

ANNUAL RENT.

DUE *ex Lege*.

1705. June 8.

GEORGE BLAIR, Merchant in Edinburgh, *against* Mr JAMES OLIPHANT of Langton, Advocate.

IN a cause at the instance of George Blair, against Mr James Oliphant, the LORDS found annualrent due upon inland bills as well as others; in respect the act 36th of the Sixth Session of King William's Parliament, extends the statute 1681 in all points, to inland bills and precepts: And *generalia debent generaliter intelligi*. Albeit it was *alleged*, That the said act 36. should be extended only to inland bills and precepts, in all points relating to execution and diligence, as to which it is express; and not understood to carry the clause concerning annualrent, whereof it makes not the least mention.

Fol. Dic. v. 1. p. 36. Forbes, p. 1.

* * * Fountainhall thus reports the same case:

June 28.—Lord Minto, probationer, (in the place of Lord Phefdo, deceased) reported George Blair, merchant in Edinburgh, against Mr James Oliphant of Lanton, advocate. Mr William More draws a precept for L. 100 Scots on Mr James Oliphant, payable to the said George Blair; and the same being accepted, Blair charges not only for the sum in the bill, but likewise for annualrent since it fell due; Lanton suspends, that annualrents being only due *ex pacto vel lege*; as for paction, there is none pretended; and as little is there any law or statute. It is true, the 36th act 1696 allows the same execution to pass on inland bills as is provided by the act of Parliament 1681, upon foreign bills of exchange, which is meant of a summary registration and charge; but cannot be extended to annualrents, seeing they have another remedy for making them due, viz. by denunciation conform to the act of Parliament 1621; and Mr Forbes, in his late treatise concerning bills of exchange, p. 132. thinks this point is not yet fixed by any decision, and he argues the case *in utramque partem*.—*Answered*: By the said 36th act, inland bills are *in omnibus* equiparate to foreign; and therefore so general a clause is not to be restricted to execution only; and there is the same equity for both.—THE LORDS found annualrent due likewise upon inland bills as well as others.

No 1.
Annualrent
due on inland
bills as well
as others, by
act 36, Parl.
1696.

Fount. v. 2. p. 279.