.

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

No 97. A perfon, who, by deceiving a weak man. had obtained a bond from him, and ranked on his eftate for it; when forced to make 1epetition 44 years afterwards, was found liable in intereft only from citation.