

## S E C T. X.

## Aliment of a Bastard.

1692. December 7. JOHN KER, *against* TUTORs of MORISTON.

THERE is a bill given in by John Ker, a boy of six or seven years old, natural son to the deceased Laird of Moriston, representing; his mother being a common woman, was not able to maintain him, and that the late Moriston allowed him a small competency; but now the tutors of this Moriston craved the Lords approbation for continuing that payment.—THE LORDS found they could not ordain him to be alimeted by his cousin, this Moriston, no law obliging him, though he succeeded to the bastard's father's estate, as Craig shews, Feud. p. 366: But it being hard that he being innocent should starve, seeing his mother was not able to entertain him, (though such unlawful productions are not to be encouraged,) they would recommend it to the tutors, which would have some weight when their accounts came to be allowed and approved; but their modification to last no longer than he was able to go to service. I find the same method taken by the Parliament of Paris, observed by Servin. Our law has been so far from obliging a brother to aliment a bastard brother, that it was long before we decreed an heir to aliment his lawful brethren and sisters; though that point is clear in law, L. 13. § *ult. D. de admin. tut.* and the first instance we had was against the Laird of Netherlie, 24th Jan. 1663. p. 415.

*Fountainball, v. L. p. 528.*

## No 21.

A person, as heir of the parent of a bastard, under no obligation to aliment the bastard. But the Lords recommended to the tutors of the heir, to give the bastard an allowance.

\* \* Aliment of a Bastard Child found due till 14 years of age. 1740. July 25. GRAHAM *against* KAY, p. 441.

\* \* As to the extent and duration of aliment, due by a Day Labourer for a Bastard Child. 1778. March 7. OLIVER *against* SCOTT, p. 444.

\* \* An aliment of L. 100 Scots *per annum* was ordered to be paid, for a male Bastard Child, till he should arrive at seven years of age, by his father, a man of considerable estate. 1782. Nov. 29. PATERSON *against* SPIERS, p. 445.

See ALIMENT.