

stitutes what is called the law of nations, and to which the municipal law must conform; but, where subjects of the same country deal together, they being subject to the municipal law, ought not to be favoured in departing from the known established rules; hence it is, that bills are entitled to many privileges, which no other form of obligation in use amongst the subjects of this country are entitled to, but which ought not to be extended to any other writing.

THE LORDS preferred the arrester.

C. Home, No 113. p. 182.

No 48.

1739. January 19.

CREDITORS OF BERNARD CLUNIES *against* SINCLAIR and Her HUSBAND.

THE question occurred with the regard to a bond due to a married woman, the annualrents of which belonged to her husband, if an arrestment for his debt, laid on in the debtor's hands, did affect the *jus mariti*, or the annualrents only due at the date of the arrestment?—THE LORDS found that the arrestment carried no more than the annualrents that were fallen due, and the current term; and the reason given for it was, that arrestment can carry nothing but what is due to the common debtor, when it is laid on, not being of the nature of an inhibition to affect *acquirenda*; that the proper diligence in this case, is an adjudication against the husband, in whom the *jus mariti* subsists.

Fol. Dic. v. 1. p. 55.

No 49.

In what manner an arrestment affects the *jus mariti*. Decided in conformity with No 39. p. 702.

* * * The same case is thus reported by Lord Kilkerran.

It had been formerly determined between John Spruel, and the Laird of Grant, *anno* That a creditor of the husband's arresting in the hands of the wife's debtor by bond, carried not only the annualrents then due, and the current term, but that the arrestment carried the *ipsum jus mariti*. But the contrary was now determined and found, that it carried no more than the annualrents fallen due at the time of the arrestment, and the current term.

Arrestment affects not *acquirenda*; and the proper diligence to carry the *jus mariti*, is adjudication against the husband.

Kilkerran, (ARRESTMENT.) No 4. p. 36.

1739. June 22.

MACKENZIE of Dundonald, *against* JOHN TUACH.

TUACH having right to the reversion of some lands which he had wadset, assigned one moiety of the reversion-money (in terms of the back-bond) in the hands of Bailie Frazer, on the 11th March 1738; and, in November thereafter,

No 50.

Money assigned for the redemption of a wadset, found not to