

flux four or five days before the infestment, which continued to the time thereof, and continually to the time foresaid of his decease, he dying within so short a time, viz. 12 days;—Thereafter it was *alleged* by the defender, That the infestment was but a liferent, given by the husband to the wife, who of the law could not be prohibit to help his relict upon death-bed. Attour it was offered to be proven, That at the time of the giving of the infestment, and divers days thereafter, the husband was in that state that he might have come out to the kirk or market, and that he lay not bed-fast, but sat at table, and eat and drank as at other times when he had health; and his sickness being a flux, that reason could not take away the excipient's right.—THE LORDS repelled the allegation, and found the reason relevant.

Act. *Mowat.*Alt. *Russel.*Clerk, *Scot.**Fol. Dic. v. 1. p. 217. Durie, p. 13.*

No 73.
coming to
kirk or mar-
ket there-
after, could
not infest his
wife in a life-
rent.

1624. *January 7.*SHAW *against* GRAY.

A MOVEABLE bond, granted seven weeks before the party's decease, but she being sick at the time, though not of a *morbus santicus*, and not coming thereafter to kirk or market, was reduced *ex capite lecti*.

*Fol. Dic. v. 1. p. 217. Durie.**** See This case Sect. 7. *b. t.* No 32. p. 3208.

No 74.

1635. *July 30.*RICHARDSON and LORD CRANSTON *against* SINCLAIR.

A SALE of lands made by a person paralytic, an year before his death, and while he was sound in his judgment and understanding, was yet found reducible *ex capite lecti*, unless he had come abroad after it.

*Fol. Dic. v. 1. p. 217. Durie.**** See This case Sect. 7. *b. t.* No 34. p. 3210.

No 75.

1668. *February 25.*PATRICK DUN *against* ISOBEL and ELIRABETH DUNS, his Sisters.

UMQUHILE DR DUN having provided 4000 merks to one of his daughters, and 10,000 merks to another, and entertainment during their minority, that their portion might go to the fore, bearing annualrent; did thereafter grant to Isobel another bond of 2000 merks; whereof Patrick his heir raises reduction, as be-

No 76.
In a reduc-
tion on death-
bed, the de-
fender offered
to prove, that