

No. 10. the first of May, that the annualrents payable at the Candlemas preceding were moveable, and the subsequent annualrents heritable, and altered the Ordinary's interlocutor, which made the annualrents from the Martinmas preceding heritable.

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No 11. 1740. *February 26.* LORD DAER *against* LORD HAMILTON.  
 THE like judgment in all respects to that of Heirs and Executors of Rothead, No. 10.

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No. 12. 1741. *February 11.* ALLAN *against* WILLIAMSON.  
 IT was thought by several, but not decided, that a liferent assigned would fall to the assignee's heir, and not to his executor, as having a *tractus temporis*, though it would fall under his single escheat. (See No. 16. *infra*.)

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No. 13. 1747. *November 18.*  
 Sir JOHN KENNEDY of Culzean, *against* Mrs ANN KENNEDY and Her HUSBAND, &c.

BOND secluding executors being assigned by the creditor to take effect after his death, to his eldest son and his heirs, without any mention of that eldest son's executors, whether they should be excluded or not; after his death a competition arose between his next brother and heir and the other younger brethren and sisters: We preferred the heir. (See DICT. No. 67. p. 5499.)

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No. 14. 1748. *July 13.* Sir WILLIAM DUNBAR *against* LADY DIPPLE.

WE gave the like judgment in all respects as we did 6th November 1739, betwixt the Heirs and Executors of Sir James Rothead, (No. 10.) being anent adjudications on the same estates of Merchiston and Blair, which belonged to the deceased Mr William Brodie, and found the defunct's share of the price of lands sold before his death moveable, but of those only sold after his death heritable. (See DICT. No. 138. p. 5591.)