

HERITABLE AND MOVEABLE.

JUS MARITI.

1765. PHILP *against* CREDITORS of JOSEPH CORRIE.

IN March 1749, John Philp granted a bond of provision to his daughter Margaret, for 12,000 merks, payable at the first Whitsunday or Martinmas after his decease, with annualrent from the Whitsunday or Martinmas preceding his death till payment. In the 1754, Margaret Philp married Joseph Corrie, but no marriage-contract was entered into between them. John Philp died in December 1760, whereby the above provision became payable at Whitsunday 1761, with annualrent from Martinmas 1760; and, in February 1761, Joseph Corrie died, leaving Margaret his widow and two children. He died in bad circumstances, and a competition ensued between a trustee for his creditors, claiming the above bond as falling under his *jus mariti*, and Mr Philp, the representative of John Philp who, in behalf of his sister, the widow, and her children, contended that the bond was heritable, and did not fall under the *jus mariti*. "The Lord Nisbet, Ordinary, found that the bond of provision was, after the father's death, fully vested in Margaret Philp; and, as the term of the payment of the bond was not then come, the same fell under the *jus mariti*, and went to his executors." And the Lords adhered.

1778. November . RICHARD STORRAR *against* CREDITORS of LIDSTER.

RICHARD Storrar, in November 1765, granted bond of provision for 1000 merks to his daughter Katharine, payable at the first Whitsunday or Martinmas after her majority or marriage, with annualrent thereafter. In August 1771, Katharine married Thomas Lidster, while she was yet under age, and without any contract; and Lidster soon after becoming bankrupt, his creditors arrested the provision in her hands, as falling to their debtor *jure mariti*. Storrar pleaded, in absence, that the bond was heritable. To which the Creditors answered, that the bond was to all intents moveable;—the marriage, which was a legal assignation, happening not only before the term of payment of the bond, but even of the annualrent upon it. The Lords found so, and that it fell under the *jus mariti*.