

(DUE TO CAUTIONERS, &c.)

1740. February 5.

NAUGHTON *against* The CHILDREN of WILLIAM YOUNG.

No 69.

A FOREIGN factor found entitled to annualrent of the balance due to him from the time he transmits his accounts.

Fol. Dic. v. 2. p. 30. Kilkerran, (ANNUALRENT.) No 1. p. 29.

1750. June 22.

MUIRHEAD *against* The TOWN of HADDINGTON.

No 70.

Interest refused to the executor of a writer, from the date of the last article of an account of business and debursemments, or even from citation.

MUIRHEAD of Brodifholm, as executor to his deceased brother George, writer in Edinburgh, recovered decree against the Town of Haddington for L. 1142:18:8 Scots, contained in an account due by the Town to the defunct, as their agent in several processses, and which had been due since the year 1731; and, as the account consisted all of debursemments, except ten guineas modified for pains, he insisted also for annualrent from the last article of the account; or, if not found entitled to that from the time the account had been transmitted to the Town, at least from the citation in the process, which he argued to be due upon the same principle that mandatories and factors, advancing their money on commission, are entitled to annualrent from the time they transmit the account.

THE LORDS found no annualrent due: They considered such claim as only competent in the case of merchants, and that it had never gone further.

Fol. Dic. v. 3. p. 30. Kilkerran, (ANNUALRENT.) p. 30.

1760. November 19.

SHANKS *against* YULE.

No 71.

THE LORDS found a tutor entitled to the interest of expences debursed by him, in an unsuccessful law-suit from the date of the debursemment. (*See TUTOR and PUPIL.*)

Fol. Dic. v. 3. p. 31. MS.

1779. February 26.

CREDITORS of CRICHEN *against* CHARLES M'DOWAL.

No 72.

THE LORDS found, That distressed cautioners were entitled to charge interest upon interest. (*See No 61. and 62. p. 524. See CAUTIONER.*)

Fol. Dic. v. 3. p. 31. MS.