

THE LORDS ordained the first annualrenter to do diligence within twenty days after each term; that, after that time, the second annualrenter might do diligence; or otherwise, at her option, ordained the lands to be divided conform to the rents, proportionably as the two annualrents. The second annualrent and the first to take her choice.

No 19.

*Fol. Dic. v. 1. p. 238. Stair, v. 1. p. 101.*

\*\*\* Gilmour reports the same case :

IN the double poinding pursued by the tenants of Musewel, against the old lady and young lady thereof, both of them being infest in annualrents furth of the lands; and the tenants and young lady complaining, that they were oppressed by several poindings; and the young lady, when she came to poind, she was always debarred by the old lady;

THE LORDS found, That unless the old lady should poind within twenty days after each term of payment of the tenants' duty, the young lady should poind without any impediment from the old lady. *Gilmour, No 34. p. 25.*

1662. July 26. SIR JOHN AITON *against* ADAM WATT.

ADAM WATT being first infest in an annualrent out of Whitland's estate, comprised for some of the bygone annualrents; Sir John Aiton being infest after him in an annualrent of the same lands, *alleges* that Adam hinders him to uplift the duties or poind the ground for his annualrent, and yet lets them ly in the common debtor or tenant's hands until his apprising expire, and therefore *alleges* that Adam Watt ought either to intromit, and do exact diligence, and impute the same in his comprising, or suffer Sir John to do diligence, or at least, that both may do diligence effeiring to their sums.

THE LORDS found, That Adam Watt ought to be liable for diligence in time coming, in uplifting the rents to satisfy his apprising; and as to the annualrent, found, That after 40 days after each term in which Adam, as the first annualrenter, might poind the ground, it should be liesom for Sir John, as the second annualrenter, to poind the same, without respect to Adam Watt's prior infestment, if he did not diligence thereon within 40 days after ilk term.

*Fol. Dic. v. 1. p. 238. Stair, v. 1. p. 138.*

1671. January 26. CASSE *against* CUNNINGHAM.

AN annualrenter is not liable for diligence farther than for payment of his annualrents, though he exclude others.

*Fol. Dic. v. 1. p. 239. Stair.*

\*\*\* See This case Sec. 1. b. t. No 6. p. 3474.

No 20.

In a competition of two annualrenters on the same lands, the first was allowed 40 days after each term to do diligence, after which it should be lawful for the second to do diligence.

No 21.