

(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 ali-
ment.

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-