

No 125. those who represented the husband, were liable for the wife's mournings, and for the aliment of the child.

Fol. Dic. v. 1. p. 396. Stair. v. 2. p. 340.

1681. February 23.

GORDON *against* INGLIS.

No 126.

A husband whose wife died within year and day of the marriage, decerned to repay the tocher without any deduction except for the expenses of her funeral.

THOMAS INGLIS being married to Agnes Gordon, and having received 800 merks of tocher, Agnes dying within year and day of the marriage without children, Janet Gordon her sister, and executor, pursues Thomas Inglis to re-
pete, and restore the tocher, who craved deduction of the expenses wared upon his wife's bridal-clothes, and her entertainment during her life, and her funeral charges. It was *answered*, That no deduction was ever allowed, or any expenses during the marriage, though this case has frequently occurred.

THE LORDS refused all expenses during the marriage, expended by the husband, but deducted the funeral expenses, as being debursed after the dissolution of the marriage, and likeways any debt of the wife's, contracted by the wife before her marriage, for marriage-clothes, and others, and paid by the husband.

Fol. Dic. v. 1. p. 396. Stair, v. 2. p. 867.

No 127.

1681. November.

GEORGE HERIOT *against* HENRY BLYTH,

THE LORDS found an heir liable for the expenses of burying his predecessor's relict who had been meanly provided, and had not left wherewithal to defray the same, albeit the heir was not the defunct's son, but one of a remote degree, as a relict may be liable to the aliment of an apparent heir.

Fol. Dic. v. 1. p. 396. Harcourse, (ALIMENTS.) No 18. p. 5.

* * * P. Falconer reports the case :

IN the action of count and reckoning, pursued by Heriot heir to Lieutenant Colonel Heriot, against Dr Blyth and John Muir writer to the signet, as they, who by virtue of a commission from the Lords, had intromitted with the heritable estate, which belonged to the pursuer as heir, the LORDS sustained the funeral charges of the defunct's relict, who survived him, as an article of the defender's discharge ; and found, that the relict having no means, or estate, to defray her funeral charges, the heir of her deceased husband was liable therefor, she having died widow.

P. Falconer, No. 1. p. 1.