1748. *December* 13. YOUNGER CHILDREN of BISSET of Lessindrum.

No. 11.

ALIMENT of younger children modified from the mother liferentrix as well as the heir, who had but a small estate, and to continue only till marriage or majority, and none modified to the eldest daughter, who was major. (See DICT. No. 48. p. 413.)

1751. *February* 2.

APPARENT HEIR of NAPIER of Kilmahow, *against* The WIDOWS of the TWO LAST FIARS.

No. 12.
Aliment of an heir-apparent.

THE Lords thought, that where the estate is so far bankrupt, that the apparent heir cannot safely represent his predecessor, no aliment is due by liferenters to the apparent heir on the act of Parliament anent wardatars, for if the lands were sold, the heir of the purchaser could not claim aliment; and if there were no liferent, the apparent heir could not claim aliment from the creditors. 2*do*, They thought that where the liferent itself is but a scrimp aliment to a person of the liferenter's rank, no aliment could be claimed on that account. 3*tio*, The President thought, that we could not by way of modification give the apparent heir any part of the liferent lands, but could only modify an annual sum to be paid by the liferentrix; and therefore, when her own possession was precarious, depending on the pleasure of other creditors preferable to her, we could modify no aliment to be paid by her; and therefore, in a process of aliment at the instance of the apparent heir of Napier of Kilmahow, against her granduncle's widow, who liferented lands of about L.40, or L.42 sterling of free rent, and wherein some other creditors had securities preferable to her, and against Lady Jean Bruce, the widow of young Kilmahow, who liferented about L.53 sterling free rent, (though provided originally to L.100, having quitted the rest in a sale for payment of creditors;) we found that no aliment was due in this case.

1751. *July* 10. AUCHINLECK *against* AUCHINLECK.

No. 13.

ALIMENT to apparent heirs, Whether founded in the act 1491? 2*do*, Whether the estate must be considered as at the date of the pursuer's succession, or at the death of the defender's husband? that is, Whether com-

petent not only against the pursuer's mother, who has a liferent, but also against the father's mother, though the father got a sufficient estate. In the case of Auchinleck of Woodcockdale, against his Mother and Two Grandmothers, these points were argued, but not decided; because the Court thought none of them could spare any aliment. (See DICT. No. 31. p. 401.) No. 13.

1752. *July* 22.

LUDOVICK GRANT *against* CREDITORS of STRACHAN of Dalhakie.

No. 14.

CHILDREN cannot compete with onerous creditors for their aliment, though founded on indefinite obligements to aliment, till their portions be paid in their father's and mother's contract of marriage. *Vide inter eosd. voce* ADJUDICATION. *Vide* Mr Alexander Falconer's Creditors, Competing, No. 3. *supra*.

1754. *January* 5. PATRICK URQUHART *against* ALEXANDER WILL.

No. 15.
Aliment of one imprisoned for a verbal injury.

ONE ALEXANDER WILL was imprisoned in Stirling on a caption for debt, and thereafter arrested at the same creditor's instance, on a caption on the Commissary of Aberdeen's decreet for a verbal injury, decerning a palinode to be performed in the kirk of Frasersburgh; and which decreet being suspended, the letters were found orderly proceeded, and certain expenses given, on which last decreet the caption was raised. Will applied to the Magistrates of Stirling, and obtained aliment modified, which the creditor suspended, and Lord Murkle having refused the bill, he reclaimed to us; and in the answers, Will the prisoner offered to perform the palinode, if set at liberty. We refused the bill as to the civil debt, but found that the act did not take place in the cases of commitments for delicts; but in respect of the prisoner's offer, found that the charger ought either to set him at liberty on his enacting himself under the penalty of L.5 sterling to perform the palinode, or otherways to aliment. (See DICT. No. 129. p. 11810.)

1754. *January* 26. LORIMER *against* M'COULL.

No. 16.
Aliment of a prisoner who had secreted effects.

LORIMER having applied to the Magistrates of Edinburgh to have an aliment modified, they allowed M'Coull the creditor a proof of his having