

## SECT. VII.

## Against what Deeds the Law of Death-bed Strikes.

1568. *March 26.*      *ANDERSON against ANDERSON.*

No 30.  
Found that, conform to the *leges burgorum*, a bur-gess may alienate lands on death-bed, for payment of his debts contracted prior thereto; but that in this case, the heir must be first required to pay the said debts, and to maintain the clinique *in lecto*.

IN ane reduction moved be Wa. Anderson, oy and air to Patrick Anderson, burgess of Perth, against George Anderson, the said Patrick Anderson's second son, to whom his father had sold ane tenement of land in the said burgh, in the time of his sickness whereof he deceased, it was excepted be the defender, that his father had necessities with money, both before his sickness and in time of the same; and seeing that the said father had conquest the said tenement himself, he might sell the same to pay his debts taken before his sickness, and to sustain his necessities the time of his sickness, according to an law written in *legibus burgorum*; the whilk allegiance was fand relevant; and, after the admitting the same, the pursuer *alleged*, that the said alienator had sufficient in moveables to have paid the alleged debts, and to have supported his own necessities, if he had lived half an year longer nor he did, and als the said persewar being his air was sufficient to have paid his debts, and also made support of the said necessities; in respect of the whilk, the defanct should have required the said air, before he had made such alienation in his death-bed; the whilk reply the LORDS fand relevant to take away the exception that was before fand relevant.

*Fol. Dic. v. 1. p. 214. Maitland, MS. p. 214.*

1621. *March 10.*      *LA. DUNLOP against THOMAS DUNLOP.*

No 31.

FOUND that a tack may not be disposed upon death-bed in prejudice of the heir.

Pronounced and declared to serve for a practique for ever, notwithstanding of whatsoever preceding practiques.

*Fol. Dic. v. 1. p. 213. Kerse, MS. fol. 140.*

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

No 32.  
The law of death-bed strikes at

IN an action betwixt Shaw and Gray, for reduction of a bond made by a woman called Shaw, to whom the pursuer was brother and heir, given to the said