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WITNESS.

No. 160.

1730. *February.*

DUNBAR *against* MURDOCH.

In a question about marches, the Lords refused to admit a woman witness.
See APPENDIX.

Fol. Dic. v. 2. p. 529.

No. 161.

1732. *July.*

SYBILLA BARBER *against* STEWART.

In a process of adherence before the Commissaries, the pursuer's brother, with her sisters and their husbands, were admitted *cum nota* to prove the marriage, for this reason, That as private marriages are not put *extra commercium*, no witnesses can well be depended upon but the nearest relations; upon which a bill of advocacy presented to the Lords was refused. See APPENDIX.

Fol. Dic. v. 2. p. 521.

No. 162.

1735. *January 15.* BLACKADDER *against* COLONEL ERSKINE.

A moveable tenant led by his master was received as a witness. In this case it was a proof of an old fact, where there behoved to be *penuria testium*; but, generally speaking, in the present practice of the Court this objection goes for very little. See APPENDIX.

Fol. Dic. v. 2. p. 523.

No. 163.

1736. *January 2.*

PROCURATOR FISCAL of EDINBURGH *against* CAMPBELL.

Found that a party being called as defender on one action, does not create such an interest as to disqualify him from being a witness in another action, though relative to the same facts.

C. Home

* * * This case is No. 18. p. 9400. *voce* OATH OF PARTY.