

1566. *July* LAIRD of CAMBUSNETHAN *against* HAMILTON of Garren.

No. 14.

Thir persounis may be repellit fra passing upon assise, or beiring of witness, viz. the master or lord of the partie quha sould produce the witnessis; his Baillie; he that weiris his leviray or robis; he that is of his counsal or retinew; he that is at that time his servand, or he that sall efterwart zeild him service; his tenent that haldis land of him, and paysis him ferme, maill and dewtie, Leg. burg. C. 143. De except. C. 17. And siclike, he that is tasker in ony man's barn, ressav- ing profit fra him thairfoir, may not be witness in his cause: And gif the Judge ressavis him witness, the partie opponand in the contrare, the process, sentence, and all that followis thairupon, is of nane avail, and may be reducit.

*Balfour, p. 377.*

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1576. *March 3.* KING'S ADVOCATE *against* PRIORESS of CAULDSTREM.

No. 15.

Gif ony man's name be insert in the principal summoundis, and he be not sum- moundit, nor indorsit upon, he may not be witness in that cause.

*Balfour, p. 380.*

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1576. *January 11.* HOSPITAL of LEITH *against* TOWN of KINGHORN.

No. 16.

Anent the action pursued by the Master of the Hospital in the town of Leith, against the Town of Kinghorn and skippers of their ships, for a certain duty called primiegill, pertaining to the said Hospital, first granted to the bigging of their Kirk, and now annexed to the said Hospital, of all ships, livered and loaded in the haven of Leith, of the which the Kirk Minister and now the Master of the Hos- pital has been in possession thereof many years bygone, which action was given to the said master of the Hospital's probation, and a day assigned thereto; at the which day the Master of the Hospital, brought as witnesses certain indwellers in the town of Leith. It was alleged by the said Town of Kinghorn, that no indwellers in the town of Leith should be admitted against them, for proving of the said action, be- cause they as indwellers in Leith might report commodity of the said action. It was answered by the said Master of the Hospital, that the said witnesses should be received, because the said witnesses could report no particular profit nor commodity through the said action; which allegiance of the said Master of the Hospital was ad- mitted, and the witnesses relevant, notwithstanding the allegiance made in the con- trary.

*Colvill MS. p. 255.*