

Use the following, viz.

Where the Testator left no heretage, but only Moveables the Distinction is this.

1st All the Nearest of kin of one Degree, males and females Elder and Younger, without any Distinction of Sex, are Inherited Equally to the Moveable estate.

2^d There is no right of Representation in this Succession for if there be living two sons and two Daughters and a Grand Child by a third son &c &c, the sons and Daughters will succeed equally, and exclude the Grand Child.

3^d If Man's nearest of kin do allways succeed to all his Moveables but only to the dead part thereof, which falls to be more or less according to the number of his family at his death. For if he leave both wife and children in his family, he will have right to the whole to a third of all casual personal bonds bearing annual rents and they are entitled to the Rest including such bonds viz. to the one half if there be children for the Legitim, and to the other half by Succession as Nearest of kin for the dead part. Where the Decedent leaves a wife and no children, she gets a half of the Moveables excepting as aforesaid, for her legal share and the Nearest of kin the Rest without exception, as the Dead part. If children and no wife survive the Decedent, these children will enjoy the whole estate, viz. one half as their portion Natural, and the other viz. the dead part as Nearest of kin. When one dies after his wife married, and she survives, whose one accepted her Father in full satisfaction of her portion Natural and of all she might share to by her father's death, and the other without that clause was provided to be a bar to the heir, she who had not accepted the Father in full satisfaction, was found to have right to the full share whole Executory, Comprehending both the Legitim and dead part, and to exclude her sister from any part thereof. 27 January 1680 Sandyland contra Sand: lands.

If the person deceased left both heretage and Moveables, the Rule of Succession to the Moveables is, first in this from the legal Succession to the heretage; that the heir of line may draw the heir ship Moveables, and the other Nearest of kin will succeed to the dead part of the Rest. But if the heir be willing to Pollate, and let the other Nearest of kin share Equally with him, he may be succeeded to as heir; he comes in pari passu with the Rest vid. Sup. pag. 1502. And if there be but one Child, who is both heir and Executor, that Child is entitled not only to the heretage but also to the whole Legitim, without Pollation of the heretage for Inheriting the Rest, share 12 January 1681 Grother contra Rockel.

A Reheir may Claim not only her Ins Reheir as afore said

but also an Alimont for maintaining her and the family of her husband, till the next term after his death when ^{See four lines} Commonwells 20 June 1712. Mor vif and her husband contra Murray 28 January 1709 Lord Justice Clerk and his lady contra Hamilton of Bonrigg. Not because such an Alimont is necessary for a husband's house as office during the Marriage to Alimont his wife, tho she have a separate pecuniary or separate estate of her own sufficient for her maintenance. But she has right to an Alimont till the next term of her husband's heir, tho she had a fine of Credit; a wife has right to an Alimont after the death of her second husband, all but her jointure by the first would supply her necessity in that Interval. And the same lies during of the Marriage continued by over Custom till the next term after his death, till which time the family is not understood to be Difficult. This Alimont was found due to a widow from her husband's death to the Subsequent term when her present provision Commonwells 20 June 1712. She had a separate bond from her husband for a great sum payable to her by his heirs 28 January 1709 Lord Justice Clerk and his lady contra Hamilton of Bonrigg. Such Alimont is Modest, without respect to her Furniture, according to the quality of the husband and condition of the family left by him 16 Feb 1713 Executors of Scot of Harden contra His lady. Glahel gets also the expence of her Mourning for her husband, if it was proper for one of her quality to have Mourning 12 November 1684 Murray lady Craigaffie contra Skellon 7 July 1672 Wilkie contra Morison. Yea it was found that a widow lacking after decaying from the Merchant Mourning for her husband suitable to his quality, without either protestation or agreement that she should not be liable to pay the same and without promising payment was found not to be obliged to pay the Merchant Mourning from whom she received the goods, but only to oblige the Executors of her husband to do it, because it was their debt and not hers 12 November 1684 Murray contra Skellon. The Charges of which Alimont and Mourning affect not the dead part only, but come off the whole head of the Executory 20 June 1713 Montcrief contra Morpenny. Because these are debts of the Decedent, for which the heir might be pursued if there were no executory; tho the extent thereof was not known till after his death. A Reheir was found entitled to Claim from her husband's Estate for (who enjoyed his estate by a General Disposition) her expence in child birth of a post hume Child 10 November 1671 Rastie and Rorantia Rastie