

## HERITABLE AND MOVEABLE.

## S E C T. I.

## Nature and Distinctions of each.

1675. *June 18.* LD. of LEYES *against* FORBES.

No 1.

WHERE the order of redemption and declarator was after the wadsetter's death, the wadset sums were found to belong to the heir and not to the executor, because as to heritable and moveable, subjects are considered as they are at the defunct's death; and in this case at the death of the wadsetter the wadset was a subsisting real right.

*Fol. Dic. v. 1. p. 367. Stair.*

\*\* See the particulars of this case, No 6. p. 286.

1730. *July.* SCOT of Gala *against* HOPE-PRINGLE of Torsonce.

No 2.

Woods ripe for cutting at the time of the proprietor's death, whether they go to the heir or executor, debated, but not finally determined, the matter having been taken up by transaction. See APPENDIX.

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

1738. *January 11.*

HENRIETTA CARRUTHERS, Relict of ANDREW BARCLAY, *against* ANDREW BARCLAY Merchant in Edinburgh.

No 3.

THE deceased Andrew Barclay, writer in Edinburgh, having acquired right to two heritable bonds, upon which infestment had followed, provided the same

The annual-rents which fall due the