

(OF THE ACT 1491.)

Aliment speaks only of minors; and though some heirs of great quality are not obliged to betake themselves to a calling; yet he was not of that rank but he might have followed an employment; and if he was bred to no other, he might have been a soldier; and this has influenced the Lords in some of their former decisions.

No 39.

Fol. Dic. v. 1. p. 31. Fount. v. 2. p. 60.

* * In the case Hay, younger of Park against his Mother, above-mentioned, No 19.;—out of 1000 merks, which was the mother's yearly annuity, L. 100 Scots was modified to the apparent heir.—And, in the case, Ramsay against Rigg, No 13. *supra*, the Lords modified L. 160 Scots out of 600 merks a-year.

Modification of the aliment.

ALIMENT *due ex debito naturali.*

1666. January 13.

WILLIAM DICK against Sir ANDREW DICK.

WILLIAM DICK pursues Sir ANDREW DICK, his father, for a modification of his aliment, whereupon the question was, Whether Sir Andrew Dick himself being indigent, and having a great family of small children, and the pursuer having been educated a prentice, whether the pursuer should have a modification.

THE LORDS considering the great portion the pursuer's mother brought; and that he was a person of no ability to aliment himself by his industry; decerned Sir Andrew to receive him in his house, and to entertain him in meat and cloath, as he did the rest, or else two hundred merks, at Sir Andrew's option.

Fol. Dic. v. 1. p. 32. Stair, v. 1. p. 337.

No 40.

A father, tho' indigent, and with a large family, bound to maintain his son who had not ability to support himself.

1672. December 10.

CARSTAIRS and her Husband, against Sir JOHN CARSTAIRS.

THE said Anna Carstairs being provided to L. 20,000, by her father's contract of marriage, which the Lords found not to be payable till after the dissolution of the marriage; and thereafter craving an aliment as being now married to a husband; and so ought to contribute *ad sustentanda onera matrimonii*: It was *alleged*, That in law, liferenters, or donatars to wards, are only liable for aliments; but

No 41.

An aliment is appointed to be paid to the children of an insane father, out of the estate life-

(Ex debito naturali.)

No 41.
rented by him,
altho' they
were in busi-
ness for them-
selves, and
married.

parents having educate their children until they be of age and married, are not bound to aliment them: Likeas, there is an aliment decerned already, both for Anna and her mother, which extends to 2000 merks; whereas the father himself hath only 1100 merks for his own aliment.—It was *replied*, That the father being declared furious long since, and a tutor appointed, his wife and daughter ought to have all the rents of his estate, except so much as is necessary for the father's entertainment; which cannot exceed 400 merks.

THE LORDS found, That the father's condition being declared to be furious, or an idiot, did make a difference betwixt this case and parents who have the administration of their own affairs and family; and so are not obliged to give aliment to their children after they are educate, and brought to be married, and to do for themselves; but did decern the augmentation of 300 merks only, to be added to the former aliment; and thought 800 merks as little as could be reserved for the entertainment of the father in that condition.

Fol. Dic. v. 1. p. 32. Gosford, MS. No 536. p. 284.

1687. July

CAIRNS *against* BELLAMORE.

No 42.

THE LORDS found a father, who, by threats, forced his daughters out of doors to serve others, when he was in a condition to maintain them in his family, liable to pay them a competent aliment, though they were in service.

Fol. Dic. v. 1. p. 32. Harcarfe, (ALIMENT.) No 26. p. 6.

1716. July 19.

WILLIAM MORISON, Younger of Prestongrange, *against* his Father.

No 43.

THE LORDS decerned an aliment to an apparent heir, in proportion to his father's estate; and refused to sustain the father's offer of alimenting him in his family, on account of the notoriety of his mal-treatment.

Fol. Dic. v. 1. p. 31.

1734. July 30.

HEPBURN *against* his Father.

No 44.

AN interim aliment was decerned to an apparent heir of an entailed estate, against his father, married to a second wife, and who had given some ground of complaint for mal-treatment, though, at the same time he was much incumbered with debt.

Fol. Dic. v. 1. p. 32.