

No 71.

Nevertheless ' THE LORDS found, That the disposition in the year 1748, was not revoked by the disposition in the year 1758 ; but sustained the reasons of reduction of the bond for L. 1000 Sterling, as being granted on death-bed.'

Reporter, *Colston.* Act. *Lockhart, Miller, Advocatus.* Alt. *Montgomery, Sir D. Dalrymple.*
Fac. Col. No 6. p. 207.

* * * This case was appealed :

January 29. 1767.—ORDERED and ADJUDGED, That so much of the interlocutor of the 25th February 1765, as sustains the reasons of reduction of the heritable bond for L. 1000 Sterling, granted by Mark Pringle deceased, to Mark Pringle his youngest son, as being granted on death-bed ; as also, of the first codicil in question, subjoined to the last will of the said deceased Mark Pringle ; as being a deed of a testamentary nature, be, and the same is hereby reversed.

SECT X.

What circumstances infer Death-bed.

No 72.

1608. *December 3.* MR. NICOL GILBERT, Supplicant.

MR NICOL GILBERT being in great debt, and thereby forced to sell some of his lands ; fearing that men should skar to deal with him, because the impotency of his gout held him bed-fast ; by his supplication desired the LORDS to direct him some of their number to visit him and try his estate ; which being done, and they reporting, that albeit he was impotent, yet it was of a lingering infirmity, and that his memory and judgment was sufficient ; they ordained that the alienations to be made by him should not be subject to reduction as upon death-bed.

Fol. Dic. v. 1. p. 217. Haddington, MS. v. 1. No 1494.

No 73.

Found, that a husband, 12 or 13 days before his decease, being sick of a fever and flux, and not

1622. *February 1.* ROBERTSON against FLEMING.

UMQUHILE ——— Robertson gave infeftment of liferent to ——— Fleming his spouse, of a tenement of land, by the space of 12 or 13 days before his decease, which right was craved to be reduced by Robertson's heirs, upon this reason, viz. as done in *lecto aegritudinis*, the husband being sick of a fever and