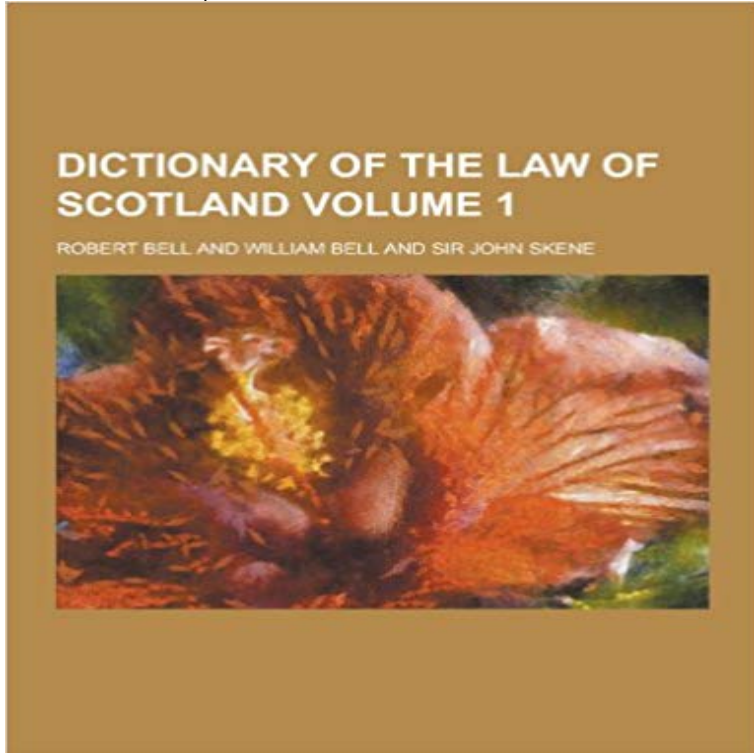


Dictionary of the Law of Scotland Volume 1



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1826 edition. Excerpt: ... view of the people gathered together as aforesaid. This public appearance, besides, must be proved satisfactorily to have been such as indicated a certain degree of bodily ability; for the person must have gone and returned unsupported in even the slenderest manner; the circumstance of his having been on horseback, however, not being regarded as support, unless he has been helped on and off. If he have continued in the kirk or market long enough to afford evidence of his having been there, it is unnecessary that he shall have continued any definite time, or that he shall have transacted business in the market. Neither is it required that he shall have exhibited the appearance of recovery, the act not being legally regarded as symptomatic of convalescence, but as affording an insuperable presumption of capability to execute the deed. On this point, the following cases may be consulted; Faichney, 9th July 1776, Mor. App. Death-bed, No. I.; Maitland, 16th May 1815, Fac. CoU.; Rait, 27th November 1818, Fac. Coll. 8. Period of sixty days.--If the granter survive for sixty days after the date of the deed, that alone, by stat. 1696, c. 4, shall be a sufficient exception to exclude the reason of death; bed. In computing this period, the day of signing the deed is not reckoned; but it is sufficient, on the other hand, that the granter has survived until the running of any part of the sixtieth day, (See Computation of time.) If the deed have been antedated to provide against the objection of death-bed, it seems to be subject to reduction, whatever may have been its true date; Merry against Howie, 6th February 1801, Mor. App. voce Writ,

No. 3, affirmed in House of Lords.
Holograph deeds not tested do not prove
their dates in questions under...

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