

All the furniture of a house which can be taken away without fraction or deterioration (1) is considered moveable, but that which is annexed by iron, or fixed in with plaster, with the intention of its being continued in such a state of annexation, is considered immoveable; for instance, a fire-grate fixed in a fire-place, and a stove inserted permanently in the wall between two rooms, in a house are considered immoveables, when they cannot be displaced without removing the bricks or other matter in which they were inserted, or by which they were secured in their position; otherwise they are considered moveables. This distinction is important, inasmuch as there are cases where one relation of the deceased would inherit the moveables, and another would inherit the immoveables, to which such fixtures had been permanently annexed, (2) and is also important as the law of the country where the person resides will, in the event of his dying intestate govern the succession as regards moveables. (3) Wood, hay and grain which have been cut down, even if they be on the field and not carried away, are moveables; but if growing, are considered immoveables and as forming part of the property.

Money given by parents to their children, in anticipation of marriage, to be employed in the purchase of real property, although it be not so employed, is considered immoveable, because of its destination, on the other hand an immoveable will be considered as moveable when by a contract of marriage it is

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(1) These words of the *coutume* are intended to distinguish actual moveables from those which were once moveables, but which having been permanently annexed to an immoveable are deemed to form part of an immoveable.

(2) Whatever is joined to a house or other building, such as anything that is fastened with iron, lead, plaster, or any other way, to the intent that it may always continue so, is reputed to be immoveable. (Domat.)

(3) Not only lands and houses, but servitudes and casements, and other charges, on lands, as rents and trust estates, are deemed to be in the sense of the Law, immoveables and governed by the *Lex rei sitæ*. In order to ascertain what is immoveable or real property or not, we must resort to the *Lex loci rei*, Story Conflict of Laws, No. 447.