complainers might consider of this observation. The consequence was, that the complaint was not more insisted in.

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BASTARD.

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1773. *December* 16.   KIDSTON *against* SMITH.

THE Lords agreed, that the custody of a bastard child belongs, by law, to the mother; and that a decreet of the Justices of the Peace of Stirlingshire, taking a bastard child, a daughter, from the mother, and putting her under the custody of the father, was erroneous. See 11 *New Coll.* p. 106; 4 *New Coll.* p. 19.

Mr Erskine observes, that it does not seem fixed how long parents are bound to aliment their natural children. In the case of a gentleman, the obligation was found to continue till the child was fourteen years of age. See 2 *New Coll.* p. 97; 4 *New Coll.* p. 19; *Kilk,* p. 22.

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1773. *January* 25.   MARION CALDWALL *against* WILLIAM STEWART.

IN a process, Marion Caldwall against William Stewart, for aliment of a child, a son, of whom Stewart was found to be the father,—at least was bound to aliment, as having had correspondence with the mother; Lord Auchinleck found, (25th January 1773,) that he was so bound, reserving relief to him against his *correi. Secundo,* His Lordship found, that, in the case of a bastard child, the father is bound to aliment, not the mother. *Tertio,* That the mother is entitled to the custody, especially where, as in this case, the father denied his being father. *Quarto,* He modified the aliment to L.1 per quarter; and, *Quinto,* fixed the continuance of it till the child should attain the age of 12 years complete. Upon petition and answers the Lords adhered.

William Stewart was a small feuar near Beith. The woman was of equal rank. Both of them in very moderate circumstances.

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1778. *March* 5.   JANET SCOTT *against* WILLIAM OLIVER.

JANET Scott having pursued William Oliver, before the Justices of the Peace of Roxburghshire, for aliment of a bastard child, the Justices decerned. Oliver suspended; and Lord Stonefield, having turned the decreet into a libel, decerned against Oliver for a yearly aliment of L.4 sterling, payable quarterly,