

1610. *January 9.* JAMES MAITLAND *against* JOHN CRANSTON.

No. 21.

Witnesses will be declined for kindred or alliance, albeit they be as near of blood, or alliance, to the excipient as they are to the producer.

*Haddington, No. 1919.*

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1610 *January.* LAIRD of SALTON (OR HALTON) *against* HEPBURN.

No. 25.

In an action pursued by the Laird of Salton and Dame Isobel Hepburn, Lady Pitfinen, as executrix, at the least as universal intromissatrix with the goods and gear of umquhile Sir William Stuart, commendator of Pittenweems, it was found that the burgesses of Pittenweems might be witnesses against the Lady, notwithstanding that they had charged her for lawburrows, and had given their oaths that they dreaded her bodily harm, except that the said lawburrows had proceeded upon deadly feud and blood.

*Kerse MS. f. 259.*

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1610. *May.* INGLIS *against* WILKIE.

No. 26.

In an action betwixt Inglis and Wilkie in the Canongate, Mr Robert Wilkie, Rector of St Andrew's, produced a witness: Albeit it was objected that he was father's brother to the producer; yet it being answered that it was upon a fact done *quando erat penuria testium*, and that he was *testis omni exceptione major*, the Lords received him *ex officio*.

*Haddington MS. vol. 2. No. 1871.*

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1610. *June.* LAIRD of LOCHLEVEN *against* CRANSTON.

No. 27.

In an action of improbation pursued by the Laird of Lochleven against John Cranston, in Garbet, the Lords would not receive the said John Cranston's uncle, and brother, because it was alleged that they were thirds of kin to the Laird of Lochleven.

*Kerse MS. f. 259.*