

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.)

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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. *2do*, 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. *3tio*, 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.

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

No. 13.

ALIMENT to apparent heirs, Whether founded in the act 1491? *2do*, 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-