

*Answered*; Law having fixed upon the going to kirk and market, as signs of *liege poustie*, equipollent acts are not to be sustained, unless, at least, they have the essential qualities of these of kirk and market, viz. be public, and performed before indifferent witnesses; for, how easy might two witnesses be got to support him for the space of four miles, except at particular places. And it was not deponed, that he lighted from off his horse; and a man under a great sickness might ride so far.

THE LORDS found the defunct was *in lecto*; and therefore reduced the disposition.

*Fol. Dic. v. 1. p. 218. Harcarse, (LECTUS ÆGRITUDINIS.) No 648. p. 179.*

No 98.

1683. February. WILLIAM LIVINGSTOUN *against* JANET GOODALE.

IN the reduction of a disposition of some heritable sums made by a Quaker *ex capite lecti*, the LORDS sustained the following qualifications sufficient to elide the reason of death-bed, That the disponent had several weeks after the disposition sitten in his shop, and sold his goods; and, that he had walked before his shop-door, and bought a suit of cloaths in the next shop; and that he being a Quaker, was not obliged to go to church to ratify his deed.

*Fol. Dis. v. 1. p. 218. Harcarse, (LECTUS ÆGRITUDINIS.) No 651. p. 180.*

No 99.

1687. November 25. KEIRIE *against* CRAIGENGELT.

IN the case between John Keirie of Gogar and Craigengelt, in a reduction *ex capite lecti*, the LORDS refused to sustain these acts as equipollent to his going to kirk and market, that after the disposition he came down a very rugged way beside Stirling, without any help, and there took coach and went to Alloway, where he died.

*Fol. Dic. v. 1. p. 219. Fountainball, v. 1. p. 483.*

No 100.

\* \* \* Harcarse reports the same case:

IN a reduction *ex capite lecti*, of a disposition made by one Craigengelt to John Keirie's son, at the instance of the disponent's heir;

It was *alleged* for the defender; That the defunct did posterior acts of health equivalent to the going to kirk and market, viz. he came a pair of butts out of his house unsupported to a coach, wherein he travelled six miles to Alloway, and walked up two pair of stairs to John Keirie's house, and did several other domestic acts.