

1738. *December 8.* SWINTON of Strathore *against* MRS SWINTON.

ONE having sold an office, and taken a bond for a yearly annuity by way of aliment for it, and not to be arrestable; a creditor arrested it, and the Lords found it not arrestable, because the profits of the office sold were not arrestable, and the annuity was but a moderate aliment. But had it exceeded a moderate aliment, they thought the surplus would have been arrestable.

No. 7.

1738. *December 19.* CREDITORS of DOUGLAS of Glenbervie.

A WOMAN made a disposition to Glenbervie his heirs and assignees of her effects, and named him executor, provided that the residue, after paying certain legacies, should not be affectable by his creditors; but the same was thereby appointed for his necessary aliment and subsistence. And the Lords accordingly found it not affectable by his creditors, notwithstanding it was given to his heirs and assignees; and though not an annual sum, but a capital, and a small one too, hardly sufficient for one year's aliment.

No. 8

1739. *February 8.*

YOUNGER CHILDREN of Sir WILLIAM DOUGLAS, *against* Sir JOHN DOUGLAS.

ALIMENT of children,—the brother, as representing the common father, found liable before the mother, (though rich;) yet the Lords declared they would have consideration of the heir's circumstances, so that if he was not able to afford a competent aliment, she must also contribute. *2dly*, The sons found entitled to aliment only till majority, but the daughters even after majority till marriage. *3dly*, No aliment for times bygone, except for payment of the children's debts contracted for their aliment. (See DICT. No. 63. p. 425.)

No. 9.

1739. *November 16.* WATSON *against* DAVIDSON.

ALIMENT of a child in her mother's and stepfather's family, found to fall under the triennial prescription,—but reversed on appeal. (See DICT. No. 273. p. 11077.)

No. 10.

* * * See the particulars *voce* PRESCRIPTION.