

No 99.

THE LORDS found the bond null, but found the libel relevant for repetition of the sums advanced, in so far as the same was necessary.

*Forbes, p. 529.*

No 100.

1744. July 25. COUNTESS OF CAITHNESS *against* The EARL.

THE Countess of Caithness pursued the Earl her husband for an aliment. *Answered* by the Earl, That if she would return to her family he was willing to aliment her; but as there was no separation *a mensa et thoro*, she could not claim a separate aliment. THE LORDS found the claim incompetent *in hoc statu*. See APPENDIX.

*Fol. Dic. v. 3. p. 281.*

No 101.

1756. January 25. CRAMOND *against* ALLAN.

MARJORY CRAMOND pursued her husband for an interim aliment, while she pursued a separation on the head of maltreatment. *Answered* for the husband, *imo*, That she was a drunkard and a frequenter of bawdy-houses; and, *2do*, that he was willing to receive her home. THE LORDS decerned an interim aliment to her for carrying on her process. See APPENDIX.

*Fol. Dic. v. 3. p. 282.*

1780. December 12.

SAMUEL MITCHELSON, senior, Writer to the Signet, *against* SOPHIA, LADY CRANSTON, and MICHAEL LADE, Esq; her Husband.

No 102.

Money advanced for aliment of a family, for which a voucher is taken from the husband, becomes the husband's debt, and the creditor has no claim against the wife, altho' she succeed to a separate estate.

LORD CRANSTON had a considerable estate, both in England and Scotland, and his Lady, after her marriage, succeeded to an estate in the West Indies, which had belonged to her father, and to the liferent of which she was entitled; but, after this succession opened to Lady Cranston, Lord Cranston's affairs became so much involved, that his Creditors brought a judicial sale of his Scots estates.

During the dependence of the sale, Lord Cranston was much pinched for money; his family resided then in Edinburgh; and Mr Mitchelson, from time to time, advanced sundry sums for the use and aliment of the family; for which, on settling accounts with Lord Cranston, in May 1771, he took his Lordship's bill.

The price at which Lord Cranston's Scots estates sold fell short of paying the debts preferably secured upon them. The English estate was so settled, as