

1778. March 8. Mrs NICOLAS THOMPSON and OTHERS *against* DAVID MACCULLOCH and his TUTORS *ad litem*.

## ALIMENT.

Additional Aliment due to the Widow when her Terce is inadequate.

[*Faculty Collection, VIII. 34; Dictionary, 434.*]

BRAXFIELD. As to aliment for the children, there is no doubt. As to the right of the widow, a widow unprovided is entitled in law to an aliment suitable to her husband's circumstances, in case she does not accept of a voluntary provision. What is suitable to a husband's circumstances? If the husband has bonds, bearing interest, to the value of L.10,000, and a land estate of L.50 *per annum*, would the terce of the income of that estate be a sufficient provision? I would provide for the younger children, and then give the widow the third of the remainder.

COVINGTON. That seems rather too much; for the heir is proprietor, and liable to fall of rents and expense of management.

On the 8th March 1778, "The Lords decerned L.60 to the children for seven years, or till recalled by the Court; and they decerned L.20 in addition to the widow's L40."

*Act.* Ilay Campbell. *Alt.* A. Gordon, *Btius*. Incidental, Inner-house.

1778. June 19. JAMES CHALMERS *against* Captain CHARLES NAPIER.

## APPRENTICE.

Detention of an Apprentice to serve at sea by an Impress-officer.

[*Faculty Collection, VIII. 59; Dictionary, 594.*]

HAILES. The interlocutor of the Admiral is very singular. In effect, it tended to remove the cause out of his Court; for, instead of giving judgment or seeking farther light, he stopped all procedure, "that the complainer might apply to the Lords of the Admiralty."

JUSTICE-CLERK. The arguments for incompetency used by Captain Napier, on the Act 1681, are insufficient. According to his argument, there is no security for any person in this country. It was proper in Chalmers to apply to the Admiral, for the Admiral had a well-founded jurisdiction: he was called upon to determine one thing or other; for the plea was made on common law,