

wedding-coaths to a Merchant, whom he had expressly prohibited to give them of  
 albeit he had consented to the Marriage, and subscribed the Contract in Respect he  
 might appoint his Daughter to be married in the Coaths she had if he thought fit  
 July 1672 Nelson contra Guthrie and Guine in the Education and Entertainment of  
 Children. The Parents Ability and Children's Necessity is to be considered. For the  
 Children be necessitous, yet if the Parent have no more than what is necessary for his  
 Subsistence, and is not able to maintain them, he may lawfully expose them to the  
 Cruelty and Covisity of others. *Stat. lib. 1. tit. 5. s. 7.* By the Law of Nature a Person  
 hath beneficium competentia, and cannot be liable beyond his Ability, it being un-  
 reasonable they should want than he. And if the Children be competently provided  
 Parents tho' able are not bound to maintain them. *ibid.* Therefore Annulet  
 a Daughters Portion was compensated with her Aliment the Time that she lived in  
 Father's Family 16 January 1706. *Hickin of Middlegrange contra Guidlets.* A  
 Father having granted a Bond of Provision to his Daughters, was found not to have  
 beneficium competentia against his own Obligation 15 July 1607 *Gardines and  
 per contra Gardine of Bellamore* It is the Duty of Children to entertain their  
 Parents in their Wants *Matth. 15. 5. l. 1. c. 2. C. de alend. lib. et parent. Corp. ibid.*  
 def. 29. chiefly in their declining Age and their other Infirmities and Necessities  
 where Children ought to recompence their Parents with such good Offices as cor-  
 respond to the Benefits received from them. *Eccles. 7. 27. 28. parentibus non pri-  
 mum natura constituit debitores, quos non alere neferimus. Cicero orat. de re-  
 sponsis.* So a Person being reduced to extreme Want and Misery, by providing  
 his eldest Son to the loss of his Estate, and disposing the Remainder to his second  
 Son, to get good Matches to them, an Aliment was modified to be paid to the Father  
 by these Children pro rata off what they got from him 20 July 1710 *Brown of  
 Thornydale contra his Sons.* Nor doth the ~~Scripture~~ contradict this Assertion, by saying  
 that Children ought not to lay up for their Parents, but Parents for the Children.  
*Corinth. 12. 14.* For these Words are to be understood only comparatively according  
 to the ordinary Course of Nature. That is, seeing Children need to survive their Parents  
 and it happens not so frequently, that Parents want Relief from their Children, when  
 they come into the World bring nothing with them for their Maintenance  
 and Support, as the Children do from their Parents should have it more in their  
 Thought to lay up for their Children in Time to come, than Children to lay up for  
 them.

Under which Denomination of Parents and Children all Ascendants and Descen-  
 dants are comprehended. Parents ought not only to educate and support their own Son  
 and Daughters but also their grand-Children, if the immediate Parent is dead or unable  
 to do it 15 Feb. 1706 *Finchan contra Muirhead of Breadisholm* And grand-Children  
 ought to entertain their Grand-father and Grand-mother when their immediate Parents  
 are dead or not in Case to do it. But Children of Parents in the first Degree are pre-  
 ferred to those in the second or further removed, the paternal to the maternal Line  
 who are in another Family; improvident Children are to be taken care of before such  
 as are first-familie, who have got their Portions already; and Maids before Families  
 who pass by Marriage into other Families *Stat. lib. 1. s. 9.* Parents are not bound to  
 pay the Debts which their Children owe *l. i. C. ne filius pro patre.* Nor Children to  
 pay

pay the Debts of their Parents *l. 5. s. 16. ff. de agnos. et alend. lib.* The Duty of  
 Parents to their Children, and of Children towards their Parents being limited to  
 what may regard their Persons. Aliment is due by Parents even to their natural  
 Children or Bastards *Auth. licet C. de natural. liber. Corp. ibid.* And by such Chil-  
 dren to their natural Parents.

Children owe Reverence and Obedience to their Parents in all Things lawful *Ephes.*  
*6. 1. 2.* Which answers, as a Correlative to, and is much cleared by what hath been said  
 of the parental Authority. God hath promised long Life and Happiness, as a Reward of  
 the due Performance of this Branch of the filial Duty. *Exod. 20. 12.* Even in Matters  
 indifferent, as in the Case of the *Acchabites* *jeremy 35.* What then shall be done to  
 the Son who mocks at and despises his Parents? *Solomon* says that for a lasting  
 Loath, the Birds of Prey shall pick out their Eyes *Prov. 30. 17.* In short no Sin  
 next to Idolatry has been more severely punished, than Irreverence and Disobedience  
 to Parents. The judicial Law of Moses appoints the stubborn and rebellious Son to be  
 stoned to Death *Deut. 21. 18 et seqq.* The Beating or Lashing of Father or Mother,  
 is punishable with Death, if the Offender be above the Age of 16; and arbitrarily, if  
 under that Age, and above Puberty *Act 20. Par. 1. l. 1. c. 2.*

more than Age, and above Puberty *Act 20. Par. 1. l. 1. c. 2.*  
 Children of the Same of Birth descending from one common Parent, by naturally incur  
 stronger Obligations to love assist and support one another, than Strangers. It's pleasant  
 and pleasing to God and all good Men, to see Brethren dwell together in Unity *Psalm.*  
*133. 1.* To have no Differences one with another, but to delight in each other with  
 mutual Encouragements, and promote each others Welfare with mutual Services. By  
 the Customs of Nations, Brethren without Distinction, are bound to maintain one  
 another in their Straits and Necessities. Our Law has so far departed from this Us-  
 tom, that it doth oblige only the Father's Heir, <sup>as a competent Estate</sup> to aliment only his indigent Brothers  
 and Sisters 29 January 1663 *Children of Wedderlee contra the Heirs.* Aliment was  
 found due by the Heir of a first Marriage, to the only Child of the Second till her  
 Age of 14, from which Time her Portion bore Annulet; her Mother being dead,  
 and she having no other way to subsist, without consuming the principal Sum 11 Feb.  
 1663 *Frazer contra Frazer.* The like was found due by the Heir-male of a conside-  
 rable Estate, to the Heirs of Line, till their Portions were payable and bore Annulet  
 9 January 1663 *Lady Otter contra Otter.* And Portions being payable by an  
 Heir-male to Heirs of Line at such an Age and Aliment till that Time, without Mention  
 of Annulet or Aliment thereafter; and these Heirs of Line who were Minors,  
 being lesse by not pursuing for their Portions at the Term of Payment: the Aliment  
 was continued till their Marriage, or Payment of their Portions 12 Novemb. 1664  
*Daughters of Balmerino contra the Heir-male.* Aliment was found due for the En-  
 tertainment of a furious Person by the Executrix of his Mother, who was univer-  
 sal Legatrise to his Father, in so far as the Executrix was liberata in not keeping  
 him in her Family, seeing she was not required to receive him in to her Family,  
 and was not bound to entertain him elsewhere 23 July 1670 *Thomson contra Willie.*  
 But an elder Brother was allowed to reduce upon Minority and Leprosy, a Bond gran-  
 ted by him for his Brothers Provision <sup>or justly due</sup> ~~or justly due~~ <sup>Christy and in Express</sup> ~~Christy and in Express~~  
 in so far as it exceeded a competent Aliment for the Years of the Apprenticeship 5  
 July