

it so moveable as to give him any more right *jure mariti* than to the annualrents of it, even as a requisition used by a wife does not presume that she minds to give that heritable sum required to her husband. See M'Kenzie's *Institut. part 2. tit. 2. p. 90.*—THE LORDS, before answer, had taken trial if it was yet extant, and if the money in Abbotshall's hands was the same individual money she and her husband lifted as her portion; yet now, on Castlehill's report, the LORDS found, seeing it was uplifted by a transaction, the nature of it was wholly innovated, and became moveable, and so belonged to the husband and his heirs and executors, and she has only the liferent of it in the terms of the bond. But she craved compensation for what she had expended upon his children after his death.

No 33.

*Fountainhall, v. I. p. 402.*

1719. *January.*HILL of Ibrox *against* KING.

A DAUGHTER having insisted in a reduction of a disposition of lands by her father, as done without any onerous cause, in prejudice of a settlement in her favour; the LORDS found it in part onerous, and refused to reduce; but ordered the defender to give bond, bearing annualrent to the pursuer for what was wanting of a just price. The disposition was made, and bond granted during the daughter's marriage, which gave rise to the question, whether this bond fell under the *jus mariti*? That it fell under, was *contended*, because all bonds are moveable before the term of payment; and if this bond was once moveable during the marriage, it of consequence fell to the husband, and could not cease to be his, though afterwards it bore annualrent.—It was *contended* on the other hand, That the bond came in place of land, and was the same as if the wife had sold her heritage during the marriage, and taken a bond for it, which unquestionably would be exempt from the *jus mariti*. Had indeed the marriage intervened betwixt the date of the bond and the term of payment, more might be said, for that would be the same case as if a bond had been taken as the price of land sold before the marriage.—THE LORDS found the sum heritable. See APPENDIX.

No 34.

*Fol. Dic. v. I. p. 387.*