

APPENDIX.

PART I.

PARENT AND CHILD.

1759. *March 8.*

MARY SCOT *contra* MARY SHARP.

MARY SCOT, daughter of Scot of Highchester, having by unlucky circumstances been reduced to indigence, was alimeted by her mother Lady Mary Drummond, at the rate of L. 20 yearly. Lady Mary, at the approach of death, settled all her effects upon Mary Sharp, her daughter of another marriage, taking no other notice of her daughter Mary Scot than recommending her to the charity of Mary Sharp. After the mother's death, Mary Scot brought a process for aliment against her sister Mary Sharp, founded chiefly on the said recommendation. A proof was taken of the extent of the effects contained in the settlement to the defendant, which amounted to about L. 300 Sterling. It was pretty obvious, that no action either in law or equity could be founded on the recommendation, very different in its nature from an order or command. But then it was stated, that the pursuer being very young when her father died, was educated by her mother in no sort of business by which she could gain a livelihood; and it occurred to the Court, that though the *patria potestas* is such that a peer may breed his son a cobbler, and after putting him in business with a competent stock, is relieved from all further aliment; yet if a son be bred as a gentleman, without being instructed in any art that can gain him a farthing, he is entitled to be alimeted for life; for otherwise a pal-

NO. 1.

The general disponsee of a parent found obliged to alimment a daughter left in indigence, with only a recommendation to the charity of the disponsee.

No. 1. pable absurdity will follow, that a rich man may starve his son, or leave him to want and beggary. Thus Lady Mary Drummond, breeding her daughter to no business, was, by the law of nature, bound to aliment her for life, or at least till she should be otherwise provided; and the pursuer therefore being a creditor for this aliment, has a good action against the mother's representatives. The Court accordingly found the pursuer entitled to an aliment of L. 12 Sterling yearly, and decerned against the defendant for the same.

Sel. Dec. No. 153. p. 209.