

APPENDIX.

PART I.

ANNUAL-RENT.

1801. February 13. PATRICK HENRY *against* MAJOR SUTHERLAND.

PATRICK HENRY, as residuary legatee of Robert Watt, writer in Edinburgh, brought an action against Major Sutherland, for a balance due to the deceased, including a charge for agent-fee and clerks, on an account commencing in 1772, and ending in 1780.

The defender stated objections to the account, which were repelled by the Lord Ordinary, who “decerned for payment, with interest from the 26th of January 1781, being a year after the date of the last article; also found expenses due.”

In a petition against this interlocutor, the defender gave up his objections to the account, but stated, that, till lately, no demand had been made for payment; that he was not previously aware of the balance being against him; and that, at all events, a law-agent is not entitled to claim interest on his account; 22d June 1750, Muirhead against Town of Haddington, No. 70. p. 532; such claims being competent only in the case of mercantile transactions; 13th January 1737, Abrey against the Executors of Ross, No. 68. p. 528.

Observed on the Bench: A law agent is entitled to charge interest when his claims remain unpaid for any considerable time, like any other person who lives by his trade.

The Lords unanimously refused the petition without answers.

Lord Ordinary, *Polkemmet.*

For the Petitioner, *Arch. Campbell, jun.*

Clerk, *Sinclair.*

D. D.

Fac. Coll. No. 218. p. 495.

No. 1.

A law-agent found entitled to charge interest on the balance due to him, after a year from the date of the last article in the account.