

1611. *November 26.*

EARL of LOTHIAN *against* CAPTAIN CRAWFURD.

In an action betwixt the Earl of Lothian and the Captain of Crawford, the Lords received a witness who was second and third of kin to the Captain.

*Kerse MS. f. 254.*

No. 31.

1611. *May.* The TREASURER *against* The LAIRD of LUNDIE.

In an action pursued by the treasurer against the Laird of Lundie, wherein litiscontestation was made in February 1606, and the party compearing, the libel referred to his oath. The Lords, after his reference and compearance, suffered the Advocate to resile, and choose another manner of probation by witnesses.

*Kerse MS. f. 259.*

No. 32.

1614. *June.* EARL MARSHALL *against* BURNET.

In an action betwixt the Earl of Marshall and Burnet, the Lords found an evident relevant against the Earl, which they ordained to be proved by certain witnesses, upon whose names the defender condescended. At the terms of probation he produces diligence against three of the witnesses allenary. The Lords found, that he should have three terms, and that he should summon the rest in any of the three terms.

*Kerse MS. f. 260.*

No. 33.

1614. *June 1.* RAE *against* KELLIE.

In an action betwixt Adam Rae and Kellie, the Lords would not grant 60 days against witnesses out of the country *nisi semel*.

The contrary found betwixt Mr. James Durie and Colonel Balfour.

*Kerse MS. f. 254.*

No. 34.

1615. *June.* LAIRD of CAPRINGTON *against* HAMILTON.

In an action betwixt the Laird of Caprington and John Hamilton, a witness being repelled by objection of John Hamilton, and the Laird of Caprington de-

No. 35.