

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 Dalhachie.

CHILDREN cannot compete with onerous creditors for their aliment, though founded on indefinite obligations 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.*

No. 14.

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

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 decret for a verbal injury, decerning a palinode to be performed in the kirk of Frasersburgh; and which decret being suspended, the letters were found orderly proceeded, and certain expenses given, on which last decret 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.)

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

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

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

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

No. 16. secreted some of his effects. On advising whereof, they found that he did conceal several of his effects not given up in the condescendence, in order to screen the same from his creditors ; but found nevertheless, that he was entitled to the benefit of the act of Parliament, but restricted his aliment from sevenpence before modified to fivepence. M'Coull presented a bill of suspension, and on a reclaiming bill and answers, we adhered. The Court thought the particulars concealed, of too small value to deprive him of an aliment.

ALIMENT, Separate, see December 6, 1750, Leckie, *voce* HUSBAND AND WIFE.

See NOTES.