

(OF THE ACT 1491.)

1790. *January 27.* PRIMROSE YOUNG *against* CHARLES CAMPBELL.

No 29.
Aliment
found due to
a widow by
the represen-
tatives of her
husband, her
legal provi-
sions being
insufficient.

THE husband of Primrose Young died in possession of effects, both heritable and moveable. But, in consequence of his engagements as a partner of Douglas, Heron, and Company, which were found to be a burden on his moveable estate, she could derive little or no benefit from her *jus relictae*, while the subjects liable to her claim of terce, were too inconsiderable to afford her a sufficient maintenance.

She therefore instituted an action against Charles Campbell, the nephew and general representative of her husband, for a suitable aliment out of her husband's whole effects. See 6th March 1776, Macculloch *; 15th December 1786, Maclean †.

It was considered as a fixed point, that an aliment was due, nor indeed was this disputed by the defender.

THE LORDS found the pursuer entitled to an aliment; which, by a subsequent interlocutor, of date 10th March 1790, they fixed at L. 50; this being considered as equal to a fourth of the free produce of the effects belonging to the deceased, both heritable and moveable.

Reporter, *Lord Dregburn.*
Craigie.

A&T. *M. Ross.*

Alt. *Maconochie.*

Clerk, *Sinclair.*

Fol. Dic. v. 3. p. 22. Fac. Col. No 104. p. 198.

1764. *July 11.* HELEN ADAM *against* SIR ANDREW LAUDER.

No 30.
A grand-
father hold-
ing an en-
tailed estate,
was found
bound to ali-
ment his son's
wife. See No
26. He was
not bound to
continue the
aliment after
his son's
death.

WILLIAM LAUDER, junior, of Fountainhall, intending to go abroad to the East Indies, as an ensign in the service of the East India Company, married, privately, Helen Adam, a servant in his father's house, and soon after left this country. In his absence she brought a process of aliment against Sir Andrew Lauder, her husband's father, setting forth, That he, the defender, was bound to aliment his son, and consequently his son's wife as part of the family; and that she was entitled to claim a share of this aliment for herself, as her husband had deserted her. An aliment was accordingly decreed her of L. 15 Sterling yearly. But the son afterward having died in the East Indies, Sir Andrew stopped payment of the aliment; and, being charged upon the decree, he brought a suspension upon the following ground, That he was under no natural or legal obligation to aliment his

* No such case is yet reported.—The case probably meant is, Thomson against M'ulloch, 6th March 1778; Fac. Col. No 19. p. 34, which will be found in the next division of this Title, viz. ALIMENT due *ex debito naturali*.

† The case meant here is Lowther against M'Laine; Fac. Col. No 297. p. 456. See next division of this Dictionary.