

1749. *July 5.* CREDITORS OF LIDDERDALE OF TORRS, *Competing.*

No. 15.

AN agent found to have a hypothec not only against his employer for payment of his account, but also against his real creditors, *contra* the decision M'Viccar, No. 3. *supra*; but the agent having paid the Sheriff at taking his client's infestment as heir to his predecessors, the money due to the Crown, he was found not to have any hypothec for that money. (See DICT. No. 54. p. 6248.)

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1750. *January 12.*

ANDREW BROOMFIELD *against* DAVIDSON of Haltree.

No 16.

HYPOTHEC in corns is only competent for the rent payable for that crop, whereof these corns are the produce; and therefore a tenant entering at Whitsunday 1740, and paying his first year's rent, the half at Martinmas 1740, and the other at Whitsunday 1741, which of consequence was fore-hand rent for the crop 1741, which behoved to be the tenant's first crop; a creditor pointing the corns in September 1748, they were found hypothecated to the master for the rent payable at Martinmas 1747 and Whitsunday 1748, which was the rent of that crop 1748, and not as the creditor contended for, the rent payable at Martinmas 1748 and Whitsunday 1749, the terms immediately after the crop; for the rent then payable was truly the rent of crop 1749, which was not sown at the time of the pointing.

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1751. *July 18.* ROBERT DALRYMPLE *against* EARL of SELKIRK.

No. 17.

THE late Earl of Stair having employed Mr Robert Dalrymple to write dispositions, and expedite charters and sasines of some lands in favours of his nephew the deceased Captain John Dalrymple, to qualify him to vote at elections,—Earl of Selkirk, as creditor to the Captain, adjudged these lands from his heirs, and pursued mails and duties; wherein compearance was made for Mr Dalrymple, now of Stair; and Earl of Selkirk called Mr Dalrymple on a diligence to produce the Captain's rights; and he pleaded his right of hypothec till he was paid his account. Lord Kilkerran, Ordinary, seemed to think the hypothec not good in this case, and that the pursuer might, without paying the account, force production of them *in modum probationis*, (agreeably to the decision Earl of Sutherland against