

## ALIMENT.

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1734. *July 12.* COUNTESS of WEMYSS *against* HER CHILDREN.

No. 1.

ALIMENT furnished by a grandmother to her grandchildren, found presumed to be *ex pietate*, though her husband had settled annuities upon them expressly for their aliment till majority or marriage, when certain provisions also given by him were to bear annualrent.

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1736. *February 4.—June 29.* VANS *against* VANS.

No. 2.

A FATHER acquiring a commission in Exchequer to his son *in familia*, and intromitting with or retaining the pay, being himself paymaster, while at the same time he alimented his son; the aliment was found to be *ex pietate*; and notwithstanding thereof, the father's heir found liable for the pay, though it be an alimentary fund. And yet, afterwards, that heir was not found liable in the annualrent of that pay. (See DICT. No. 89. p. 549.)

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1736. *February 13, 26.*

CREDITORS and CHILDREN of Mr ALEXANDER FALCONER, *Competing.*

No. 3.

ONE bound in his contract of marriage to pay a certain sum to the daughter of the marriage, if but one, at a certain age, and in the mean time to maintain her in bed, board, schools, &c. according to her rank and quality; the father afterwards died bankrupt. The Lords found an obligation to aliment, though constituted by a contract of marriage, cannot compete with the onerous creditors of the father, he becoming bankrupt. *Vide inter eosd. voce* RANKING. *Vide* Lud. Grant *against* Creditors of Strachan, No. 14. (See DICT. No. 89. p. 454.)