inſtance be excepted, where the right of redemption is competent to the ſuperior, who already ſtanding infeft as ſuperior, needs not a new infeftment as proprietor: And therefore, the reverſion here being only a perſonal obligation upon the proprietor to denude, may be carried by an adjudication without infeftment, as well as by aſſignation. No 5.

'THE LORDS found, That Loſſet's adjudication of the reverſion of the wadſet-right, was ſufficient to carry the ſame, without neceſſity of infeftment or charge againſt the ſuperior; and therefore, preferable to poſterior adjudications, with a charge againſt the ſuperior not within year and day.'

Fol. Dic. v. 1. *p.* 14. *Rem. Dec. v.* 1. *No* 91. *p.* 179.

1738. *December* 1. RAMSAY of Wyliecleugh *againſt* BROWNLEE.

No 6.
Whether an appriſing be a *pignus prætorium*, or a ſale under redemption.

FOUND, That an appriſing, and whole ſums therein contained, without diſtinction between principal ſum and annualrents, accumulate ſum and annualrents thereof, or acceſſories thereto, do belong to the heir, and no part thereof to the executor, notwithſtanding the appriſer died within the legal.

The queſtion aroſe upon the allegation of the reverſer, That the appriſing was extinguiſhed by the poſſeſſion of the appriſer's heir within the legal, which depended upon this, whether the bygone annualrents, at the appriſer's death, belonged to his executors, or to his heir? If to his executors, the appriſing was extinguiſhed by the heir's poſſeſſion, within the legal.

It had been a received notion, that the bygone annualrents, at the appriſer's death, fell to his executors; and there were ſeveral inſtances condeſcended on, of confirmations of ſuch bygones; and ſo much was the Court of that opinion, that when this queſtion was firſt ſtirred, the Preſident, and he only, ſpoke of it as a doubtful point. But when the matter came to be more maturely conſidered, the Court came unanimouſly into the above deciſion; as great inconveniences muſt have ariſen from a contrary judgment, and occaſion been given to many queſtions, not dreamed of, concerning eſtates poſſeſſed upon appriſings.

So, upon examining the nature of an appriſing, it was judged to be a proper ſale under redemption, whereby the land which deſcends to the heir, comes in place of the debt, which no more exiſts as to either principal or annualrents; whereas, were it a *pignus prætorium*, or legal diſpoſition in ſecurity during the legal, (which had been the common notion,) then the debt, ſtill ſubſiſting till expiry of the legal, the appriſer dying within the legal, the bygone annualrents of it would fall to his executors.

Fol. Dic. v. 1. *p.* 13. *Kilkerran*, (ADJUDICATION.) *No.* 3. *p.* 3.