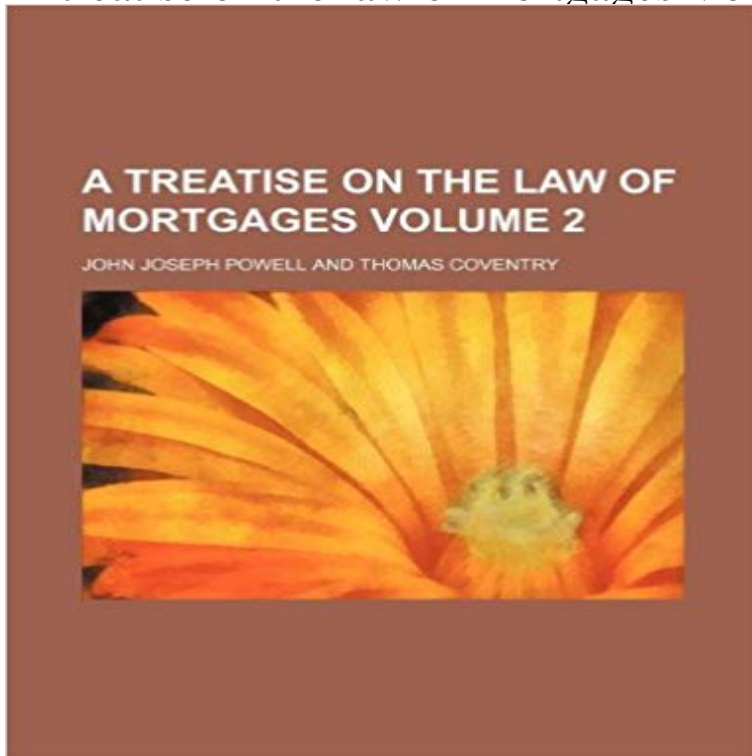


A treatise on the law of mortgages Volume 2



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1822 Excerpt: ...be materially injured without it; and the Register, upon being consulted, had also stated, that it was not usual to direct annual rests, except under special circumstances. Sir W. Grant, M. R., said, he thought his recollection of the form of decrees was the same. The direction to take accounts with rests was not of course. There was no instance of a decree in the form prayed, with rests from a particular period of the account, when the an ear of interest was discharged. There were only two forms of decrees, either with or without rests. Here the special circumstances were against such a direction, which it was admitted, would be improper from the beginning of the account while there was an arrear of Rests some-interest. The account was accordingly directed without rests. Stokoe times dispensed v-Robson, 19 Ves. 385. In Raphael v. Hoehm, 11 Ves. 02, the decree ditWi/i when in-rected a computation of interest at 5 per cent, on all sums received by the terest As been executor while in his hands, and that the Master do, in such computation, in arrear. make half-yearly rests. This decree, though perhaps going farther than usual, was held under the circumstances properly executed by a computation of interest upon cacli receipt from the day it was received: the balance of receipts, with the interest so calculated, and payments being struck at the end of the half year, and that balance, so composed of principal and had not been for their own default(a); and yet if the person, decreed to account, receive any thing subsequent to the decree, it is enquirable before the Master, and the defendants in such case must bring such sums so received to account (u). (a) Bulstrode v. Bradley, 3

Atk. 582. See also antea, 949, of this edition, note (G).--Ed. ...

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