

WITNESSES

1532. June 20. GILBERT INGLIS *against* MR. ALANE INGLIS.

WITNESSES beand ressavit and examinat for probatioun of ony summoundis or alledgeance, gif the partie, at quhais instance thay were productit, and thay thair-
 efter alledge, that thay wer not examinat be the Judge upon the punctis of the
 summoundis or alledgeance; or that the clerk, writer of their depositions, writ
 thame not as thay deponit, thay aucht and sould be summoundit, to be of new
 examinat, and depone and declare the veritie in the matter.

No. 1.

Balfour, p. 374.

1540. March 15. LORD SOMERVEL *against* ———.

In the Baron of ———'s cause, it was decerned that kinsmen and servants
 of the farmers, who were repelled frae witnessing because they might tyne or win
 in the matter, albeit the action was not intentit in his name, might be witnesses in
 the said Baron's cause.

No. 2.

Sinclair MS. p. 2. (Old copy.)

1541. February 13. TOWN OF SELKIRK *against* TENANTS OF KELSO.

The Lords decerned that kinsmen of the Provost and Bailies of Selkirk, and
 other indwellers in the Town, which Provost and community were actors and
 principals in the cause, might not be witnesses to the said Provost, Bailies, and
 community; and in the said cause *dubitatum fuit*, if a burgh next adjacent to the
 said burgh, and who pastured oftentimes their goods and cattle upon the com-
 monty, may be witnesses to the said Provost, Bailies, and community; and it then
 appeared to the Lords, that they were suspect *ratione affectionis ad causam*, and
 because they got, in the pasturing foresaid, profit of the said commnuty. And also

No. 3.