

## FACTOR.

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1734. *July 4.* WILLIAM CUNNINGHAME, *Supplicant.*

No. 1.

THE Lords granted a factory to one on finding caution to uplift the annualrents of a sum due the factor's brother, absent out of the country without leaving a factory, and fallen to him since he went abroad; but would not give it for uplifting the principal sum without a necessary cause shown. See JURISDICTION.

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1736. *July 31, November 30.*

EDGAR, Factor of CLOUDEN, *against* The CREDITORS.

No. 2.

THE Lords' factors are liable for annualrent for all sums paid to them, whether principal sums or annualrents, from a year after they receive them.

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1737. *December 16.* CREDITORS OF ANDERSON *against* HANDYSIDE.

No. 3.

A FACTOR with power in general to receive payment, and discharge and to use diligence, and generally to do every thing else anent the premisses that the constituent could do, but not mentioning these words, "compone, transact, and agree," &c.;—the factor, by accepting a general disposition by a bankrupt to all his creditors, cannot bind his constituent.

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1738. *January —.* RANKINE *against* MOLLISON.

No. 4.

A FACTOR selling goods, expressly bearing to be by commission or power from another, and saying, "I do agree with you in his name, that he shall