

No 34.

1727. *January.*LINDSAY *against* CARLYLE.

THE executors of a wife, who predeceased her husband, insisting for the defunct's share of the goods in communion, the husband craved deduction of the heirship moveables, which he alleged were heritable, and fell not under communion. *Answered,* Heirship moveables is not a *nomen juris* while the husband is alive.—THE LORDS found the heirship moveables could not be deducted. See APPENDIX.

*Fol. Dic. v. 1. p. 366i.*

If the heir may intromit with heirship without a service. See SERVICE and CONFIRMATION.

General assignation, if presumed to comprehend heirship moveables. See PRESUMPTION.

See Earl of Leven against Montgomery, 27th February 1683, No 41. p. 3217.

See Crawford against Crawford, 16th June 1749, *voce* TITLE to PURSUE.

See APPENDIX.