

No 119.

relict's living till then, or dying before; or whether she have a fund of credit or not, aliment is due to her by a general rule, and not in particular cases only. So that she is entitled to an *interim* aliment by a general rule, whereby a relict, having a jointure by a former husband, or being proprietor of lands as an heiress, hath right to such an aliment; which proceeds rather upon the motive of natural obligation, than that of mere necessity. As to the objected practick, it makes for the relict, since there aliment was decerned not to be allowed in the next term's rent.

THE LORDS modified a sum to the relict for her aliment from her husband's death, till the commencement of her jointure.

Forbes, p. 601.

1713. July 15.

The CREDITORS of ROBERT SCOTT of Harden, and JEAN KERR, his Relict,
Competing.

No 120.

IN a competition betwixt the Lady Harden and her deceased husband's creditors, THE LORDS found, that the extent of the Lady's jointure is not to be the rule of alimending the defunct's family till the term after his death, but the quality of the person, and condition of the family left by him.

Fol. Dic. v. 1. p. 395. Forbes, p. 703.

1737. November 18.

MARY BOSWELL against DAVID BOSWELL.

No 121.

How much is to be allowed to the relict for aliment till the term is arbitrary, according to circumstances: The jointure is not the rule; nor was a separate aliment found to be the rule, which she had complied with, rather than live with her husband; but in respect of the circumstances of the estate, the LORDS, in the present case, allowed her only a proportion of the separate aliment, unless she show cause from the circumstances of the heir for a larger allowance.

Fol. Dic. v. 1. p. 395.

* * C. Home reports the same case :

By contract of marriage betwixt Andrew Boswell and the said Mary, he provided her in the equal half of his estate, which was, in whole, about 1200 merks a-year; as also to the mansion-house, yards, &c. which she accepted, in full satisfaction of all terce of land, third part of moveables, and others whatsoever, that may befall to her, by and through her husband's decease, in case she survive and outlive him, except her abuilziements, ornaments,