

APPENDIX

PART I.

LIFERENTER.

1801. December 1. IRVING against ROLLO.

No. 1.

THIS case (No. 41. p. 8282), was appealed. The House of Lords, (27th July 1803) ORDERED and ADJUDGED, That the interlocutors complained of in the said appeal be Reversed; and find, that the extraordinary dividend or bonus given by the Bank of Scotland to the proprietors of the stock of the late Alexander Houstoun, deceased, ought not to be considered as belonging to Mrs. Houstoun as the liferenter of the stock of the Bank of Scotland, belonging to the said late Alexander Houstoun, but that the same ought to be considered as belonging to all the persons interested in the said stock of the said late Alexander Houstoun, and that Mrs. Houstoun is therefore entitled only to the interest thereof for her life: And it is further ordered, That the said cause be remitted back to the Court of Session in Scotland, to proceed accordingly.

1806. February 18. NIXON against BORTHWICK.

No. 2.

ALEXANDER HAY, in his contract of marriage with Janet Smith, entered into in 1749, provided to her an annuity, with a certain sum for furniture, in the event of her surviving her husband, and granted a procuratory for infestment in certain subjects belonging to him in Edinburgh, "to Janet Smith, for her liferent-use *allemarly*, and to the heir of the marriage in fee." Elizabeth, the only child of the marriage, was married to William Borthwick, and in her contract of marriage, her father disposed all the heritable and moveable property

Arrears of an annuity due to a widow, how they affect the different interests of liferent and fee.