

No 18. to such sums as he had employed to his second son, and which was found pre-  
 able for her liferent by the heir, of these sums conquered to the second son.

Act. *Stuart.*Alt. *Hope et Cunninghame.*Clerk. *Hay.**Fol. Dic. v. 1. p. 199. Durie, p. 178.*

1629. February 10. OLIPHANT *against* FINNIE.

No 19.

An obligation to provide the wife in liferent of all sums conquest, was not extended to certain sums, which the husband had taken the debtors obliged to pay to some of his younger children, but only to those which he had acquired to himself and his heirs.

THE husband being obliged to provide his wife to a liferent of all sums to be conquest by him during their marriage; whereupon she having pursued the heir, to provide her to her liferent of some particular sums, contained in certain bonds, which the husband had taken the debtor obliged to pay to some others of his bairns, to whom the payment by the bond was appointed to be made, and which sums he had provided to the said bairns;—it was found, That that clause, and the like clauses contained in such contracts, could not oblige the heir to provide the relict to the liferent of sums, which, in the bonds and securities made thereupon, were provided to the defunct's other bairns: For such a general clause, in contracts made by the husband in favours of his wife, ought to be understood only of such sums as the husband acquires to himself and his heirs, and whereunto his heirs may succeed to him after his own decease; and whereof the fee remained in his person while he lived: For, if it should receive any larger interpretation, it would tend to take away all power from the husband, to provide any thing to his other bairns; but to acquire all which he had or might purchase to his eldest son only; yet to this it is *answered*, That the bairns provision is not affected with the wife's liferent.

Act. *Oliphant.*Alt. *Nicolson.*Clerk. *Hay.**Fol. Dic. v. 1. p. 199. Durie, p. 423.*

No 20.

Lands conquest, and sold again, do not fall under the clause of conquest in the contract of marriage. A feu being acquired, and disposed again to the feuar for a greater feu-duty; the feu-duty only is reputed conquest.

1629. November 26. LADY DUMFERMLINE *against* Her SON.

IN this action, whereof mention is made 12th March 1628, No 2. p. 3048. the clause of contract, whereby the husband is bound to infest the wife in all lands to be conquest, during the marriage, will not astrict the heir to fulfil the same to the relict, for such lands as were conquest by the husband, and after the conquest were sold by him, before his decease; for that clause ought only to be effectual to her, for such lands and conquest as remained and continued in that estate, the time of the husband's decease, and the right whereof remained with him. And it was also found, that the lands being acquired by the husband, from the feuar of the lands, and thereafter disposed again in feu to the same feuar, for a greater feu-duty to be paid, than was contained in the feuar's prior