

## SECT. V.

## What Designation sufficient ?

1672. February 21. BAILIE of Littlegill *against* SOMERVEL.

In a competition between Baillie arrester, and Somervel assignee, having a prior intimation, which Baillie offered to improve, wherein there was but only two witnesses, the one designed William Wood indweller in Edinburgh; whereanent it was alleged that he ought to be more particularly designed, because it was not constant that ever there was such a person, and the designation was so general, that by no inquiry it could be found, unless all the indwellers in Edinburgh at that time were examined; it was answered, That the act of Parliament anent the designation of witnesses requires no further, and so the party was not obliged by any law to condescend further.

The Lords found that the assignee ought to condescend more particularly, that the witnesses might be found and known.

*Stair, v. 2. p. 75.*

No. 147.

In an impro-  
bation of an  
execution in  
which one of  
the witnesses  
was designed  
indweller in  
Edinburgh,  
a particular  
condescend-  
ence of the  
designations  
of the wit-  
nesses, was  
ordered to be  
given in.

1698. November 29.

GRANT, Wright in the Canongate, *against* CAPTAIN KEIR.

This was a reduction of a disposition made by Grant's wife, of some land at Mus-  
selburgh to the Captain, before her marriage to Grant, who suspected the right  
was antedated to defraud him, but being unwilling to venture it on the oaths of  
such witnesses, he first insisted on this reason, that the disposition was null, be-  
cause, it having only two witnesses, one of them called Robert Rollo is only  
designed indweller in Edinburgh, which is not sufficient now, since the 5th act of  
Parliament in the year 1681; for there being so many inhabitants in Edinburgh,  
and sundry of the same name, they might as well design one indweller in such a  
shire, the intent of the law being to know witnesses in case falsehood were ob-  
jected, as appears from act 80, 1579, and act 179, 1593; and from *Stair, Title,  
REDUCTIONS AND IMPROBATIONS; 3d. February, 1665, Falconer, No. 107.  
p. 16883; 21st February, 1672, Baillie, No. 147. supra; 22d February, 1676,  
Innes, Sect. 11. h. t.; and 21st July, 1680, The Comprisers of Enoch, No. 3. p. 183.*

No. 148.

Similar to  
the above.