

Bed or Legacy, which affects only the Dead's part: so that Children to whom such Bonds were granted will have their Legitime out of the free gain remaining after payment of these and other Debts 16 July 1678. *Murray contra Murray*. But such Bonds granted to younger Children, whom the father before he named his Executors by Testament, were not found due over and above the Executry; but affected that in the first Place, and the Heir was bound only in so far as the Sums in the Bonds exceeded the Executry 22 Feb. 1677. *Balshis contra Balshis*. One of two Daughters to whom a Provision was granted payable at such an Age, having died before the Term of Payment, her Share was found not due by the Father's Representative to the surviving Sister: in respect there was no Clause in the Bond that the Portion of the person deceasing should accrue to the Survivor *eadem die inter eosdem*. A Father having by his ^{Bond} obliged himself and his Heir to pay to each of his Children a certain Sum of Money, by and allow that which would fall to them by his Decease as their *Bairns part* of Year and any Legacy he might leave them; with this Provision, that the Share of any of them deceasing without Heir of their own Body should accrue to the rest of the *Bairns* surviving; and two of the Children in Favour of whom the Bond was made having died before the Father: their Shares were not found to belong to the surviving Children, in respect the Bond having still remained in the Father's Custody so long as he lived, and never come to the Hands of the Children deceased during their Lifetime, was never their *ewident* 13 Novemb. 1629 *Wallace contra Wallace of Ekershie*. But a Father having granted a Bond of Provision to one of his four younger Children, in Satisfaction of her Portion natural; her Share of the Legitime was found to accrue to the rest of these Children, and not to belong to the Father's Executor and universal Legatary, who was liable to pay the Bond out of the Dead's part 17 Feb. 1671. *M'gill contra V. Beauford*. The civil Law terms that Act whereby a Child is set at Liberty out of the Father's Tutition *Emancipation*, a Word which denotes the Rigour of the paternal Power among the Romans, and that such a Child ceases to be *Mancipium* or a Slave. But *Emancipation* and the other Ways which set a Child free from under the Father's Authority, regard only the Effects which the civil Law gives to the paternal Power, without changing any Thing in those which are of natural Right *l. d. ff. de capite munitis*. For *Familiation* is the Form in our Law corresponding to that of *Emancipation* in the civil Law. Children are *forisfamiliated* by Marriage, or having a distinct Family to manage, or by setting up a separate Employment, as *Merchandizing* or the like.

So much shall suffice to have said concerning the Authority and Power of Parents over their Children, or their Estates; and what Interest Children have in any Thing belonging to their Parents: I proceed to set forth the mutual Dutys of Parents towards their Children, and of Children towards their Parents, and to one another.

Children are intitled to Entertainment and Education *Carpro. juris privi forens. part. 2. Const. 10. def. 18*. Parents are bound *jure naturae* to educate and instruct their Children, to fit them for some Calling or Employment, whereby they may subsist themselves according to their Capacity and Condition. To entertain them, that is to furnish them Diet, Cloaths and Medicine to defray the Expence of their Funerals, if they die in the Parents Lifetime, and to make competent Provision for their Subsistence after the Parents Death, in case the Children survive them. Whoever is the Cause of a Man's being, ought as much as in him lies, to supply that Man with such Necessaries, as will not only support him as a rational Creature, but also maintain him as a sociable one. He who provides not for those of his own House, hath denied the Faith, and is worse than an Infidel, *1 Tim. 5. 8*. that is, he acts in direct Contradiction to one of the essential Dutys of Christianity, and is guilty of a Crime that even a Heathen would be ashamed of. Yea a Father, tho' indigent, having a great Family of Children, was ordained to receive his Son into his House, and to entertain him as he did the rest of his Children; or pay a Modification for his Maintenance, seeing the Son's Mother brought a great Portion with her, and he could not alment himself by his Industry 13 January 1666 *Dick. contra Dick*. A Woman is obliged to alment her Children according to her Means, if they have no Means of their own; and no Person represent their Father 23 Feb. 1666 *Children of S. Buchan contra Lady Buchan*. But not where the Husband hath an Heir able to maintain them 7 July 1675 *Wilkie contra Morison*. Alment is due to Children not only by their Parents personally, but also by their Heirs and Representatives. But Parents are obliged only to alment their Children in their own Familie, and not to pay a Modification for their Entertainment elsewhere. For it is the indispensable Right of Parents to educate their Children as they think fit; and Children are not to be encouraged to desert their Parents, and claim Entertainment out of the Family 15 Feb. 1706 *Fincham contra Muirhead of Aredisteholm* 23 Feb. 1666 *Children of S. Buchan contra the Lady* 13 Feb 1677 *Frazier*.

Where indeed a Father does thrust his Children out of his Familie, he is bound to alment them *extra familiar*, albeit they go to Service: if he pro dignitate et facultatibus was able to entertain them 15 July 1607 *Gardines and Cowpar contra Gardine of Bellamore*. But he will be free of further almenting his expelled Child *extra familiar*, by requiring the Child to come back to his Familie to receive Entertainment there 24 July 1600 *Jovin contra Jovin of Bealke*. A Father was not obliged to pay a Merchant for Cloaths furnished to his Son without the Father's Order; in Regard he gave Money to the Son to furnish himself with Necessaries according to the Condition of his State, which was allowed to be proved by the Father's own Oath 20 January 1672 *Wallace contra Crawford*. Nor was a Father liable for his Daughters wedding