

No 31.

1688. July 28. LAMINGTON *against* JAMES OSWALD.

FOUND, that the receiver of thirty-eight bolls of corn, of a crop nineteen years before, from a tenant, was liable to the master *jure hypothecæ*, for the rent of that former year, if not exceeding the value of the bolls received, unless it were made appear, that corns and goods were then left upon the ground sufficient to satisfy that year's rent. But there was some speciality in the case, and other reasons concurred.

Harcarse, (HYPOTHECATION.) No 704. p. 145.

No 32.

1700. June 25. SALTON *against* CLUB.

A SUBTENANT being pursued by the landlord upon his hypothec, not only for the rent of the farm which he possessed, but for the whole tack duty owing by the principal tenant, the LORDS found, that the whole fruits growing upon the subset ground were impignorated to the landlord for the rents, as well as the fruits and goods upon the rest of his ground, unless he had accepted him as subtacksman.

Fol. Dic. v. 1. p. 417. Fountainball.

* * See this case No 13. p. 1821.

1708. June 30.

WILLIAM SELKRIG, Writer in Edinburgh, *against* JOHN FRENCH, Maltman in Glasgow.

No 33.

A person who, intimating his right to a tenant's moveables and household plenishing, by an instrument of possession, debarred the proprietor from poiding them for his year's

IN the action at the instance of William Selkrig, against John French, for payment of L. 80 Scots, as a year's rent of a house in Glasgow pertaining to the charger, and set to William Drew, innkeeper there, to whose moveables and household plenishing John French had right by disposition intimated by instrument of possession, and debarred William Selkrig from poiding the same, for his year's rent, by virtue of his hypothec ;

Alleged for the defender; He could not be liable for the year's rent; because, albeit he, as creditor to Drew, took a disposition to the household plenishing, and got an instrument of possession, yet he never intromitted with the same; but did only, by virtue of his disposition, oppose the pursuer's poiding