

some lesser circumstances, tending to show good acquaintance between them : he acknowledged an intended courtship, but denied criminal converse : no familiarities appeared. He objected to her character as to chastity with others ; but this was denied, and the contrary seemed proved, *viz.* that she was a girl of good character. The Ecclesiastical Judicatories, both upon her part as of the church, and his, as a seceder, were against him. And this day, 3d February 1779, the Lords refused a petition without answers, and adhered.

1774.

JEAN STEWART *against* SAMUEL M'KEAN.

JEAN Stewart brought an action, before the Sheriff of Wigton, against Samuel M'Kean, for aliment of a bastard child, of which she was delivered, 3d January 1772. The defender denied that he was the father of the child ; and the pursuer having referred to his oath, if he had not had criminal correspondence with her within twelve months prior to the birth of the child ; and he having deponed that he had had such correspondence 11 calendar months preceding 3d January 1772, but no later, the Sheriff assoilyied, and decerned.

Winter Session 1774, in an advocacy, the Lords advocated the cause, and assoilyied.

It seemed dangerous to extend the period of incubation of children, above that fixed by the law, in the question of legitimacy, where ten months is reckoned the highest ; for though perhaps instances may be found, as was alleged in this case, where women have gone eleven months instead of nine, or ten, yet such instances, if such there be, are not to be made a rule. But Lord Covington observed, that he doubted if the periods fixed by law held as to bastard children, confessedly allowed to be such, but that they were fixed *in favorem matrimonii*. However, the Lords determined as above, and did not seem to regard this distinction.

JACK *against* COPLAND.

DETERMINED to the same purpose, and on the same principles, 27th June 1775, Jack *against* Copland of Collieston.

In both the above cases, particularly the first, the women were of doubtful character.

1771. *March* .RAMSAY *against* STEEL.

RAMSAY brought an action against Steel, concluding, that he should be decerned in aliment to a child brought forth by Ramsay, of whom Steel was the