No. 281.

the Lords thought, that all the Court ought to have done, was to settle the maximum that the tutrix could state for aliment, but that whatever she should state was to be supported by an account. But the plurality did not think proper to make any limitation. The case was indeed singular; a great fund, only two girls, the tutrix herself narrowly provided, and a person under no suspicion; but it is much doubted if the like would be granted to every tutor who might apply.

The pursuer, however, not satisfied with this appointment, applied to have it enlarged; for that the unavoidable expense of house-rent, household-furniture, servants' fees, their maintenance and clothing, and maintenance of the pupils, would go far to exhaust the whole sum, so that little or nothing would remain for their clothes, school-fees, physicians, &c. That what she chiefly had in her eye, when she brought the case before the Court, were the articles that relate to housekeeping, &c. which consist, from their nature, in many and minute particulars, of which it is hardly possible to have vouchers; but as to disbursements for clothes. schools, and physicians, she always proposed to keep exact accounts; and therefore craved, that the Lords would either modify a larger sum for the whole, or modify a sum which she might take credit for in her accounts, as aliment, besides the expense of schooling, clothes, and physicians.

And of this date, the Lords varied their former interlocutor, and modified £.150 Sterling yearly in name of ordinary aliment for the two pupils, and that over and above the expense of clothes, schools, and physicians, of which she was to keep an account.

Kilkerran, No. 10. p. 587.

February 25.

Boswel against.

Mr. James Boswel of Auchinleck, being debtor in a certain sum to -, which, upon the creditor's decease, fell to his sister's son, his nearest of kin, a pupil; and the pupil's father as his administrator-in-law, proposing to lift the money, in order to his employing it more beneficially for his son's behoof, Auchinleck, in order to his more safe payment, procured a suspension. At discussing whereof, the Lords, on the Ordinary's verbal report, without enquiring into the administrator's view, or design in taking up the money, " Found the letters orderly proceeded," in respect it was not alleged that the administrator was in suspected circumstances.

Kilkerran, No. 11. p. 589.

1748. November 29. LIDDEL against URE.

A person obtained a brieve for serving himself tutor in law to his niece, and got No. 283: a verdict accordingly, which he never retoured to the Chancery, but intromitted

No. 282. Administrator's power to uplift the pupil's mo-