

(Ex debito naturali.)

No 83. cases where respect is had always to the child's provision; and the Lords regarded not that she was heir of line.

Fol. Dic. v. 1. p. 33. Fountainball, MS.

Endurance of
aliment.

* * * The endurance of aliment depends entirely on circumstances.—Where the family was not of high rank or of opulent estate, the aliment of daughters has been found to be due till majority or marriage, whichever event should happen first. But where the heir enjoys a considerable estate, and represents a family of dignity, as the daughters could not be supposed to earn their subsistence, at service, or in trade, their claim of aliment would continue even after majority, till marriage. See *Biffets against Biffets*, No 48. *supra*.

1788. December 14.

No 84.

ELISABETH DALZIEL, and her Tutor *ad litem*, against ROBERT DALZIEL.

IN a question between these parties, it had been determined, that the defender, who had succeeded to his father in an opulent family-estate, was obliged to maintain the pursuer, his niece by an elder brother deceased.

The next question was, How long this alimony should continue; the defender contending, that it ought to cease as soon as the pursuer was able to earn her living, by her own industry.

THE LORDS, however, found; That, in the circumstances of this case, 'the pursuer was entitled to L. 30 per annum during her life, or till her marriage.'

Lord Reporter, *Monboddo*. A.G. *M. Ross*. Alt. *Honyman*. Clerk, *Home*.

Fol. Dic. v. 3. p. 26. Fac. Col. No 50. p. 89.

Craigie.

* * * The circumstance which chiefly induced the Court, in this case, to appoint the aliment to continue *after majority*, was, that the pursuer was the grand-child of the representative of a family of such dignity, that although she was the issue of a clandestine marriage, with an obscure woman, yet it was inconsistent with the honour of the family, to permit her to be in a situation, in which she might be under the necessity of engaging in some mean employment for her subsistence. This was consistent with former decisions, where such a circumstance had occurred, See No 48. &c.—These cases were quoted in the argument.