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WITNESS.

No. 10. 1555. March 17. LORD LETHINGTON *against* LORD CORSTORPHIN.

A curator *ad negotia* can neither judge nor witness in the minor's cause, although the minor have also curators *ad litem*.

Maitland MS.

* * * This case is No. 4. p. 3418. *voce* DECLINATOR.

No. 11. 1558. July 6. LADY COLUTHIE *against* CARNEGIE

In the action pursued by the Lady Coluthie and her friends, against Sir Robert Carnegie, for deliverance of the said lady's daughter, heretrix of Coluthie; the said lady, to prove her daughter's age, produced two women, viz. her daughter's good-mother and nieces; which was absolutely repelled, and refused by the Lords, and would receive no women for probation nor witness.

Maitland. MS. p. 127.

Balfour reports this case.

Ane woman may not pass upon assise, or be witness, *Leg. burg. C. 143. De judic. C. 44.* Nather in ony instrument, testament, or contract, nor zit for preiving of ane persoun's age.

Balfour, p. 378.

No. 12. 1565. June 11. LAIRD LOCHLEVEN *against* ARNOT.

Anent the action betwixt the Laird of Lochleven and the Laird Arnot for proving of marches and possession of lands, there was a witness produced by the Laird of Lochleven, which dwelt upon his mother's conjunct fee lands, to the which the said Laird of Lochleven was to succeed after his mother's decease, as heir to his father. It was alleged by the said Laird Arnot, that the witness should not be admitted, because he dwelt as of before rehearsed; which allegiance of the said Laird Arnot, was admitted by the Lords, and the said witnesses repelled.

Maitland MS. p. 67.

No. 13. 1566. March 3. LAIRD OF DRYLAW *against* INDWELLARIS OF DALKEITH.

Gif ony man summound divers and sindrie persounis, and thairefter passis fra sum of thame, and persewis his actioun aganis the rest; the persounis past fra may not be witnessis to him in that cause.

Balfour, p. 380.