

No 106. their daughters miserable on the one hand, so it might tempt them to be undutiful, and to dispose of themselves, thinking they cannot be deprived of it: And it were rational to make an act of Parliament, that they give bond to pay L. 1000 Sterling, if their parents dissent from their marriage; and that children marrying within 25, or such like age, without their parents' consent, should lose any benefit they could expect by them. At last, having balanced all inconveniences, the Lords found the provision of 8000 merks, due to the Lady Newgrange by her father the suspender's contract of marriage, as the only child and daughter thereof, does belong to Newgrange, the husband, and is affectable by the diligence of Alexander Forrester, his creditor, the arrester; and that, during the marriage, the wife has no interest therein for her aliment; but that, after the dissolution thereof, she ought to have the annualrents of the said principal sum for her liferent provision. And therefore find, that the sums ought to be made forthcoming to the charger, in so far as concerns his debt, he finding caution to the Lady to pay her the annualrents in the event foresaid, conform to the sums he recovers. And, as to the determination of the preference betwixt the charger, and the other creditors of Newgrange, called in the summons of multiple-pounding, produced and repeated by the suspender, ordain them to produce their interests in this process, to be determined by the Ordinary. Or otherwise, if they do not, find the letters orderly proceeded at the instance of Alexander Forrester, and prefer him as to these sums, to the other creditors called in the multiple-pounding.

Fol. Dic. v. 1. p. 393. Fountainhall, v. 1. p. 476.

* * See Harcarse's report of this case, No 116. p. 5907.

1700. July 18. PANHOLES *against* Her Husband's CREDITORS.

No 107.
Here no aliment allowed. In the case above, aliment allowed after the husband's death.

HALCRAIG reported Anna Gray, spouse to William Paton of Panholes, writer to the signet, against her husband's Creditors, for an aliment. *Alleged, imo,* The pursuit is unwarrantable, because her husband is yet in life, and he is neither pursuer nor defender. *2do,* She has consented to most of their rights. *Answered,* She brought a considerable portion with her, whereby her husband purged the lands which they have adjudged of sundry incumbrances then affecting them, and that there will be a superplus after their payment; and the Lords have even allowed aliments to married women, as to the young Lady Lanton, and to the Lady Spencerfield.—THE LORDS considered there were specialities in these cases, founded on their contracts matrimonial, &c. which were not in this case, and therefore refused to modify an aliment. The Privy Council, on application to them, take more latitude in aliments to wives.

Fol. Dic. v. 1. p. 393. Fountainhall, v. 2. p. 104.