

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. 1861 Excerpt: ...price a second time; Ersk. ib. Â§ 64; Bell on Leases, vol. i. p. 387, in note. It is still an open question, whether the landlords hypothec extends over an agricultural tenants furniture. A cautioner for rent may, on paying the rent to the landlord, insist for an assignation to the hypothec. But the landlord will not lose his recourse on the cautioner by neglecting to enforce his hypothec. The landlord is not entitled to a preference over the superior claiming his feu-duties, nor over farm-servants wages, nor over funeral expenses, nor over the Crown. See Crown Debts. Privileged Debts. 2. Maritime hypothec.--The seamen have a tacit hypothec, in security of their wages, over the freight due to the owners of the ship. They have also a hypothec over the ship itself, or rather a lien or jus retinendi et insistendi in relation to it, in virtue of which, although the seaman may lose his personal action if the owners earn no freight, he will have his claim against the ship to her last plank. The shipowner has a tacit hypothec over the cargo for the freight of that cargo. And there is likewise a hypothec to freighters, which gives security over the ship to the owners of the goods, for loss by improper interruption of the voyage; or for damage done by improper stowage, &c. There is no hypothec for the price of a ship; but the repairers of a ship have an hypothec over the ship for the repairs. This, however, has latterly been confined to such repairs as have been made in a foreign port; July 29, 1788, Hamilton; Affirmed on Appeal; Ersk. B. iii. tit. 1, Â§ 34. See also Bond of Bottomry. Bond of Respondentia. 3. Agents Hypothec.--The right which a law-agent has to retain his employers writs and title-deeds, in security of his professional account, is s...

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